IU Code of Student Rights, Responsibilities, and Conduct

Part V: Student Disciplinary Procedures for Academic Misconduct Involving the IUPUI Campus

Preamble

Indiana University procedures for imposing academic and disciplinary sanctions are intended to provide students with the guarantees of due process and procedural fairness, to ensure equal protection for all students, and to allow for the imposition of similar sanctions for similar acts of misconduct. At the same time, the procedures reflect concern about the individual student involved in a particular case. The procedures, therefore, provide that the imposition of disciplinary sanctions should take into consideration the circumstances and evidence in a particular case, including a student's prior record of misconduct, if any.

A. Jurisdiction

1. Academic Misconduct

a. Allegations of academic misconduct may consist of two basic types:

   (1) academic misconduct by a student who is enrolled in a particular course and who commits an act of misconduct related to that course

   (2) academic misconduct by a student that is not related to a particular course in which the student is enrolled.

b. When a student commits an act of academic misconduct related to a particular course, the faculty member responsible for the course has the authority to initiate academic misconduct proceedings against the student whether that student is enrolled in the course or not.

c. When a student commits an act of academic misconduct related to a course in which the student is not enrolled, the University Dean of Students, their designate, or the Office of Student Conduct (henceforth referred to as the Dean of Students) has the authority to initiate academic misconduct proceedings against the student after consulting with the appropriate Academic Officer of the student’s School or Unit (henceforth referred to as the Academic Officer) of record.

2. Simultaneous Acts of Academic and Personal Misconduct

When a student commits an act of academic misconduct related to a course in which the student either is or is not enrolled and a simultaneous act of academic or personal
misconduct unrelated to that course, separate academic misconduct and disciplinary
proceedings may be initiated by the faculty member responsible for the course and the
Dean of Students, as outlined in these procedures. After consulting with each other, the
Academic Officer and the Dean of Students may decide that the matter will be handled
either jointly or by only one of them.

B. Action by a Faculty Member in Cases Related to Academic
Misconduct in a Course

1. When a faculty member has either discovered or been given information
indicating that a student has committed an act of academic misconduct related to a
course, the faculty member of record must initiate efforts to determine if
academic misconduct did really occur. Within 5 business days (excluding
University recognized holidays and breaks; henceforth, referred to as 5 business
days) of the discovery or receiving the information of possible academic
misconduct, the faculty member must schedule a meeting with the student.
During that meeting the faculty member must

(1) advise the student of the alleged act of misconduct and the information
upon which the allegation is based

(2) provide an opportunity for the student to respond to the allegation

(3) complete an Academic Misconduct Reporting Form (See Appendix or
goto http://life.iupui.edu/)

2. After the meeting, if the faculty member concludes that the student did commit an
act of misconduct, the faculty member is authorized to impose an academic
sanction related to the particular course involved. Sanctions for academic
misconduct may include, but are not limited to, any one or a combination of the
following:

(1) No formal penalty is assessed, but the student is given a written
reprimand by the instructor outlining the offense and the results of the
discussion with the student.

(2) The student may be required to repeat or to resubmit the work or to
complete some additional work for any course work involved in the
act of misconduct.

(3) The student may be

(i) given a lower grade than the student would otherwise have
received for any course work (such as, an assignment,
examination, or paper) involved in the act of misconduct, as well as the final course grade. In any situation, the awarded grade may be an “F”.

(ii) required to withdraw from the course with a grade of “W” or “F”, at the faculty member’s discretion.

(iii) expelled from the school, unit, or division in which the academic misconduct occurred. [Note: The decision to expel a student is made either at the school or campus level and may not be imposed by the faculty member.]

3. Whenever any academic sanction is imposed, the faculty member must, within 5 business days report the matter and the sanction imposed, using the Academic Misconduct Reporting Form. The form is available in the Appendices and on the Dean of Students website. Copies should be sent to

(1) the student

(2) the Academic Officer in the School, Unit, or Division in which the course is being offered and who will be responsible for notifying the Dean of Student’s Office

(3) the Academic Officer in the School, Unit, or Division in which the student is officially enrolled.

This reporting step is important and is meant to provide an avenue for due process to the student.

4. Until the case has been resolved, the faculty member must allow the student to continue attending and participating in the course, to complete all assignments, and to have a grade in the course recorded normally. If the case is resolved in favor of the student, this information will be necessary to assign the student an earned grade for the course.

5. In the event that the matter cannot be resolved before final grades are due, a course grade of Incomplete may be given.

6. After the student has been informed, the Dean of Students has the authority to impose additional sanction(s) if the Dean of Students in consultation with the appropriate Academic Officer believes that such a sanction is justified because of the nature of the student's misconduct or because of the student’s prior reported acts of misconduct (See appendix). These additional sanctions may include

(1) disciplinary probation for a specified period of time
(2) suspension from the University for a specified period of time
(3) expulsion from the University.

C. Right to Appeal

A student has the right to appeal any of the following decisions concerning an alleged act of academic misconduct:

1. the decision of the faculty member that the student committed the act of misconduct
2. the decision of the faculty to impose a particular academic sanction
3. the decision of the Academic Officer
4. the decision of the Dean of Students to impose an additional sanction.

D. Process of Appeal

1. Appealing the decision made by a Faculty Member

a. The student may choose to appeal a faculty member's decision reported on the Academic Misconduct Reporting Form. A written request for a hearing before an Appeal Board must be submitted to the Academic Officer by the student, within 5 business days after receiving a copy of the Academic Misconduct Reporting Form at the discussion with the faculty member. (See B. 1. Action by a Faculty Member in Cases Related to Academic Misconduct in a Course.)

b. Within 5 business days after receiving such a written appeal, the Academic Officer should convene an Appeal Board. (See Appendix.)

2. Appealing the decision made by an Appeal Board

Only if a documentable procedural error occurred during the Appeal Board process, may the student, within 5 business days of the posting of the Appeal Board’s decision, make a final appeal directly to the Dean of the Faculties. This appeal would only be for a review of the process. The decision reached by the Dean of the Faculties or designate will be final and end the appeals process. In this regard, it is ultimately the responsibility of the student to provide sufficient information and/or documentation to support the case.
3. Appealing a decision made by the Dean of Students or designate

An appeal involving a decision by the Dean of Students or designate may be made to the Dean of Faculties. The appeal process is the same as the one outlined for appealing sanctions imposed by a faculty member. The Dean of Faculties will convene a campus-level appeal board composed of faculty and students obtained from a pool nominated by the faculty and student governments, such as the Hearing Commission for personal misconduct cases. In this case, a decision by the Appeal Board is considered to be absolute and final. Upon the Campus Appeal Board’s decision, the appeal process is terminated.

E. Unique circumstances

The University recognizes that in some situations it may be difficult for a student to clearly articulate their case or to quickly process and interpret the proceedings, for example:

1. students for whom English is a second language.
2. students with a disability.

If the student wishes, in these unique circumstances the Academic Officer or the Presiding Appeal Board Officer may make provisions which allow an advocate or advisor to

1. address the Board, in cases of academic misconduct
2. address The Dean of Students, in cases of personal misconduct.
Appendix A: Definitions

Academic Misconduct

Academic misconduct is considered to have occurred if a student commits an act that brings into question the authenticity of the course work submitted by the student as the student’s own original work. Examples of academic misconduct are listed on the academic misconduct reporting form.

Academic misconduct has been defined by Indiana University and is included below. [http://www.iu.edu/~code/code/responsibilities/academic/index.shtml]

Academic misconduct is defined as any activity that tends to undermine the academic integrity of the institution. The university may discipline a student for academic misconduct. Academic misconduct may involve human, hard-copy, or electronic resources.

Policies of academic misconduct apply to all course-, department-, school-, and university- related activities, including field trips, conferences, performances, and sports activities off-campus, exams outside of a specific course structure (such as take-home exams, entrance exams, or auditions, theses and master’s exams, and doctoral qualifying exams and dissertations), and research work outside of a specific course structure (such as lab experiments, data collection, service learning, and collaborative projects). The faculty member may take into account the seriousness of the violation in assessing a penalty for acts of academic misconduct. The faculty member must report all cases of academic misconduct to the dean of students, or appropriate official.

Academic Misconduct Reporting Form

This form is available on the Dean of Students’ website (http://life.iupui.edu/conduct/). A faculty member should use the form to document and report an accusation of academic misconduct lodged against a student. A copy of this report should be presented to the student at the initial meeting with the faculty member where alleged misconduct is discussed. After being signed by the student at the meeting a copy of the form should be sent to the Academic Officer of the faculty member’s School, Unit, Division, or Area.

Note: For those courses that are taught online the meeting with the student concerning academic misconduct may need to occur in an electronic format. However, a faculty member is strongly encouraged to hold the student meeting with the student physically present whenever possible.

Academic Officer

This is the individual in the School, Unit, Division, or Area who is responsible for enforcing academic policies and student conduct.
Advisor
This is an individual whom the student requests to accompany him or her to a hearing. The advisor may only speak with and advise the student(s). An advisor may not directly address members of the Appeal Board or actively participate in the appeal process.

Appeal Board
The Appeal Board is a group of faculty and students selected by the Academic Officer to hear an appeal by a student accused of academic misconduct.

Calendar Day
The term “calendar day” refers to any day, Monday through Friday, in which the University offices are open.

Dean of Students
The Dean of Students is the individual at the campus level who is responsible for maintaining records on student conduct and who administers the student Code of Rights, Responsibilities, and Conduct.

Note: For graduate or professional students, the Graduate Office or the Dean of Students for Graduate and Professional Students maintains academic records and has the authority to impose additional sanctions.

Personal Misconduct
Personal misconduct involves but is not limited to preventing, impairing, interfering with or obstructing the orderly process of conducting a class, activity or, a University function.

Preponderance of Evidence
The evidence must prove that it is more likely than not that the student(s) committed an act of academic misconduct.

Presiding Officer
The presiding officer will be a faculty member chosen by the Academic Officer to serve on and chair the Appeal Board. The presiding officer, in consultation with the Appeal Board, is responsible for selecting a date and time for the appeal to be heard, for conducting and maintaining order during the meeting, for making rulings that are necessary for the fair and expeditious consideration of an appeal, and for making reasonable efforts to provide the student with due process.

Sanction
This is a penalty imposed upon a student.

School
Some Schools are Core Schools or System Schools. For the purposes of this document, School refers to the Indianapolis campus (IUPUI) operations.
**Standard of Proof**

In cases of academic misconduct, the standard of proof is a preponderance of evidence and does **not** rise to the level of beyond a reasonable doubt that the student(s) committed an act of academic misconduct.

**Appendix B: The Appeal Board**

1. **Composition of the Appeal Board**

   a. The Academic Officer will select a Board that is as impartial as possible in its composition. The Board will consist of three faculty and two students selected from the Officer’s School, Unit, Division or Area. No member should be from the area, or course section in which the offense occurred. A selected faculty member may be a full time tenure or non-tenure track individual holding a 10 or a 12 month FTE.

   b. If the School, Unit, Division or Area should not have enough faculty members or students to fully constitute a Board, they may utilize members from other Schools, Units, Divisions or Areas, but the presiding officer, if possible, should be a faculty member from the School, Unit, Division, or Area in which the appeal is being made.

   c. The Academic Officer appoints a faculty member to serve as the presiding officer and to convene the Appeal Board.

   d. A hearing may only be held if at least two faculty members and one student member of the Appeal Board are present. If, upon notification of selection, an Appeal Board member is unable to be present or requests to be excused from serving for any good cause, the member should be replaced with a like member.

2. **Role of the Appeal Board**

   The Appeal Board will hear the case to determine if a preponderance of evidence supports the accusation that academic misconduct did occur [See Appendix A]. It is ultimately the responsibility of the faculty member, the Dean of Students, or the University to provide sufficient information and/or documentation to support their case. The Board may conclude that the evidence and statements provided

   1. do support the allegation that the student committed the act of academic misconduct, and support the decision of the faulty member, the Dean of Students, or the University and the sanction(s) imposed.

   2. do support the allegation that the student did commit the act of academic misconduct, but that the sanction or sanctions should be reduced or increased [See
Academic Misconduct Reporting Form]. Under these circumstances, the Board may recommend that the Dean, Director, or Academic Officer of the School, Unit, Division, or Area impose a different sanction than that imposed by the faculty member.

3. do not support the allegation that the student committed the act of academic misconduct, and direct the Dean, Director, or Academic Officer of the School, Unit, Division, or Area to set aside the sanction(s) imposed. If the decision of the faculty member concerning the student's alleged act of misconduct is reversed by the Board, any additional sanction(s) imposed by the Dean of Students is automatically reversed.

Appendix C: Prior to the Appeal Board Hearing

1. Within Seven Business Days after Receiving the Appeal

The presiding officer will first consult with other members of the Board and then send a letter to the student, the faculty member who initiated the sanction(s), and to the Dean of Students if the Dean of Students has imposed a sanction(s).

All notifications will include the date, time, and place the appeal will be heard. The student’s letter will be sent to the student’s permanent address on record and the student’s University e-mail account. The letter to the faculty member and, if appropriate, the Dean of Students, will be sent via e-mail to the faculty member’s or Dean’s University account.

A. The letter will

(a) include the date, time, and place the appeal will be heard, and a statement that the faculty member will be present. If the appeal involves an academic sanction by the Dean of Students, the letter should state that the Dean of Students will be present at the meeting.

(b) state that

i. the appeal will be a closed meeting, unless the student notifies the presiding officer within 5 business days of receiving notification of the Appeal Board meeting that he or she desires the appeal to be open to the public.

ii. if the student requests an open hearing, the presiding officer is authorized to make a final decision concerning the place where the appeal meeting is to be held and the number of observers to be accommodated.
iii. the faculty member or Dean of Students must prepare a list of any witnesses that they may present at the hearing and/or whose statements may be offered as evidence at the hearing;

iv. the list must be submitted to the presiding officer and the student involved no later than 5 business days before the hearing;

v. the faculty member may be precluded from presenting witnesses or evidence at the appeal if the information has not been provided prior to the meeting.

B. The letter to the faculty member and, if appropriate, the Dean of Students will be sent via e-mail. The letter will

(a) include the date, time, and place the appeal will be heard and that the faculty member or Dean of Students is required to attend the hearing or the accusation of academic misconduct will be nullified.

(b) state that

i. the faculty member or Dean of Students must prepare a list of any witnesses that they may present at the hearing and/or whose statements may be offered as evidence at the hearing;

ii. the list must be submitted to the presiding officer and the student involved no later than 5 business days before the hearing;

iii. the faculty member may be precluded from presenting witnesses or evidence at the appeal if the information has not been provided prior to the meeting.

2. Five Business Days Prior to the Hearing

The presiding officer will send a letter to the student’s permanent address on record and the student’s University e-mail account. The letter will

1. inform the student of any witnesses who may appear at the meeting of the appeal board, and/or whose statements may be offered as evidence, and a summary of the information upon which the allegation is based;

2. state that

(a) the student is expected to be present at the appeal
(b) the student may provide witnesses at the appeal

c) any statements or evidence that the student may present must be
provided to the presiding officer and the faculty member no later than 5
business days before the appeal board meeting

d) the student may be precluded from presenting witnesses or
evidence at the appeal if the information has not been provided prior to the
meeting

e) the student may be accompanied by an advisor, and that the
advisor will not be allowed to address any other participants involved in
the appeal process

(f) the student will have an opportunity to address the Appeal Board
and to respond to the testimony and information provided concerning the
alleged misconduct

(g) that a decision not to address the Appeal Board will not be
considered as an admission of guilt

(h) that a failure to appear before the Appeal Board shall be sufficient
to justify the dismissal of the appeal if the Board determines that the
failure to attend was without good cause.

Appendix D: The Appeal Board Hearing

During the appeal board meeting the presiding officer will

1. make an official voice recorded transcript of the appeal meeting,

2. provide both the student and the faculty member with an opportunity to
   present evidence to support their side of the case.

In hearings where the student has chosen to have the faculty member present throughout
the hearing, the presiding officer will

1. provide the student an opportunity to make a concluding statement in
   support of the appeal,

2. provide the faculty member with an opportunity to respond to the
   student’s final statement concerning the appeal.
Appendix E: Appeal Board Report

Report of Appeal Board

Within 10 business days after the hearing, the presiding officer must prepare a written decision which includes an explanation of the board's action and the findings of fact upon which the action is based. The decision must be sent via both regular mail and e-mail to

1. the student;
2. the faculty member;
3. the Academic Officer of the School, Unit, Division, or Area in which the offense occurred;
4. the Academic Officer of the School, Unit, Division or Area in which the student is enrolled;
5. the Dean of Students.

Unless a documentable procedural error has occurred, all decisions and/or recommendations made by the Board are considered to be final and the appeals process is terminated with the filing of the Board’s report.

Appendix F: Action by the Office of the Registrar

If the penalty includes a failing grade for the course, the Registrar will be notified that the grade was given because of academic misconduct. The Registrar will record the grade of "F" on the student's permanent academic transcript without any notation concerning the reason for the grade. In accordance with other academic policies or procedures, such as the “FX” or grade replacement policy, the Registrar must, however, follow procedures to ensure that the grade of "F" will not thereafter be removed from the transcript. An “F” given because of academic misconduct must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.

Appendix G: Action by the Dean of Students

Note: The Dean of Students is required to maintain a confidential record of all sanctions imposed by, or reported to, the Dean of Students in order to determine if a particular student is developing a record of repeated acts of misconduct.

Note: The Dean of Students may not place a student on disciplinary probation, suspend the student, or expel the student from the University, from a School, or from a Unit or Area within the University because of an act of academic misconduct unless the Dean of Students and the Academic Officer of the School, Unit,
Division, or Area in which the student is enrolled agree that the circumstances justify the sanction.

Note: The Dean of Students has no authority to reconsider an academic decision.

1. The Dean of Students

   a. is required to review a faculty member's report concerning a student's act of academic misconduct to determine whether the act might warrant probation, suspension, or expulsion. (See above.)

   b. is required to determine if the student has a record of any previous acts of academic or personal misconduct and to decide whether probation, suspension, or expulsion might be imposed on the student because of any previous acts of misconduct.

   c. must, within 5 business days (excluding university recognized holidays and breaks) after receiving the faculty member's report, notify the student that a date has been set for a conference or that a decision not to impose additional sanctions has been made. The student will be notified by e-mail (to the student’s University account) and by letter (to the student’s permanent address on record).

2. If the Dean of Students is considering additional sanctions, the notification to the student will include

   (a) a statement that the Dean of Students has been notified of the academic proceedings taken by the student’s School, Unit, Division, or Area

   (b) a statement that the student is required to appear in the Office of the Dean of Students at the specified date and time for a conference

   (c) a statement that the student may, at the student’s own expense, have an adviser present during the conference. An advisor may only speak with the student and not other individuals involved in the conference.

3. The conference will be limited to a consideration of the seriousness of the academic misconduct involved, any record of student's relevant misconduct as maintained by the Dean of Students, and any additional sanction(s) the Dean of Students is considering.

   (a) If the student fails to appear for the conference and if the Dean reasonably concludes that the failure to appear is without good
cause, the Dean of Students may impose any of the authorized
additional sanctions.

(b) The student has the right to appeal a decision of the Dean of
Students to impose an additional sanction(s).

4. At the conference, the Dean of Students will remind the student of the
class’s purpose and, if applicable, of the student's record of misconduct.
The student will be given an opportunity to respond.

Note: This conference is not an appeal, and any previous sanctions are not to be
reconsidered in the discussion.

5. After the conference, the Dean of Students and, if the sanctions include
probation, suspension, or expulsion, in consultation with the Academic Officer of
the relevant unit, has the authority to impose an additional sanction.

(a) The Dean of Students must inform the Academic Officer of the
academic unit(s) involved of the Dean of Students’ dispensation of
the case.

(b) If a sanction of suspension or expulsion from the University is
imposed, the Dean of Students is required to notify the Office of
the Registrar to indicate the suspension or expulsion on all copies
of the student's academic transcript. In cases of suspension, the
Registrar will remove the notation from the transcript when the
term of the suspension has ended.