

UNIVERSITY OF ILLINOIS SPRINGFIELD
STUDENT CONDUCT CODE

I. STATEMENT OF APPLICABILITY

This Code is applicable to all persons enrolled in University of Illinois at Springfield (UIS) classes. It covers disciplinary action initiated or taken against a student. Disciplinary action may be initiated for proscribed conduct occurring on property owned or controlled by UIS or conduct in the course of participating in a UIS-sponsored program or project. Disciplinary action may also be initiated for online and off campus conduct that adversely affects the UIS community. Further, disciplinary action under this Code may be initiated for proscribed conduct irrespective of whether separate criminal proceedings concerning the same conduct are brought against the student by federal, state or local law enforcement authorities. Actions initiated by a faculty member for academic integrity such as cheating and/or plagiarism are within the purview of the Academic Integrity Policy (not covered in The Student Conduct Code).

The success of this Code depends in large part upon its ability to protect the privacy of all parties involved. The procedures contained herein are to be implemented with the expectation that members of the UIS community will respect the privacy of the process and adhere to the requirements of the Family Education Rights and Privacy Act (FERPA).

II. PROSCRIBED CONDUCT:

The following categories of conduct are specifically prohibited and may form the basis for disciplinary action:

- A. Violence, the threat of violence, harassment, or intimidation directed against another person or persons.
- B. The intentional obstruction or interference with any person's right to attend or participate in any UIS activity, program or function.
- C. Hazing, which includes causing or encouraging others to cause physical or mental discomfort or injury, embarrassment or ridicule of another for the purpose of initiation, admission, affiliation or as a condition of continued membership in a group or organization.
- D. Unreasonable obstruction or disruption of teaching or other UIS activities.
- E. Unauthorized possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons on UIS property in contravention of federal, state, or local law or UIS regulations.

- F. Trespass, intentional property damage, or theft.
- G. Use, possession or distribution of alcoholic beverages by or to underage persons or controlled substances on UIS property in violation of federal, state, or local law or UIS regulation.
- H. Intentionally entering false fire alarms or bomb threats; tampering with fire extinguishers, alarms or safety equipment; refusing to follow directions to evacuate a building as directed during any emergency condition.
- I. Falsification, Forgery, alteration or misuse of documents, records or identification or otherwise providing false or misleading information to a member or agent of UIS acting in the performance of his or her duty.
- J. Unauthorized use of UIS's name, finances, materials, facilities and supplies (including stationery bearing UIS's letterhead.)
- K. Interference or attempted interference with the administration of this Code, such as the initiation of a grievance or complaint knowing that the charge was false, intimidation or bribery of hearing participants, acceptance of bribes, dishonesty or disruption of proceedings and hearings.
- L. Falsification of information provided for official university business
- M. Acts in violation of Board of Trustees (BOT) and/or University and/or UIS policies, regulations or rules. These include, but are not limited to:
 - 1. Human Rights Policy
 - 2. Title IX and Sexual Misconduct Policy (hereinafter the "Sexual Misconduct Policy")
 - 3. Alcoholic Beverages Policy
 - 4. Drug-Free Workplace Policy
 - 5. Student Housing Policy
 - 6. Student Employment Policy
 - 7. Parking Regulations.
 - 8. Tobacco Free Campus Policy

III. INITIATION OF DISCIPLINARY PROCEEDINGS:

An attempt should be made to resolve matters informally through discussion between the parties involved unless informal resolution would be inappropriate (e.g., cases involving sexual misconduct and/or violence). The Vice-Chancellor of Student Affairs (VCSA) or his/her designee may also be called upon by one or more of the parties to facilitate informal resolution. If matters cannot be resolved informally to the satisfaction of all parties, or if the parties choose to forego attempts of informal resolution, the formal procedures set forth in this Code shall apply.

The Sexual Misconduct Policy supplements this Code for cases of suspected sexual misconduct. The Code procedures for addressing violations of the Sexual Misconduct Policy are set forth in Appendix A.

Nothing in this Code shall preclude a UIS administrator, faculty member or staff member from taking appropriate and immediate action in matters involving a student. When the action involves the interim suspension or removal from UIS of a student for misconduct for an alleged violation of the Code, the UIS Chancellor or her/his designee must first determine that the alleged violator may present a threat of danger to her/himself or others at UIS or impedes the orderly conduct of UIS.

A. Filing Disciplinary Charge:

With the exception of allegations regarding a violation of the Sexual Misconduct Policy, which are addressed in Appendix A, the charging party shall file a written disciplinary charge with the Dean of Students (DOS) or designee within 10 days of the contested action, of the date the activity became known to the charging party, or of the date that informal efforts at resolution are ended. The charge should contain as much of the following information as possible. The remaining information must be submitted in writing as soon thereafter as possible. Formal UIS documentation (e.g. Maxient report, Police report) may suffice for the written charge.

1. The name, office, address, and office telephone number of the person who is bringing the charge.
2. The student's name and address.
3. Description of the disciplinary infraction charged.
4. Date of alleged infraction.
5. If a BOT/University policy/UIS policy, regulation or rule is at issue, a specific reference should be made to it, if known.
6. A statement of the harm suffered.

7. A statement of the remedy sought (if applicable).
8. The names and addresses, if known, of proposed witnesses.
9. Copies of supporting documentation, if any.

B. Transmission of Charge to the Student Hearing Board:

Upon receipt of a charge, the DOS shall forward the charge to the Chair of the Executive Panel of the Student Hearing Board as soon as practical. The DOS shall retain a copy of the written charge and record the date received and the date transmitted to the Executive Panel. The DOS shall maintain the official files and records of the proceeding.

IV. STUDENT HEARING BOARD:

The Student Hearing Board is created to ensure that students receive a speedy and fair process for resolving all matters governed by this procedure. The regular membership of the Student Hearing Board consists of four students, four faculty, two staff members, and two academic professionals, all of whom shall be selected by their respective advisory groups (Student Government Association, Academic Professional Advisory Council, Campus Sabbatical and Awards Committee, Senate Executive Committee) in late spring. Faculty and staff will serve three-year terms and students will serve one year. The DOS is *ex-officio* and non-voting. The DOS is responsible for arranging training in the Code for new board members. Administrative and clerical support will be provided by the DOS. The Board will meet as a whole at the beginning of each semester for training.

A. Executive Panel:

The Executive Panel will receive all charges submitted, determine the assignments of such charges for proper action and disposition, establish a calendar for hearings, and notify the parties involved of their rights and responsibilities.

The Executive Panel will act with the authority of the Student Hearing Board between meetings of the Board and will keep the members of the Board and the UIS community informed of operations of the hearing system.

The Executive Panel shall consist of one faculty, one staff, one student, and the DOS (ex officio and not voting). In the event of an action involving the Office of Student Services or for all actions involving an alleged violation of the Sexual Misconduct Policy, a VCSA designee from another office will replace the DOS. Panel members and the Panel Chair shall be selected by the full Hearing Board. If a position opens or there is a conflict, a member from the Board may move into an Executive Panel spot. Executive Panel responsibilities include:

1. Upon receipt of a charge, the Chair will send a copy of the charge and this Procedure to the student as soon as practical. The student should retain copies of all documentation.

2. Within 10 business days of receipt, the Executive Panel will proceed as follows:

a. Dismiss a case as inappropriately filed or clearly frivolous, providing written reasons. Charges which have been filed past the 10-day time limit will not be rejected if there is good cause for the delay.

Within 10 business days of receipt of notice of dismissal, the charging party may appeal in writing to the Board. The Board must respond to this appeal within 10 days. The Executive Panel members will not vote on an appeal of its decision. A majority vote of the remaining Board members is sufficient to decide appeals. If the Board overturns the Panel's decision, the Panel will proceed with regular processing of the charge.

b. Seek the agreement of the affected parties to attempt informal resolution of the charge by acting as neutral mediator.

The Executive Panel may seek informal resolution of the case by working directly with both parties or by assigning the DOS to discuss the case informally with the affected parties. Resolution achieved through mediation shall be committed to writing by the Panel/Board member seeking such resolution and filed with the Executive Panel and the appropriate DOS. If informal resolution cannot be accomplished within 10 business days after the affected parties have been contacted or if either party declines to participate in informal mediation, the case shall be returned to the Executive Panel for disposition.

c. Hear a case which involves a time-sensitive emergency or which it considers minor in importance and make an appropriate determination.

To facilitate resolution of matters considered to be minor in their impact on the UIS community, [e.g., broken window in UIS building, some forms of pranks, etc.] or of matters considered to be a time-sensitive emergency, the Executive Panel may constitute itself as a hearing panel to hear charges and make determinations in such cases.

Decisions by the Executive Panel that a charge involves an emergency or is minor can be appealed as a due process violation to the VCSA.

d. Assign the case to an appropriately constituted hearing panel.

The Hearing Board will determine the appropriate method of constituting hearing panels. However, as the Executive Panel may review the decision of the Hearing Panel under Paragraph V (2) below, no member of the Executive Panel should simultaneously serve as a member of a Hearing Panel.

B. Hearing Panel:

1. Hearing Panel Composition:

Each panel shall include one faculty, one student, and one staff and the DOS or designee.

2. Hearing Panel Procedures:

a. Upon receipt of the charge, the Hearing Panel shall convene within 10 business days.

b. Chairperson: The DOS will serve as the chair for the hearing panel. The chairperson's responsibility shall be to conduct an effective hearing within 15 business days of convening the Panel. - The DOS will not vote, but rather facilitate the process as well as be afforded the opportunity to ask questions.

c. Notice to the Parties:

The Panel chairperson shall notify the charging party and the student of the hearing in writing via campus mail, U.S. mail or e-mail at least 7 business days prior to a scheduled hearing. The notice shall include:

- (1) name of charging party
- (2) nature and date of the alleged disciplinary infraction
- (3) time and place of hearing
- (4) names of the hearing panel members to confirm there is not a conflict of interest.

d. Pre-Hearing Meeting; Exchange of Information-

At least 5 days prior to the scheduled hearing the parties shall exchange the names of tentatively scheduled witnesses and copies of relevant documents.

e. Hearing:

- (1) The Hearing Panel will schedule a hearing for the parties to present relevant information, documents, and witnesses. The Panel members may pose questions and seek such information as is necessary for the fair and just resolution of the matter. Formal rules of legal evidence and procedure do not apply. The parties may bring to the hearing a non-witness friend or representative, who may be an attorney. Such non-witnesses may

participate at the discretion of the panel. The student may testify at his or her discretion; a decision not to testify will not be held against the student.

(2) Hearings will be closed to the public.

(3) UIS shall record the proceedings for use in any appeal.

(4) The Panel will make a determination based upon the evidence presented. The student is presumed not responsible for the said charges unless proceedings of the hearing prove otherwise. The standard of proof the panel will use is preponderance of the evidence (50.1%; more likely than not). Within 7 business days of the completion of the hearing, the Chairperson shall submit a report on behalf of the Panel to the Chair of the Board and the parties. The report will include findings of fact, conclusions, and any recommended sanctions.

V. Appeal and Implementation

A. The determination of the hearing panel is final and binding upon the parties unless the parties file an appeal with the Executive Panel Chair. An appeal must be filed within 10 business days and may be based only upon the following grounds:

- 1) New evidence which was not reasonably available or subject to discovery at the time of the hearing; or
- 2) Due process violations.

B. The Executive Panel shall review the appeal within 10 business days.

- 1) If it finds the existence of new evidence, it shall remand the charge to the original Hearing Panel, which shall reconvene within 10 business days. If an original member of the panel cannot attend, a new member from the Board may fill in.
- 2) If it finds that there were due process violations, it shall refer the matter to a newly constituted panel, which shall convene within 10 business days.
- 3) In all other cases, it shall forward the panel's determination with the file and supporting documentation to the DOS for implementation of the panel's determination.

C. The Hearing Panel's fact finding shall be final and binding on the parties. The student may however file a written appeal regarding the recommended sanctions to the VCSA. The recommended sanctions may be set aside by the VCSA only upon a finding that the determination was outside the scope of the authority of the panel or would result in fundamental unfairness to the parties.

VI. SANCTIONS FOR MISCONDUCT:

One or more of the following disciplinary sanctions may be imposed upon a student found to have engaged in any of the proscribed conducts. Failure to comply with an imposed sanction without good cause may result in additional disciplinary action.

1. *Warning:* Notice to the offender, orally or in writing, that continuation or repetition of the conduct found wrongful, within a period of time stated in the warning, violates BOT/University/UIS rules and may be cause for more severe disciplinary action.
2. *Written Reprimand:* A written reprimand may be issued to formally admonish the student.
3. *Restitution:* Reimbursement may be ordered for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to compensate for damages or payment to repair the damages.
4. *UIS Service:* The student may be required to perform appropriate service to the UIS community (e.g., set up for Springfest event, clean up international festival).
5. *Examples of other possible sanctions:* Papers, attend programs/meetings, create and present programs, research best practices, counseling (in-take session, anger management, alcohol), and parental notification.
6. *Status Adjustment*
 - A. *Probation:* Disciplinary probation removes a student from good disciplinary standing. The probation shall last for a stated period of time or until specific conditions have been met. Probationary status prevents the student from participating in UIS-recognized extracurricular activities identified by the Hearing Panel, excluding activities engaged in through UIS-wide student elections. Generally probation does not involve exclusion from UIS nor should it interfere with the pursuit of programs directly related to the attainment of a degree.
 - B. *Suspension:* Disciplinary suspension is an involuntary separation of the student from UIS for a period of time or until a stated condition is met after which readmission will be permitted upon written application to the VCSA. Disciplinary suspension is entered on the student's transcript for the duration of the suspension. The suspension may include required absence from UIS.
8. *Expulsion from the University.*
9. *Other sanctions as deemed appropriate by the panel*

Appendix A

Conduct Code Protocol for Alleged Violations of the Sexual Misconduct Policy

Persons desiring to file a complaint against a current UIS student for an alleged violation of the Sexual Misconduct Policy should submit their complaint to the UIS Title IX Coordinator for investigation. Consistent with that requirement, complaints submitted directly to the Vice Chancellor for Student Affairs or the Dean of Students shall immediately be referred to the Title IX Coordinator. Upon completion of the investigation, the Title IX Coordinator will deliver a Report of Investigation to the Dean of Students if the respondent is a current UIS student. The Report of Investigation shall conclude, based upon a preponderance of the evidence, whether the alleged sexual misconduct occurred in violation of the Sexual Misconduct Policy. Appeals of the Title IX Coordinator's determination shall be addressed following the procedures set forth in the Sexual Misconduct Policy.

Report of Investigation finds no violation of Sexual Misconduct Policy. If the Title IX Coordinator's Report of Investigation concludes that the Sexual Misconduct Policy **was not** violated, then the Dean of Students will review the Report of Investigation to determine if there are other Student Conduct Code violations indicated. If so, the normal disciplinary procedures will be followed with the Dean of Students or other appropriate person serving as the charging party.

Report of Investigation finds a violation of Sexual Misconduct Policy. If the Title IX Coordinator's Report of Investigation concludes that the Sexual Misconduct Policy **was** violated, the Dean of Students will forward the Report of Investigation to the Chair of the Executive Panel by the end of the next working day. Within 3 working days, the Executive Panel shall establish a Hearing Panel solely for the purpose of determining appropriate sanctions for the Sexual Misconduct Policy violation(s) the Report of Investigation concluded occurred. Panelists will include the UIS Conduct Coordinator, who shall serve as the non-voting chair of the panel, and 3 voting members: 1 faculty, 1 staff, and 1 student. All four panel members must have received appropriate training in responding to sexual misconduct issues, including the dynamics of, and trauma associated with, sexual violence. Hearing Panel members shall be instructed to protect the privacy of all associated with the matter consistent with applicable laws and regulations. If the Report of Investigation also contains evidence of Student Conduct Code violations other than violations of the Sexual Misconduct Policy, the Dean of Students shall determine on a case-by-case the timing for resolving the non-Sexual Misconduct allegations using the normal disciplinary procedures.

The Dean of Students shall delay the start of Hearing Panel pending the decision on any timely appeal permitted by the Sexual Misconduct Policy of the Title IX Coordinator's conclusion that the respondent violated that policy. The Title IX Coordinator and both parties will be notified simultaneously in writing of any approved delay resulting from the pending appeal. For the purpose of this Appendix, written notice includes notification by e-mail.

Notice. Prior to conducting its review, the Hearing Panel shall provide simultaneous written notice to the complainant and the respondent identifying the Hearing Panel members and specifying the date, time and purpose of the Hearing Panel deliberations.

- 1) Guidance on submitting materials. The written notice shall include guidance on how the parties may submit to the Hearing Panel written material relevant to a determination of appropriate sanctions. Relevant material could include statements by the complainant, the respondent, other witnesses, and/or character witnesses, as well as documents setting forth UIS or community involvement, academic performance, etc.
- 2) Conflicts of Interest. The written notice shall also inform the parties that they may request that the Executive Panel replace any Hearing Panel member who has a conflict of interest. A conflict of interest includes having participated previously in the complaint resolution process for the particular complaint being considered. If the Executive Panel concurs with the request, it shall name a new member to the Hearing Panel who does not have a conflict of interest and who has received the requisite training.

Hearing Panel Process. The Hearing Panel shall convene, complete its review, and submit a written report of any recommended sanctions to the Dean of Students within 7 business days of the date the Hearing Panel was designated to consider the matter. In determining appropriate sanctions, the Hearing Panel shall consider the Report of Investigation and any written material submitted by the complainant and the respondent. Subject to applicable privacy laws and regulations, the complainant and the respondent shall be given equal access to all material to be considered by the Hearing Panel at least 3 working days prior to the Hearing Panel's deliberations.

The Hearing Panel may, in its sole discretion, return the Report of Investigation to the Title IX Coordinator to consider new information or to answer specific written factual questions. After considering the additional investigation and/or answering the written factual questions, the Title IX Coordinator will issue a revised Report of Investigation. The Hearing Panel may then consider the revised Report of Investigation in reaching its decision; however, the Title IX Coordinator's findings (as amended by any successful appeal) regarding whether the respondent violated the Sexual Misconduct Policy are binding upon the Hearing Panel.

No one may testify at the proceeding, nor shall either party attend any portion of the Hearing Panel's proceedings. The Hearing Panel process is not a criminal proceeding and the rules of evidence and procedure do not apply.

Panel Deliberation. The Hearing Panel members shall deliberate in closed session. All panel decisions are by simple majority vote, with each member's vote carrying equal weight. The Hearing Panel may award none, any, or any combination of the sanctions set forth in Section IV of the Code, as appropriate. The Hearing Panel must document its sanctions decision in a memo to the Dean of Students. The memo shall include a written justification for the Hearing Panel's decision. The Hearing Panel's memo and all information considered by the Hearing Panel shall

be retained as part of the record of the complaint. The Hearing Panel may seek advice from the Office of University Counsel at any time during its proceedings.

Notice of Panel Decision on Sanctions. The Dean of Students shall review the Hearing Panel's decision memo to ensure any sanctions awarded are properly identified, within the authority of the Hearing Panel, and justified in writing. If the memo is incomplete, incorrect or unclear, the Dean of Students may return it to the Hearing Panel for clarification or correction. Otherwise, the Dean of Students shall notify the Title IX Coordinator of the Hearing Panel decision so that any appropriate Title IX remedies and/or protective measures in light of the Hearing Panel's decision on sanctions can, if necessary, be arranged prior to notifying the parties of the Hearing Panel outcome.

Once any appropriate Title IX remedies and/or protective measures are arranged, but not more than 7 days after the Hearing Panel submits its decision memo to the Dean of Students, the complainant and the respondent shall be simultaneously notified in writing of the Hearing Panel decision subject to the following limitation. If the sexual misconduct involved sexual violence, the complainant shall be informed of all sanctions awarded by the Hearing Panel. If the sexual misconduct did not include sexual violence, the complainant shall only be informed of sanctions directly relating to the complainant. The notice shall advise the respondent and the complainant of their appeal rights, including the right to request from the Chancellor that a substitute appeal authority be designated if the Chancellor or his or her designee agrees there is a conflict of interest with the Vice Chancellor for Student Affairs.

Appeals. The determination of the Hearing Panel is final and binding upon the respondent unless the respondent, the complainant, and/or the Dean of Students submits a written appeal to the Vice Chancellor for Student Affairs within 7 days of receiving notice of the Hearing Panel's decision. Appeals must include all documentation supporting the appeal. The Vice Chancellor for Student Affairs may grant an appropriate extension of time for submitting an appeal upon written request if there is a good reason supporting the request. The respondent, the complainant, the Dean of Students and the Title IX Coordinator shall be notified simultaneously of any approved extension of time for filing an appeal and the reason therefore, as well as of any appeal submitted by the respondent, the complainant, or the Dean of Students.

- 1) Respondent/Complainant Appeal. The respondent and/or the complainant may appeal based upon the following grounds:
 - a) A procedural error occurred;
 - b) New information exists that would substantially change the outcome; or,
 - c) The sanction is disproportionate with the violation.

- 2) Dean of Students Appeal. The Dean of Students may appeal the Hearing Panel's decision on the grounds that it was manifestly unfair to the university community.

Decision on Appeal. The Vice Chancellor for Student Affairs, or if there is a conflict of interest, the Chancellor or his or her designee, shall review an appeal within 14 days of receiving the appeal. Before taking action on the appeal, the Vice Chancellor for Student Affairs shall consider the appeal and all evidence considered by the Hearing Panel. The Vice Chancellor for Student Affairs may deny the appeal or grant the appeal in whole or in part. More specifically, the Vice Chancellor for Student Affairs may disapprove any sanction awarded by the Hearing Panel or decrease its severity; approve any sanction awarded by the Hearing Panel or increase its severity; or award new or additional sanctions even if the Hearing Panel did not award any.

The Dean of Students, the Title IX Coordinator, the respondent, and the complainant shall be simultaneously notified within 7 business days of the decision on appeal. The notification shall specify what, if any, sanctions were approved or disapproved on appeal subject to the following limitation. If the sexual misconduct involved sexual violence, the complainant shall be informed of all sanctions approved on appeal. If the sexual misconduct did not include sexual violence, the complainant shall only be informed of sanctions approved on appeal directly relating to the complainant. The notice shall also specify that the decision of the Vice Chancellor for Student Affairs is final and that no further appeals are permitted.

Any official responsible for deciding appeals must receive appropriate training at least annually regarding responding to sexual misconduct issues, including the dynamics of, and trauma associated with, sexual violence, prior to considering an appeal.

Periodic Updates. If there are processing delays for any reason, or if either party requests that the process proceed in a timely manner, the complainant and the respondent shall be given simultaneous status updates that include the reason for any delay.

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