

STUDENT RIGHTS AND RESPONSIBILITIES

1.00 INTRODUCTION

1.01 AUTHORITY

The Board of Trustees of University of Southern Indiana is empowered by the Legislature of the State of Indiana to operate the institution and to formulate such policies and regulations as are necessary to maintain that operation. Specific references to guidelines given by the General Assembly include: Chapter 273 of the Acts of 1969:

A. It is the purpose of this act to recognize and define certain powers, duties and responsibilities of the boards of trustees of the several universities of the State of Indiana, which are supported by appropriations made by the General Assembly. The powers, duties and responsibilities referred to by this act are not intended to include all powers, duties and responsibilities of the several boards and nothing contained in this act shall be deemed to diminish or abrogate any other of the powers, duties or responsibilities of the respective boards specifically conferred by statute or properly implied thereby.

B. The Trustees of the University of Southern Indiana shall have the power and duty:

1. To govern the disposition and method and purpose of use of the property owned, used or occupied by the institution, including the governance of travel over and the assembly upon such property;
2. To govern, by specific regulation and other lawful means, the conduct of students, faculty, employees and others while upon the property owned by or used or occupied by the institution;
3. To govern, by lawful means, the conduct of its students, faculty, and employees, wherever such conducts might occur, to the end of preventing unlawful or objectionable acts which seriously threaten the ability of the institution to maintain its facilities for the performance of its educational activities or which are in violation of the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct which presents a serious threat to person or property of the academic community;
4. To dismiss, suspend or otherwise discipline any student, faculty member or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings;
5. To prescribe the fees, tuition and charges necessary or convenient to the furthering of the purposes of the institution and to collect the same;
6. To prescribe the conditions and standards of admission of students upon such bases as are in the best interests of the State and the institution;
7. To prescribe the curricula and courses of study offered by the institution and to define the standards of proficiency and satisfaction within such curricula and courses;
8. To

award financial aid to students and groups of students out of the available resources of the institution through scholarships, fellowships, loans, remissions of fees, tuitions or charges, or otherwise, on the basis of financial need, excellence of academic achievement or potential achievement or such other basis as the governing board may find to be reasonable related to the educational purposes and objectives of the institution and in the best interest of the institution and the state. All awards of financial aid made or offered in good faith by the state universities to students of their respective institutions prior to the effective date of this act are hereby legalized. (Amended by PL 327, March 30, 1971).

9. To cooperate with other institutions to the end of better assuring the availability and utilization of its total resources and opportunities to provide excellent educational opportunity for all persons.

C. Conduct which constitutes a violation of the rules of the institution may be punished, after determination of guilt by lawful procedures, without regard to whether such conduct also constitutes an offense under criminal laws of any state or of the United States or whether it might result in civil liability of the violator to other persons.

D. The individual governing boards are responsible to fulfill the powers and duties conferred upon each by law. Each such board is authorized to employ such officers, faculty, employees, consultants and counsel as it may deem necessary or convenient to aid in the formulation and implementation of its policies and to execute its will within its particular institution. To such end each board may delegate to such persons and to others such authority as it may possess; provided, that no manner of delegation shall be irrevocable. Each board may provide 1. for the defense of such persons and of members of the governing board in any suit arising out of the performance of his duties for, or employment with, its respective institution, provided the governing board by resolution determines that such action was taken in good faith, and 2. for saving any such person or member harmless from any liability, cost or damage in connection therewith, including, but not limited to, the payment of any legal fees, except where such liability, cost or damage is predicated on, or arises out of the bad faith of such person or member, or is based on his malfeasance in office of employment. (Amended by PL 328, 1971)

E. Nothing in this act shall be deemed to discourage or disparage the status of students, faculty, and other persons or the valid concerns of the public in matters of policy and of management of the universities of the State.

The Board of Trustees acting within its legal authority has established the policies and regulations of SECTION II, SECTION III, and SECTION IV concerning the conduct of students and the procedures for handling violations of these policies and regulations.

1.02 APPLICATION

Each person who becomes a student at the University of Southern Indiana has accepted conditions which are attached to his/her student status. This relationship between the student and the University is guided by some fundamental concepts:

A. Having been accepted for admission to the University, the student accepts the responsibility for utilizing the resources of the University in a positive and constructive manner for

the purpose of achieving educational goals and without interfering with the rights of other students as they pursue their educational goals.

B. The University is enhanced by the contributions made by its students and graduates. Students have the opportunity as well as the responsibility to make positive contributions to the University through their daily interactions in the classroom and in campus life. In turn, the University provides opportunities for students to participate actively as members of the University community.

C. In any kind of human relationship, differences may exist. Members of a university community are committed to the use of intelligent, reasoned discussion as a means of resolving differences and problems. By the time each student is graduated from this University, the taxpayers will have invested several thousand dollars in the student's education at this institution. The return expected by the taxpayers is not only technical knowledge, but also good citizenship and voluntary action in community service. If students are to realize these expectations upon graduation, they will offer to serve on committees, hold elected offices, and to volunteer help in many valuable ways to make the University and the community better places in which to live and work.

D. The procedures, policies, and regulations described in SECTIONS II, III, and IV will apply to all students of the University of Southern Indiana and will be considered a part of the terms and conditions of admission and enrollment of all students. The violation of any policy or regulations listed in SECTION II and SECTION III may subject a student to disciplinary action up to and including suspension and/or expulsion from the University. The regulations and policies will be enforced by the president of the University or his designates.

E. The procedures, policies, and regulations contained herein, supersede all prior University procedures, policies, and regulations regarding student conduct and disciplinary proceedings developed by the Student Life area of University of Southern Indiana and are in effect as of May 11, 1979, and shall remain in effect, as from time to time amended, until rescinded or modified by the Board of Trustees.

1.03 DEFINITIONS

A. Disciplinary action includes a range of sanctions up to and including suspension and expulsion.

B. Suspension means termination of student status for a period of time. No academic credit can be earned or accepted on a transfer basis while a student is under suspension.

C. Expulsion means permanent termination of student status.

D. Disruption. Situations will be judged to be disruptive whenever any person or persons by physical, auditory, or other means, prevent, impede, hinder, hamper, or otherwise interfere with the ongoing operation of the University or University-authorized activities.

E. Reside is the act or fact of living or regularly staying at or in some place.

F. University activity includes any teaching, research, administrative, or disciplinary function, proceedings, ceremony, event, service or activity conducted by students, faculty, staff, or administrators that is being held by authority of the University.

G. University property means property owned, controlled, used or occupied by the University, including property physically removed from the main campus, such as USI Theater, and/or leased property.

H. University officials are those persons who have been given responsibility and authority by the appropriate agency or person and who are acting in the performance of their duties.

2.0 MISCONDUCT

The following regulations are necessary for the orderly operation of the University. Students or student organizations proven guilty of a violation of these procedures, policies, and regulations will have disciplinary action taken against them.

Any of the following activities, or the aiding, abetting, inciting, encouraging or by one's presence supporting of any of the following activities, constitutes misconduct for which a student may be subject to disciplinary action up to and including suspension and/or expulsion from the University in addition to any civil action which may occur. Student organizations may be subject to disciplinary action up to and including revocation of registration.

2.01 DISTURBING THE PEACE ON UNIVERSITY PROPERTY OR THE OBSTRUCTION OR DISRUPTION OF ANY UNIVERSITY ACTIVITY BY ANY MEANS INCLUDING ANY PHYSICAL OR AUDITORY METHODS.

2.02 UNAUTHORIZED USE, ENTRY, OR OCCUPANCY AT ANY UNIVERSITY ACTIVITY OR ANY UNIVERSITY FACILITY, STRUCTURE, EQUIPMENT, OR PROPERTY. FAILURE TO COMPLY WITH THE POLICIES REGARDING THE USE OF UNIVERSITY BUILDINGS AND FACILITIES BY UNIVERSITY ORGANIZATIONS AND GROUPS.

Every faculty group and every officially-registered student organization has the right to the use of University facilities on a space-available basis for the purpose of holding meetings or conducting activities consistent with the objectives of that organization and the mission of the University. Use of any facility is determined by the president or University officials designated by him according to the following priorities.

A. General Buildings and Grounds Space

1. Every person with legitimate business at the University has the privilege of free access to the public areas of the buildings and grounds during those hours when they are open, with place, time and duration to be determined by the president or a University official designated by the president. These areas are defined to include sidewalks, the UC Mall, Reflection Lake, entrances to buildings, corridors in classroom and office buildings, Rice Library, parking lots and common areas in the University Center.

2. The president or a University official designated by the president may deny this privilege of free access to an individual or group which disrupts the normal operation of the University.

B. Student Activities Space

Student activities space of a general nature is available in the University Center. Space for social events, such as dances, movies, organizational meetings, and other such activities will be reserved through the Office of Student Life. All on-campus social events of

student organizations must be approved and scheduled in the Office of Student Life.

C. Right of Usage

1. Use of space for purposes other than those for which it has been designated will not be allowed.

2. Neither individuals nor groups will be permitted to interrupt the use of space after it has been duly assigned, without the permission of the president or a University official designated by the president.

3. Violations may be reason to initiate disciplinary proceedings as described in SECTION IV and subject a student to disciplinary action up to and including expulsion. At student events sponsored by student organizations, the officers of the group must assume responsibility of representing the University and its policies.

D. Approval and Scheduling - The purpose of approval and scheduling events is fourfold in nature:

1. To avoid or become aware of conflict of dates and places.

2. To receive assistance in planning individual and campus-wide programs.

3. To receive information about University policies which might affect the planned event.

4. To allow the outside public to attend the event if so desired.

E. One member of each couple attending a student event is to be a student of the University of Southern Indiana, unless arrangements have been made to invite special guests.

F. Procedure for requesting approval of on campus events by registered clubs and organizations.

1. Responsibilities of student chairmen, sponsors, and the Office of Student Life.

a. Approval requires obtaining permission from the director of Student Activities or a designate. This applies to fraternities, sororities, Activities Programming Board, Student Government Association and all other student organizations (department, honorary, religious, etc.)

b. Approval and scheduling should be completed in ample time for the preceding purposes to be accomplished.

c. It is the responsibility of the officers, members, and advisor(s) of an organization to establish specific hours at the time of request for approval for the event. These hours should be based upon the educational mission of the institution, the type of activity, and the location of the activity.

d. Student organizations desiring approval of an on-campus event will secure the Student Activities Form, Student Life Event/Room Registration, from the Office of Student Life.

e. The student who is to act as chairman of the event will contact the organization's advisor for approval of the event. If the advisor approves the event, he/she will sign the form in the appropriate space.

f. The chairman of the event will then contact the Office of Student Life in order to get approval to proceed and to have the Office of Student Life coordinate the room or space needed and advise on any special arrangements or equipment.

g. The completed document is then forwarded to the director of Student Activities or a designate appointed by the director of Student Activities.

2. Responsibilities of the Office of Student Life: It is the responsibility of the dean of students or a designate appointed by the dean of students to consult with the supervisor of Security to determine the number of officers needed at an event, and to notify, in writing, the supervisor of Security as to the time and location of the event. If it is determined that the number of security officers needed will exceed the number who are ordinarily on duty at the time of the event, the sponsor and the chairman of the event will be notified.

3. An event on campus must be approved at least one week prior to the event.

2.03 MISUSE OF SAFETY EQUIPMENT OR ENGAGING IN ACTIVITIES DANGEROUS TO SELF OR OTHERS

which include, but are not limited, dropping objects from high places; tampering with fire equipment, exit lights, guard rails, elevators or fire alarms; refusal to obey a fire alarm; initiating a false fire alarm; or submitting a bomb threat.

2.04 UNAUTHORIZED USE, POSSESSION, DAMAGE, DESTRUCTION, OR THEFT OF PUBLIC PROPERTY OR PERSONAL PROPERTY OTHER THAN ONE'S OWN

Students must assume responsibility for their personal possessions while on University property or at University activities. It is the obligation of each student, as a citizen of the University community, to assist in the protection of the property of the State of Indiana. Payment for any property loss or damages which may occur will be obtained whenever blame can be assigned.

2.05 FAILURE TO COMPLY WITH VERBAL AND/OR WRITTEN INSTRUCTIONS OF UNIVERSITY OFFICIALS ACTING IN THE PERFORMANCE OF THEIR DUTIES AND MADE WITHIN THE SCOPE OF THEIR AUTHORITY.

University of Southern Indiana faculty and staff members have been assigned specific responsibilities by the Board of Trustees. In fulfilling these responsibilities, faculty and staff members have the authority which is commensurate with their position in the University and necessary to accomplish the task at hand. Therefore, students should honor the official request of any staff or faculty member. In the performance of his/her duties, each staff or faculty member represents the institution and the attack or threat of attack upon an official is a threat against the University itself. Such action cannot be tolerated. The above is also applicable to student employees when acting in the performance of their duties and within the scope of their authority. Grievances against a staff or faculty member may be filed with the department head responsible for that area of the University.

2.06 THE ILLEGAL MANUFACTURE, POSSESSION, USE AND/OR DISTRIBUTION OF DRUGS AND ALCOHOL BY STUDENTS, EMPLOYEES, AND VISITORS ON UNIVERSITY-OWNED OR -LEASED

PROPERTY OR AS A PART OF ANY “UNIVERSITY ACTIVITIES,” AS THAT TERM IS DEFINED BY THE UNIVERSITY. The

University expects the cooperation and commitment of all students and employees in maintaining an environment free of illicit drugs and illegal use of alcohol. Students and other campus constituents are deemed to be adults responsible for their own behavior and are expected to obey the law and University rules regarding drugs and alcohol. (See also 2.07)

State of Indiana Legal Sanctions for Drug/Alcohol Use

2.07 UNAUTHORIZED POSSESSION OR USE OF DRUGS/ALCOHOL, AS DEFINED HERE.

A. The following actions are prohibited by the University of Southern Indiana:

1. Consumption or possession of alcoholic beverages on University property, or in the course of a University activity or student organization activity without University approval or contrary to law;

2. Consumption or possession of alcoholic beverages in any undergraduate residence supervised by the University, except as approved by the University.

3. Consumption or conspicuous possession of alcoholic beverages in or on any property of the University frequented by the public, except in areas specifically designated by the University.

B. The possession or consumption of alcoholic beverages is not forbidden in the following areas of the University unless otherwise prohibited by law:

1. In designated graduate housing and buildings designated as restricted to students who are 21 years of age or older, including residence rooms and certain common areas approved for such purpose by the dean of students. The dean of students may enact rules to regulate such use or possession.

2. In designated undergraduate residences supervised by the University when temporary permission is granted by the dean of students for events at which persons 21 years of age or older may lawfully possess and use alcoholic beverages. The dean of students may enact rules to regulate such use or possession.

3. In designated family housing, including residence rooms, and certain common areas approved for such purpose by the dean of students. The dean of students may enact rules to regulate such use or possession.

4. In the University Center, including guest rooms and certain other areas specifically approved for such purpose by the president.

5. In other areas, such as private offices, reception areas, and faculty lounges, conference areas, Varsity Club Room, not readily accessible to the public and specifically approved for such purpose by the president.

C. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, will be disciplined if violations of alcoholic beverage laws or of University-enforced regulations occur at

such functions. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.

Title 7.1, Article 5 of the 1998 Indiana code provides the applicable legal sanctions under local and state law for illegal possession and use of alcoholic beverages. Some examples of these sanctions are provided for information purposes:

A. Illegal possession of alcohol by minor:

It is a Class C misdemeanor for a minor to knowingly: (1) possess an alcoholic beverage (2) consume it; or (3) transport it on a public highway when not accompanied by at least one (1) of his/her parents or guardians. (Indiana Code 7.1-5-7-7).

B. Sale or gift to a minor:

Anyone who provides alcoholic beverages to a minor is guilty of a Class C misdemeanor, including selling, bartering, exchanging, or furnishing (Indiana Code 7.1-5-7-8). It is a Class C misdemeanor for a minor to be in bars, taverns, or other public places where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. (Indiana Code 7.1-5-7-10). In addition to other penalties, the minor's driver's license shall be revoked for up to one (1) year in accordance with Indiana Code 9-1-7-2.

C. Misrepresentation of age:

It is unlawful for a minor to make a false statement or present false evidence of age (Indiana Code 7.1-5-7-1), to possess a false identification (Indiana Code 7.1-5-7-3), or to misrepresent age on state-approved written forms (Indiana Code 7.1-5-7-4) in order to procure alcoholic beverages. A minor convicted of using a false driver's license or that of another shall have his/her license revoked for one year. (Indiana Code 7.1-5-7-1 (b)). It is illegal for anyone to furnish false identification for a minor (Indiana Code 7.1-5-7-2).

D. Sale or gift to intoxicated persons:

It is unlawful for a person to sell, barter, deliver, or give away an alcoholic beverage to another person who is in a state of intoxication if the person knows that the other person is intoxicated. (Indiana Code 7.1-5-10-15)

E. Liability of person furnishing alcoholic beverage to intoxicated person.

(a) As used in this section, "furnish" includes barter, deliver, sell, exchange, provide, or give away. (b) A person who furnishes an alcoholic beverage to a person is not liable in a civil action for damages caused by the impairment of intoxication of the person who was furnished the alcoholic beverage unless: (a) the person furnishing the alcoholic beverage had actual knowledge that the person to whom the alcoholic beverage was furnished was visibly intoxicated at the time the alcoholic beverage was furnished; and (2) the intoxication of the person to whom the alcoholic beverage was furnished was a proximate cause of the death, injury, or damage alleged in the complaint. (Indiana Code 7.1-5-10-15.5)

F. Driving while intoxicated penalty:

A first offense of driving while under the influence - registering ten-hundredths percent (.10) or more, by weight of alcohol in the blood - is a Class C misdemeanor; the penalty can be 60 days in jail and a \$500 fine (Indiana Code 35-50-3-4). A person who drives a vehicle while intoxicated can be charged with a Class A misdemeanor, with a penalty of up to one year in jail and \$5,000 fine (Indiana Code 35-50-3-2). A second offense or beyond, occurring during a five-year period, is a Class D felony, with a penalty of up to 1 1/2 years in prison (Indiana Code 35-50-2-7). It is an automatic

Class D felony if a driver is under the influence and causes an accident involving bodily injury, and an automatic Class C felony where an accident involves a death (Indiana Code 9-30-5-4 and 9-30-5-5). The Class C felony carries a penalty of four years in prison (Indiana Code 35-50-2-6). The law allows consideration of aggravating or mitigating circumstances to increase or lessen a penalty.

G. Common Nuisance:

a. A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor.

b. A person, who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used (1) or more times: 1. by persons to unlawfully use controlled substances; or 2. for unlawfully A. keeping; B. offering for sale; C. selling; D. delivering; or E. financing the delivery of; controlled substances or items of drug paraphernalia as described in IC 35-48-4-8.5; commits maintaining a common nuisance, a Class D felony Indiana Code 35-48-4-13).

Title 35, article 48 of the 1998 Indiana Criminal Code provides the applicable legal sanctions under local and state law for the unlawful possession or distribution of illicit drugs. Some examples of these sanctions are provided for information purposes:

A. Possession of a controlled substance:

A person who, without a valid prescription or order of a practitioner acting in the course of his professional practice, knowingly or intentionally possesses a controlled substance (pure or adulterated) classified in schedule I, II, III, or IV, except marijuana or hashish, commits possession of a controlled substance, a Class D felony. However, the offense is a Class C felony if the person in possession of the controlled substance possesses the controlled substance: (1) On a school bus; or (2) in, on, or within one thousand (1,000) feet of: (A) school property; (B) a public park; or (C) a family housing complex. (Indiana Code 35-48-4-7)

B. Possession of marijuana, hash oil, or hashish:

A person who: 1. knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, or hashish; 2. knowingly or intentionally grows or cultivates marijuana; or 3. knowing that marijuana is growing on his premises, fails to destroy the marijuana plants; commits possession of marijuana, hash oil or hashish, a Class A misdemeanor. However, the offense is a Class D felony (i) if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil or hashish, or (ii) if the person has prior conviction of an offense involving marijuana, hash oil, or hashish (Indiana Code 35-48-4-11).

C. Possession of a narcotic drug

1. A person who, without a valid prescription or order of a practitioner acting in the course of his professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II commits possession of cocaine or a narcotic drug, a Class D felony except as provided in subsection (b).

2. The offense is: 1. a Class C felony if the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; 2. a Class B felony if the person in possession of the cocaine or narcotic drug possesses less than three (3) grams of pure or adulterated cocaine or narcotic drug: (A) on a

school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; or (iii) a family housing complex; and (3) a Class A felony if the person possesses the cocaine or narcotic drug in an amount (pure or adulterated) weighing at least three (3) grams: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; or (iii) a family housing complex. (Indiana Code 35-48-4-6)

D. Possession of paraphernalia:

1. A person who possesses a raw material, instrument, device, or other object that the person intends to use for: 1. introducing into the person's body a controlled substance; 2. testing the strength, effectiveness or purity of a controlled substance; 3. enhancing the effect of a controlled substance; commits a Class A infraction for possessing paraphernalia (Indiana Code 35-48-4-8.3).

E. Manufacture or distribution of substance represented to be controlled substance

1. A person who knowingly or intentionally: 1. manufactures; 2. finances the manufacture of; 3. advertises; 4. distributes; or 5. possesses with intent to manufacture, finance the manufacture of, advertise, or distribute; a substance described in section 4.5 (IC35-48-4-4.5) of this chapter commits a Class C felony. b. A person who knowingly or intentionally possesses a substance described in Section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section (Indiana Code 35-48-4-4.6).

F. Dealing in marijuana, hash oil, or hashish:

1. A person who: 1. knowingly or intentionally: (A) manufactures; (B) finances the manufacture of; (C) delivers; or D. finances the delivery of; marijuana, hash oil, or hashish, pure or adulterated; or 2. possesses, with intent to A. manufacture, B. finance the manufacture of; C. deliver; or (D) finance the delivery of; marijuana, hash oil, or hashish, pure or adulterated; commits dealing in marijuana, hash oil, or hashish, a Class A misdemeanor except as provided in subsection b.

2. The offense is: 1. a Class D felony if: (A) the recipient or intended recipient is under eighteen (18) years of age; (B) the amount involved is more than thirty (30) grams but less than ten (10) pounds of marijuana or two (2) grams, but less than three hundred (300) grams of hash oil, or hashish; or (C) the person has a prior conviction of an offense involving marijuana, hash oil, or hashish; and 2. a Class C felony if: (A) The amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil or hashish; or the person: delivered; or financed the delivery of marijuana, hash oil or hashish: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; or (iii) a family housing complex. (Indiana Code 35-48-4-10).

G. Dealing in cocaine or a narcotic drug:

A person who (1) knowingly or intentionally: (A) manufactures; (B) finances the manufacture of; (C) delivers; or (D) finances the delivery of; cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or (2) possesses with intent to (A) manufacture; (B) finance the delivery of; cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; commits dealing in cocaine or a narcotic drug, a Class B felony, except as provided in subsection (b). The offense is a Class A felony if: (1) the amount of the drug involved weighs three (3) grams or more; (2) the person: (A) delivered or (B) financed the delivery of the drug to a person under eighteen years of age or at least three years junior to the person or (3) the person delivered or financed the delivery of the drug: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; or (iii) a family housing complex. (Indiana Code 35-48-4-1).

H. Visiting or maintaining a common nuisance:

1. A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor.

2. A person, who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times: (1) by persons to unlawfully use controlled substances; or (2) for unlawfully: (A) keeping; (B) offering for sale; (C) selling; (D) delivering; or (E) financing the delivery of: controlled substances, or items of drug paraphernalia as described in IC 35-48-4-8.5; commits maintaining a common nuisance, a Class D felony. (Indiana Code 35-48-4-13).

I. Suspension of operator's license and motor vehicle registrations:

If a person is convicted of an offense under the chapters included in the drug laws, and the offense is committed in a motor vehicle or a motor vehicle is used to facilitate the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's: 1. operator's license be suspended; 2. existing motor vehicle registrations be suspended; and 3. ability to register motor vehicles be suspended; by the bureau of motor vehicles for a period specified by the court of at least six months but not more than two (2) years (Indiana Code 35-48-4-15).

2.08 PHYSICAL OR MENTAL ABUSE, HARASSMENT

It is the policy of the University of Southern Indiana that physical or mental abuse, harassment, hazing or sexual assault of one member of the University community by another will not be tolerated. This policy applies to all members of the campus community, students, staff and faculty.

A. Any kind of expressed or implied threat of mental or physical abuse, harassment, or threat of physical abuse or harassment against any person or his/her property for the purpose of submitting a person to physical pain or discomfort, indignity, or humiliation at any time, regardless of the intent of such an act. Such behavior includes, but is not limited to:

1. Detention by personal or mechanical methods
2. Misuse of one's authority or leadership position

3. Striking another student by hand or with any instrument

4. Forcing a student into violation of the law or a University regulation

5. Obscene or threatening phone calls

6. Threatening or intimidating another individual

7. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally-abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.

8. Having first-hand knowledge of the planning of such actions or first-hand knowledge that an incident of this type has occurred and failing to report it to appropriate officials

B. Any kind of hazing or threat of hazing against any person. The University defines hazing as any action taken or situation created to intentionally produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations include, but are not limited to:

1. Physical punishment, contact, exercise or sleep deprivation which causes excessive fatigue and/or physical and psychological shock

2. Forced consumption of food, drink, alcohol, tobacco, drugs, marijuana

3. Forced transporting of pledges

4. Public humiliation, ridicule, indecent exposure or ordeal

5. Forcing illegal acts (laws, policies, rules)

6. Forcing acts that are immoral, unethical

7. Blocking an individual's academic, athletic, health or personal success

8. Personal servitude

9. Mental harassment

10. Deception

11. Any other activities which are not consistent with fraternal rituals or the regulations and policies of the educational institution (Adapted from Fraternity Executive Association Statement of Position)

C. Any kind of sexually-offensive act against another person. Any verbally-offensive demand or suggestion. Any intentional touching of another person's body without mutual consent. The University defines these acts as including, but not limited to, the following:

1. Rape/sexual assault (gang, acquaintance, stranger)

2. Acts on a person who is not conscious or able to give consent

3. Indecent exposure

4. Direct or indirect threats linked to sexual propositions or activity

5. Coerced sexual activity

6. Sexual propositions

7. Sexual battery, the unwanted touching of an intimate part of another person, such as a sexual organ, buttocks, or breasts

2.09 FIREWORKS AND EXPLOSIVES, WEAPONS

Transfer, sale, use of, possession of explosives, fireworks, firearms, dangerous chemicals, or any lethal weapon on University-leased or -owned property and University activities under any circumstances except as authorized by the University. The storage of fireworks or weapons in an automobile brought to the campus is also prohibited except for duly-licensed officers of the law.

2.10 FALSIFICATION AND MISREPRESENTATION OF FACTS

Falsification of information or misrepresentation of facts during any University hearing or on any University form or document and the unauthorized and/or improper use of University forms, documents, or records.

A. Deliberate Misrepresentation of Facts - The falsification of information or misrepresentation of facts during any University hearing (either administrative or in the student court system) will be considered in violation of this policy.

B. Forms, Records, and Documents - Falsification of records and/or misrepresentation of facts on any University form or document may result in disciplinary action and/or cancellation of registration. This includes but is not limited to registration materials, student IDs, data sheets, fee receipts, checks for payment to the University, applications for vehicle registration, correct place of residence, or Event/Facility requests.

C. Correct Address - A student's address must be given at the time of registration and must be the actual place of residence. Any subsequent change of address is to be reported to the Office of the Registrar. Failure to register the actual current residence or a change of address is cause for the cancellation of registration and/or initiation of disciplinary proceedings which may result in disciplinary action up to and including suspension from the University.

D. ID Card Policies - It shall be illegal for a student to allow his/her Student Identification Card to be used by another person (whether a student or not). These cards are the property of the University and entitle the student to certain privileges. Therefore, no student shall have access to the privileges on the basis of any but his/her own Student Identification Card. Further, it is against University regulations for any person to alter in any way the information contained on the Student Identification Card. If it should be necessary to replace or change the card, the student should report to the Eagle Access Card Office, where the student may begin the process of replacement. This card must be carried with the student at all times when on University-owned or -leased property or at University activities and must be shown upon request.

2.11 CONDUCT THAT IS A VIOLATION OF THE CRIMINAL CODE OF THE STATE OF

INDIANA OR OF FEDERAL LAW, OR THAT BY ITS NATURE POSES A SERIOUS THREAT TO THE WELFARE OR SAFETY OF PERSONS OR PROPERTY.

University of Southern Indiana is legally obligated to establish whatever policies are deemed necessary to carry out its educational mission and processes. This obligation has existed since the founding of the University. The 1969 General Assembly of the State of Indiana elaborated and explicitly amplified its efforts to safeguard the welfare of the University by passage of several new laws. One of these laws is presented here. The law is reported in its entirety because it pertains to higher education, and because it elaborates some expectations legally applied to student behavior. Students are expected to know the civil laws and University policies and regulations which apply to their behavior.

Chapter 179 of the Acts of 1969

A. It shall be a misdemeanor for any person intentionally to damage any property, real or personal, of any institution established for the purpose of the education of students enrolled therein.

B. It shall be a misdemeanor for any person to go upon or remain upon any part of the real property of any institution established for the purpose of the education of students enrolled therein in violation of any rule or regulation of any such institution for the purpose of interfering with the lawful use of such property by others or in such manner as to have the effect of denying or interfering with the lawful use of such property by others.

C. It shall be a misdemeanor for any person to go upon or remain within a public building for the purpose of interfering with the lawful use of such building by other persons or in such manner as to have the effect of denying to others the lawful use of such building.

D. A person who commits a misdemeanor defined in this act shall be punished, upon conviction, by a fine not to exceed five hundred dollars (\$500) or by both fine and imprisonment.

E. Nothing in this act shall be interpreted as affecting the right of any person to engage in any conduct not in violation of this act or any rule or regulation of any such institution, or of any institution established for the purpose of education of students to discharge any employee, or expel, suspend, or otherwise punish any student, in accordance with its procedures for any conduct which may be a violation of any such rule or regulation of any such institution or rendered unlawful by this act or may otherwise be deemed a crime or misdemeanor. (See also: Chapter 273 of the Acts of 1969).

2.12 CONDUCT THAT IT IS IN CONTEMPT OF THE UNIVERSITY COURT

Contempt of University Court

The University Court has been established to help fulfill the administrative and educational functions of the University. Actions which hinder the court in fulfilling these purposes cannot be allowed and the following conditions may lead to charges of contempt of court:

A. The court shall be empowered to charge any individual who disrupts a court hearing in any way with contempt of court under the appropriate University regulation. (See also

2.01). Failure to abide by the policies guaranteeing the right of expression of students.

The Board of Trustees of the University of Southern Indiana recognizes the students' legitimate interest in the administration and management of the ongoing affairs of this University and recognizes their need to participate therein. To that end the University has established a legitimate student government with elected representatives of the student body and the various organizations on campus with whom the Administration and the Board of Trustees have worked in the past and will expect to work in the future. The board welcomes consultation with students and their participation in the administration of this University through the regular and orderly student channels.

2.13 FAILURE TO ABIDE BY THE POLICIES GUARANTEEING THE RIGHT OF EXPRESSION

A. The Board of Trustees has announced, approved, and published policies permitting peaceful demonstrations on the campus. The violation of these policies by the use of disorderly and unlawful actions as a method of presenting student demands to the Administration and Trustees of this institution will not be tolerated. Those students who engage in such activities will be subject to severe disciplinary action, including expulsion. Any requests, demands, or suggestions presented by such methods will neither be accepted nor acted upon by the Board of Trustees. The University believes that the right of expression is as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth. Consequently, students, individually and collectively, may express their views through the normal faculty, administrative, and student channels of communication. Students also may express their views by demonstrating peacefully for concepts they wish to make known, and the University will make every reasonable effort to protect that right.

The University also has equal and simultaneous obligation to protect the rights and freedoms of students who do not choose to participate in a demonstration. Similarly, the University is obliged to protect its property and to prohibit interference with scheduled activities of students, University personnel, and guests on the campus. The University of Southern Indiana is aware of the need for forbearance on its part in tolerance of peaceful demonstrations, protests, or other expressions of student attitudes. The University recognizes the fact that expression of opinion through demonstration or protest may, on occasion, lead to inconvenience and interruption of University activities or functions; therefore orderly and peaceful demonstrations are not forbidden unless they disrupt, as defined later in this policy, University functions or activities. The University has an obligation to assure the safety of individuals, the protection of property, and the continuity of the educational process. The object of the statement is, therefore, to provide through explicit reasonable limitations on expression a context in which expression may be protected and in which violence is avoided.

In order to meet all of the preceding obligations, the following actions are defined as exceeding the limits of appropriate expression or peaceful demonstration and are in violation of University policy for individuals or groups:

1. Actions which endanger the safety and well-being of individuals

2. Actions which destroy property

3. Actions which disrupt, by physical or auditory means, the ongoing operations of the University or interfere with the rights of other individuals in their exercise of expression. (This is designed to protect administrative, faculty, and student functions such as classes, libraries, public and private meetings, health services, recreational activities, and on-campus recruitment. See also regulations regarding facilities priorities.)

Individuals holding views hostile to those presented by persons participating in a peaceful demonstration, protest, or other expression of student attitudes are subject to the same policies. The initial judgement of the permissible limits of student expression should be made by the faculty member, administrator, or other University representative in charge of a specific University facility or function. Any member of the University community who believes the permissible limits of student expression have been exceeded may lodge a complaint to the University official in charge of the specific facility or function. If, after observation of the situation, the person in charge of a facility or function determines that said situation is no longer peaceful and orderly, he/she should:

1. Request, not direct, the students to desist from the activities causing the disturbance and allow a reasonable amount of time for such action to occur. In the event of the failure of his/her efforts at persuasion, he/she should inform the Office of Safety and Security of the nature of the disturbance and remain on the scene, except for extreme duress, until the arrival of the Security officer.

2. Elect, when he/she believes personal safety or well-being will be endangered by direct involvement with the demonstrators, to inform immediately the Office of Safety and Security and the Office of Student Life.

B. Adjudication of violations of policies guaranteeing the right of expression of students

1. Violations of these limit ations subject students to disciplinary action by the University.

2. The University disciplinary actions for students found guilty of disrupting legitimate University functions may range in severity from conduct warning to permanent expulsion.

3. Students involved in disruptive behavior will have their alleged offenses adjudicated in the same manner as those of students involved in other violations of University policy. This includes the opportunity to appeal.

4. Any charges by the University for violation of this policy must be made within six (6) months after the alleged violation.

2.14 FAILURE TO COMPLY WITH THE MOTOR VEHICLE POLICY

All motor vehicles operated by students on University property must be registered through the Eagle Access Card Office.

Traffic regulations are enforced by the Office of Safety and Security by the authority granted by Indiana statutes and the University of Southern Indiana Board of Trustees. Copies of current traffic regulations are issued to students registering cars or may be secured at the Safety and Security Office or

Student Life Office. Monetary assessments are made for failure to obey the motor vehicle regulations. Students with delinquent violations may be blocked from registration, transcripts, etc. When, in the judgment of the Office of Safety and Security, a student's failure to comply with appropriate parking or traffic regulations becomes a breach of discipline, that office shall refer the student to the Office of Student Life for disciplinary action.

Tickets may be appealed by written application to the Student Government Association University Court, if requested within three working days.

2.15 FAILURE TO COMPLY WITH THE PROVISIONS OF THE OUTSIDE SPEAKERS POLICY

The University of Southern Indiana considers freedom of inquiry and discussion essential to a student's educational development. Through open discussion of ideas and exchange of opinions, one can become informed and can test and give expression to his/her values as they relate to issues concerning himself /herself and society.

The University recognizes its responsibility to provide students with opportunities to develop themselves as responsible, thinking individuals. Furthermore, the University endeavors to develop in those students a realization that all citizens have not only the right, but also the obligation, to inform themselves about various issues, views, and opinions. The appearance of visiting speakers is encouraged by the University as one means by which members of the University community receive the opportunity to explore a variety of views and opinions.

The University recognizes that any subject or view may be repugnant or distasteful to an individual or group holding divergent views. The University also recognizes that the question of appropriateness is not determined by the subject matter as such, but by the method of presentation and extent to which critical examination occurs through disciplined inquiry by faculty and students.

Restraints on activities connected with learning should be held to that minimum, consistent with preserving an organized society in which peaceful, democratic means for change are utilized. Each individual has the right to express his/her ideas and opinions; the individual must, however, recognize that those who have different opinions have the same rights. Exercise of rights involves acceptance of responsibility. And, true to the University's norms of advancing inquiry, a visiting speaker should expect and be prepared for critical examinations of his presentation.

Un-sponsored speakers (defined as those not invited by a recognized University organization or as part of a scheduled University event) are discouraged. To minimize disruption of campus activities and the orderly movements of pedestrian and vehicular traffic, un-sponsored speakers are restricted to the plaza between Rice Library and University Boulevard, just outside Room 100.

On the basis of these premises, the University of Southern Indiana will encourage any University-recognized group of students, faculty, administrators, or staff to invite speakers to the campus, subject only to the following provisions:

1. that the speaker not advocate violation of any federal or state law and that the speaker be aware that any personal violation of any federal or state law on the speaker's part will

make the speaker subject to action by the regular civilian authorities administering federal and state laws.

2. that following the speaker's presentation adequate time be allowed and opportunities provided for questions and criticisms from members of the audience. The speaker must be made aware of and agree to this condition.

3. that neither the sponsoring group nor the speaker attempts to indicate University support of the speaker or the ideas.

4. that a member or members of the sponsoring group be with the speaker to present the speaker and the topic as well as to conduct any question period.

5. that to schedule the event properly, to assure adequate facilities, to ensure the necessary publicity, and to assure proper procedure, the sponsoring group wishing to invite a visiting speaker to the University make all arrangements for reserving space with appropriate University officials at least seven days in advance of the speaker's appearance (the president may waive the time requirement); and

6. that violation by the sponsoring group of provisions or intent of the stated policy and procedure subjects that group and its members only to those sanctions applicable in cases of violation of other University rules.

In order that the provisions and intent of the outside speakers policy of the University of Southern Indiana be implemented, the following procedures have been instituted. This procedure is intended to assist the sponsoring organization, the speaker, and the University community to receive maximum benefit from the presence of the speaker on campus. To make this assistance equal and understandable to all concerned, the following steps have been established:

A. The Student Life Event/Room Registration form must be completed seven days in advance of the speaker's appearance

B. Scheduling forms may be obtained from and completed forms must be submitted to the appropriate office as determined by the nature of the sponsoring organization:

1. Office of Student Life - SGA, fraternities, sororities, Activities Programming Board, and all other student organizations (departmental, honorary, religious, etc.)

2. Scheduling Services- faculty, administration and staff.

C. Publicity by the sponsoring organization may be released only upon the completion of the scheduling form, and after approval by the appropriate office.

3.0 MISCONDUCT ACTIVITIES WHICH MAY SUBJECT A STUDENT OR STUDENT ORGANIZATION TO DISCIPLINARY ACTION

Student or student organizations proven guilty of a violation of these procedures, policies, and regulations may have disciplinary action taken against them as well as any action specifically stated in the regulation.

3.01 DEFINITIONS OF ACADEMIC MISCONDUCT

The benchmarks of any great university are high academic standards for both teacher and student. For this reason truth and honesty are necessary to a university community. The

University expects both students and faculty to adhere to these principles and to foster them daily. Put simply, this expectation requires each student to do his or her academic work without recourse to unauthorized means of any kind. Both students and faculty are expected to report violations to academic honesty. Although most students are honest, professors may need to explain the special hazards to academic honesty in a given discipline. Professors should also plan and supervise academic work carefully so honest effort will be encouraged.

A. Cheating

A student must not intentionally use or attempt to use unauthorized materials, information, or study aids in any academic exercise.

1. A student must not use external assistance on any in-class or take-home examination, unless the instructor has specifically authorized such assistance. This prohibition includes (but is not limited to) the use of tutors, books, notes, and calculators.

2. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of all the instructors who may be involved.

3. A student must not allow others to conduct research or to prepare any work for him or her without advance authorization from the instructor. This prohibition includes (but is not limited to) commercial term-paper companies and files of past papers maintained in a residence unit.

4. Several people must not collaborate on a single project and turn in multiple copies, all represented implicitly or explicitly as individual work.

B. Fabrication

A student must not intentionally falsify or invent any information or citation in an academic exercise.

C. Plagiarism

A student must not intentionally adopt or reproduce ideas, words, or statements of another person without acknowledgment. A student must give due credit to the originality of others and honestly pay literary debts. He/she should acknowledge indebtedness:

1. Quoting another person's actual words
2. Using another person's idea, opinion, or theory;
3. Borrowing facts, statistics, or other illustrative material, unless the information is common knowledge.

D. Interference

A student must not steal, change, destroy, or impede another student's work. Impeding another student's work includes (but is not limited to) theft, defacement, or mutilation of common resources so as to deprive others of the information they contain.

E. Facilitating Academic Dishonesty

A student must not intentionally or knowingly help or attempt to help another to commit an act of academic dishonesty.

F. Electronic and Other Media

All of the above prohibitions also apply to the use of electronic, photographic, and other media for intellectual and artistic expression

3.02 PENALTIES AND PROCEDURES

An act of academic dishonesty, even a first offense, places the student in jeopardy of the most severe form of sanction - expulsion from the University.

A. A faculty member who has evidence that a student is guilty of an act prohibited in Part I shall initiate the process of determining the student's guilt or innocence. NO penalty shall be imposed until the student has been informed of the charge, has been informed of the evidence on which it is based, and has been given an opportunity to respond.

B. If a faculty member finds the student guilty of academic dishonesty he/she may assess a penalty affecting the project, paper, or course grade. A course grade of F could be imposed. When an F for the course is awarded, he or she will notify the dean of the school through which the course is taught. The dean will review the case and if he/she concurs, the student's grade will be determined by the instructor. The student may administratively appeal the decision to the vice president for Academic Affairs or may appeal to the Student Academic Grievance Committee. In instances of repeated academic dishonesty or in which the instructor and dean of the school feel that possible University-wide restrictive probation or dismissal from the University is warranted, then with the concurrence of the vice president for Academic Affairs and the vice president for Student Affairs the dean may press charges as outlined in the Student Academic Grievance procedure and the Student Code of Conduct. An F grade will be calculated into the student's grade point average, but it shall not prevent the student from repeating the same course for credit. In an extra-classroom situation, including but not limited to an honors thesis for undergraduate students and comprehensive examinations, qualifying examinations, or master's theses for graduate students, the penalty may be:

1. The grade of F subject to the same provisions applicable to an F in a course in a classroom situation or suspension from the degree program, pending subsequent reviews.

2. When the penalty affects a student's grade or evaluation in a course or extra-classroom situation, the faculty member shall report the case promptly in writing to the dean, with copies to the student, the vice president for Academic Affairs, and the dean of students. This written report shall indicate the current disposition of the case and may include recommendations of more severe penalties.

3. The faculty member's report shall be reviewed by the dean and by the vice president for Academic Affairs ["within two working days"].

4. The vice president for Academic Affairs shall consult with the dean of students concerning the student's possible previous record of academic dishonesty, in order to determine the appropriateness of further actions whether or not these were recommended by the faculty member reporting the case. If other penalties—such as probation, suspension, or expulsion—are deemed appropriate, the vice president for Academic Affairs shall file a complaint against the student for violation of section 3.01 of the Code of Student Conduct.

5. After considering any complaint made by the vice president for Academic Affairs, the dean of students may initiate the conduct adjudication process. The dean of students also may initiate disciplinary action for any act of

academic dishonesty. The dean of students shall send a report of the final disposition of a case of academic dishonesty to the vice president for Academic Affairs, the dean of the school where the incident which gave rise to the case arose, to the faculty member who initiated the process, and to the student.

3.03 APPEALS

A. If the student wishes to appeal the penalty or to dispute the findings, he/she must present an appeal through the Academic Affairs student grievance procedure if the student's University standing has not been changed.

B. If the student's University standing has been affected he/she may appeal to the Campus Appeals Commission (See also Section IV, 4.05).

3.04 IMPLEMENTATION OF POLICY

Departments and schools are encouraged to hold faculty meetings to discuss typical problems of academic dishonesty and strategies for dealing with them. Heads of departments and schools should inform faculty of appropriate procedures for dealing with cases of academic dishonesty. Students who wish to report an act of academic dishonesty should contact the instructor or the vice president for Academic Affairs who may then refer the report to the appropriate school. The dean of students is encouraged to collect reports of cases in which findings of academic dishonesty have been adjudicated in order to maintain an accurate, cumulative record on each student. The dean of students is urged to make an annual report on academic dishonesty, including a statistical summary of cases, dispositions, and penalties, and to deliver the report to the vice president of Academic Affairs and the members of the Student Academic Affairs Committee.

3.05 POLICY ON SALES AND SOLICITATIONS

Sales and solicitations may be made only by an officially-registered campus organization and only if they are for the general benefit of the University and/or the community. Permission must be granted by the dean of students. Approved applications for sales and solicitations events must be on file in the Office of Student Life. Application for approval for sales and solicitations events may be initiated in the Student Life office. Space in the University Center may be reserved by a registered student organization. The University Center may be used by registered student organizations for conducting campus-wide elections, distributing literature relating to student organizations, recruiting membership for student organizations, and activities, sales, and solicitations.

3.06 POSTING/CHALKING POLICY

Publicity on campus is restricted to University campus groups, organizations, University offices, students, and faculty. Space is not available for commercial advertising by off-campus firms or organizations unless permission is granted by the Office of Student Life. Publicity by individuals is limited to those activities open to the student body and for those events that bear some direct relationship to the educational purpose of the University and/or that provide an exceptional or beneficial service to students and faculty not normally available. All posters must have the name of the sponsoring group and be in English or have an English translation on the same poster.

Posters/Flyers/Easels

The bulletin boards in the following areas are designated for registered student organizations and University department posting use only:

1. University Center: Eagles Nest, UC Involvement Center, lower level of the UC across from the Shield office, Student Development office lobby, and Rice Plaza entrance lobby
2. Forum/Wright Administration Building: Forum basement hallways and 1st floor Administration hallway
3. Physical Activity Center: Lobby
4. Rice Library: 2nd floor lounge
5. Technology Center; North entrance
6. Orr Center: East and west entrances
7. Health Professions Center
8. Science Center: 2nd floor hallway
9. Information kiosk: In front of Orr Center

Student organizations and University departments may use these designated areas at any time, or they may bring fourteen (14) copies to the UC Information Desk to be posted by a member of the dean of students' staff. Use push pins or thumbtacks only. Due to space limitations, poster size is generally limited to 22" x 30" for bulletin boards and the glass case of the information kiosk by the Orr Center.

Posters and signs can be posted in bulletin boards that are under the jurisdiction of a school, department, or administrative office that maintains it. A student group or organization must apply to the appropriate school, department or administrative official for permission to use a bulletin board.

There are limited opportunities to set up large posters on easels in the following areas: UC lobby, Orr Center lobby, Forum first floor hallway, and Administration lobby. Information on easel availability may be obtained from the Office of the Dean of Students, UC Room 113.

Open Posting Areas

There are several posting areas throughout campus that are designated as open posting areas. These posting areas include bulletin boards and information kiosks and are labeled "Open Posting Area." Anyone may post information on these designated areas. Please use push pins or thumbtacks to secure flyers. Posters are not to exceed 22" x 30".

Banners

Banner space on the University Center can be reserved with the UC Information Desk on a first-come, first-served basis. All reserved banner space not occupied by 10 a.m. on the designated day may be forfeited. Groups are responsible for removing their banners after the event.

Distribution of Petitions, Handbills and Literature

Students may distribute literature on campus if the group complies with the following guidelines:

1. the literature identifies the name of the student or organization;
2. the literature is not distributed by hawking, shouting or accosting individuals;
3. the literature may be distributed on University grounds and distribution may not reasonably obstruct pedestrian or vehicular traffic;
4. the literature cannot be posted on light poles, sidewalks, building doorways, trash cans, or cars.

Chalking

Chalking is allowed for outdoor concrete sidewalk areas that are exposed to the weather and can be easily washed away by rain. Use only brands of chalk identified as Sidewalk Chalk on the label.

Staked Signs

Staked signs are allowed in lawn areas, along the sidewalks or roadways, as long as they do not block or overhang onto a walkway, driveway, or street.

Table Tents

Table tents can be placed in any of the University dining and lounge areas. Permission must be granted by the director of Food Services to place table tents in the University Center Dining Room (The Loft) or the Eagles Nest. Rice Library also will permit table tents in lounge areas. Permission must be obtained from the director of Library Services.

Violation of Sign Posting Policy

All improperly-posted signs are subject to removal. Violations of the sign posting policy are subject to review; if violation(s) are found to have occurred, disciplinary action may be taken.

4.0 JUDICIAL PROCEDURE. Procedure for adjudication of violations of code of student conduct.

4.01 THE STATE OF INDIANA HAS CHARGED UNIVERSITY OF SOUTHERN INDIANA WITH THE RESPONSIBILITY FOR PROVIDING AN ORDERLY CAMPUS ENVIRONMENT CONDUCIVE TO LEARNING IN WHICH PERSONS AND PROPERTY ARE PROTECTED FROM HARM. As a state institution, University of Southern Indiana has further responsibility for upholding the

laws of the State. A priority is inherent among these responsibilities:

1. protect persons and property
2. uphold state law
3. provide an orderly environment conducive to learning
4. encourage the personal growth of students

The Board of Trustees of University of Southern Indiana has adopted University policies and procedures in exercise of the preceding responsibilities. The University administration is responsible for providing the process for dealing with violations of the policies.

An appropriate formal charge may be brought against a student by any member of the University community. In all cases, the complaint shall first be brought before the dean of students. If the charge or complaint is ruled not to fall within the jurisdiction of the University Court by appropriate administrative officials, the complaint will be adjudicated by the administrative hearing system. If the charge or complaint falls within the jurisdiction of the court, the appropriate University official will communicate the official charges to the student or parties involved, who may then choose between the University Court system if the Court is functioning or the administrative hearing system for adjudication. If the University Court is not functioning at the time a charge is officially made, the case will be heard by the administrative hearing system. In all cases the parties involved will be encouraged to resolve their complaints before being forwarded for formal adjudication.

The process which has been developed for handling conduct situations contains two components: conduct discussion and conduct adjudication.

A. Conduct Discussion

Conduct discussion is a process which may be utilized by an administrator when complaints are received for an alleged violation. The accused student is informed of the complaint by an administrator and is given the opportunity to discuss the alleged violation. The student may admit to the violation, may deny involvement, or may request to have the complaint transferred to the Conduct Adjudication process. Should the student admit to the violation and the disciplinary action will not result in a change of student status, a record of the incident is maintained in the administrator's file for one (1) calendar year, except in the case of drug and alcohol violation where the record is maintained for three academic years following the year of violation. The student will be required to sign a disciplinary agreement, signifying willingness to modify the behavior. If, during that year, the student becomes involved in another incident and is found guilty of a violation, the disciplinary agreement will be utilized in determining the appropriate action.

Should the student admit or deny involvement and, through the discussion process the administrator finds the student is innocent or there is no basis for the complaint, the complaint is destroyed and no record of the discussion is kept.

Should the student deny involvement and the administrator does not agree, the student may request that the complaint be transferred to the conduct adjudication process.

B. Conduct Adjudication

Conduct adjudication is a process which is used for all alleged violations which may result in a change of student status. The process contains three fundamental steps:

1. presentation of the charges
2. hearing
3. decision and action by an administrator

An appeal opportunity is available to the student upon receipt of the decision.

4.02 DESCRIPTION OF RIGHTS IN DISCIPLINARY SITUATIONS

Students have been accorded rights in disciplinary situations by the Board of Trustees in keeping with procedural due process guidelines. Basically students have the right:

1. to examine all written information pertaining to the alleged violation
2. to a fair hearing
3. to know whether statements made in disciplinary situations can be used in student court, administrative procedures, or civil courts
4. to the choice of hearing body, when the University Court is in session
5. to bring an advisor from the University community to a hearing
6. to appeal decision of the hearing body

4.03 CONDUCT ADJUDICATION PROCESS

A. Presentation of charges

A student who is accused of an alleged violation of a University policy will meet with an administrator. The purpose of the meeting is to apprise the student of all written information which constitutes the complaint and charges. The student receives a thorough explanation of the conduct adjudication process which includes a review of rights in disciplinary situations, a comparison of hearing bodies, the right to waive the hearing, a detailed explanation of possible actions, and a description of the preservation of and release of information from the conduct records. The student is given 48 hours to make a choice of hearing body and plea.

B. Hearing

All hearings provide the opportunity for the accused student to respond to the charges, to present witnesses, and to raise questions. The complainant must provide, by a preponderance of evidence, that the alleged offender committed the act in question. Hearings provide the opportunity for the complainant to amplify the allegation, to present witnesses, and to raise questions. The hearing officer or University Court justices will, through questioning, seek to arrive at the truth. Should a student fail to appear at a scheduled hearing, after proper written notification, the hearing will be conducted in his/her absence.

C. Decision giving interviews

University Court System

1. The student will receive the court's verdicts in writing.
2. The student will be informed that the verdicts of the court are recommendations to an administrator and must be concurred by that administrator before actions can be formulated.
3. The student will be informed that an administrator will give the student the decision about what action is being taken in the case. See Administrative Hearing System 1, 2, 3, 4, and 5.

D. Administrative Hearing System

1. The student will be informed of the verdict.
2. The student will be informed of any restriction placed on him/her.
3. The student will be made aware of the individuals notified of this action.
4. The student will again be informed of his/her right to file for appeal.
5. If necessary, the procedure for removal from a probationary status will be explained.

4.04 TYPES OF DISCIPLINARY ACTIONS

The actions which may be taken when a student is charged with a violation of University regulations or public laws range from charges dropped, up to and including expulsion from the University. The action taken depends upon the severity of the violation, the degree of involvement of the student, the individual circumstances of each case, the student's conduct record, and the student's academic progress.

A. Charges dropped - All written material pertaining to the individual is destroyed.

B. Conduct warning - A written warning is given, followed by a thorough discussion of University policies. The warning may carry other restrictions and stipulations. Record is kept for one (1) calendar year. If student is not involved in any conduct situation during the calendar year following the warning, the record is then destroyed.

C. Conduct probation - This action is a formal probationary status. The probation may carry additional stipulations. Record is maintained for two (2) calendar years after the date of the last action taken, then destroyed.

D. Strict conduct probation - This action is a formal probationary status, very near suspension, during which the student is removed from good standing at the University. The probation may carry other restrictions and stipulations. Record is maintained for three (3) calendar years after the date of the last action taken, then destroyed.

E. Suspension - This action indicates that a student is excluded from the University for one (1) or more semesters, depending upon the severity of the disciplinary situation. Record is maintained permanently.

F. Interim Suspension - This action may be used to temporarily remove and exclude a student from the University community, when the student's action or threat of action indicates serious threat to the welfare and safety of

persons or property. No hearing is necessary before the action is taken, but a regular hearing will be held within five (5) school days of the effective date. If the suspension stands, the record is kept permanently.

G. Expulsion - Permanent termination of student status.

H. Alcohol- or drug-related violation records will be maintained for three years following the academic year of violation.

4.05 APPEALS

A. A decision of the University Court System or an administrative hearing officer may be appealed by the defendant to the Campus Appeals Commission, provided that:

1. The request for appeal is received by the dean of students within 48 hours of the decision-giving interview or letter.
2. There is a question concerning the constitutionality of the rule, regulation, or student law allegedly violated;
3. The failure of due process is claimed;
4. Significant new evidence is to be introduced;
5. The appropriateness of recommended action is questioned;
6. The Campus Appeals Commission has not previously heard another appeal of the same case.

B. The Campus Appeals Commission, consisting of an administrator, faculty member, and a student with one alternate appointed for each position, is a standing committee appointed by the president of the University.

4.06 VIOLATIONS OF REGULATIONS BY A STUDENT ORGANIZATION

As in the case of a violation of a conduct regulation by an individual, a complaint may be filed accusing a student organization of a violation. Upon receipt of such complaint, a charge will be given to the president or highest ranking officer in the organization, and administrative or University Court hearing will be conducted, and a decision will be given and disciplinary action taken. All proceedings will parallel those provided by Section 4.01 through 4.05 of this part for the due process disposition of complaints lodged against individuals.

The filing of charges against and taking disciplinary action with a student organization does not preclude the filing and taking of disciplinary action with individuals involved in the same violation(s).

4.07 TYPES OF DISCIPLINARY ACTION WHICH MAY BE TAKEN WITH A STUDENT ORGANIZATION

A. Charges Dropped

1. The charge may be dropped if there is insufficient evidence to support the charge.

2. The charge will be dropped if there is evidence presented during the hearing that shows the organization is not guilty of the charge.

B. Conduct Warning

1. The action is a verbal warning about conduct which has been judged to be not in keeping with the expectations of the University.
2. Record is kept for a calendar year only. If the organization is not involved in any other conduct situation during the calendar year, the record will be destroyed.
3. A thorough explanation of University policies is given.
4. The student officers and faculty advisor of the organization are instructed that further need for discussion in these areas, (point 3) could be cause for additional disciplinary action.
5. Charges for any damage or costs incurred as a result of a violation may also be assessed.

C. Probation

1. This action is a formal probationary status during which the organization will have certain restrictions placed on it for a period of time.
2. Restrictions and provisions of the probation are individualized to the particular needs of the organization; these may include restrictions on social events, on use of University facilities, or on participation in campus-wide events.
3. Charges for any damages or costs incurred as a result of a violation may also be assessed.
4. Any further violation of University regulations or probation restriction while on probation means that an organization subjects itself to further disciplinary action.
5. University officials with responsibility for adherence to restrictions placed on the organization will be notified, as well as the persons responsible for registration of student organizations. Additionally, national offices of affiliated student organizations will be notified.

D. Review of Registered Student Organizations

1. This action indicates that an organization's standing as a registered student organization of the University is in jeopardy and a formal review of the registration of the organization is being requested of the body with jurisdiction.
2. Action from such a review may ultimately result in revocation of registration of a student organization.
3. For those organizations with national affiliations, a request for formal review also will be made to the national president.

Accepted 1979. Amended, 1982, 1983, 1985, 1987, 1990, 1991, 1992, 1994, 1995, 1996, 1998

Amendments to the University Code of Conduct will be printed in *The Shield*, the student newspaper, each fall semester.

The Academic Affairs Student Grievance Procedure is provided here for information purposes.

It is the goal of the Student Academic Grievance Policy and Procedure to provide a simple and expeditious process, allowing both informal and formal resolution of conflicts. Resolutions may include student reinstatement or other corrective action for the benefit of the student, but may not award monetary compensation or take disciplinary action against any employee of the University.

Departmental or school procedures, where they exist, must be followed before the University grievance procedure can be initiated; where such procedures exist, the informal procedures as outlined below may be precluded.

A. General Conditions

1. Violation of Policy

This policy addresses academic grievances only. Academic grievances are complaints brought by students regarding the University's provision of education and academic services affecting their role as students. Academic grievances must be based on a claimed violation of a University rule, policy, or established practice. This policy does not limit the University's right to change rules, policies, or practices.

2. Not Applicable

This policy does not apply to conflicts connected with student employment or actions taken under the Board of Trustees policy on student conduct. Complaints alleging violation of the University's policies of academic conduct and misconduct are not grievances under this policy. Such claims shall be referred to the appropriate office for investigation and review. Any complaint alleging discrimination in the University/student relationship, including sexual harassment, may be filed with the Office of Affirmative Action.

3. Qualified Students

Student must have been enrolled at the time of the alleged incident or action that resulted in the grievance in order to file an academic grievance under this policy. Grievances must be filed in a timely manner, as outlined in Section E.

B. Informal Resolution

1. The First Step

The first step of any resolution should be at the lowest unit level between the student and the faculty member involved or the appropriate administrator. If no informal resolution results at this level, informal resolution may be sought at the departmental level. If the issue cannot be resolved informally, then the complaint may move to the formal level.

2. Judgments on Academic Performance

Grievances involving an instructor's judgment in assigning a grade based on academic performance must be resolved through the informal resolution procedure.

C. Formal Resolution

1. Student Academic Grievance Committee

The Student Academic Grievance Committee, a composite pool of ten members (five faculty and five students), will be

elected in the spring to two-year terms, with graduate and undergraduate members being elected for staggered terms. The five faculty members will include at least two members of the graduate faculty and three members of the undergraduate faculty. The student members will include three undergraduate students and two graduate students.

a. Committee Selection

The Student Government Association will elect two undergraduate student members and one undergraduate faculty member. The Faculty Senate will elect one undergraduate student and two undergraduate faculty members. The Graduate Council will elect two graduate faculty members. The Graduate Student Advisory Committee will select two graduate students.

Members of the undergraduate faculty and undergraduate students will be elected in odd numbered years to two-year terms; members of the graduate faculty and graduate student members will be elected in even-numbered years to two-year terms. Initially, members of the undergraduate faculty and undergraduate students will be elected to a one-year term, while members of the graduate faculty and graduate students will be elected to a two-year term.

In the event of a resignation, the replacement will be selected by the same representative body as the person resigning.

b. Length of Term

Terms will be for two years, beginning in the fall and ending at the conclusion of the summer III term following the second year of service.

c. Eligibility to Serve in the Composite Pool

Faculty must be tenured to be eligible to serve. Undergraduate student members shall have earned at least 45 semester hours at the University, have a cumulative GPA of 2.0 and be in good standing.

Graduate students must be admitted to a graduate program, be enrolled in graduate program classes during the spring term of the pool selection, have earned at least six graduate hours, have a cumulative 3.0 GPA at the graduate level and be in good standing.

Faculty members must have been at the University full time for at least three years.

d. Meeting Time

The pool shall be convened at the beginning of each fall semester by the vice president for Academic Affairs or his designated representative. At that meeting, members of the pool shall choose the chair and vice-chair and participate in orientation and training.

Only faculty members are eligible to serve as chair and vice-chair. Once chosen, the chair serves in that position for twelve months. The chair serves in a non-voting position, except in case of a tie, with full discussion rights. For each grievance, the chair has the responsibility for selecting hearing panel members and administering the work of the hearing panel.

2. Filing a Complaint

A complaint must be submitted in writing to the dean of the school in which the alleged incident occurred. The complaint should identify the student grievant; the respondent faculty member or administrator; any other

person involved; the incident, the rule, policy or established practice claimed to have been violated, and a brief statement of the remedy sought.

3. Preliminary Resolution Procedure

The dean of the school in which the alleged incident occurred will meet with the student and the faculty or administrator involved to determine whether satisfactory resolution can be reached. If this cannot be achieved, the dean shall obtain a written answer from the responding faculty member or administrator and refer the matter to a hearing before a panel of the Student Academic Grievance Committee.

4. Hearing Panel

Hearing panels will be chaired by a faculty member and will be composed as follows: three faculty members (one of whom is the chair) and two student members. If the grievance concerns an undergraduate student, the hearing panel will include at least one undergraduate student. The faculty will include at least two undergraduate faculty.

If the grievance concerns a graduate student, the hearing panel will include at least one graduate student and two graduate faculty.

If the chair of the grievance committee is unable to select a hearing panel member from members of the pool, an alternate member will be appointed to serve on that hearing panel by the chair of the appropriate selection body (Faculty Senate, Graduate Student Advisory Committee or the Student Government Association.)

5. Hearing Panel Responsibilities

The hearing panel will review the evidence and hold hearings as necessary. The hearing will be an informal non-adversarial, fact-finding meeting concerning the allegations. Both the student and the faculty or administrator may be present throughout the fact-finding meeting and may present any relevant evidence. The meeting will not be open to the public.

Deference shall be given to the determination of the lower body; the hearing panel will base its recommendation solely on whether a rule, policy or established practice was violated. The panel will prepare a written report recommending a resolution to the matter and will send the report to the parties and to the vice president for Academic Affairs for review and action. If the vice president for Academic Affairs does not accept the recommendation, the vice president for Academic Affairs will provide a written explanation of any non-concurrence to the parties involved.

D. Deliberation

The hearing panel shall deliberate privately at the close of the fact-finding meeting. If a majority of the panel finds the allegations are supported by clear and convincing evidence the panel shall take any action which it feels would bring about substantial justice. The committee is not authorized to award a letter grade or to reprimand or otherwise take disciplinary action against any faculty member.

The vice president for Academic Affairs shall be responsible for implementing the final decision.

E. Timeliness

All complaints must be filed within 45 class days after the incident being grieved occurred. "Class days" are defined as days when the University is open for classes or examinations.

A response to the complaint must be filed within fifteen class days thereafter. These time lines may be adjusted if there are compelling reasons for delay offered by any of the parties. However, the grievance must still be initiated within the stated time frame of 45 class days after the alleged incident in order for the grievance to warrant review.

F. Complaints Filed with ICHE

The Indiana Commission for Higher Education, as the federally-designated agency under the State Post-secondary Review Program, records formed complaints registered against institutions. The Commission for the purposes of this program only records such complaints when they have been reviewed fully under existing institutional complaint procedures without a satisfactory conclusion. The student should contact:

Indiana Commission for Higher Education
101 West Ohio Street - Suite 550
Indianapolis, IN 46204
Tel: (317) 464-4400

FAX: (317) 464-4410