



CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

Preamble

The reputation of the college and the college community depends in large part upon the behavior and academic achievement of its students. Students enrolled at the college are expected to conduct themselves in a mature, dignified, and honorable manner.

While enrolled at the college, students are subject to college jurisdiction. The college reserves the right to take disciplinary action against any student whose conduct, in the opinion of college representatives, is not in the best interests of the student, other students, or the college. Students who are disciplined should expect to find their sanctions enforced at all Ivy Tech campuses. All students are expected to abide by the following college rules of conduct. In the Code of Student Rights and Responsibilities, the term “student” is used to refer to a currently enrolled student, a group of students, a prospective student or a group of prospective students.

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I. Student Rights

Ivy Tech Community College recognizes its responsibility to support and uphold the basic freedoms and citizenship rights of all students. Within the context of the entire educational setting this includes experiences both inside and outside the classroom. All students have the following rights:

A. Rights in the Pursuit of Education

The classrooms, laboratories, libraries, studios, and other spaces are the essential learning environments of the college, and the freedom to learn in these environments should be promoted and encouraged by the college's faculty and staff. The following statements have been developed in support of students' rights in all learning environments within the college. Students shall have the right to:

- Have reasonable access to faculty and staff, academic technology, classrooms, libraries, presentations, and other resources necessary for the learning process.
- Have access to academic advising and clear expectations for degree and graduation requirements.
- Have decisions related to the pursuit of their education made in a clear manner.
- Learn in an environment that supports the freedom of self-expression and association.
- Participate in an exchange of ideas, pursuant with their constitutional rights and the Preamble of this Code, free of conduct that impedes either a faculty member's ability to teach or the student's ability to learn.
- Receive either a print or electronic class syllabus in a timely manner.
- Interact with faculty who are engaged in the learning process. Students may expect faculty to provide clearly stated class goals and expectations for class performance and evaluation, to meet classes as scheduled, and to be accessible for office hours, appointments, or consultation.
- Expect that faculty and staff members will be sensitive to students' religious beliefs and observances, including an expectation that instructors will make reasonable arrangements upon appropriate prior notice when a student must miss an exam or other academic exercise resulting from the observance of a religious holiday.
- Take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled.

- Study, work, and interact in an environment of professionalism and of mutual trust and respect that is free of amorous or sexual advances by faculty or staff members. All amorous or sexual relationships between faculty/staff members and students are unacceptable when the faculty or staff member has any professional responsibility for the student, even when both parties have consented or appear to have consented to the relationship. Such professional responsibility encompasses both instructional and non-instructional contexts.

B. Right to Freedom from Discrimination: Diversity Statement

Ivy Tech Community College is committed to a diverse and inclusive educational environment that extends beyond tolerance to respect and affirms human difference. Therefore, diversity, as defined by Ivy Tech, includes, but is not limited to, differences in race, ethnicity, religious beliefs, regional and national origin, color, gender, sexual orientation, socioeconomic status, age, disability, and political affiliation. By encouraging free and open discourse, providing educational opportunities within and outside its classrooms, and intentionally recruiting and retaining a diverse assembly of students, faculty and staff, the college endeavors to graduate culturally literate individuals who will make positive contributions to a local, national, and global society.

C. Right to Freedom from Harassment

Ivy Tech will not tolerate harassment based on race, color, creed, religion, gender, sexual orientation, national origin, physical or mental disability or age.

D. Right to Access Records

Ivy Tech maintains an educational record for each student who is or has been enrolled at Ivy Tech. In accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, the following student rights are covered by the act and afforded to all students at Ivy Tech:

1. The right to inspect and review information contained in the student's educational records.
2. The right to challenge the contents of the student's educational records.
3. The right to a hearing if the outcome of the challenge is unsatisfactory.
4. The right to submit an explanatory statement for inclusion in the educational record if the outcome of the hearing is unsatisfactory.
5. The right to prevent disclosure, with certain exceptions, of personally identifiable information.
6. The right to secure a copy of the institutional policy.

7. The right to file complaints with the Department of Education concerning alleged failures by Ivy Tech to comply with the provisions of the act. The name and address of the office that administers FERPA is: 1 Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

At the college's discretion, directory information may be provided in accordance with the provisions of the act without the written consent of the student unless the student requests in writing that such information not be disclosed. The items listed below are designated as directory information and may be released for any purpose at the discretion of Ivy Tech unless a request for non-disclosure is on file.

1. Name, address, email address, telephone number, dates of attendance, and enrollment status.
2. Previous institution(s) attended, major, awards, honors, degrees.
3. Past and present participation in officially recognized activities, date and place of birth.

Students may request the withholding of directory information by notifying the Registrar's Office in writing, within 10 calendar days from the first scheduled day of the term. The request will be in effect until rescinded by the student. The student should carefully consider the consequences of any decision to withhold directory information. Regardless of the effect upon the student, Ivy Tech assumes no liability for honoring a student's request that such information be withheld. Failure on the part of a student to request the withholding of directory information indicates the student's approval of disclosure.

In addition, student records are held in security by the college. Transcripts on file with the college from high school and other institutions of higher education cannot be released by Ivy Tech. A student needing a transcript from high school or another college should request it directly from that institution. The Office of the Registrar will assist students wishing to see and review their academic record and student files. Any questions concerning the student's rights and responsibilities under the Family Educational Rights and Privacy Act should be referred to the Office of the Registrar.

E. Student Right to Know

The 1990 Federal Student Right to Know Act requires colleges and universities to report to prospective and current students the persistence and graduation rates of full-time technical-certificate and degree-seeking students. The graduation rate is based upon program completion within 150 percent of time usually required for a full-time student. For technical certificate students, this is the number of full-time students graduating in three semesters. For associate degree students, this is the number of students graduating in six semesters. Contact the Office of Student Affairs for further information.

F. Right to Freedom of Association, Expression, Advocacy, and Publication

Students are free to form, join, and participate in groups or organizations that promote student interests, including but not limited to, groups or organizations that are organized for intellectual, religious, social, economic, political, recreational, or cultural purposes.

In accordance with the state and federal constitutions and college policy, the college recognizes the rights of all students to engage in discussion, to express thoughts and opinions, and to assemble, speak, write, publish, or invite speakers on any subject without college interference or fear of college disciplinary action.

Students may engage in peaceful and orderly protests, demonstrations, and picketing that do not disrupt functions of the college, subject to appropriate regulation concerning time, place, and manner. Demonstrations are a legitimate mode of expression, whether politically motivated or directed against the college administration, and will not be prohibited. Demonstrators, however, have no right to deprive others of the opportunity to speak or be heard, take hostages, physically obstruct the movement of others, or otherwise substantially disrupt educational or institutional processes in a way that interferes with the safety or freedom of others. Students may be subject to disciplinary action when their actions cause, or are likely to cause, substantial disruption or interference with the regular and essential operation of the college.

Students who publish student publications under college auspices have the right to be free of college censorship. Student editors and managers may be suspended or removed from their positions only for proper cause and by appropriate proceedings conducted by the organization responsible for the appointment of such editors and managers.

Ivy Tech requires a student group or organization to register and be approved by the college. Student groups and organizations must comply with all federal, state and local laws, as well as college policies.

A student, student group, or organization may be authorized to use college facilities for extracurricular activities, subject to the procedures established by the college.

As constituents of the academic community, Ivy Tech students shall be free, individually and collectively, to express their views on issues of institutional policy and procedures which shall include the examination and discussion of issues of interest to them and expression of opinions both publicly and privately. They shall be free to invite and to hear persons of their choosing and to support causes by orderly means that do not substantially disrupt the regular and essential operations of the college.

G. Right to Accommodation for Individuals with Disabilities

Disability Support Services (DSS) staff seek to ensure that all students who meet eligibility requirements as defined by college policy receive the opportunity to learn to their fullest

abilities. Reasonable accommodations for persons with disabilities will be made to ensure access to academic programs, services, and employment in accordance with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendment Act based upon the policies and procedures established by the college.

H. Rights of Student in the Judicial Process

Students have the right to file a complaint if they believe any of their rights, as defined in this Code, have been violated by a member of the college community.

A student making a complaint under the provisions of this Code should expect that the college will make a good faith attempt to determine the validity of the complaint.

An alleged offender, complainant, or victim is not entitled to be present while the individuals who are responsible for determining the merits of the complaint are deliberating the merits of the complaint.

Rights of a victim include:

1. The student has the option of being present in all aspects of a proceeding in which witnesses provide evidence relating to the charge.
2. The college will disclose the final results of any disciplinary proceeding to complainants as permitted by the provisions of state and federal laws. Specifically, victims of crimes that involve violence or a sex offense will be notified of disciplinary proceeding outcomes. In cases in which the victim is deceased because of the alleged crime, the victim's next of kin will be notified of the disciplinary proceeding outcomes.

Rights of the student charged (alleged offender):

1. A student charged with violating this Code has the right to a fair and reasonable process for handling the charges.
2. The student has the right to be informed of the procedures that will be used in adjudicating the charges against him/her, including but not limited to, notice of the charges, deadlines associated with stages of the process, the kinds of evidence that may be submitted at each stage, and the availability of appeals processes, if any.
3. The student has the right to be present during those portions of any hearing or proceeding in which witnesses provide evidence relating to the charge.
4. The student who is participating in a hearing or proceeding at which evidence may be submitted is entitled to request the college make a good faith attempt to compel the attendance of witnesses, compel the production of documents, and provide a reasonable time period within which requests for witnesses and documents can be submitted and acted upon.

I. Rights of Students as College Employees

A student's rights and responsibilities as an employee of the college are governed by the policies of the work unit and by the applicable personnel policies of Ivy Tech. Students should contact their immediate supervisor or Office of Human Resources for information. All personnel policies are available on the Ivy Tech Website.

II. Student Responsibilities

Just as students have rights, they also have responsibilities. Ivy Tech Community College recognizes its responsibility to support and uphold the basic freedoms and citizenship rights of all students, and it expects students to be responsible for the following:

1. Uphold and follow all codes of conduct, including this Code, relevant codes and bulletins of respective schools, professional programs or professional societies, and all rules applicable to conduct in class environments, including distance education courses and programs and college-sponsored activities, including off-campus clinical, field, internships, athletics, in-service experiences, activities utilizing college technology or other college approved activities.
2. Obey all applicable college policies and procedures and all local, state, and federal laws.
3. Respect the learning environment which includes, but is not limited, to attending class, completing class assignments, and coming to class prepared.
4. Plan a program of study appropriate to their educational goals. This may include selecting a major field of study, choosing an appropriate degree program within the discipline, planning class schedules, and meeting the requirements for the degree.
5. Use college property and facilities in support of their education while being mindful of the rights of others to use college property and facilities.
6. Maintain and regularly monitor their college accounts including e-mail and bursar accounts.
7. Uphold and maintain academic and professional honesty and integrity.
8. Be responsible for their behavior, and respect the rights and dignity of others both within and outside of the college community.
9. Be accountable for all applicable responsibilities, including those associated with academic programs. While this code applies to all students, some academic programs have additional student responsibilities associated with them that may be based upon accreditation standards and professional standards, as well as compliance with federal and state laws. It is the

responsibility of the student to inquire with their academic department regarding any additional responsibilities that may apply to them.

A. Academic Misconduct, Academic Integrity & Professional Behavior

Academic misconduct is defined as any activity that undermines the academic integrity of the institution. Faculty members are responsible for maintaining the academic integrity of the institution. Academic integrity is expected of all students. Faculty and the college may sanction a student for academic misconduct.

Ivy Tech recognizes academic integrity as a fundamental principle of collegiate life. The credibility of the college's educational programs rests upon the foundation of student learning and integrity. Students who misrepresent their academic work violate the rights of their fellow students and undermine the faculty member's authority and ability to assess learning.

Faculty members are also responsible for determining appropriate and professional behavior connected with academic course work associated with clinical, field, or internship experiences off college property. Further, some academic programs have additional student responsibilities associated with them that may be based upon accreditation standards and professional standards, as well as compliance with federal and state laws.

The college, therefore, views any act of academic dishonesty or unprofessional behavior as a serious offense requiring disciplinary measures, including failure for the exam or specific course work, course failure, removal from an academic program, suspension, and expulsion from the college. In addition, an act of academic dishonesty may have unforeseen effects and lead to a formal process outside the college.

Violations of academic integrity and professional behavior include, but are not limited to, the following acts:

1. **Cheating:** Unauthorized use of notes or study aids, or acquiring information from another student's papers, on an examination; obtaining a copy of an examination or questions from an exam prior to taking the exam; altering graded work with the intent to deceive another person to do one's work and then submitting as one's own name; allowing another to take an examination in one's name; submitting identical or similar papers for credit in more than one course without obtaining prior permission from the instructors of all the courses involved.
2. **Aiding Cheating or Other Acts of Academic Dishonesty:** Providing material or information to another student with the knowledge that this material or information will be used to deceive faculty.

3. **Plagiarism:** Presenting within one's own work the ideas, representations, or words of another person without customary and proper acknowledgment of that person's authorship is considered plagiarism. Students who are unsure of what constitutes plagiarism should consult with their instructors. Claims of ignorance will not necessarily excuse the offense.
4. **Data Misrepresentation:** Fabricating data; deliberately presenting in an assignment data that were not gathered in accordance with assigned guidelines or are deliberately fabricated; or providing an inaccurate account of the method by which the data were gathered and generated.
5. **Falsification of Academic Records or Documents:** Falsification of academic records or documents includes, but is not limited to, altering any documents affecting academic records; forging signatures or falsifying information of an official academic document such as a grade report, ID card, library card, or any other official college letter or communication, will constitute academic dishonesty.
6. **Unauthorized Access to Computerized Academic or Administrative Records or Systems:** Unauthorized access to computerized academic or administrative records or systems means viewing or altering the college's computer records without authorization; copying or modifying the college's computer programs or systems without authorization; releasing or dispensing information gained through unauthorized access; or interfering with the use or availability of computer systems or information. Also, when college-sponsored activities are held at locations owned or managed by other institutions or organizations, the unauthorized use, viewing, copying or altering of those institutions' computer records, systems, or programs would similarly constitute a violation of academic integrity.
7. **Unprofessional or Inappropriate Behavior within a Clinical, Field, or Internship Experience:** Conduct that is considered to be lewd, indecent, obscene, inappropriate, and/or non-compliant with professional or accreditation standards; or a violation of clinical or other affiliated site expectations or guidelines; or a violation of federal or state laws.

B. Personal Misconduct involving Computers/Technology

1. **Network files:** Ivy Tech Community College network files are provided to students for their academic work. These files are not private and are subject to review for compliance with the college's acceptable use policy for technology.
2. **Unauthorized Use of Computers and Technology :** Theft or other abuse of computer facilities and resources including, but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file; including peer-to-peer file sharing.
- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member, and/or college official.
- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the college's computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the college's computer use policy.

C. Personal Misconduct on College Property

The college may sanction a student for the following **acts of personal misconduct that occur on college property** including, but not limited to, academic and administration buildings, recreational facilities, and other college-serviced properties:

1. **Dishonesty:** Dishonest conduct including, but not limited to, false accusation of misconduct; forgery, alteration, or misuse of any college document, record, or identification; and giving to a college official information known to be false.
2. **Falsification of Identity:** Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.
3. **Falsification of Information:** Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.
4. **Unauthorized use of College Resources:** Unauthorized release or use of any college access codes for computer systems, duplicating systems, and other college equipment.
5. **Inappropriate Conduct:** Conduct that is considered to be lewd, indecent, obscene or inappropriate.
6. **Disorderly Conduct:** Conduct that is considered to be obstructive or disruptive that interferes with teaching, research, administration, or other college or college-authorized activities.

7. **Copyright Infringement:** Conduct or activities that violate federal copyright laws including, but not limited to, the piracy of written or electronic media, are not permitted.
8. **Endangerment:** Actions that endanger one's self or others in the college community or the academic process.
9. **Failure to Comply:** Failure to comply with the directions of authorized college officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; refusal to vacate a college facility when directed to do so.
10. **Unauthorized use of College Facilities:** Unauthorized entry, use, or occupancy of college facilities.
11. **Unauthorized use of College Property:** Unauthorized taking, possession, or use of college property, services, or the property or services of others.
12. **Damage to Property:** Damage to or destruction of college property or the property belonging to others.
13. **Fire/Safety Equipment:** Unauthorized setting of fires on college property; unauthorized use of or interference with fire equipment and emergency personnel.
14. **Explosive Devices:** Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.
15. **Possession of Firearms:** Possession of any weapon or potential weapon on any college property contrary to law or college policy; possession or display of any firearm on college property, except in the course of an authorized activity.
16. **Sale/Distribution of Firearms/Controlled Substances:** Sale of any firearms from college property or using college facilities, including computer accounts and telephones; intentional possession of a dangerous article or substance as a potential weapon.
17. **Violence:** The use against any person of any mental, physical, written, or verbal abuse that threatens, is perceived as threatening or endangers the health, safety, and wellness, or promotes hatred or prejudice towards others is prohibited. This also includes fighting and/or other disruptive behavior, which includes any action or threat of action which endangers the peace, safety, or orderly function of the college, its facilities, sponsored events on or off-campus, or individuals engaged in any approved activity.
18. **Aiding/Participating in a Riot:** Aiding, encouraging, or participating in a riot.

19. **Harassment:** Harassment, defined in Part I (c) of the Code.
20. **Stalking/Hazing/Cyber-bullying:** Stalking, hazing, or cyber-bullying of any kind whether the behavior is carried out verbally, physically, electronically, or in written form.
- a. Stalking is defined as repeated, unwanted contact in the forms of, including but not limited to, phone calls, e-mail, physical presence, postal mail, and social networking media.
 - b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, humiliate, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
 - c. Cyber-Bullying is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, humiliate, or intimidate the person through the use of electronic or digital media.
21. **Physical Abuse:** Physical abuse of any person, including the following:
- a. The use of physical force or violence to restrict the freedom, action, or movement of another person or to endanger the health or safety of another person;
 - b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or
 - c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in college-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur;
 - d. Sexual assault, including while any party involved is in an impaired state;
 - e. Sexual contact with another person without consent, including while any party involved is in an impaired state.
22. **Verbal Abuse:** Verbal abuse of another person, including the following:
- a. An expressed or implied threat to:
 1. Interfere with an individual's personal safety, academic efforts, employment, or participation in college-sponsored activities and that under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or
 2. Injure that person, or damage his/her property; or

- b. “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.
- 23. **Possession/Distribution/Consumption of Alcohol:** Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or college policy.
 - a. Ivy Tech Community Collage prohibits:
 - 1. Public intoxication, use, or possession of alcoholic beverages on college property;
 - 2. Providing or possessing alcohol contrary to law.
 - b. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of college regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to sanctions.
- 24. **Possession/Distribution/Use of Illegal Drugs or Controlled Substances:** Unauthorized possession, manufacture, sale, distribution, or use of illegal drugs, any controlled substance, or drug paraphernalia. This may also include being under the influence of illegal drugs or unauthorized controlled substances.
- 25. **Obstruction:** Intentionally obstructing or blocking access to college facilities, property, or programs.
- 26. **Interference with Dissemination of Information:** Interfering with the dissemination of other college regulations, policies, or rules. Examples of such regulations include, but are not limited to, college computing policies, registration policies, etc.
- 27. **Violation of State or Federal Law:** A violation of any state or federal criminal law.
- 28. **Threatening or Intimidating Behavior:** Engaging in or encouraging any behavior or activity that threatens or intimidates.
- 29. **Minors on Campus:** Minors are not permitted to be on Ivy Tech property without direct supervision by a parent or guardian, with the exception of college sponsored childcare centers, minors who are enrolled in Ivy Tech courses or other approved activities. Minors are not permitted in classrooms at any time unless enrolled in the course or approved by the course faculty member or by administrative staff.
- 30. **Committing College Funds:** Committing college funding, including student clubs or organizations, without written approval, will result in the student’s being responsible for the money owed, the student’s being removed from the club or

organization, and disciplinary action being taken. No student shall enter into a contract with an outside agency using the name of the college. Contracts entered into in violation of this rule shall be the personal responsibility of the student.

31. **Solicitation:** College policy requires that individuals or organizations seeking the use of campus facilities or scheduling activities to solicit funds must first obtain written approval from the appropriate college official. College rules and regulations govern fundraising activities, the money collected, and the use of the money collected by the fundraising activities. Misrepresentation or misuse will result in the student being responsible for the money owed to an institution or individual, the student's being removed from the club or organization, and the student's facing disciplinary action. The student is also accountable for compliance with state and federal laws and regulations.
32. **Parking:** Students are expected to comply with parking regulations. Parking spaces for persons with disabilities and visitors' areas are reserved for those purposes. Vehicles improperly parked in those areas may be ticketed or towed at the owner's expense.

D. Personal Misconduct Not on College Property

The college may sanction a student for **acts of personal misconduct or criminal acts that are not committed on college property** if the acts arise from college activities that are being conducted off the college's campuses, or if the misconduct undermines the security of the college community or the integrity of the educational process or poses a serious threat to self or others.

1. Ivy Tech is committed to the promotion of a civil community both on campus and off campus.
2. Ivy Tech regards off-campus activity, including but not limited to, college-sponsored events, as an integral part of a student's academic, personal, and professional growth. Thus, the college recognizes the right of all students to expect that the college will subject individuals to the same responsibilities and disciplinary procedures when conduct:
 - a. Adversely impacts the college's mission, or the tenets of this Code, such as altering academic transcripts, harassment of any kind, trafficking of academic works, use of a computer or other electronic device to obtain unauthorized access to information;
 - b. Presents a clear danger to the personal safety of any person or the protection of any person's property, such as alcohol and drug offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault, stalking, or theft;

- c. Violates policies of an academic program and related facilities, including but not limited to, an off-campus clinical, field, internship, or in-service experience, or an overseas study program.

III. Student Disciplinary Procedures

Ivy Tech disciplinary procedures will be used to determine responsibility for violations of the Code of Student Rights and Responsibilities and determine the appropriate consequences for violations of policy. The college's disciplinary procedures are separate and distinct from any formal legal proceedings.

The procedures for imposing academic and disciplinary sanctions are designed to provide students with due process, procedural fairness, and developmental growth opportunities; to ensure equal protection for all students; and to provide for the imposition of similar sanctions for similar acts of misconduct. At the same time, the procedures reflect the need to be concerned about the individual student involved in a particular case. The procedures, therefore, provide that the imposition of disciplinary sanctions must also be based upon a consideration of all circumstances in a particular case, including a student's prior record of misconduct, if any. For the purposes of this Code, calendar days are based upon the College's academic calendar. Therefore, calendar days will be counted during active academic terms. Calendar days in-between academic terms will not be counted due to limited faculty/staff/student availability during break periods. The timelines established within this Code outlines the maximum timeframes for each step.

The college's ability to proceed with substantive determinations and actions in a particular case shall not be impaired by minor deviations from these procedures that do not have the effect of preventing a student from responding fully to a charge of misconduct.

This Code governs activities on all campuses of Ivy Tech Community College. The procedures described below are intended to be used only for determining whether violations of the Code occurred. The student rights and responsibilities described in the Code are specific to academic misconduct, computer/technology misconduct, personal misconduct on college property, and personal misconduct not on college property and should not be used for general complaints, grade appeals, or other students/faculty/staff concerns.

A. General Principles

1. The college intends that proceedings under the code not only resolve charges of misconduct, but also have educational benefit for the students involved. Accordingly, every effort will be made to ensure that students are encouraged to speak for themselves throughout the process of addressing alleged Code violations. Students may have advisors, including at their own expense attorneys, who accompany them at any or all stages of the process. A student with a disability substantially affecting communication or a student who cannot effectively communicate in the English language may seek a

reasonable accommodation from the Office of the Vice Chancellor for Student Affairs to allow an advisor or interpreter to present or translate the proceedings.

2. Except when a student poses serious and substantial risk of harm to self, to others, to property, or to the continuing function of a program or the college and as outlined in the Summary Action section of this document, no sanctions shall become effective until after opportunities for appeal under the Code have been exhausted. Coursework performed while misconduct proceedings are underway, however, shall be considered conditional. Conditional work may be affected or eliminated based on a final finding of misconduct or sanction imposed. This may result in loss of course credit, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the misconduct proceedings. If either academic or personal misconduct is discovered that may impact degree conferral or graduation, the Vice Chancellor for Student Affairs or the Vice Chancellor for Academic Affairs may notify the student's school dean, who may withhold posting of the degree pending completion of misconduct proceedings.

If, after a degree has been conferred, the college determines that the student committed academic misconduct prior to the conferral, the college may revoke the degree. When an allegation of academic misconduct prior to degree conferral is made, the college shall conduct an investigation to determine whether misconduct occurred, and if so, whether to recommend revocation of the degree to the Board of Trustees. The college shall determine the procedures to be followed in conducting its investigation. The college shall make every reasonable effort to notify the person regarding the misconduct allegation and permit the person to respond to the allegation.

3. In instances when the student poses serious and substantial risk of harm to self, to others, to property, or to the continuing function of a program or the college, the faculty member in charge may remove a student from an on-campus or off-campus activity or program. Off-campus activities and programs include, but are not limited to: clinical, field, internship, athletic, international study programs, in-service experiences. In these instances, the college will utilize the procedures outlined in this Code to determine whether a violation of college policy occurred. However, a student may be removed summarily based on the terms of any agreement between the college and a third party regarding student placement or academic experience.

Removal from an academic activity or program on-campus or off-campus becomes part of the student's disciplinary record only after a final determination under these procedures that the student engaged in academic or personal misconduct. When a student is dismissed from a clinical program or other third party placement based on the terms of an agreement with that third party, the student may not grieve the dismissal under the Code.

4. Students have the right to appeal findings of misconduct and the imposition of sanctions. The purpose of giving students a right of appeal is to allow them to bring to the attention

of another authority on campus significant factual and procedural errors that reasonably may bear on the finding of misconduct or the sanction imposed.

5. All notices specified in the procedures for addressing academic and personal misconduct shall be made in writing, which may include electronic mail.
6. All judicial proceedings for both academic and personal misconduct shall incorporate the following procedural requirements:
 - a. The presiding officer of the appeals board shall maintain order and make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing.
 - b. Members of an appeals board shall be free from conflicts of interest that reasonably would appear to impair their ability to evaluate a misconduct matter in a fair and impartial manner.
 - c. Normally, all parties must be present in person. The appeals board may allow for presence in formal hearings by electronic means, when warranted by special circumstances.
 - d. Both sides shall have the opportunity to make opening and closing remarks regarding the charge of misconduct.
 - e. Both sides may present witnesses and submit other information regarding the charge of misconduct, subject to the presiding officer's determination of relevance. At all times, the appeals board may question witnesses and ask for the submission of additional information.
 - f. A student's failure or refusal to speak on his/her own behalf at a hearing shall not be considered an admission of responsibility for the alleged act.
 - g. In personal misconduct proceedings, the college bears the burden of proving, with clear and convincing evidence that the student engaged in misconduct. In appeal proceedings, the burden of proof lies with the student.
 - h. The hearing body's decision shall be based solely on information obtained prior to and during the hearing, except that, if the appeals board asks for additional information to be provided after the hearing, the appeals board may include that information in its decision making, as long as both sides have had a chance to review and respond to the additional information either in a resumption of the hearing or in writing.
 - i. Appeal proceedings will be audio recorded. Deliberations will be private and not audio recorded.
 - j. Recommendations of an appeals board shall be made by majority vote.
7. As used in Student Disciplinary Procedures section of this code, the terms faculty, faculty member, and staff includes all those who teach or are employed by the college including, but not limited to: full-time faculty, program chairs, department chairs, academic deans, visiting, part-time, and adjunct faculty, administrative staff, support staff, and other employees.

8. Any deadline set out in these procedures may be extended by the relevant authority only for good reason shown.
9. The college strives to provide an educational and professional environment that allows individuals to engage in their daily activities in a safe, healthy, and secure manner. Local, state, or federal law enforcement officials will be notified of anyone violating local, state, or federal laws. Violators shall be subject to prosecution by the appropriate law enforcement officials. Anyone found in violation of college regulations shall be subject to disciplinary action by the college through due process procedures for student conduct violations.

B. Procedures for Addressing Academic Misconduct/Academic Integrity Issues:

The academic misconduct procedures address two key issues: (1) whether misconduct has occurred, and if so, (2) what sanctions are appropriate.

As set out more fully below, various people and offices play specific roles in resolving these two issues. Whether misconduct has occurred in a particular course, and if so, whether a particular academic sanction (failing grade, repeating an assignment, etc.) is an appropriate response to a finding of misconduct in the course. When alleged violation(s) of academic policy occurs in a distance education course, the campus or region where the course originates will determine whether a violation of college policy occurred and will also determine the outcomes, including sanctions, as outlined in this Code.

The procedures for handling students who are suspected of violations of academic integrity are as follows:

Step One: Judicial Conference for Academic Misconduct

1. Academic misconduct proceedings are initiated by the course faculty member by providing the student who is the subject of the report a written notice. The written notice requires the student to meet with the course faculty member in judicial conference on a specified date and time to discuss the alleged violation(s). The notice includes information about:
 - a. The section(s) of the Code of Student Rights and Responsibilities claimed to have been violated
 - b. Specific information about the behaviors that allegedly caused the violation(s) including date(s) of the incident(s) and other relevant information
 - c. The judicial process and resources for assistance in preparing for the proceedings.
2. The accused student must meet with the faculty member within fourteen (14) calendar days of notification of the alleged violation.

During the meeting, the student may choose to accept responsibility for violating the college's policies regarding academic misconduct or deny responsibility. In the event the accused student accepts responsibility for the alleged violation, the student waives his/her right to appeal. Should the student deny responsibility for the alleged violation, the faculty will determine, based upon clear and convincing evidence, whether the accused student violated college policy.

Failure to meet with the course faculty member within the requested time frame may be considered a violation of college policy regarding compliance with the directions of a college official. Additionally, the faculty member may proceed in the student's absence should he/she fail to attend or schedule a judicial conference during the timeframe specified. In the event a conference is held in absence of the student, he/she forfeits any rights to an appeal.

3. In the event it is determined that a violation of college policy did not exist, the matter is formally closed. However, if the student accepts or the course faculty member determines that a violation occurred, the course faculty member recommends an appropriate sanction. Possible sanctions include, but are not limited to: verbal reprimand; restitution for damages; restriction of privileges, such as access to lab facilities, library facilities, or testing center; failure for the exam, quiz, project or other assessment; failure for the course; withdrawal from the course; or withdrawal from an academic program.

An incomplete may be given in the course in the event that the matter cannot be resolved before final grades are due in the Office of the Registrar.

If the sanction includes a failing grade for the course, the Registrar will be notified that the grade was given because of academic misconduct. The Registrar will record the grade of "F" on the student's permanent academic transcript without any notation concerning the reason for the grade. The Registrar will ensure that the grade of "F" will not be removed from the transcript for any reason. A grade of "F" given because of academic misconduct, like any other "F" grade, must be calculated in a determination of the student's grade point average, but the grade will not prevent the student from repeating the same course for credit.

4. Within fourteen (14) calendar days of determining that misconduct has occurred, the faculty member completes a misconduct report form provided by the Office of the Vice Chancellor for Academic Affairs. He/she sends the report to the Office of Vice Chancellor for Academic Affairs, which notifies the student, the dean of the unit/school in which misconduct occurred, the dean of the unit/school in which the student is enrolled (if different), and the Office of the Vice Chancellor for Student Affairs. Notice to the student from the Office of the Vice Chancellor for Academic Affairs includes:
 - o The faculty member's report concerning the finding of misconduct.
 - o The terms of the academic sanction being imposed.

- A statement that the student may submit an appeal in writing to the Vice Chancellor for Academic Affairs within fourteen (14) calendar days after receiving the faculty member's written report.
 - A statement that the matter is being reported to the Vice Chancellor for Student Affairs, who has the authority to impose an additional sanction if the Vice Chancellor for Student Affairs believes that such a sanction is justified because of any prior acts of misconduct that the student may have committed. The statement should indicate the Vice Chancellor for Student Affairs may elect to provide: no additional sanction; disciplinary probation for a specified period of time; suspension or deferred suspension from the college for a specified period of time; or expulsion from the college.
5. When a misconduct charge does not involve a particular course in which the student is enrolled (for example, the student is charged with taking a test for a friend or giving the friend a paper to submit in a course under the friend's name, et cetera), the Office of the Vice Chancellor for Student Affairs substitutes for the faculty member in steps 1 – 4 above. The Vice Chancellor for Student Affairs uses the procedures for personal misconduct to address the matter, and may impose any of the sanctions that may be imposed for personal misconduct.
 6. When a student commits an act of academic misconduct related to a course in which the student is enrolled and also commits a separate but simultaneous act of academic misconduct unrelated to that course and/or an act of personal misconduct, the faculty member involved and the Vice Chancellor for Student Affairs may handle the matters jointly or separately.

Step Two: Appealing the Finding of Misconduct and/or the Academic Sanction

1. Within fourteen (14) calendar days of receiving the Vice Chancellor for Academic Affairs' letter concerning misconduct, the student may appeal the finding of misconduct, the particular sanction imposed, or both.
2. The appeal must be submitted in writing to the Office of the Vice Chancellor for Academic Affairs. The Vice Chancellor for Academic Affairs notifies the faculty member, the dean of the unit/school in which misconduct occurred, and the dean of the unit/school in which the student is enrolled (if different), and the Office of the Vice Chancellor for Student Affairs.
3. If an appeal is filed, the Vice Chancellor for Academic Affairs may talk with the student and faculty member, either separately or together, at the Vice Chancellors' discretion. If the matter is not resolved through mediation between the student and Vice Chancellor for Academic Affairs within fourteen (14) days of talking with the student and faculty member, the Vice Chancellor for Academic Affairs convenes an Academic Appeals Board composed of two (2) faculty members, two (2) staff, and two (2) students appointed by the Vice Chancellor for Academic Affairs.

4. The board holds a hearing on the issue(s) raised by the student. If the student appealed the finding that academic misconduct occurred, the board determines whether clear and convincing evidence supports the finding of misconduct. If the board concludes that the evidence does not support a finding of academic misconduct, the board recommends to the Chancellor that the matter is closed. If the board finds that academic misconduct occurred, and the student has appealed the academic sanction imposed, the board recommends to the Chancellor to uphold or reduce that sanction. If the student has only appealed the sanction, the board may recommend to the Chancellor to uphold or reduce the sanction.
5. The board issues a written decision within fourteen (14) calendar days after the appeals hearing ends. The decisions set out the board's recommendations to the Chancellor and the findings of fact and reasoning supporting those conclusions. The Chancellor's decisions are final and any college sanction becomes effective when the Chancellor issues his/her decision. The presiding officer of the Academic Appeals Board sends notice of the Chancellor's decision to the student, the Vice Chancellor for Academic Affairs and the Vice Chancellor for Student Affairs.

Step Three: Limited Appeals Procedure for Review to the Vice Provost for Academic Affairs

1. A student may not appeal the Academic Appeals Board's factual conclusion as to whether misconduct occurred, or the propriety of the academic sanction imposed. If, however, the student believes that a procedural error occurred at the Academic Appeals Board's hearing that was serious enough to prevent the board's full and fair consideration of a misconduct finding or academic sanction, then he/she may file a written appeal with the Office of the Vice Provost for Academic Affairs. The student or faculty member has fourteen (14) calendar days from the date he/she receives the recommendation of the Academic Appeals Board to file the appeal.
2. The Vice Provost for Academic Affairs or designee reviews the record. If the record indicates that a serious procedural error occurred earlier in the proceedings that prevented the board's full and fair consideration of a misconduct finding or academic sanction, the Vice Provost for Academic Affairs will send the matter back to the Academic Appeals Board for further proceedings to correct the error. The Vice Provost for Academic Affairs may appoint an advisor to assist the Academic Appeals Board.
3. If the Vice Provost for Academic Affairs or designee concludes that no serious procedural error occurred within the appeals proceedings that prevented the board's full and fair consideration of the misconduct finding and/or academic sanction, the Vice Provost for Academic Affairs denies the request for review. The finding of misconduct and academic sanction imposed then take effect. The Vice Provost for Academic Affairs reports this outcome to the Office of the Vice Chancellor for Student Affairs, the Office of the Vice Chancellor for Academic Affairs, and Office of the Vice Provost for Student Affairs.

Step Four: Vice Chancellor for Student Affairs Decision on Additional College Sanctions

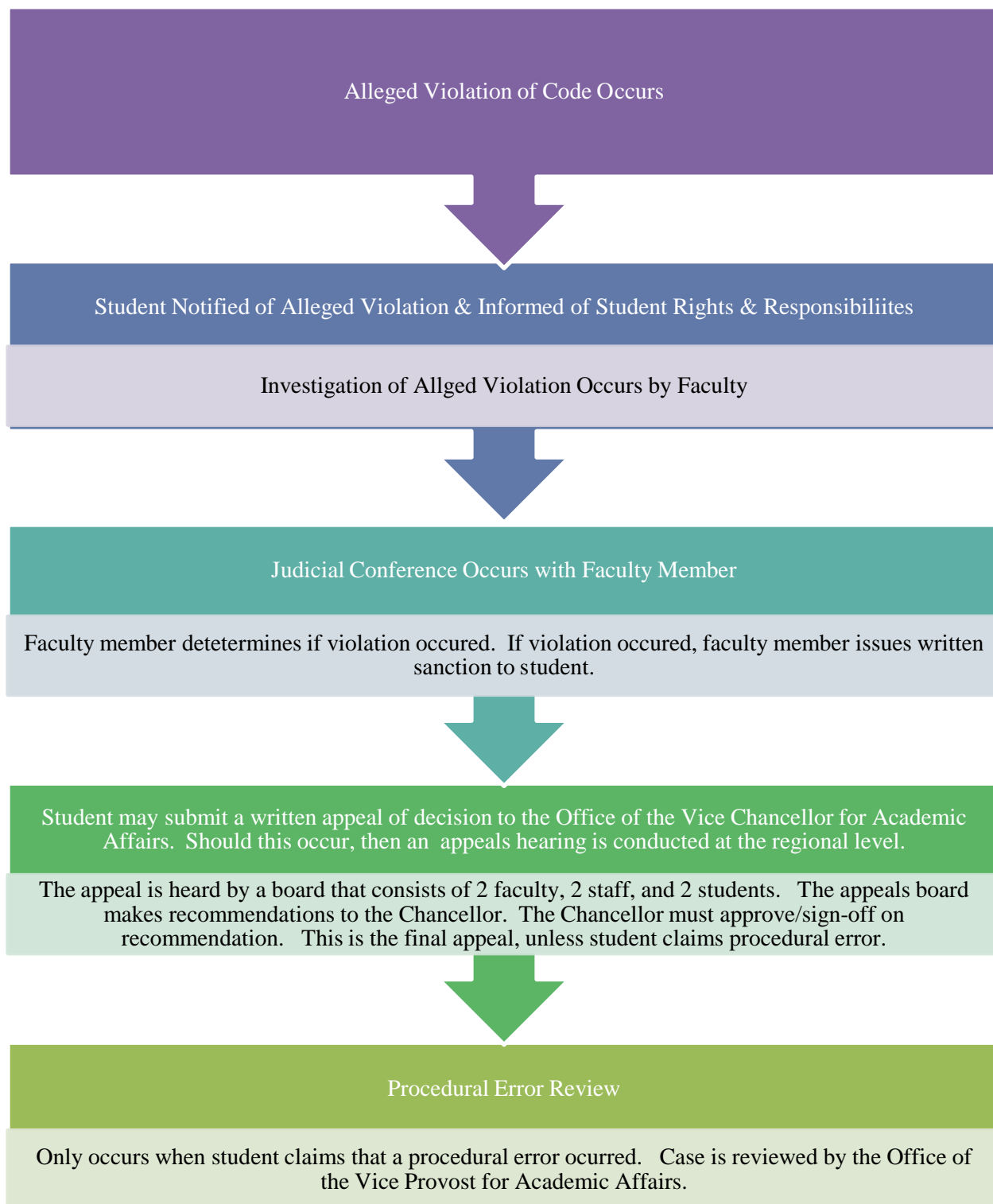
1. If, after concluding any appeals, a student is found to have committed academic misconduct, the Vice Chancellor for Student Affairs considers whether to impose any additional college sanction, based on the nature of the misconduct, any prior acts of misconduct (academic or personal), or both. The Vice Chancellor for Student Affairs may impose (1) no additional college-wide sanction; (2) disciplinary probation; (3) suspension or deferred suspension; or (4) expulsion.
2. Within fourteen (14) calendar days after receiving notice of the final decision on misconduct and academic sanctions, the Vice Chancellor for Student Affairs will review the faculty member's report and any action by the Academic Appeals Board, and will consult with the Vice Chancellor for Academic Affairs. The Vice Chancellor for Student Affairs then notifies the student either:
 - a. that he/she has decided that additional college sanctions are not warranted
 - b. that he/she is considering imposing an additional college sanction, which may consist of disciplinary probation, suspension or deferred suspension, or expulsion, and has set a date for an informal conference with the student to discuss whether such a sanction should be imposed. The Vice Chancellor for Student Affairs's notice to the student will indicate the following:
 - that the student is required to appear at the conference
 - that if he/she fails to appear at the conference without good cause, the Vice Chancellor for Student Affairs will go ahead and make a decision on additional sanctions
 - that the student may be accompanied by an advisor who may advise the student but not speak or participate directly in the conference
 - that the Vice Chancellor for Student Affairs is bound by the finding within the school/unit that the misconduct occurred, and therefore, the only issues to be discussed with the student are the gravity of the academic misconduct involved, the validity of any records maintained by the Vice Chancellor for Student Affairs on prior acts of misconduct by the student, and the propriety of imposing an additional sanction
 - that the Vice Chancellor for Student Affairs has no authority to reconsider the merits of the finding of misconduct or academic sanction, or
 - that the student may appeal any additional sanction to the Appeals Board.
3. When the Vice Chancellor for Student Affairs is considering additional sanctions, he/she will also consult with the Vice Chancellor for Academic Affairs. Ordinarily the Vice Chancellor for Student Affairs will not impose an additional college sanction without the concurrence of the Vice Chancellor for Academic Affairs.
4. The Vice Chancellor for Student Affairs notifies the student and the unit/school involved of his/her decision on additional college sanctions. If no additional sanction is imposed, the matter ends there. If an additional sanction is imposed and the student feels that the

sanction is arbitrary or disproportionate, the student has fourteen (14) calendar days to appeal in writing to the Vice Chancellor for Student Affairs.

Step Five: Appeal for Additional College Sanction

1. If a student appeals a college sanction, the Office of the Vice Chancellor for Student Affairs will convene an Appeals Board.
2. The only issue before the Appeals Board shall be whether the college sanction is warranted by the nature of the present misconduct and/or any prior violations by the student. The student must show that the additional sanction is arbitrary or disproportionate.
3. The Board may recommend to the Chancellor that he/she uphold the sanction or impose a lesser college sanction. The Chancellor's decisions are final and any college sanction becomes effective when the Board issues its decision.

Academic Misconduct Summary Flow Chart



C. Procedures for Personal Misconduct

Disciplinary proceedings for acts of personal misconduct are governed by the following procedures.

Disciplinary proceedings for an act of personal misconduct that is committed simultaneously with an act of academic misconduct are governed by the following procedures unless the Vice Chancellor for Student Affairs and the faculty member involved agree otherwise.

Any person may make a report that a student has committed an act of personal misconduct. The report must be submitted in writing to the Office of the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs may designate representatives to conduct fact-finding investigations, to serve as conduct hearing officers, and to recommend disciplinary action. After reviewing a report, the Vice Chancellor for Student Affairs has the discretion to decide whether disciplinary proceedings should be instituted.

A student has the right to view his/her disciplinary file with proper notice to the Vice Chancellor for Student Affairs.

Step One: Judicial Conference for Personal Misconduct

1. Disciplinary proceedings are initiated by the Office of the Vice Chancellor for Student Affairs by providing the student who is the subject of the report a written notice. The written notice requires the student to meet with the Vice Chancellor for Student Affairs or his/her designee in a judicial conference on a specified date and time to discuss the alleged violation(s). The notice includes information about:
 - a. The section(s) of the Code of Student Rights and Responsibilities claimed to have been violated
 - b. Specific information about the behaviors that allegedly caused the violation(s) including date(s) of the incident(s) and other relevant information
 - c. The judicial process and resources for assistance in preparing for the proceedings
2. The accused student must meet with the Vice Chancellor for Student Affairs or his/her designee within fourteen (14) calendar days of notification of the alleged violation.

During the meeting, the student may choose to accept responsibility for violating the college's policies regarding personal misconduct or deny responsibility. In the event the accused student accepts responsibility for the alleged violation, the student waives the right to appeal. Should the student deny responsibility for the alleged violation, the Vice Chancellor for Student Affairs or his/her designee will determine, based upon clear and convincing evidence, whether the accused student violated college policy.

Failure to meet with the Vice Chancellor for Student Affairs or his/her designee within the requested time frame may be considered a violation of college policy regarding compliance with the directions of a college official. Additionally, the Vice Chancellor for Student Affairs or his/her designee may proceed in the student's absence should he/she fail to attend or schedule an appointment during the timeframe specified. In the event a conference is held in absence of the student, he/she forfeits any rights to an appeal.

3. In the event it is determined that a violation of college policy did not exist, the matter is formally closed. However, if the student accepts responsibility or the Vice Chancellor for Student Affairs or his/her designee determines that a violation occurred, then an appropriate sanction is issued.
4. Sanctions: The Vice Chancellor for Student Affairs is authorized to impose any one or a combination of the following sanctions after finding a student responsible for acts of personal misconduct. Guidelines for the length of time records are maintained are indicated below. If a student has more than one incident on the file, the incident to be kept on file the longest will determine the length of time all records are kept.
 - a. **Reprimand and Warning.** A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if the student engages in the same misconduct again or commits any other violation of this Code. A Reprimand and Warning will remain a part of a student's disciplinary record at least until he/she graduates.
 - b. **Reflective Activity.** A student may be required to complete a reflective activity, such as writing a letter of apology or other written activity, which demonstrates the student's learning and increased understanding of the college's expectations regarding behavior.
 - c. **Administrative Withdrawal.** A student may be administratively withdrawn from any or all courses during the semester in which the violation of college policy occurred. An Administrative Withdrawal will remain a part of a student's disciplinary record at least until he/she graduates.
 - d. **Disciplinary Probation.** A student may be placed on disciplinary probation for a specified period of time under conditions specified in writing with a warning that any violation of the conditions or any further acts of misconduct may result in additional disciplinary sanctions, including suspension or expulsion from the college. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program or an alcohol education program, or to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. A record of any disciplinary probation will remain a part of a student's disciplinary record for five years after a student graduates.
 - e. **Restitution.** A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion. A record of any restitution that a student is

required to pay will remain a part of a student's disciplinary record until he/she graduates.

- f. **Participation in a specific program.** A student may be required to participate in a specific program, such as a counseling program, a program designed to stimulate good citizenship within the college community, an alcohol education program, anger management or any other activity which would foster civic engagement. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion. The student must provide the college with verification of program completion and evidence of personal well-being. Verification of program completion must be from a certified agency or appropriately certified health care provider or mental health counselor. A record of participation in any specific program that a student is required to complete will remain a part of a student's disciplinary record until he/she graduates.
- g. **Provision of a specific service.** A student may be required to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion. Completion of a specific service that a student is required to complete will remain a part of a student's disciplinary record until he/she graduates.
- h. **Suspension.** A student may be prohibited from participating in all aspects of college life for a specified period of time (some portion of which may be deferred at the discretion of the Vice Chancellor for Student Affairs). When a student is suspended from the college, the suspension applies to all campuses of the college. The Vice Chancellor for Student Affairs is required to notify the Office of the Vice Provost for Student Affairs to indicate the suspension on all copies of the student's academic transcript. When the term of the suspension has ended, the Registrar will remove the notation from the student's transcript. A record of the term of suspension will remain a permanent part of the student's disciplinary record. Suspension notations on transcripts remain for the term of the suspension.
- i. **Expulsion.** A student may be dismissed from the college permanently. When a student is expelled from the college, the expulsion applies to all campuses of the college. The Vice Chancellor for Student Affairs is required to notify the Office of the Vice Provost for Student Affairs to indicate the expulsion on all copies of the student's academic transcript. Furthermore, the student may not thereafter petition for readmission to the college. A record of expulsion will remain a permanent part of the student's disciplinary record. Expulsion notations on transcripts are permanent.
- j. **Deferred Sanction.** Sanctions of Expulsion from and/or Suspension from Ivy Tech may be deferred for a period of time not to exceed one year, with the provision that lesser sanction/s be completed and/or no further violations are committed within that period of time. If the student does not consent to the determination of responsibility or the sanction imposed, the student may request a hearing before a hearing commission or review board, depending on the level at

which the deferred and lesser sanctions were imposed. If the deferred sanction is imposed, the following apply:

- i. If the lesser sanction(s) is/are completed in the time period assigned, the deferred sanction will not be implemented.
- ii. If the lesser sanction(s) cannot be completed in the time period assigned due to medical, academic, or personal reasons, the student may apply, in writing, to the Vice Chancellor for Student Affairs for an extension of that time period. The written request must be submitted at least three calendar days prior to the end of the time period. With their applications for an extension, students must present documentation of the personal, academic, or medical reasons they were unable to meet the deadlines, and they must show that they have completed a significant portion of their lesser sanction(s). The Vice Chancellor for Student Affairs will deliver a decision about the extension to the student within fourteen (14) calendar days after receipt of the request.
- iii. If the lesser sanctions are not completed in the time period assigned and no extension to the time period is requested or granted, or the student is found responsible for a new violation, the deferred sanction will automatically go into effect, and the student will have no further opportunity to appeal the deferred sanction.
- iv. Deferred suspensions that are put into effect will begin in the semester in which the lesser sanction deadline was not met, or in which a new violation occurred. If the suspension is to include more than one semester, it will include the semester in which the lesser sanction deadline was not met or the new violation occurred, plus the subsequent semester/s.
- v. A student who is suspended risks losing all fees and grades for the semester in which the suspension is implemented.
- vi. A record of a deferred sanction will remain a part of a student's disciplinary record for five years after the student graduates (or permanently if the suspension has been implemented).

Step Two: Appealing the Finding of Personal Misconduct

1. The student may request an appeal of the finding with fourteen (14) calendar days of receiving the Vice Chancellor for Student Affairs' notice concerning personal misconduct.
2. The appeal must be submitted in writing to the Office of the Vice Chancellor for Student Affairs.
3. If an appeal is filed, the Vice Chancellor for Student Affairs or designee convenes an Appeals Board. The Appeals Board is composed of two (2) faculty members, two (2) staff, and two (2) students appointed by the Vice Chancellor for Student Affairs.
4. The board holds a hearing on the issue(s) raised by the student. If the student appealed the finding that misconduct occurred, the board determines whether clear and convincing

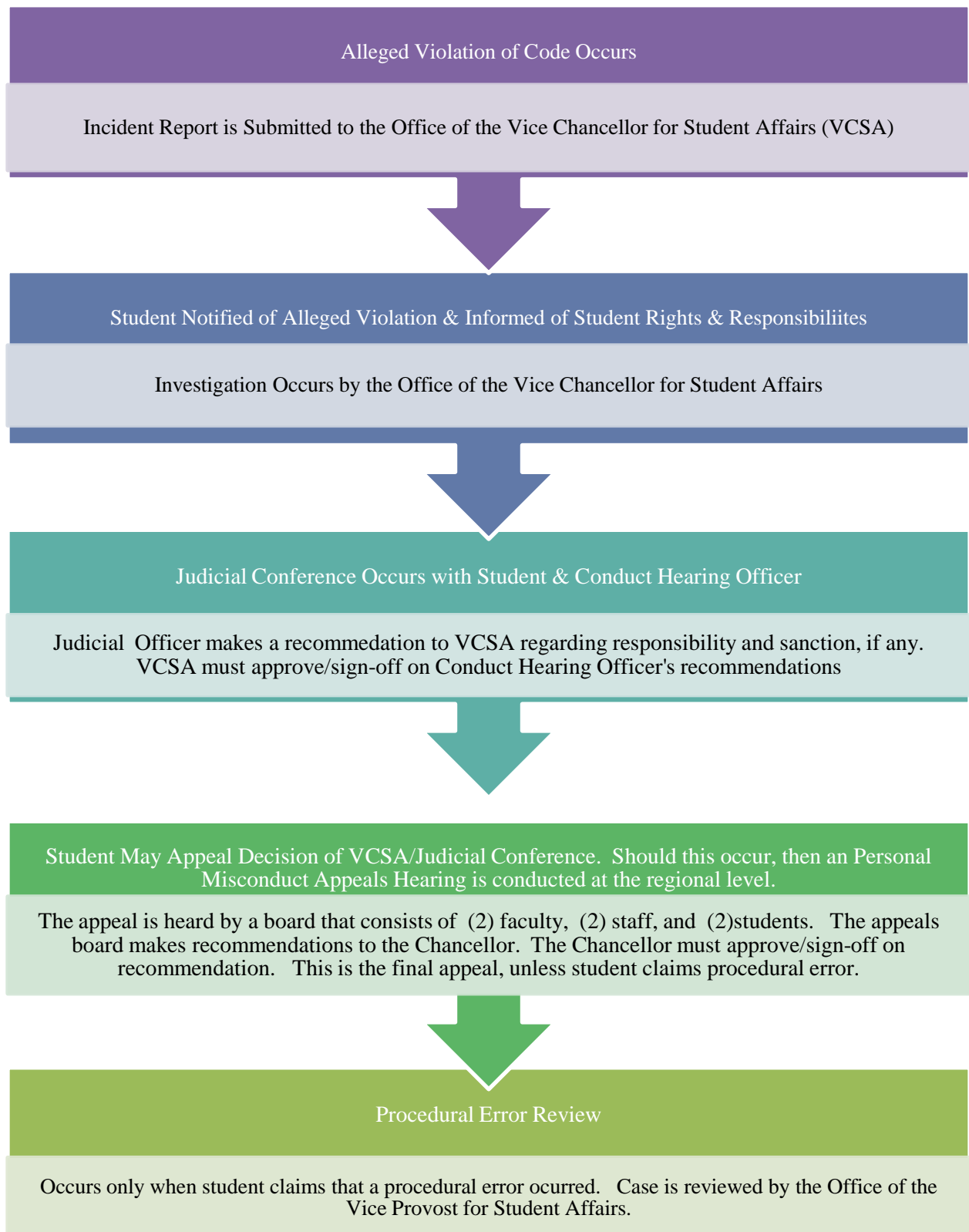
evidence supports the finding of misconduct. If the board concludes that the evidence does not support a finding of misconduct, the board recommends to the Chancellor that the matter is closed. If the board finds that misconduct occurred, and the student has appealed the sanction imposed, the board recommends to the Chancellor to uphold or reduce that sanction. If the student has only appealed the sanction, the board may recommend to the Chancellor to uphold or reduce the sanction.

5. The board issues a written decision within fourteen (14) calendar days after the appeals hearing ends. The decision sets out the board's recommendations to the Chancellor and the findings of fact and reasoning supporting those conclusions. The Chancellor's decisions are final and any college sanction becomes effective when the Chancellor issues his/her decision. The presiding officer of the Appeals Board sends notice of the Chancellor's decision to the student and Vice Chancellor for Student Affairs.

Step Three: Limited Procedural Appeal to the Vice Provost for Student Affairs

1. A student may not appeal the Appeal Boards factual conclusions as to whether misconduct occurred, or the propriety of the sanction imposed. If, however, the student believes that a procedural error occurred at the Appeal Board hearing that was serious enough to prevent the board's full and fair consideration of a misconduct finding or sanction, then he/she may file a written request for review with the Office of the Vice Provost for Student Affairs. The student or faculty member has fourteen (14) calendar days from the date he/she receives the recommendation of the Appeal Board to file the request for review.
2. The Vice Provost for Student Affairs reviews the record. If the record indicates that a serious procedural error occurred earlier in the proceedings that prevented the appeal board's full and fair consideration of a misconduct finding or sanction, the Vice Provost for Student Affairs will send the matter back to the Appeals Board for further proceedings to correct the error. The Vice Provost for Student Affairs may appoint an advisor to assist the Appeals Board.
3. If the Vice Provost for Student Affairs concludes that no serious procedural error occurred within the appeals proceedings that prevented the appeal board's full and fair consideration of the misconduct finding or sanction, the Vice Provost for Student Affairs denies the request for review. The finding of misconduct and sanction imposed then take effect.

Personal Misconduct Summary Flow Chart



IV. Summary Action

A student may be summarily suspended from the college and summarily excluded from college property and programs by the Vice Chancellor for Student Affairs or his/her designee. The Vice Chancellor for Student Affairs or his/her designee may act summarily without following the hearing procedures established by this section if the officer is satisfied that the student's continued presence on the campus constitutes a serious threat of harm to the student or to any other person on the campus or to the property of the college or property of other persons on the college campus.

1. A student who is summarily suspended and excluded from the college shall be required to leave the property of the college immediately and shall be notified that he/she will thereafter be treated as a trespasser if he/she returns to college property. Within 24 hours after the student is excluded, a written notice must be sent to the student by certified mail informing the student of the following:
 - a. That the student has been suspended from the college
 - b. That the student may not be present on college property
 - c. That the student will be considered a trespasser if he/she returns to college property
 - d. The reasons for the suspension from the college and the exclusion from college property
 - e. Any conditions that must be met before the student may petition the Vice Chancellor for Student Affairs or designee for reinstatement
 - f. That the student may not petition for reinstatement for at least one calendar year from the implementation date of the summary suspension.

2. Allegations of misconduct filed against a student who has been summarily suspended will be adjudicated by the Office of the Vice Chancellor for Student Affairs, only if requested in writing by the student within fourteen (14) days of receiving notice of the summary suspension. Procedures to be followed by the hearing commission include the following:
 - a. If the student disagrees with the decision of responsibility for misconduct reached by the Vice Chancellor for Student Affairs, or the student believes the sanction of summary suspension is inappropriate, the student may request a review through the Office of the Vice Provost for Student Affairs. The written request must be submitted to the Vice Provost for Student Affairs no later than fourteen (14) calendar days after receiving notice of the summary suspension.
 - b. Within fourteen (14) calendar days after receiving the request for review, the Office of the Vice Provost for Student Affairs will meet with the student either in person, via telephone, or other means of electronic communication deemed acceptable by the Office of the Vice Provost for Student Affairs.
 - c. The Vice Provost for Student Affairs will decide whether to accept or reject the summary action. This is the final step in the appeal process for summary suspension.

3. The student shall thereafter be permitted at the discretion of the Vice Chancellor for Student Affairs to enter the college campus only for the limited purpose of participating in the summary action review process.
4. The Vice Chancellor may require that the student be escorted to and from the proceedings by a college security officer.

Misconduct by Student Organizations

1. A complaint that a student organization has committed an act of academic or personal misconduct may be filed against the student organization and/or against individual members of the organization. The complaint may be filed by any person.
2. A complaint against a student organization and/or individual members of the organization must be submitted in writing to the Vice Chancellor for Student Affairs.
 - a. If the complaint is against a student organization, the Vice Chancellor for Student Affairs has the authority to initiate disciplinary proceedings against the organization.
 - b. Complaints against individuals are handled according to Section A. Academic Misconduct, and Section B. Personal Misconduct.

V. Miscellaneous Judicial Procedure Information

A. Advisors

A person charged, a victim, or anyone providing testimony is entitled, at his/her expense, to be accompanied by an advisor or support person of his/her choice. An advisor or support person is limited to the role of advising. The advisor or support person may not participate in the proceeding, may not question witnesses, and may not make any statements during the proceeding.

A student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the Vice Chancellor for Student Affairs to allow an advisor or interpreter to present or translate the proceedings.

B. Student Appeal of a Grade

When a student believes the final grade he/she received in a course is inaccurate, he/she should make an appointment with the instructor who issued the grade or status and explain the reason for this belief. This process must be initiated within 30 calendar days of receiving the grade. The instructor and the student should make every effort to resolve the issue. It is expected that most if not all misunderstandings will be resolved at this level.

If the grade or status issue is not resolved the student can appeal in writing to the instructor's supervisor. This individual may be the department chairperson or program chairperson. Once the student has appealed the grade or status with the chairperson, if the issue is not resolved to the student's satisfaction the student may appeal the department chairperson, next higher chairperson or whoever is next in line.

The student's next recourse is to appeal to the regional chief academic officer. The student must notify the Vice Chancellor for Academic Affairs of his/her intent to appeal the grade. An appeals committee will be formed by the Vice Chancellor for Academic Affairs, consisting of a faculty member from the program or from the school in which the program is housed, a faculty member from another school, the regional Vice Chancellor for Student Affairs or designee, the regional Vice Chancellor for Academic Affairs, and an optional fifth person, possibly staff. The appeals committee's decision will be forwarded to the student. Students not satisfied with the committee's decision may make a final appeal to the regional Chancellor.

C. Student Complaint Process

General Complaint

When a student believes he/she has a legitimate general complaint against the college, faculty, or staff, he/she should make an appointment with that individual to discuss the matter. This process must be initiated within fourteen (14) calendar days of the incident. The student and the college, faculty, or staff should make every effort to resolve this issue. It is expected that most, if not all, misunderstandings be resolved at this level.

If the issue is not resolved the student can express his/her complaint in writing to the individual's supervisor. Once the student has submitted his/her complaint in writing with the individual's supervisor, if the issue is not resolved to the student's satisfaction the student may submit his/her complaint, in writing, to the Office Vice Chancellor for Students Affairs.

The Office of the Vice Chancellor for Student Affairs will attempt to resolve the complaint or determine a course of action, if appropriate. If the student disagrees with the outcome of his/her complaint, then he/she may submit his/her complaint in writing to the Office of the Chancellor. The Office of the Chancellor will review and attempt to resolve the complaint and determine the next course of action. Any decision or action deemed appropriate by the Chancellor is final.

Harassment

Ivy Tech will not tolerate harassment based on race, color, creed, religion, gender, sexual orientation, national origin, physical or mental disability or age, and/or opposition to prohibited discrimination or participation in this or any other compliant procedure. This prohibition covers harassment against any student at an Ivy Tech campus by anyone, including other students, employees or non-employees during any college activity or program. The policy prohibiting harassment includes adverse treatment of students as a result of reporting harassment or providing information related to such complaints.

Sexual Harassment

Sexual harassment is simply one form of harassment covered by this policy. Sexual harassment encompasses unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where: Submission to the conduct is an explicit or implicit term of student status (which included academic and non-academic decisions).

Submission or rejection is the basis for any decision affecting that individual's student status; or such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creates an intimidating, hostile or offensive academic environment.

Sexual harassment may include, but is not limited to, actions such as:

1. sex-oriented oral, written "kidding" or abuse,
2. photographs, drawings or graffiti of a sexual nature,
3. subtle pressure for sexual activity,
4. physical conduct such as patting, pinching, or constant brushing against another's body, and
5. explicit demands for sexual favors, whether or not accompanied by implied or overt promises of preferential treatment or threats concerning an individual's student status.

Reporting and Complain Procedures for Harassment

Students are encouraged to report harassment before it becomes severe or pervasive. A student who thinks that he/she has been a victim of harassment and who desires to file a complaint to that effect should report a complaint as follows:

If the complaint is regarding harassment by another student it may be filed with or reported to the Vice Chancellor for Student Affairs or an academic dean with the expectation that the harassing behavior will be a violation of the college's Code of Student Rights & Responsibilities, either on its own terms or as a violation of another college policy.

If the complaint is regarding harassment by a college employee or non-employee it may be filed with or reported to the Vice Chancellor for Student Affairs, any of the employee's supervisors, the Director of Human Resources, or anyone else in a managerial role. All supervisors and members of management to whom a complaint of harassment is brought or who independently observe behavior prohibited by the harassment policy are to report the complaint of harassment or information about harassment promptly to the highest ranking official at the respective facility who is not the alleged harasser, to the Vice Chancellor for Student Affairs or to the Director of Human Resources.

Investigation

Students filing complaints of harassment are assured that information about the allegation of harassment will be shared only with those who need to know about it. Records relating to harassment complaints will be kept confidential on the same basis. Complete confidentiality

cannot be guaranteed since conducting an effective investigation would not be possible without revealing certain information to the alleged harasser and potential witness. Under no circumstances will the individual who conducts the investigation or who has any direct or indirect control over the investigation be subject to the supervisory authority of the alleged harasser.

Determination

After all of the evidence is in, interviews are final, and any credibility issues are resolved, a determination as to whether harassment occurred will be made and the parties informed of the determination. If no determination can be made because the evidence is inconclusive, the parties will be informed of this result.

Corrective Action

After the determination is made the college will undertake prompt and appropriate corrective action including **sanctions** up to and including termination of employment of an employee harasser or dismissal of a student harasser, whenever it determines that harassment has occurred in violation of this policy. Such corrective action will be reported to the student making the complaint.

D. Acknowledgement

Contained within this code, including direct passages, is language from Indiana University's Code of Student Rights and Responsibilities and is used with the expressed permission of the Indiana University Board of Trustees.

E. Regional Accreditation Statement

Ivy Tech Community College is accredited by The Higher Learning Commission of the North Central Association of Colleges and Schools, <http://www.ncanlc.org>

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