

Vincennes University

Standards of Student Behavior

I. INTRODUCTION

Vincennes University is a community dedicated to personal, academic excellence and growth. Choosing to join this community obligates each member to a standard of ethical behavior as stated in the Student Creed.

As a Vincennes University student, I commit to a code of civilized behavior. I will practice personal academic integrity; I will respect the dignity of all persons, including myself; I will respect the rights of others; I will not condone bigotry; I will strive for the openness to learn from differences in people, ideas and opinions; I will demonstrate concern for others, their feelings, and their need for conditions which support their work and development. Allegiance to these ideals requires me to refrain from behavior that threatens the freedom and respect every individual deserves.

The university is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the university community must choose behaviors that contribute toward this end. Student behavior that is not consistent with the Standards of Student Behavior is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, appropriate consequences are imposed in the form of sanctions.

The Vincennes University Standards of Student Behavior is a statement of expectations for students and student organizations on the basis of the philosophy of Vincennes University as well as Federal and State laws. These regulations are prepared to protect the health, welfare, and safety of the students of Vincennes University. Most of the regulations, accordingly, reflect the policies of Vincennes University, state and Federal laws or ones of common sense. This Standards of Behavior policy applies to all students enrolled in Vincennes University courses. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the university community, and contribute positively to student and university life. Therefore, students should understand the specifics of the conditions they have accepted when they enroll. Students need to be aware that violations of the University Standards of Behavior may result in some form of disciplinary action.

DEFINITIONS

The following definitions apply to terms found in the Student Standards of Behavior:

- 1) "University" and "campus" are used interchangeably and both apply to Vincennes University.
- 2) "Student" includes all persons taking courses at the university, both part time and full time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the university are considered "students". Therefore sanctions can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from the university while a disciplinary matter is pending.
- 3) "Standards" represents the Standards of Student Behavior.
- 4) "University official" includes any person (student, faculty or staff) employed by the university and performing administrative or professional duties, or any person serving the university in an official capacity.
- 5) "Member of the university community" includes any person who is a student, university official, trustee, or any other person serving the university in an official capacity, university guests on university property or at a university related activity.
- 6) "University property" includes all real or personal property in the possession of or owned, used, or controlled by the university and all university facilities whether utilized by the university or a university auxiliary organization.

- 7) "Organization" means any registered student club or organization.
- 8) "Shall" and "will" are used in the imperative sense.
- 9) "May" is used in the permissive sense.
- 10) "Day" applies to a day when the university is open for normal business, regardless of whether classes are in session (e.g., the day preceding Thanksgiving). In determining any deadlines as set forth in the Code, references to a number of "days" prior to or after occurrence of an event shall not include the day of the event.
- 11) "Health" applies to physical or mental well-being.
- 12) "Deliberate Indifference" refers to the conscious or reckless disregard of the consequences of one's actions or inactions.
- 13) "Standards of Behavior Administrator" includes the Dean and Associate Dean of Students, or any other university official assigned to administer these standards and to perform the duties prescribed in these procedures.

II. JURISDICTION

This Standard addresses misconduct that takes place on university premises and addresses off campus behavior when it may have or has had an adverse impact upon the university community or, if repeated on the university, poses a threat to the safety of members of the university community.

The Standard also applies to university sponsored events, activities, trips, etc., which may occur off campus. A student who violates the Standard and breaks the law is subject to university, civil and/or criminal authorities. The university, at its sole discretion, may pursue disciplinary action against a student while the student is also subject to criminal proceedings. The university reserves this right even if criminal charges are pending, reduced, deferred or dismissed.

The Vincennes University judicial system is the responsibility of the Office of Judicial Affairs through the Dean of Student's office. The Associate Dean of Students has specific responsibility for the operation and administration of the judicial system.

III. MISCONDUCT ACTIVITIES WHICH SUBJECT A STUDENT OR STUDENT ORGANIZATION TO DISCIPLINARY ACTION

Vincennes University recognizes that it must create an environment where each student will be free to pursue her or his academic interests without interference from others. This includes upholding the integrity of the academic process as well as providing a community free of disruptions. The following restrictions are designed to foster a healthy and peaceful learning community. Apathy or deliberate indifference are not neutral acts and may be violations of this standard.

Protecting the rights of the educational process

Students are expected to be honest in all academic work. A student's placement of his or her name on any academic exercise shall be regarded as assurance that the work is the result of the student's own thought, effort, and study. The following behavior is subject to disciplinary sanctions.

- 1) Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.

Plagiarism is defined as presenting someone else's work, including the work of other students, as one's own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged. A student must not adopt or reproduce

ideas, opinions, theories, formulas, graphics, or pictures from another person or source without acknowledgement. The instructor will determine appropriate student disciplinary action that is consistent with the academic dishonesty policy contained in the syllabus of the instructor.

- b. Furnishing false information to any university official, faculty member, or office.
- c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.

Incidents under b and c will be referred to the Dean of Students, who will determine appropriate student disciplinary action in keeping with procedures used in the handling of other types of student conduct situations.

- 2) Disruption or obstruction of teaching, research, administration or other university activities, including its public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises. (This policy is not intended to hinder organized, peaceful, and orderly protests.)

Protecting the rights, safety, and dignity of the individual

Any of the following activities, the aiding, abetting, inciting, encouraging, or by his or her presence, supporting of any of the following activities, constitutes misconduct for which students may be subjected to disciplinary action. Student organizations may be subject to disciplinary action up to and including revocation of recognition. These violations include but are not limited to:

- 1) physical or verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person resulting in an individual being fearful for imminent bodily harm and/or the emotional/mental disruption of a person's daily life or educational environment;
- 2) students shall not engage in any act that is sexual in nature and which is committed under pressure, force, threat, or coercion, or without the full and informed consent of all persons involved. For the purpose of this policy, the current, active state code states that consent must be freely and actively given through mutually understandable terms or actions. A person is deemed incapable of giving consent when that person is a minor, is mentally disabled, mentally incapacitated, physically helpless, under the influence of alcohol or drugs to the point of being unable to make a rational decision, unconscious or asleep. A person always retains the right to revoke consent at any time during a sexual act;
- 3) theft or attempted theft of and/or damage to property either personal or public, on or off campus;
- 4) hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization; (Expressed or implied consent of the victim will not be a defense)
- 5) 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; (Students shall honor the official request of any university official in the performance of his/her duties. Each staff or faculty member represents the institution and the attack or threat of attack on an official is a threat against the university itself. The above is also applicable to student employees when performing their duties within the scope of their authority) Grievances against a staff or faculty member may be filed with the program and department head responsible for that area of the university in accordance with the institution's grievance policy;
- 6) violation of any policy, rule, or regulation published in hard copy or available electronically on the university website;
- 7) violation of any federal or state law;
- 8) possession of firearms, explosives, or fireworks;

- 9) the use or threat of use of a weapon, or any item or objects that simulate weapons, on university premises that could harm, threaten or cause fear to others;
 - 10) falsely reporting a fire, bomb, or any other emergency by any means;
 - 11) misuse or unauthorized possession of university owned emergency or safety equipment, creating a fire hazard or be in unauthorized possession of flammable or hazardous material;
 - 12) disrupting the normal operations of the university and/or infringing on the rights of other members of the university community; leading or inciting others to disrupt scheduled and/or normal activities within any university building or area;
- This policy is not intended to hinder organized, peaceful, and orderly protests.*

Promoting personal responsibility and integrity

The Vincennes University community strongly promotes the development of a personal values system that focuses on each person assuming responsibility for her/his own actions, and on maintaining dignity and truth. The following restrictions outline the primary parameters within each individual shall be held responsible.

- 1) Students shall not engage in behavior that is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community.
- 2) Students are responsible for the actions of their visitors or guests. Students are expected to take reasonable action to prevent their guests from violating university regulations.
- 3) Failure to comply and/or interfere with the university disciplinary system.
- 4) Students shall not falsify or misrepresent facts on any university form or document and the unauthorized and/or improper use of a university form or document.
 - a) *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 housing contracts, registration material data sheets, fee receipts, checks for payment to the university, applications for vehicle registration, application to be an exception to the housing policy, applications for release from a housing contract, listing an incorrect place of residence, or failure to update a change of correct address.
 - b) *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. This card must be carried with the student always and must be shown on request to any university official.
- 5) All activities sponsored by student organizations must receive approval before the event by the Student Activities Office located in Beckes Student Union. The student organization itself, and individual students involved, will be held responsible for violations of the Standards of Behavior.
- 6) Computing resources may not be used for illegal or disruptive purposes. Examples include:
 - a) Unauthorized copying or use of copyrighted material.
 - b) Destruction of or damage to hardware, software or data belonging to Vincennes University or other users.
 - c) Disruption or unauthorized monitoring of electronic communications.
 - d) Harassment of other users.
 - e) The accidental or intentional introduction of a destructive program, such as a "virus," can have serious consequences. Users should be aware of the threat of viruses on networks and in public labs and use adequate protection against spreading them to their own machines. Both freeware and commercial anti-viral programs are available from various sources. Any attempt to compromise the university computer security systems will not be tolerated.
- 7) Computing resources shall be used in accordance with the high ethical standards of the university community. Examples of unethical use which also may involve illegality include:

- a) Violations of computer system security.
- b) Unauthorized use of computer accounts, files, and data which do not belong to the user.
- c) Unauthorized use of access codes assigned to others.
- d) Intentional use of computer telecommunication facilities in ways that impede the computing activities of others.
- e) Academic dishonesty (plagiarism, cheating).
- f) Violation of software license agreements.
- g) Violation of network usage.
- h) Violation of another user's privacy.

Prohibited Use of Illicit Drugs and Alcohol

As set forth in local, state, and federal laws, and the rules and regulations of the university, Vincennes University prohibits the manufacture, use, possession, and distribution of illicit drugs and alcohol by students, employees and visitors in buildings, facilities, grounds or other property owned and/or controlled by the university. This applies to all individuals participating in any university-sponsored activities.

The university will enforce all state and federal laws regarding the possession and use of alcohol and the manufacture, distribution, dispensing, possession, or use of any controlled substance. Drug and alcohol laws are vigorously enforced at Vincennes University. Violators are subject to criminal prosecution. The enforcement techniques can range from plain view violation to long-term undercover investigations by local, state, or federal agents and agencies.

The inappropriate use of a controlled substance is detrimental to Vincennes University's faculty, staff, students, and the public served. The university will attempt to assist a student or employee involved with the inappropriate use of alcohol or a controlled substance in obtaining rehabilitation. However, the ultimate responsibility for overcoming a dependency or inappropriate use of alcohol or of a controlled substance is that of the individual. Details of the policy are printed and distributed annually in the Student Handbook and University Employee Manual. Vincennes University has an alcohol abuse program emphasizing education and intervention and meets the requirements of the present drug and alcohol requirement including the Drug Free Schools and Communities Amendments of 1989.

IV. PROCEDURES FOR THE ADJUDICATION OF VIOLATIONS OF THE STUDENT STANDARDS OF BEHAVIOR.

To the Student:

This material has been prepared to assist you in understanding the proceedings which are taking place as a result of a reported incident. The presentation of this information does not presume the degree of your involvement in the reported incident, and the administrator with whom you are involved will not approach your case with any predetermination of a final disposition. Therefore, the receipt of this material should not be interpreted as a prejudgment of your involvement.

The State of Indiana has charged Vincennes University with the responsibility for providing an orderly university environment conducive to learning in which persons and property are protected from harm. Priorities inherent among these responsibilities include:

- Protect persons and property;
- Uphold Federal, state, local laws and university regulations;
- Provide an orderly environment conducive to learning;
- Encourage the individual growth of students

The Board of Trustees of Vincennes University has adopted university policies and procedures in exercise of the above responsibilities. The university administration is responsible for providing the process for dealing with violations of the policies. The process, which has been developed for handling conduct situations, includes the following:

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:

Presentation of Alleged Violations

A student who is accused of an alleged violation of the University Standards of Student Behavior is notified, either in writing (at the last reported local address) or verbally, of the alleged violation by the Dean or Associate Dean of Students.

Hearing

Hearings may be conducted by the Associate Dean of Students, the Dean of Students or other hearing officers designated by the Dean of Students. All hearings provide the opportunity for the accused student to respond to charges, to present witnesses, and to raise questions. The hearing officer, through questioning, seeks to arrive at the truth. Should a student fail to appear at a scheduled hearing, after proper notification, the hearing may be conducted in his/her absence at the discretion of the hearing officer.

Presentation of Decision

An explanation of the action and its effect on the student is made, which may include probation stipulations and future expectations for the student's behavior. The student is informed of the right to appeal and the procedures to follow.

The right to appeal the Dean or Associate Dean of Students decision is afforded all Vincennes University students as a matter of policy and due process.

Appeal

A student has the opportunity to appeal the decision of the disciplinary hearing to the Student Life Advisory Committee. Appeal requests must be presented to the Dean or Associate Dean of Students in writing within five business days of the receipt of the decision from the hearing process.

The Student Life Advisory Committee is composed of faculty, professional staff, and support staff. They are identified during the last month of the spring semester and serve the following academic school year.

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. Basically, students have the right:

- 1) to be aware of the alleged violation a reasonable time before the hearing;
- 2) to bring an advisor to the hearing;
- 3) to have a fair hearing;
- 4) to be informed of the decision; and
- 5) to appeal decisions of the hearing.

The Complainant and Respondent may be assisted by an advisor of their own choice. Advisors are not permitted to speak or to participate in a hearing. Complainants and Respondents who choose an advisor shall notify the Associate Dean of Students or designee prior to the hearing. Advisors may not appear in lieu of the Complainant or Respondent; however, an advisor may consult with the Complainant or Respondent during a hearing and may assist with preparation for the hearing.

Standards of Proof

In many hearings, there will be strong (i.e., clear) evidence presented to persuade the hearing officer that the student did violate a particular policy. Sometimes, however, there may be ambiguities and contradictions which require that person to decide whom he/she believes or who he/she thinks is more credible. As in a court of law, the student is always innocent until proven otherwise. However, unlike a court, the standard of evidence which must be presented to prove that a student violated the policy is less stringent and the determination of a violation is made on

the basis of whether it is more likely than not that the student charged violated the Standards of Student Behavior. This is known as “a preponderance of the evidence.”

In other words, if the hearing officer is weighing the evidence on some imaginary scale, he/she must be more than 50 percent sure that the student violated the policy to find him/her responsible. He/she does not need to be 100 percent or even 75 percent sure, just more than 50 percent sure.

Types of Disciplinary Actions

The actions that may be taken when a student is charged with a violation of the Student Standards of Behavior range from not in violation up to and including expulsion from the university. The action taken depends on the severity of the violation, the degree of involvement of the student, the individual circumstances of each case, the student's disciplinary record and possibly the student's academic situation.

Not in Violation - A student may be found not in violation when there is evidence presented during the hearing that shows the student was not responsible. A record of that decision will be maintained for one year.

Warning - Minor violations of the conduct code usually merit a warning. If the student has continuing minor violations, he/she is subject to further disciplinary action.

Disciplinary Probation - A report of the student's misconduct is maintained in the disciplinary records in the Dean of Students Office as a severe warning concerning future violation of the conduct code. If no further violation occurs, the incident does not become a part of the student's permanent college records.

Loss of Privileges - Denial of specified privileges for a designated period of time.

Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Discretionary Sanctions - Work assignments, essays, service to the university, or other related discretionary assignments.

Permanent Disciplinary Probation - A report of the student's misconduct is entered PERMANENTLY on his/her college records. This information concerning the violation(s) accompanies the college transcript as a matter of permanent record.

Suspension - In cases of serious misconduct, the student may be suspended from the university for a designated period. Once an individual has been suspended, he/she loses the privilege of returning to the university and/or attending any university activity during this period. When a student is suspended, he/she is expected to immediately check out of the Residence Hall and/or leave the university. Suspension becomes a part of the student's permanent records.

Expulsion - In cases of serious misconduct, a student may be expelled PERMANENTLY with no option to return to the university. This also becomes a matter of permanent entry on the student's record.

Immediate Temporary Suspension - In cases of serious misconduct, a student may be suspended from the moment of first notification of charges until the hearing. This hearing must be held within a reasonable time after the person has been notified.

Right to Appeal

The right to appeal the Dean or Associate Dean of Students decision is afforded all Vincennes University students as a matter of policy and due process. All appeals of disciplinary hearing decisions will be made to the Student Life Advisory Board and an appeals hearing will be called. The Appeals Hearing will include:

- the sanctioned student; (*who may be assisted by an advisor*)
- the Dean or Associate Dean of Students;
- an Appeals Hearing moderator; and
- the five members of the Student Life Advisory Committee

Preservation of Records

Dependent upon the type of action taken, disciplinary records are maintained on file in the Dean of Students office for specific periods of time:

- 1) not in violation - one calendar year, unless involved in additional violations
- 2) warning, loss of privileges, restitution, discretionary sanctions - one calendar year, unless involved in additional violations
- 3) disciplinary probation - two calendar years after the date of the last action taken
- 4) permanent disciplinary probation - permanently
- 5) suspension - permanently
- 6) permanent suspension - permanently
- 7) alcohol or drug-related violation - three years following the academic year of violation

V. STANDARDS REVIEW

The Standards of Student Behavior shall be reviewed annually under the direction of the Assistant Provost for Student Affairs. In addition, the Faculty Senate will as part of the review be invited recommendations with regard to the Standards of Student Behavior. These recommendations will consist of omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Standards of Behavior. Questions of interpretation regarding the Standards of Behavior or Student Handbook shall be referred to the Dean of Students office. In keeping with normal university policy approval processes, the Standards of Student Behavior and Student Handbook may, at the sole discretion of the university, be amended at any time.