

## POLICY STATEMENT

Subject: IUP Community, 2020

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**Originating Office:**  
Office of Student Support  
and Community Standards

**University Senate Approval:**  
February 2, 2021

**President's Approval:**  
Michael A. Driscoll  
March 1, 2021

**Office of Student Support and Community Standards (OSSCS) Phone: 724-357-1264**  
**Email: [Student-Conduct@iup.edu](mailto:Student-Conduct@iup.edu) [www.iup.edu/studentsupportandstandards](http://www.iup.edu/studentsupportandstandards)**

### A. Introduction

The Indiana University of Pennsylvania community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The Office of Student Support and Community Standards within the Division of Student Affairs is charged with administering an educational and developmental community standards process that is based upon the mission, vision, goals, and values of IUP.

Student members of the community are expected to uphold and abide by certain community standards. Each member of the Indiana University of Pennsylvania community bears responsibility for their own behavior.

The community standards process is not intended to punish students. Sanctions and restorative measures are intended to help students bring their behavior into accord with our community expectations.

**All allegations of Sexual Misconduct are adjudicated under the Sexual Discrimination and Sexual Misconduct Policy. Likewise, other distinct policies that address specific issues are adjudicated as it is stated in that policy. Such policies include but are not limited to the Academic Integrity Policy, Anti-**

## **B. Definitions**

1. Adjudication – the process by which the University conducts disciplinary meetings, hearings, or other actions, bringing matters to resolution.
2. Advisor – any person who advises a student or student organization regarding University policies or procedures. An advisor is not permitted to represent the student at any time.
3. Appeal – the method by which due process and/or a decision can be challenged. All appeals must be submitted in writing to the Office of Student Support and Community Standards and may only be considered if it is in accordance with the IUP Community Standards Policy.
4. Appeal Review Officer- designee of the Vice President for Student Affairs to review an appeal.
5. Complaint – written or electronic statement or report provided by any person to the Office of Student Support and Community Standards. Not all complaints result in incident reports or adjudication through the community standards process.
6. Complainant – a person, persons, or student organization who submits a report alleging that a student or student organization violated University rules, regulations, or policies.
7. Community Standards Board – a panel of individuals made up of students, faculty, and staff empowered to adjudicate any allegation of violation of University policies, rules, or regulations.
8. Community Standards Process – inclusive of all processes for students or student organizations from the time information is received by the Office of Student Support and Community Standards for



block the release of transcripts.

The *Community Standards Policy* applies to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus when the Director of Student Support and Community Standards or designee determines that the off-campus conduct affects a substantial Indiana University of Pennsylvania interest. A substantial Indiana University of Pennsylvania interest is defined to include:

- Any situation where it appears that the student's behavior may present a danger or threat to the health or safety of the University Community; and/or
- Any situation that significantly impinges upon the rights, property, or education of the University Community or significantly breaches of the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University.

Indiana University of Pennsylvania email is the University's primary means of communication with students. Students are responsible for all communication delivered to their Indiana University of Pennsylvania email address and to respond as required or requested.

### E. Student Accommodations

Any student with a disability involved in the community standards process has the right to request a reasonable accommodation to ensure their full and equal participation. The Office of Student Support and Community Standards will coordinate appropriate services through the Department for Disability Access and Advising (D<sup>2</sup>A<sup>2</sup>). Accommodations are determined on an individual basis by D<sup>2</sup>A<sup>2</sup> staff based upon appropriate documentation and consultation with the student.

### F. Community Standards

Indiana University of Pennsylvania considers the conduct described in the following subsections as inappropriate for the IUP community and in opposition to the core values set forth by the University. Indiana University of Pennsylvania encourages community members to report to University officials all incidents that involve the conduct described below.

#### 1. Alcohol

a. **Possession On-Campus** - Possession of alcoholic beverages on university premises or facilities except as provided in the University Alcohol Policy.

b. **Possession Off-Campus** - Illegal possession of alcoholic beverages off campus including, but not limited to, underage possession of alcohol and public possession of an open container.

c. **Consumption** - Consumption of alcoholic beverages on university premises or facilities except as provided in the University Alcohol Policy.

**d. Sharing, Furnishing, and/or Distributing Drugs and/or Controlled Substances** - Manufacturing, producing, selling, furnishing, exchanging, or otherwise distributing drugs or controlled substances prohibited by federal or state law.

**e. Misuse of Medications or Other Substances** - Misuse of over-the-counter medications, prescriptions, and/or other legal materials or substances, creating a potential danger to self or others.

**f. Driving Under the Influence** - Operating a motor vehicle while under the influence of drugs and/or controlled substances.

### **3. Harmful Conduct and Harassment**

**a. Physical Violence** - using force with the intent or effect to cause harm. This includes the use of any weapon or other means that might cause bodily harm.

**b. Threatening Conduct** - Intimidating actions or behavior with the intent or effect to cause alarm or fear of harm to another individual, group, or entity.

**c. Coercion** - Conduct, actions, or implied threats that would compel with unreasonable pressure a reasonable person to engage in an unwanted activity.

**d. Harassment** - Engaging in conduct that is repeated, severe, or pervasive and objectively offensive. This includes conduct involving electronic communication.

**e. Stalking** - A pattern of conduct directed at another person including (but not limited to) following, monitoring, observing, surveilling, communicating to or about a person, or interfering with a person's property with the intent and/or effect to cause a reasonable person to be afraid for his or her safety or suffer substantial emotional distress. Stalking may be direct, indirect, or through third parties and may be accomplished by any action, method, device, or means. This includes cyberstalking: a form of stalking in which a person uses electronic media, such as the

a wound or cause injury or harm. Examples of weapons include, but are not limited to, firearms, ammunition, knives, swords, nun chucks, stun guns, BB guns, paintball guns, look-alike weapons, explosives, fireworks, unsecured compressed air cylinders, or dangerous chemicals, except as authorized for use in class, in connection with University-sponsored research, or in another approved activity (provisions may be made to store firearms with the University Police).

## 5. Property

- a. **Theft** - Theft or other unauthorized possession of University property or the property of any individual, group, or entity.
- b. **Destruction/Damage** - Destruction and/or damage to University property or to the property of any individual, group, or entity.
- c. **Attempted/Completed Entry** - Attempted or completed entry into or use of University or Co-op facilities or property or the property of any individual, group, or entity without authorization.

## 6. Noncompliance

- a. **University Official** - Failure to comply with a directive from or to meet with an authorized University or Student Cooperative Association official acting in the performance of their duties or with the direction from any person responsible for a facility or registered function including providing identification when requested to do so. The University officials referenced above must identify themselves.
- b. **Contractual Obligations** - Failure to honor all contracts with and debts to the University including terms and conditions of living in University-owned/operated housing and/or the Student Cooperative Association.
- c. **Community Standards Sanction** - Failure to fulfill any sanction levied as a result of community standards, academic integrity, or student organization proceeding.
- d. **University Space** - Failure to abide by all policies and regulations governing the use of University space or the registration of all University events.

## 7. Complicity

Active association with or active encouragement of another person or persons whose conduct is in violation of any of the Community Standards Policy and Procedures, University policy, or applicable laws.

## 8. Other

Any alleged violation of federal, state, or local laws, regulations, or ordinances and other University policies and regulations, the University catalog, and other official University

Standards or the Office of Social Equity/Title IX may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the community standards process and gather information.

**Evidence:** Different types of information may be presented during an investigation or during a hearing. This information may include direct evidence, which is based on personal observation or experience. Evidence may be circumstantial, which is information that does not include an eyewitness to the actual event but does include enough information to lead a reasonable person to the conclusion that the individual did what he/she is alleged to have done. Evidence may include documents, which includes supportive writings or statements, reports, etc., that support or deny a fact at issue. Evidence may also be secondhand or "hearsay" evidence. While it is acceptable for the adjudicator to consider and hear relevant second-hand information, hearsay evidence may not be the only evidence used to establish responsibility in a case.

The University is not bound by formal rules of evidence; however, evidence shall be inherently reliable. Evidence or information that may not be admissible in a court of law may be admissible in a hearing or as part of an investigation. It is up to the adjudicator to decide what information is admissible as part of a hearing. It is up to the adjudicator to decide the credibility and relevance of information and the weight that they will assign to that information.

**Standard of Proof:** The standard of proof describes the level of proof that must be met to find a respondent responsible for a violation. The University uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. This standard is lower than the standard required in a criminal proceeding. University resolution proceedings are conducted to consider the totality of all evidence available and from all relevant sources. There may be strong, definitive evidence presented to persuade the adjudicator that the respondent did or did not violate a section of this or other University policy. There may also be ambiguities and contradictions which require the adjudicator to decide.

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If a decision on the allegation is made and the finding is that the respondent is not responsible for violating the Code, the process will end.

If the finding is that the respondent is in violation, and the respondent accepts this finding, the administrator conducting the incident review meeting will then determine the sanction(s) for the misconduct, which the respondent may accept or reject. If accepted, the process ends.

If the respondent accepts the findings but rejects the sanction, the Office of Student Support and Community Standards will conduct a sanction-only hearing, conducted by a hearing officer or board, which determines a sanction. The sanction is then subject to appeal (see *Appeal Review Procedures* on page 19 below). Once the appeal is decided, the process ends.

If the administrator conducting the incident review meeting determines that it is more likely than not that the respondent is in violation, and the respondent student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to a formal hearing.

## **2. Formal Hearing**

In a contested allegation, a hearing may be held when there is reasonable cause to believe that a University Community Standards Policy provision has been violated. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a Community Standards Policy provision may have been violated. Reasonable cause is defined as some credible information to support each element of the offense of the alleged Community Standards Policy provision, even if that information is merely a credible

Administrative Hearing Officers are chosen from a pool of annually trained administrators, staff members, and graduate students selected by the Director of Student Support and Community Standards.

## **6. The Composition of the Board**

The Director of Student Support and Community Standards will be responsible for assembling the Board according to the following guidelines:

- A. The membership of the board is selected from a pool of students, faculty, and staff appointed by the Vice President for Student Affairs and trained annually through the Office of Student Support and Community Standards.
- B. For each complaint, a board will be chosen from the available pool and is comprised of at least one student, one faculty member, and one staff member or administrator. The Director of Student Support and Community Standards or designee will serve as the facilitator of the Board, who assures that Indiana University of Pennsylvania

Involvement (Medical Amnesty) Policy.

## 2. Notice of Alleged Violation

Any member of the Indiana University of Pennsylvania community, visitor, or guest may allege a policy violation by any student for misconduct under this *Code* by submitting a report via e-mail, IUP Web Site, phone, or in person at the contact information below:

Ruddock Hall, Room G-37  
1090 Maple Street  
Indiana, PA 15705  
Phone: 724-357-1264  
Student-Conduct@iup.edu  
<http://www.iup.edu/studentssupportandstandards>

Reports of conduct allegedly in violation of this policy may be received through other additional means as appropriate.

Notice may also be given to any member of the Office of Student Support and Community Standards, University Police, and/or to the Chief Diversity and Inclusions Officer and

#### 4. Hearing Procedures

##### a. Community Standards Hearing:

A hearing will be scheduled for any allegation with reasonable cause unable to be resolved through any informal process.



4. Following the hearing, the hearing officer will

## I. Interim Action

In a situation where it is determined that a continuation of the present circumstances presents a





11. **Suspension:** A student may be suspended from the University for a specific period. A suspension requires that the student remove themselves from the University and any University owned or operated entities, buildings, or properties. They are not permitted to attend classes, social activities, or to be present on University property during the period of suspension.
12. **Expulsion:** A recommendation may be made to the Vice President for Student Affairs or their designee that a student is expelled from the institution. Expulsion from the University is permanent dismissal. The Vice President for Student Affairs or designee shall endeavor to respond to the respondent in writing regarding the recommendation of expulsion within five calendar days of receiving it. Any appeals of an expulsion are directed to the President or designee.

## **K. Notification of Outcomes**

The outcome of a campus hearing is part of the educational record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Pursuant to the Family Educational Rights and Privacy Act and the Drug Free Schools and Communities Act, the Office of Student Support and Community Standards may send written notice to the parents and/or legal guardians of a student under twenty-one years of age who is found to be responsible for violating any state or local laws pertaining to possession, consumption, or inappropriate sale of any alcoholic beverages or controlled substances.

Parents and/or legal guardians may be notified in cases where Indiana University of Pennsylvania determines through the community standards process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense. FERPA defines "crimes of violence" to include arson, assault offenses (including stalking), burglary, criminal homicide, manslaughter by negligence, murder, non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, and non-forcible sex offenses.

## **L. Failure to Complete Sanctions**

All students, as members of the Indiana University of Pennsylvania community, are expected to comply with sanctions within the time frame specified by the Board or Hearing Officer. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional charges.

## **M. Appeal Review Procedures**

### **1. Grounds for Appeal:**

Upon receiving notification of the outcome of a hearing, a respondent and complainant may appeal in writing for any of the following reasons:

- a. Procedural error that likely impacted the hearing outcome. This may include a demonstrated bias or conflict of interest against the respondent or the complainant which impacted the outcome. The appellant is responsible for demonstrating the bias or conflict of interest.

- b. Newly discovered information for which there is a legitimate reason this information could not have been presented at the original hearing.
- c. An allegation that the sanctions issued were arbitrary and capricious. The appellant must demonstrate in the appeal that there had been a clear error of judgment. The appellant must show the decision was not based upon consideration of relevant factors, reason, or judgment and was an abuse of discretion or otherwise not in accordance with the Community Standards Policy.

## **2. Appeal Procedures:**

The individual submitting the appeal must present a written request that specifically articulates one or more reasons for appeal from the grounds listed above to the Office of Student Support and Community Standards within five (5) calendar days of notification of the hearing decision. The five (5) day requirement may be waived where extenuating circumstances prevail and only if the grounds for appeal are met. The individual submitting the appeal must include in the written appeal the reason for the appeal and all the supporting facts. Appeals cannot be submitted by a third party on behalf of the respondent or the complainant. An appeal is not a rehearing of the matter and will not have merit simply because the person submitting the appeal disagrees with the outcome.

Once the appeal has been received, the Director of Student Support and Community Standards will conduct an initial review to determine if the appeal request meets the limited grounds and is timely.

If the appeal is denied on the grounds of merit, The Director of Student Support and Community Standards will draft a response memorandum to the appellant based on the determination that the request will be granted or denied and why. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.

If the appeal has merit and is timely, the appeal will be forwarded to the Vice President for Student Affairs or designee for review.

In cases that do not involve interim action, once an appeal is filed all sanctions are placed on hold with the exception of any sanction prohibiting contact with another individual.

The Vice President for Student Affairs or designee may assign an Appeal Review Board to hear the appeal.

Appeals of expulsion must be submitted to the President or designee through the Office of the Vice President for Student Affairs. The President will respond to a respondent in writing regarding the appeal of an expulsion decision.

If the appeal is granted, the Appeal Review Officer determines whether to revise the sanctions, refer the appeal to the Appeal Review Board, or to remand it for a new hearing, either to the original decision-maker or a new board. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new board will be constituted to reconsider the matter, which can, in turn, be appealed once. Full re-hearings by the Appeal Review Board are not permitted. The Appeal Review Board must limit its review to the challenges presented.



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