

## **ARTICLE X: STUDENT POLICIES AND PROCEDURES**

### **Section 2. Policy on Student Conduct**

#### **Policy 2.1: Grievance Procedures**

Revised: May, 2015

#### **The Judicial Hearing Process for Academic Misconduct, Non Academic Misconduct and Sexually Related Offenses**

Chicago State University (CSU) is a public, comprehensive university that provides access to higher education for students of diverse backgrounds and educational needs. The University fosters the intellectual development and success of its student population through a rigorous, positive, and transformative educational experience. The CSU community engages in open discussion, free discourse, spirited debate and peaceful dissent. Free inquiry is indispensable to the purposes of the University and should be protected as a matter of academic freedom within the institution. Accordingly, conditions must exist which allow and encourage this freedom for all students. No student or group of students, regardless of moral impetus, sincerity or conviction, has the right to limit or abrogate this freedom or prevent the peaceful and lawful pursuits of other students. Therefore, the University has an inherent right to require cooperation of its members in the performance of educational functions and to take appropriate action when the conduct and behavior of members impede or obstruct the achievement of its educational objectives or threatens the security of the institution and community members. The very nature of the University as an educational community requires that both the standards of student conduct and the judicial procedures by which such conduct is maintained be reasonable, equitable and fair. To protect students from enforcement of arbitrary or capricious rules or/and regulations, reasonable and realistic standards of conduct have been formulated which clearly informs students of University policy and expected student conduct. The student judicial process is essential to meeting one of the University's highest priorities, safeguarding the student's right to due process.

The student judicial process is a process whereby complaints of student misconduct are submitted, processed, reviewed for merit and adjudicated. This procedure can accommodate charges involving both academic misconduct and non-academic misconduct. Unlike the criminal/civil court system, the Judicial Hearing serves administrative and educative functions relating to the mission of the University.

Any member of the CSU community (faculty, student, staff, alumni or vendor) can file a complaint against a student. The disciplinary procedure can also accommodate complaints filed by individuals who are not affiliated with the University. Judicial action may also be taken

against a student who is charged with an off-campus violation of federal, state or local laws or of off-campus conduct that adversely affects the University and/or the pursuit of its objectives.

During the hearing, both parties may present evidence, produce witnesses and ask questions. The alleged offender is not required to answer questions but may choose to do so. The decisions rendered through the judicial process are independent from other decisions made by a civil or criminal court.

Inquiries regarding initiating a complaint should be directed to the Office of Judicial Affairs.

### **ACTS OF ACADEMIC MISCONDUCT**

Academic Misconduct is defined as, but not limited to, the receipt or transmission of unauthorized aid on assignments or examinations, plagiarism, unauthorized use of examination materials, encouraging academic dishonesty or other forms of dishonesty in academic matters.

At Chicago State University, students are responsible for the honest completion and representation of their work, for the appropriate citation of sources and for the respect of other's academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions. Academic misconduct is an offense against the University. Nothing herein is intended to or shall be construed to limit or restrict students' rights. However, in order to prevent abuse of the rights of others and to maintain public order appropriate to the University, students may be subjected to disciplinary action.

A student is subject to University discipline for participating or conspiring in the following acts of academic misconduct:

1. Cheating: Use or attempted use of any unauthorized assistance in taking an exam, test, quiz or other assignment (University, state and/or national assessment exams are included).
2. Encouraging Academic Dishonesty: Knowingly helping or attempting to persuade and/or influence another to violate the University's rules, policies and regulations governing academic integrity.
3. Fabrication: Falsification or design of any material or excerpt in an academic assignment or exercise.
4. Plagiarism: Appropriation or imitation of the literary composition of another and representing the piece as one's own product. Included is paraphrasing another's ideas or conclusions without proper acknowledgement, inserting entire paragraphs, chapters, submission as one's own work prepared by another person or agency. Submitting or attempting to submit any written work authored, in whole or in part, by someone other than the submitting student (Language, ideas and thoughts of another are included).

5. Bribes, Favors, Threats: Bribing or attempting to bribe, promising favors to or making threats against any person with the intention of affecting a grade or evaluation of academic performance.
6. Grade Tampering: Any unauthorized attempt to change a grade in any manner.
7. Non-original Works: Submission or attempt to submit any written work authored, in whole or in part, by someone other than the student.
8. Examination by Proxy: The taking or attempting to take an examination for another student. A violation may be charged to the student enrolled in the course or scheduled to take the exam as well as the student who took or attempted to take the exam for the enrolled student.

If a student's observed conduct or apparent behavior is such as to lead to suspicion of academic misconduct, the instructor in whose course the alleged infraction occurred may adjust the grade downward (including giving a failure mark (F) for the examination, paper, course or other course related activity in question. In such instances the faculty member shall notify the student, the Department Chairperson and/or Dean, and the Office of Judicial Affairs of the reason for such action in writing. If the facts of the incident are not disputed by the student, the faculty member may elect to resolve the matter at that level by levying a sanction no greater than a failing grade for the course.

The faculty member shall notify the student in writing whenever such action is taken and the Office of Judicial Affairs shall receive a copy of the Academic Misconduct Incident Report indicating final disposition of the case which will be placed in the student's judicial file. In all matters where the charge of academic misconduct is disputed by the student or if the faculty member believes a sanction greater than a failure in the course is appropriate, the faculty member shall refer the matter to the Office of Judicial Affairs. The faculty member shall submit the Academic Misconduct Incident Report and any other documents the faculty member believes will be useful in providing a hearing for the student.

Sanctions greater than a Failure can only be levied through the Office of Judicial Affairs.

### **ACTS OF NON ACADEMIC MISCONDUCT**

Non- academic misconduct is any act which violates the University's rules, policies and regulations, whether the act occurs on campus or at any University sponsored event off campus.

A student is subject to University discipline for participating or conspiring in, but not limited to the following acts of non-academic misconduct:

1. Furnishing false information to the University.

2. Forgery, alteration, misuse or misrepresentation of documents or records.
3. Obstruction or disruption of authorized University activities held at on or off campus grounds.
4. Physical abuse of another person or conduct which threatens or endangers another.
5. Attempted or actual theft of property, possession of stolen property or damage to property of the University, any member of the University community or a visitor to the University campus.
6. Unauthorized entrance into or use of University facilities (unauthorized entrance includes students on suspension and expulsion from the University)
7. Manufacture, delivery, sale, use, possession or distribution of controlled substances.
8. Possession, consumption or distribution of alcoholic beverages on University property or at University sponsored activities except in accordance with the University policy.
9. Lewd, obscene or disruptive conduct.
10. Racial, ethnic, gender, sexual preference, hate oriented harassment.
11. Unauthorized possession of weapons on the campus and in Residential Housing.
12. Failure to comply with the direction of any authorized University representative, acting in the performance of his/her duties.
13. All forms of hazing.
14. Aiding and abetting violation of the Student Code of Conduct and/or the Student Code of Excellence.
15. Any conduct that violates the University's Sexual Harassment and Sexual Misconduct Policy (sexual assault, stalking, dating and domestic violence, sexual exploitation and/or sexual harassment).
16. Violation of the terms of any disciplinary sanction imposed in accordance with this Policy.
17. Any behavior which causes or threatens to cause harm to students, faculty, administrators, staff, vendors and/or guest of the University.
18. Any behavior which causes or threatens to cause harm to student, faculty, administrator, staff, vendors and or guest's property on the University grounds.
19. Any behavior which creates a disruption in the classroom, housing area, cafeteria area, library area and/or on the grounds of the University or any University sponsored event, on or off the campus.
20. Violation of any federal, state or local laws.

### **1. PRELIMINARY MEETING**

When a student is formally charged with violating the University's rules, policies, and/or regulations and if the alleged conduct might result in the imposing of a disciplinary sanction, a Preliminary Meeting shall be conducted by the Office of Judicial Affairs. In the meeting a

determination shall be made as to whether sufficient facts exist as to a violation of the rules, policies and/or regulations and if further proceedings are warranted.

1.1. During the Preliminary Meeting, which occurs between the Director of Judicial Affairs (or one acting in the Director's stead) and the alleged offender, the Director will explain the protocol of the University Judicial System, advise the student of his/her rights, and answer any questions the student may have. The student shall be provided a copy of the incident report, notice of charges, a copy of the Student Judicial Code and any other pertinent information that the student has not received previously.

1.2. The Director of the Office of Judicial Affairs may later serve as the University's presenter if the case requires a formal hearing. The student shall be made aware of this role of the Director of Judicial Affairs during the initial meeting.

1.3. After the student has been provided all pertinent information, the student may elect to present his or her interpretations of the incident.

1.4. The Director will then enter a decision as to whether to proceed with the case; drop the charges against the student or adjourn the preliminary meeting pending further consultation with the complainant.

1.5. If the Director decides to drop the charges, the preliminary meeting will end; the student will receive written notification of the Director's decision.

1.6. If the Director decides to proceed with the matter, the student will receive an explanation of the pleas available within the University judicial system.

1.7. The student may then decide to enter a plea or may request a maximum of one academic day in which to plead. If more than one day is needed, the student may request additional time in which to enter the plea. The request for additional time must be submitted in writing to the Director of Judicial Affairs, indicating the reason why the additional time is necessary. This request must be submitted on the same day of the preliminary meeting or within 24 hours of the preliminary meeting. The Director will notify the student promptly if the request has been granted. If insufficient grounds are presented that additional time will assist in a substantial manner, the request shall be denied.

1.8 a. Plea of Responsible entered. If the alleged offender enters a "Responsible" plea, the Director will then assign sanctions for the offender to complete. The offender must complete all sanctions with one semester, if possible, or soon thereafter if the sanctions cannot be completed in a semester period.

1.8 b. Plea of “Responsible” entered, but sanctions are appealed. The offender may plead responsible and appeal sanctions. The appeal must be submitted to the Office of Student Affairs where the procedures as described in the “Appeals” (section 5) will be followed.

1.8c. Plea of “Not Responsible” entered. If the alleged offender enters a “Not Responsible” plea, the matter will be heard by full judicial board hearing panel.

1.8d. If the judicial panel finds that the alleged offender is responsible for the misconduct, the offender has the right to appeal. The procedures described in the “Appeals” (section 5) will be followed.

1.8e. Plea of “No Contest” entered. An alleged offender may enter a plea of “No Contest” neither admitting nor denying responsibility but instead accepting the sanctions offered by the adjudicator. This option is only available to students who are involved in either civil or criminal proceedings arising out of the same incident.

1.9. If the alleged offender fails to attend a preliminary meeting and the alleged offender has received the Notice of Charges and Notice of Preliminary meeting, either in person or through certified mail, the Director shall enter a “Not Responsible” plea on the alleged offender’s behalf and convene a full Board Hearing.

## **2. JUDICIAL HEARING**

Every student at Chicago State University shall have the right to a hearing. Except for the imposition of temporary sanctions, no judicial penalty shall be imposed upon any student without a hearing, a finding of “Responsible” or a no contest plea.

The Director shall schedule and convene a hearing with the student and person bringing the charges within fifteen (15) days following the preliminary hearing or as soon as is reasonably possible. The student and the person bringing the charge(s) will be notified in writing of the date, time and place of the scheduled hearing. The complainant and the alleged offender should be present at the hearing. Both shall have an opportunity to speak and ask questions. The hearing may proceed without the consent of either the alleged offender or the complainant. Either party may request one postponement. Such request must be in writing and received in the Office of Judicial Affairs at least forty-eight (48) hours prior to the hearing and will only be granted for good cause at the discretion of the Director of Judicial Affairs.

### Judicial Hearing Panel

The Judicial Hearing Panel shall be composed of a pool of at least sixteen (16) members; students, faculty/administration and civil service employees. All students serving as a panelist

must be in good academic standing. Five (5) members from the pool shall constitute a hearing panel. A quorum consists of at least three (3) members. The Judicial Hearing Panel shall have the authority to recommend sanctions as described in the Student Judicial Code.

### **3. JUDICIAL PROCEDURE**

The Director shall schedule and convene a hearing with the student and person bringing the charges(s) within fifteen (15) working days following the Preliminary Meeting or as soon as is reasonably possible. The hearing shall be closed. The alleged offender and the person bringing the charge(s) will be notified in writing of the date, time and place of the scheduled hearing.

3.1 The Student and the person filing the charge(s) should be present at the hearing. Both shall have an opportunity to speak and ask questions.

- a. If the alleged offender fails to appear, the Director may proceed without information from the student.
- b. If the person filing the charge(s) fails to appear, the Director may proceed without that complainant.
- c. Either party may request one postponement. Such postponement must be applied for in writing at least forty-eight (48) hours prior to the hearing and will only be granted for good cause at the discretion of the Director.

3.2 Both parties may bring an advisor to the hearing. In such instances, the Director must be provided, in writing, the name of the advisor at least forty-eight (48) hours prior to the hearing. The advisor's participation is expressly limited to offering advice to her/his respective party.

3.3 Both parties may bring witnesses to the hearing to testify on their behalf and each party may question the witnesses called by the other, as well as the panelist.

- a. The Director must be provided the name(s) of the witnesses in writing at least forty-eight (48) hours prior to the hearing,
- b. This listing must also include a short description of the information to be presented by each proposed witness.
- c. The Director may exclude witnesses if the information to be presented is repetitive or not relevant to the allegation.

3.4 If the hearing is conducted by the Judicial Hearing Panel, the following procedures will be followed:

- a. At the conclusion of the presentation of evidence, the interested parties will be excused and the Judicial Hearing Panel will conduct a closed session for deliberation.
- b. A simple majority vote of those present will decide whether the charge(s) is/are sustained or not. The Director shall only have a vote if necessary to break a tie and render a decision.
- c. This panel shall prepare and submit to the Director written findings of fact and a recommendation of its decision regarding the charge(s) and sanction(s), if applicable.
- d. The Director shall determine whether to impose the panel's recommendation or modify it.

3.5 If the decision by the panel is to sustain the charge(s), it must be based upon a preponderance of the evidence.

3.6 If the charge(s) is/are sustained, the appropriate sanction will be levied as described under Disciplinary Sanctions.

3.7 Any prior sanctions imposed on the student alleged to have committed the misconduct shall be duly noted in the recommendation or determination of any appropriate sanction(s) for subsequent sustained charges.

3.8 The Director shall notify all appropriate parties of the decision in writing within ten (10) working days or as soon as is reasonably possible thereafter.

**Please note:** It is the responsibility of each party to inform their witnesses of the date, time and place of the hearing. It also is the responsibility of each party to inform their witnesses of any changes in date, time and/or place of the hearing.

#### **4. SEXUAL MISCONDUCT/ SEXUAL ASSAULT, STALKING, DATING AND DOMESTIC VIOLENCE, SEXUAL EXPLOITATION AND SEXUAL HARASSMENT PROCESS AND PROCEDURES**

In matters where a violation of the University's Sexual Harassment and Sexual Misconduct Policy is alleged, the following procedures shall apply:

Student Rights

4.1 Student (s) accused of violations of the University's Sexual Harassment and Sexual Misconduct Policy and the accuser (s) have the following rights in the University's Judicial hearing process:

- a. All Judicial Affairs investigations and procedures will be sensitive to the rights of all concerned parties;
- b. The investigation and the resolution of the allegation will be fair, prompt and impartial.
- c. The officials conducting the investigation and hearing process shall be persons that receive annual training on the issues related to sexual misconduct in order to protect the safety of victims and promote accountability.

#### 4.2 Initiation of Judicial Affairs Proceedings

- a. All complaints alleging violation(s) of the University's Sexual Misconduct Policy shall be immediately forwarded to the Office of the Title IX Coordinator for investigation and the provision of support services for both the accused and accuser.
- b. Judicial proceedings shall be initiated upon referral by the Office of the Title IX Coordinator. The Office of the Title IX Coordinator shall investigate all complaints of violation(s) of the University's Sexual Misconduct Policy. In the event that the accused student admits to a violation of the Sexual Misconduct Policy or the investigator concludes that there are disputed issues of fact regarding whether an accused student violated the Sexual Misconduct Policy, and then it will be referred to the Office of Judicial Affairs for student disciplinary proceedings.
- c. The Office of the Title IX Coordinator shall be responsible for determining the issues of fact to be decided by the Judicial Sexual Misconduct Hearing Panel, if the matter proceeds to a full board hearing.

#### 4.3 Preliminary Meeting

- a. A Preliminary Meeting will be conducted by the Office of Judicial Affairs within five (5) Working days, or whenever reasonably possible if the accused is unavailable due to incarceration or hospitalization, of receipt of a sexual misconduct complaint.
- b. During the Preliminary Meeting, which occurs between the Director of Judicial Affairs (or one acting in the Director's stead) and the accused student, the Director will explain the protocol of the University Judicial System, advise the student of his/her rights, and answer any questions the student may have. The student shall be provided a copy of the incident report, notice of charges, a copy of the Student Judicial Code and any other pertinent information that the student has not received previously. The

student may have an advisor of his or her choosing present for the purpose of providing support and advice. The advisor may not actively participate in the meeting except to provide advice and support to the student

1. The Director of the Office of Judicial Affairs may later serve as the University's presenter if the case requires a formal hearing. The student shall be made aware of this role of the Director of Judicial Affairs during the initial meeting.
2. If the Director decides to proceed with the matter, the student will receive an explanation of the pleas available within the University judicial system.
3. The student may then decide to enter a plea or may request a maximum of one academic day in which to plead. If more than one day is needed, the student may request additional time in which to enter the plea. The request for additional time must be submitted in writing to the Director of Judicial Affairs, indicating the reason why the additional time is necessary. This request must be submitted on the same day of the preliminary meeting or within 24 hours of the preliminary meeting. The Director will notify the student promptly if the request has been granted. If insufficient grounds are presented that additional time will assist in a substantial manner, the request shall be denied.
4. Plea of Responsible entered. If the alleged offender enters a "Responsible" plea, the Director will then assign sanctions for the offender to complete. The offender must complete all sanctions within one semester, if possible, or soon thereafter if the sanctions cannot be completed in a semester period.
5. Plea of "Responsible" entered, but sanctions are appealed. The offender may plead responsible and appeal sanctions. The appeal must be submitted to the Office of Student Affairs where the procedures as described in the "Appeals" (section 5) will be followed.
6. Plea of "Not Responsible" entered. If the alleged offender enters a "Not Responsible" plea, the matter will be heard by full judicial board hearing panel.
7. If the judicial panel finds that the alleged offender is responsible for the misconduct, the offender has the right to appeal. The procedures described in the "Appeals" (section 5) will be followed.
8. Plea of "No Contest" entered. If the alleged offender pleads neither "Responsible" nor "Not Responsible" but accepts the sanctions

offered by the adjudicator. This option is available to students who are involved in either civil or criminal proceedings arising out of the same incident.

9. If the alleged offender fails to attend a preliminary meeting and the alleged offender has received the Notice of Charges and Notice of Preliminary meeting, either in person or through certified mail, the Director shall enter a “Not Responsible” plea on the alleged offender’s behalf and convene a full Board Hearing.

#### **4.4 Judicial Procedure**

- a. The Director shall schedule and convene a full board sexual misconduct hearing to adjudicate the judicial charges against the accused student within ten (10) working days following the Preliminary Meeting or as soon as is reasonably possible. The hearing shall be closed. The accused and the accuser will be notified in writing of the date, time and place of the scheduled hearing.
- b. At the discretion of the Director, and with the consent of the parties involved, in situations in which multiple students are accused of violations of this Code arising from a single incident, the hearings for all involved students may be consolidated into a single hearing.
- c. The accused student and the accuser should be present at the hearing. Both shall have an opportunity to speak and ask questions.
  1. If the accused fails to appear, the Director may proceed without information from the student.
  2. If the accuser(s) fails to appear, the Director may proceed without that complainant.
  3. If the accuser would like to participate in the hearing but is not comfortable being physically present with the accused, arrangements will be made to accommodate the accuser.
- d. Either party may request one postponement. Such postponement must be applied for in writing at least forty-eight (48) hours prior to the hearing and will only be granted for good cause at the discretion of the Director.
- e. Both parties may have one advisor present at the hearing. In such instances, the Director must be provided, in writing, the name of the advisor at least forty-eight (48) hours prior to the hearing. The advisor’s participation is expressly limited to offering advice to her/his respective party. The advisor may not participate in or be a witness in the proceedings.

f. Any information, including police reports, witness statements, statements made by the accused student and the accuser and any other information deemed to be relevant to the situation may be considered by the Director or hearing panel in the course of determining responsibility and sanctions.

g. Students are required to represent themselves during adjudication. The advisor is allowed to be present with the student; however, the advisor is not permitted to present evidence, testimony, or to cross-question witnesses. Statements made by an advisor during the hearing process will not be taken into consideration and will be considered an interruption of the process. Advisors that do not adhere to this policy will be dismissed from the hearing. The student may seek one continuance to retain a new advisor if the student desires. The hearing will proceed on the continued date with or without the advisor or the accused or the alleged victim's presence

h. Both parties may call witnesses to the hearing to testify on their behalf, and each party may question the witnesses called by the other. Board panelists may also question any witness called.

1. The Director must be provided the name of each witness in writing forty-eight (48) hours in advance of the hearing.

2. A short description of the testimony to be presented by each proposed witness must also be provided forty-eight (48) hours in advance of the hearing.

i. The Director may exclude witnesses if the information to be presented is repetitive or not relevant to the allegations.

j. The Director may place a reasonable limit on the length of time allotted for the statements or may determine that a student's statement is not relevant to the alleged allegation (s). In a case where a student's statement time is limited or a statement is disallowed for reasons of relevance, the rationale for this ruling will be communicated orally during the hearing on the record, which will become part of the student conduct hearing record.

k. Neither the accused student nor the alleged victim will be allowed to ask questions directly to the other. All questions the accused or the accuser has shall be provided to the Director, who will ask the questions for the presenting party. The alleged victim may not be questioned about his or her sexual history with any person other than the accused.

l. If the hearing is conducted by the Judicial Sexual Misconduct Hearing Panel, the following procedures will be followed:

1. The Judicial Sexual Misconduct Hearing Panel shall be composed of panelists who have received training regarding the University's sexual misconduct disciplinary proceedings on an annual basis.

2. The Director shall present to the Hearing Panel, in written format, the issues of fact to be decided by the Panel. The issues of fact to be decided by the Panel shall be determined by the Office of the Title IX Coordinator.

3. The Director shall advise the Hearing Panel that all determinations made by the Panel must be based upon a preponderance of the evidence. Preponderance of the evidence requires panelists to evaluate whether it is "more likely than not" that the accused student is responsible for the conduct violation(s).

4. At the conclusion of the presentation of evidence, the interested parties will be excused and the Judicial Hearing Panel will conduct a closed session for deliberation.

5. A simple majority vote of those present will decide whether the charge(s) is/are sustained or not. The Director shall only have a vote if necessary to break a tie and render a decision.

6. The panel shall prepare and submit to the Director written findings of fact and a recommendation of its decision regarding the charge(s) and sanction(s), if applicable.

7. If the charge(s) is/are sustained, the appropriate sanction will be levied as described under Disciplinary Sanctions.

8. Any prior sanctions imposed on the student alleged to have committed the misconduct shall be duly noted in the recommendation or determination of any appropriate sanction(s) for subsequent sustained charges.

9. The Director shall notify all appropriate parties of the decision in writing within three (3) working days or as soon as is reasonably possible thereafter.

10. The notification of outcome to the accused student and the alleged victim will notify the students of both the finding of the adjudication and any sanctions which have been imposed as well as the required completion or due date of each sanction. In situations in which multiple students are accused of one or more violations of the Student Code of Conduct related to a single incident, the outcome of adjudication may be communicated within three (3) working days of the date of the hearing for the last student alleged to have been involved.

11. Both the accused student and the accuser have the right to file an appeal of the finding and/or the sanctions imposed in accordance with the Appeals procedure outlined in the

Student Code of Conduct. The accuser must indicate the basis for appeal. The final disposition may be reviewed on appeal upon the following bases: (1) that the disposition was against the manifest weight of the evidence, (2) procedural error, (3) new or newly discovered evidence.

12. The Office of Judicial Affairs and the Office of the Title IX Coordinator will make every effort to ensure that complaints of sexual misconduct violations are adjudicated within sixty (60) days of the initial complaint.

The hearing will be closed to the public. The only persons which may be present for the entire proceeding are the Director of Judicial Affairs (hereafter referred to as the Director), the hearing panel (if a panel is convened), the accused student, the accused student's advisor, the alleged victim, the alleged victim's advisor and the record keeper. At the request of the accused student, the alleged victim, or on the determination of the Director, any statements to be made by the accused student or alleged victim may be taken at a different time or location than the time and location of the hearing.

14. All evidence will be judged by the Preponderance of the Evidence.

15. Following the hearing, the Director will communicate the outcome of the hearing in writing to the accused student and the alleged victim concurrently within five Working days of the date of the hearing. The notification of outcome to the accused student and the alleged victim will notify the students of both the finding of the adjudication and any sanctions which have been imposed as well as the required completion or due date of each sanction. In situations in which multiple students are accused of one or more violations of the Student Code of Conduct related to a single incident, the outcome of adjudication may be communicated within five Working days of the date of the hearing for the last student alleged to have been involved.

## **5 Appeal Process**

5.1 The student who has a sustained charge (s) may appeal the Judicial Hearing Officer's decision by filing a written Petition to Appeal with the Dean of Students within five (5) working days following the notification of the disciplinary sanction. Students who sustain a charge (s) of Sexual Misconduct may file their Petition to Appeal with the Office of Academic Affairs. Failure to request an appeal in a timely manner or failure to appear at the appeal hearing without prior authorization or continuance constitutes a waiver of appeal. The disciplinary sanction shall be implemented when the student has waived the option to appear or when the appeal process has expired. In the event the position of Dean of Students is vacant or a conflict arises, the appeal shall be forwarded to the Vice President of Academic Affairs who will exercise the

responsibilities of the Dean of Students in the Appeals process (or appoint another to act in the Vice President's stead). The Dean of Students shall review the Petition and determine whether a meritorious ground for the Appeal exists. If a determination is made that petition does not state the appropriate grounds, the Petition shall be denied and the Judicial Hearing Officer's decision shall be final. All ordered sanctions shall be implemented. If appropriate grounds are set forth in the Petition, the Dean of Students shall convene an appeals committee of 3 to 7 persons to hear the appeal. All members of the appeals panel hearing appeals involving a violation of the University's Sexual Misconduct Policy shall be trained annually on adjudicating such matters.

5.2 The student shall submit the Petition for Appeal and an accompanying statement specifying the grounds for the appeal and setting forth in detail the facts upon which the appeal is based. Appeals are not meant to be a rehearing of the case but a review of the disciplinary proceedings. The burden of proof shifts to the sanctioned student in the appeals process. The student is responsible for setting forth in the petition any or all grounds for appeal; for submitting with the application for appeal any and all applicable documents to support the validity of the merits for the appeal. The burden of proof is a preponderance of the evidence. The issues to be reviewed on appeal shall be limited to whether:

- A. There was a procedural error which substantially affected the outcome of the hearing;
- B. There was no evidence in the record which supported the finding that the violation of the Student Code of Conduct occurred;
- C. There is new or newly discovered evidence which may substantially affect the outcome of the hearing which was not known at the time of the hearing; or
- D. The imposed sanction was excessively severe for the committed violation.

Petitions which do not constitute grounds for appeals are when a student:

- A. Claims a Charge and/or Notification Letter was not received when sent to the last known address and/or email on University records;
- B. Never received advanced notice of a Formal Judicial Hearing Letter sent to the last known address and/or email on University records;
- C. Never received a Notice of Disciplinary Action Letter sent to the last known address and/or email on University records;
- D. Was not able to explain his/her position when the record reflects the student was disruptive in the Judicial Hearing and was requested to remain civil or to refrain from being repetitive;

- E. Failed to adhere to the University’s protocols during the judicial hearing;
- F. Failed to file an appeal petition within the requisite time;
- G. Failed to submit a letter that justified the grounds for the appeal petition;
- H. Failed to appear at a scheduled Appeal Session as notified and did not request a continuance;
- I. The appeal was dismissed because the student failed to appear at the scheduled hearing;
- J. Failed to present all evidence at the original hearing, failed to provide additional testimony of witnesses who were present when the alleged incident occurred at the original hearing (all witness providing testimony must have first-hand knowledge of the incident),
- K. Failed to provide supporting documentation to substantiate the sanctioned student’s arguments either at the original hearing or at the Appeals Session before the Appeals Committee;
- L. Admitted responsibility for any/all violations assessed under the Student Conduct Code, Housing and Residence Hall Rules or any other applicable policy pertaining to regulation of student misconduct;
- M. Claims of discrimination to dispute a hearing outcome when the record does not evidence discrimination occurred;
- N. Claims of violation of rights because the student’s advisor was asked to leave the hearing for being unruly or actively participating in the hearing.
- O. Claims of double-jeopardy when the sanctioned student faced “criminal” charges within state, federal or municipal court systems concurrent with the University proceedings which is designed to ascertain whether the student’s conduct violated the University’s Code of Conduct and/or educational mission;
- P. Deviated from designated University regulations during the Judicial proceedings, or failed to conduct oneself in a civil manner during either the original hearing or the appeal; and
- Q. Disagree with the University’s judicial system, expectations of conduct, final disposition or any/all imposed conditions of sanctions.

5.3 The Appeals Committee shall consider the record of the hearing together with any written material in the file. In instances where the appeal is based on the excessive severity of the sanction for the committed violation, the Appeals Committee may also consider any prior judicial contact that the sanctioned student has had. Decisions are rendered by majority vote of the Committee hearing the appeal and all evidence shall be judged by the Preponderance of the Evidence standard.

- 5.4 The Appeals Committee may modify or affirm the disciplinary sanction.
- 5.5 The Appeals Committee shall notify the involved parties in writing of the results of the appeal within ten working days of receipt of the appeal or as soon as is reasonable possible.
- 5.6 Each party shall have the right to one (1) appeal.
- 5.6 After the right to appeal is exhausted, the Appeals Committee's decision shall be final.

NOTE: ALL SANCTIONS REMAIN IN EFFECT DURING THE APPEAL PROCESS.

## 6. DISCIPLINARY SANCTIONS

### Sanctions

Sanctions should relate to the character of the offense with further consideration given to the possibility of the wider effect of the offense on the University community. When possible, sanctions will be given for a particular offense as established by previous decisions in similar cases. The sanctions are not inclusive but merely serve as guidelines. The sanctions are listed in reasonable order of severity and may be levied in any combination.

Whenever a sanction is levied against a student for a violation of the Student Code of Conduct, an encumbrance will automatically be placed on the student's record. The student cannot register for classes or receive his/her CSU transcription until the conditions for the sanction has been satisfied and the encumbrance removed from the record.

Notwithstanding the list of Sanctions below, for matters involving Sexual Assault, Suspension and Expulsion are the available sanctions.

- A. Academic Penalties – Upon a finding that academic misconduct occurred, the instructor may impose a reduced or failing grade for the assignment or course in addition to any judicial sanctions imposed. Academic misconduct may also affect a student's continuation in certain degree programs.
- B. Verbal Warning: an oral warning to the student that the student has violated the Student Code of Conduct and/or Code of Excellence.
- C. Disciplinary Warning: A letter of reprimand indicated that any future violation of the Student Judicial Code of Conduct will subject the student to further judicial proceedings in which the original violation will be considered when determining the sanctions to be imposed on future findings of responsibility.

- D. Work Assignment/Community Service:** A contractual agreement between Judicial Hearing Officer and the student to fulfill the requirements of an available assignment. Failure to complete the assignment satisfactorily will result in an encumbrance upon the student's academic records. The encumbrance will remain in a student's record until the work assignment is completed.
- E. Fines:** A sum imposed as punishment for an offense. The amount of the fine may not be less than \$5.00 or more than \$100.00. The amount of the fine being imposed is at the discretion of the Judicial Hearing Officer or the Judicial Hearing Committee. The sanctioned student is billed by the Bursar's Office for the sum of the fine, and the student shall pay the fine within 30 days. Failure to pay a fine will prevent the student from obtaining transcripts and registering for classes; however, if the student's financial position hinders the direct payment of the fine, and with the concurrence of the Judicial Officer, the student may substitute a work assignment.
- F. Restitution:** Payment for damage to an individual's or the University's property. The dollar amount is determined by the cost of materials to repair the item damaged, including any labor needed to replace or restore the item. The Student will be responsible for payment of charges assessed within 30 days after receipt of a bill.
- G. Probation:** A strong formal warning which defines a student's status for a specific period of time. If a student violates any other rules and regulations within the jurisdiction of the judicial system while under University Disciplinary Probation, that student will be subject to further disciplinary proceedings. If a student is found responsible for the new violation, a more severe sanction may be imposed than would normally have been imposed for the new violation alone.
- H. Suspension:** The loss of student status for a specified length of time, not to exceed two years, with resultant loss of all student rights and privileges. Any student sanctioned with suspension is prohibited from being on campus, participating in any University sanctioned activities whether on campus or on an offsite location, using the library, attending classes, participating in elections or appointed positions. Any student re-admitted after a suspension may be denied housing in residence hall indefinitely depending on the severity of the violation.
- I. Suspension from Residence Hall:** A student who is removed from the residence hall as the result of this sanction shall be required to pay the full room and board charges pursuant to his existing housing agreement entered in to with the University.
- J. Expulsion – Termination of student status with resultant permanent loss of all student rights and privileges.** This sanction shall be employed when the violation or actions threatens the safety, health and /or welfare of any CSU member.
- K. Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of University

Standard in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- L.** Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the judicial hearing process, including the completion of all sanctions imposed, if any.
- M.** No Contact Orders between the parties- The parties shall not communicate with each other in person, by phone, text, social media or by a 3<sup>rd</sup> party.
- N.** Drug and/or Alcohol evaluation: The student must make an appointment with the Counseling Center and obtain a drug and alcohol assessment, following all treatment plans recommended by the Counseling Center.
- O.** Any combination of the above-

\*\* Temporary Sanctions may be imposed by the Dean of Students before a Judicial Hearing or before an admission of responsibility (for a limited duration). Temporary sanctions are imposed in cases of allegations pertaining to acts of serious misconduct. The Director of Housing and Residence Life may impose temporary sanctions for violations related to the Residence Hall.

### **GLOSSARY OF TERMS**

Accused Student – any student or students who have had disciplinary charges filed against them

Adjudicator – The person who makes a determination on a controversy and pronounces judgment based on the evidence presented

Advisor- Any person selected by the student whether faculty, staff, student or non-university individual to advise the alleged offender. Advisors cannot be an active participant in the hearing.

Against the Manifest Weight of the Evidence- an evidentiary standard permitting a new hearing after a determination of the matter has been rendered because the determination, though based on legally sufficient evidence, appears to be unsupported by the substantial credible evidence.

Appeal- An administrative review of a disciplinary decision regarding violations of the Student Code of Conduct or the sanctions imposed after a disciplinary proceeding in which the responsible student files. An appeal is not a rehearing but a procedural safeguard.

Appellate Officer – The Dean of Students, The Vice- President of Enrollment Management or any persons acting in the capacity of either at the time the appeal is filed. If neither position is filled, the Provost acts in the capacity

Burden Of Proof – The level of evidence necessary to make a determination of responsibility

Code – The Student Code of Conduct at Chicago State University

Complaint – The charge against a student setting out the facts upon which the claim for relief is based. The accusation made by one against another to the Office of Judicial Affairs.

Complainant - (aggrieved party) any person or persons who have filed disciplinary charges against a student

Evidence – The means by which any alleged matter of fact is established or disproved

Expulsion from the University –Expulsion is the termination of student status with resultant permanent loss of all student rights and privileges. The expelled person is prohibited from appearing on the grounds or attending any University sponsored program on campus or off campus. The expelled person may, however, enter the grounds for reasons which involved their personal academic record. The person may only visit the Bursar’s Office, the Financial Aid Office and/or the Registrar’s Office. The Person must have prior authorization from the Office of Judicial Affairs before arrival on campus and must contact the University Police Department for a police escort during their visit on campus. This sanction shall be employed when the violation or actions threatens the safety, health and /or welfare of any CSU member.

Incident Report – the written form that is submitted to the Office of Judicial Affairs to commence a judicial inquiry into an alleged act of misconduct

Judicial Hearing Officer – Director of Judicial Affairs or designee

Judicial Hearing Panel – 3 or more person, having been trained in listening to evidence, evaluating the evidence and renders a decision as to responsible or not responsible for the accused person during a full board hearing.

Judicial Hold – an electronic notation that is placed on a student’s academic record until the judicial process, including sanctions, has been completed. This hold prevents students from registering or receiving transcripts

Mediation – a method of settling disputes outside of the formal hearing process

Preponderance of the Evidence – A general standard of proof where, based on the presented evidence, it is more likely than not that the misconduct occurred.

Sanction – a measure imposed as a result of violating the Student Code of Conduct

Student – persons taking courses at or through the University, both full-time and part-time, pursuing undergraduate, graduate or doctoral degrees

Student Club/Organization – A registered club/organization is a group of 3 or more students who have successfully completed the Student Activities "Recognition Packet," received approval from the Department of Student Activities and attended the Annual Leadership Retreat. To remain an active club/organization they must complete monthly reports, attend monthly meetings and implement campus programming.

Temporary Sanction – A sanction imposed before a Judicial Hearing, or before an admission of responsibility (for a limited duration). Temporary sanctions are imposed in cases of allegations pertaining to acts of serious misconduct. The Director of Housing and Residence Life may impose temporary sanctions for violations to the Residence Hall

Witness – Any person who gives evidence in a case being heard before a judicial body

Working Days – Calendar days in which the University is open and conducting business (Monday through Friday, excluding holidays)

University – Chicago State University

University Official – any person, including faculty members, employed by the University performing assigned administrative duties or professional responsibilities

University premises – all land, building, facilities or other property in the possession of, owned, used or controlled by the University, including adjacent streets and sidewalks.

University property – any item of value to which the University has and asserts legal possession and/or title over.

## Counseling Services

### On Campus

Chicago State University  
Counseling Center  
9501 South King Drive  
Student Union Building  
Room 190  
Chicago, Illinois  
773 995-2496

### Community Mental Health Centers

Metropolitan Family Services

3062 East 91<sup>st</sup> Street  
Chicago, Illinois  
773 371-2900

Christ Advocate Hospital  
4440 West 95<sup>th</sup> Street  
Oak Lawn, Illinois  
708 684-5850

Greater Grand Mental Health Center  
4314 South Cottage Grove  
Chicago, Illinois  
312 747-0036

Roseland Mental Health Center  
200 East 115<sup>th</sup> Street  
Chicago, Illinois  
312 747-7320

