

# Eastern Illinois University

## Student Conduct Code

Effective Fall Semester, 2000 – reprinted Fall Semester, 2004

“Teaching tolerance, global understanding, ethical behavior, and the great traditions of democracy remain central to Eastern's mission. Eastern's men and women will be prepared to lead, to inspire, and to continue a life of learning.” --From the University's vision statement

Attendance at a tax-supported institution of higher education is not compulsory. It is optional and voluntary. By voluntary attendance at such an institution, the *student* assumes obligations for performance and behavior reasonably imposed by the institution, and which are relevant to its lawful missions, processes, and functions. The obligations are much higher than those imposed on all citizens by the civil and criminal law, and the institution may discipline *students* to secure compliance with these higher obligations as a teaching method or to remove the *student* from the academic community.

Eastern Illinois University is an academic community in which learning and scholarship flourish. While members of this community contribute a diverse mix of ideas and backgrounds, we hold in common those standards of conduct which exemplify personal integrity and ethical behavior and which advance the mission of the University, its traditions and values. Upon enrollment at Eastern Illinois University, every *student* is held to the standards of conduct contained in this code.

### 1. Standards of Student Conduct

*Words defined in this section are in italics.*

#### **Standard I. Eastern students observe the highest principles of academic integrity and support a campus environment conducive to scholarship.**

Violations of this standard:

- a. Conduct in subversion of academic standards, such as cheating on examinations, *plagiarism*, collusion, misrepresentation or falsification of data.
- b. Theft or the unauthorized possession of examinations; alteration, theft, or destruction of the academic work of others, or academic records, library materials, laboratory materials, or other University equipment or property related to instructional matters or research.
- c. Submitting work previously presented in another course unless specifically permitted by the instructor.
- d. Conduct which disrupts the academic environment; disruption in classes, faculty offices, academic buildings, or computer facilities.
- e. *Complicity* with others in violations of this standard.

#### **Standard II. Eastern students respect the health, safety, welfare and rights of all persons.**

Violations of this standard:

- a. Threatened, attempted or actual physical harm, or other conduct that threatens the health or safety of the *student* himself/herself or any other person.
- b. Intimidation, *stalking*, harassment, coercion, verbal abuse, or any other conduct which has a direct and substantial disruptive influence on the life or educational endeavors of any person.
- c. *Sexual misconduct*.
- d. Conduct which is lewd, indecent, obscene, or disorderly.
- e. *Incapacitation* due to the abuse of alcohol or a controlled or other intoxicating substance, or appearing in a public place manifestly under the influence of such, particularly when there is danger to self, others, or property or there is unreasonable annoyance to others.
- f. Making, possessing, or using any *controlled substances* or paraphernalia or providing them to other persons.
- g. Possessing or using alcohol if underage, or providing it to those who are underage.
- h. The unauthorized possession or use of firearms, ammunition, explosives, fireworks, or devices classified as weapons by state statute; the use of instruments which simulate such items in acts which threaten or alarm others.
- i. *Hazing*.
- j. The intentional false report of a bomb, fire, or other emergency, or the unauthorized alteration or misuse of any fire alarm, firefighting equipment, safety or other emergency device.
- k. *Complicity* with others in violations of this standard.

### **Standard III. Eastern students respect the property of others, and the property, facilities, and resources of the University.**

Violations of this standard:

- a. The unauthorized possession, taking, use, destruction, or defacing of University, private, or public property.
- b. Forcible or unauthorized entry onto any property or into any building structure, facility, room, or motor vehicle of the University or of any members of the University community or its guests.
- c. Violation of the Booth Library Users Code of Conduct. [The Booth Library Users Code of Conduct is at <http://www.eiu.edu/~booth/pub/conduct.htm>]
- d. Misuse or abuse of University computers, network access, related equipment, telephones, telecommunications, or laboratory equipment.
- e. Violations of the University's computer Acceptable Use Policy. [The Acceptable Use Policy can be found at <http://www.eiu.edu/~infotech/Policy/policy.php>]
- f. Repeated or willful failure to meet financial obligations to the University.
- g. *Complicity* with others in violations of this standard.

### **Standard IV. Eastern students comply with the policies, procedures, and academic programs of the University.**

Violations of this standard:

- a. Conduct which by itself, or in conjunction with the conduct of others, disrupts, or impairs the carrying on of normal University functions.
- b. Refusal to cooperate with or failure to carry out the reasonable directive, written or verbal, of faculty or staff members acting in the performance of their duties.
- c. Misrepresenting or falsifying any University record, forms or procedure; making knowingly false oral or written statements to any University official.
- d. Violations by *students* and/or their guests of policies governing University housing facilities in which they reside or visit, or dining facilities. [Policies governing residential facilities are available in the Housing & Dining Services Handbook and at <http://www.eiu.edu/~housing/text/reslife.html>].
- e. Misuse of skateboards, skates, or bicycles in violation of University policy. [The policy regarding those items is at <http://www.eiu.edu/~auditing/IGP/policy160.html>]
- f. Failure to satisfy the terms of a disciplinary sanction.
- g. Possessing alcohol on campus except as permitted by University policy. [The policies on the use and possession of alcohol on campus are at <http://www.eiu.edu/~auditing/IGP/policy152.html> and <http://www.eiu.edu/~auditing/IGP/policy153.html>]
- h. Violation of building hours or usage policies; smoking in locations other than where permitted.
- i. Failure to show a Panther card, key, or other requested identification when requested to do so by faculty or staff members acting in the performance of their duties.
- j. Unauthorized possession, use, transfer, or alteration of a state or University identification card, Panther card, key, key card, personal identification number, or password.
- k. Failure to have a current local and permanent address on file with the University.
- l. Unauthorized solicitation or canvassing.
- m. Gambling, if not permissible by law and campus policy.
- n. Posting on University property without permission or in unauthorized locations.
- o. Violating study abroad or domestic study travel program standards or policies.
- p. *Complicity* with others in violations of this standard.
- q. Providing false testimony at a disciplinary hearing or disregarding disciplinary procedures.

### **Standard V. Eastern students uphold the mission of the University by being responsible citizens.**

Violations of this standard:

- a. Ongoing disruption to the peace of the local community or to the campus as evidenced by more than one ordinance or misdemeanor conviction related to noise, alcohol, marijuana or controlled substances, disorderly conduct, or nuisances.
- b. Conduct which poses a hazard to the community or to the campus, such as assault, driving under the influence of drugs or alcohol, or riotous conduct.
- c. Egregious or flagrant instances of conduct in the community or on campus which violates the Student Conduct Code and/or is prohibited by statute or local ordinance.
- d. Felonious conduct, regardless of where it occurs.
- e. *Complicity* with others in violations of this standard.
- f. The University will consider as an aggravating factor in determining sanctions, any violation of law or of this code in which the accused student intentionally selected the person or target of the violation based on gender, race, religion, color, disability, sexual orientation, national origin, or ancestry.

#### **Definitions:**

**Complicity** is being present during the planning or commission of any violation of the Student Conduct Code in such a way as to condone, support, or encourage that violation. *Students* who anticipate or observe a violation of the Student Conduct Code are expected to remove themselves from association or participation and are

encouraged to report the violation.

**Controlled substances** are any substances prohibited by the Cannabis Control Act, the Controlled Substances Act, or any state statute, or any Federal statute or regulation.

**Hazing** is any act or situation on or off campus, initiated, planned, sanctioned, or joined in by one or more persons associated with an athletic team or student organization, causing embarrassment, harassment, or ridicule to, or which involves participation in a Code violation or an illegal act by, or which causes or places in danger of causing physical or mental harm to, any member or any *student* seeking membership or affiliation. *Examples of hazing are in the Registered Student Organizations Handbook, and at [www.eiu.edu/~stdtlife/hbook.htm#9policy](http://www.eiu.edu/~stdtlife/hbook.htm#9policy)*

**Incapacitation** is the impairment of one's faculties where physical or mental control is markedly diminished.

**Plagiarism** is the use, without adequate attribution, of another person's words or thoughts as if they were ones' own.

**Sexual misconduct** is any physical act of a sexual nature, committed under duress or by force, or without the consent (a freely given, knowing agreement) of the individuals involved. Consent is deemed incapable of being given if the person's physical and/or mental control is markedly diminished as the result of alcohol, other drugs, illness, injury, or any other reason.

**Stalking** is to willfully, maliciously, and repeatedly engage in conduct directed at a specific person which would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested.

**Student** means any person registered for and/or taking courses at or through the University, both full-time and part-time, or one accepted for enrollment. Persons who are not enrolled for a particular academic term but who have a continuing relationship with the University are also considered students. Also subject to the behavioral standards of this Code are those students from other post-secondary institutions who may be housed on the campus. The University reserves jurisdiction to adjudicate an allegation of a Student Conduct Code violation, including significant academic fraud, occurring during a student's enrollment which may arise subsequent to a student's leaving or graduation from the University.

## 2. Jurisdiction

This Code applies to student conduct which occurs on campus, off campus at University events or at functions by University organizations, or elsewhere when the nature of the alleged misconduct, as determined by the Vice President for Student Affairs or designee, adversely affects the University, including its reputation with its constituents and the local community, or the pursuit of its mission, or which otherwise indicates that the student may pose a danger to the academic community.

The University reserves the right to deny admission or readmission to any person because of previous misconduct which may substantially affect the interest of the University, or to admit or readmit such persons in an appropriate disciplinary status. The University reserves the right to change these behavioral standards and disciplinary procedures at any time upon general notice to the University community.

## 3. Registered Student Organizations

Resolution of allegations of Conduct Code violations by registered student organizations may be delegated to the Student Life Office for investigation and resolution. When so delegated, the Director of Student Life will provide a hearing to determine whether the organization is in violation and, if so, whether recognition should be withdrawn by the University or lesser sanctions imposed on the organization. Hearing procedures applying to organizations need not parallel those accorded by this Code to individual students. Members of Registered Student Organizations may be held accountable for individual violations of this Code in addition to sanctions imposed on the organization.

## 4. Authority for the administration of this Code

The Vice President for Student Affairs is responsible to the President for the administration of this Code. The primary assistant to the VPSA for matters of student conduct is the Director of Judicial Affairs, to whom the administration of this Code and the disciplinary system is normally delegated. The Vice President retains authority to appoint or dismiss hearing officers, advisors, board, or panel members as may be needed. Decisions of hearing officers or boards are recommendations to the Vice President for Student Affairs. With the exception of recommendations for suspension or expulsion, the Vice President will not normally review a hearing decision in the absence of an appeal from the accused student, or a request from the Director of Judicial Affairs. Any question of interpretation regarding the Student Conduct Code shall be referred to the VPSA or designee for final determination.

## **5. The University Judicial Board**

The Vice President for Student Affairs (VPSA) shall appoint a University Judicial Board from among current students, faculty, and staff members to provide a sufficient pool of qualified persons to serve on hearing panels. Board members shall also serve as resource persons for the advocacy of the Student Conduct Code, and for evaluating the effectiveness of the Code, the Judicial Affairs Office, and the student disciplinary system.

The VPSA shall appoint student, faculty, and staff representatives to the University Judicial Board to comprise a pool of qualified members sufficient to fulfill their responsibilities. The normal complement will be twelve students appointed from nominations by the Student Senate, twelve faculty members from nominations by the Faculty Senate, and six administrative/professional members appointed directly by the VPSA. Appointments are normally for two-year terms, with half of the Board being appointed in alternate years. The VPSA shall determine qualifications for appointment and eligibility for continued service on the Board.

## **6. University conduct standards and violations of law**

Student Conduct Code disciplinary proceedings may be instituted without regard to the pendency of civil litigation or criminal arrest and prosecution arising from the same factual situation. Disciplinary action may, but need not, be deferred, at the discretion of the VPSA or designee, until after civil or criminal proceedings have been completed, reduced, or dismissed.

## **7. Allegations of Code violations**

The Director of Judicial Affairs, or designee, will determine if there is reasonable cause to believe that a violation of the Student Conduct Code occurred and, if so, how such allegations are to be resolved in accordance with the provisions of this Code. Staff members to whom informal resolution of cases may be referred will normally include Judicial Advisors or interns, Area Coordinators and Resident or Associate Resident Directors in the case of violations occurring in on-campus housing, the Director of Student Life in the case of a Registered Student Organization, and faculty members in the case of academic misconduct occurring in their classes.

Students charged with Conduct Code violations are required to meet with the designated staff person to facilitate the resolution of the allegation. Failure to meet with the designated staff person may result in an additional charge of violating Standard IV(f) of this code. Registration for subsequent terms or the conferral of academic degrees may be withheld pending the resolution of allegations of student misconduct.

## **8. Resolution in lieu of a hearing**

In lieu of a formal hearing, the Director of Judicial Affairs, or such other University staff members as may be authorized to informally resolve alleged misconduct, may confer with the student to obtain his or her response to the alleged misconduct and to determine whether the allegations have merit and if they may be resolved by mutual consent of the student charged and the staff member.

## **9. Hearings**

The accused student may request, or the Director of Judicial Affairs may require, that the allegation be resolved at a formal hearing provided by a hearing officer, or by a panel of the University Judicial Board. The Director of Judicial Affairs shall consider the preference of the accused student, the nature of the allegation, and the availability of panel members when assigning the case for an individual or panel hearing. The Director may appoint him/herself as the case hearing officer, or such other person as may be designated by the Vice President for Student Affairs to conduct hearings. Hearing panels will be selected by the Director or designee from qualified members of the University Judicial Board. In the absence of a request by the accused student for a smaller panel, it will be scheduled with at least five but not more than seven members.

Panels hearing allegations of misconduct occurring in University housing will consist solely of student members for cases in which the sanctions considered for imposition will not include separation from the University. All other panels of five or more must include at least two students and at least one faculty member. Panels of three or four must have at least one student and one faculty member. The Director of Judicial Affairs, or designee, shall serve as the presiding officer and advisor to the Board at panel hearings and, as such, shall be a full non-voting participant.

The hearing officer, or the advisor to the Board, may establish a format consistent with this Code for the conduct of the hearing in a fair and reasonable manner. In cases involving more than one accused student, the Director of Judicial Affairs or designee will determine if hearings or conferences concerning each student will be

conducted jointly or separately.

**Notice**—The accused student shall have not less than a 48-hour notice, in writing, prior to the hearing. Notice shall be considered received upon delivery to the student in person, or by delivery by U.S. mail, campus mail, or courier, to the student's current local address as maintained by the University, or to the student's permanent address if no local address is on file. Notice by courier will be considered delivered if placed under the door of the student's local address or given to a roommate at that address. Failure by the student to have his or her current local address on record with the University shall not be construed to invalidate proper notice. The student may waive the notice required in consideration of a more immediate disposition of the case. A continuance will be considered if just cause for delay can be substantiated. The written notice shall include:

- a. The time and place of the hearing.
- b. The University conduct standard(s) alleged to have been violated, and sufficient details of the complaint for the basis of the allegation to be understood.
- c. A statement of the respondent student's rights as stated in this section of the Code.
- d. The name of the person(s), group, or University office filing the charges.

Should the accused student choose not to appear, the hearing will be held in the student's absence. No recommendation for the imposition of sanctions will be based solely upon the failure of the accused student to answer questions or to appear at the hearing.

**Participants**—The hearing will be closed to all except the parties to the proceedings unless the accused student requests, and the hearing officer or panel approves that the hearing be open generally, or to specified other parties.

The accused student may be accompanied by an advisor of choice, and an additional family member if so desired. The advisor or family member may attend the hearing with the student to counsel him/her, but not act as spokesman or vocal advocate. The accused student and advisor or family member may be present during the entire time of the hearing, except during the deliberations of a hearing panel.

A witness who is the purported victim of a student's alleged misconduct may be accompanied by a support person of their choosing, and an additional family member if so desired. They may counsel and assist him/her, but not act as spokesman or vocal advocate.

The hearing officer or panel may exclude from advising or accompanying the accused student or victim any person who will be called as a witness. If the accused student or other parties to the allegation are unable to locate or receive compliance from any member of the University community asked to testify, he/she may seek the assistance of the Judicial Affairs Office; however, the University will not compel the person to testify against his or her will.

**Evidence**—Both the accused student and the complaining parties may present evidence, including witnesses and written statements. The hearing officer or panel will determine the format of the hearing, and the admissibility of witnesses or written statements, and may elect not to hear such testimony if deemed redundant or irrelevant. The accused student is not required to answer questions of an incriminating nature.

The hearing officer or panel retains authority to question witnesses and parties to the alleged violations and will determine the appropriateness of questions posed by the parties.

**Decision**—Determination of violations shall be made based on the preponderance of evidence. Decisions by hearing panels shall be by majority vote. The hearing officer or panel shall notify the accused student of its findings within the shortest reasonable time after a decision has been rendered. The decision shall be in writing and will include the resolution of the allegations and, in the case of violations, the sanctions that are to be imposed. Previous disciplinary and relevant academic records of a student found in violation of the Code will be considered in determining the sanctions to be imposed.

**Recording**—A tape recording will be made of all judicial hearings. The recording is the property of the University, and will be retained for not less than ten administrative working days, during which the accused student may review the tape. The University may erase the tape following the conclusion of appeals, if any. Personal transcripts or recordings may not be made at any hearing.

## 10. Appeal

A written appeal of the process or decision may be submitted to the Vice President for Student Affairs within three working days following delivery to the accused student of the hearing officer's or panel's decision. There will be a presumption of elemental fairness in the absence of written submission of credible information pertaining to:

- a. A substantial procedural error,
- b. New information of a substantive nature not reasonably available to presenters at the original hearing,
- c. Substantiated bias on the part of a hearing officer or panel member, or
- d. The sanction being inappropriate for the violation.

In considering the request the Vice President, or a reviewing authority of his or her choosing, may deny the appeal for lack of adequate grounds or may accept the appeal and, following a review of the case:

- a. Sustain the decision of the hearing authority,

- b. Dismiss one or all of the violations,
- c. Concur in the determination of violations, but alter (including increasing or decreasing the severity) the sanctions to be imposed, or
- d. Remand the case for a rehearing.

## 11. Interim Suspension

An interim suspension from the University, or lesser restrictions, may be imposed prior to the resolution of a disciplinary case if, in the judgment of the Vice President for Student Affairs or designee, such measures are necessary (a) to ensure the safety and well-being of members of the University community or preservation of University property; or (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a likely threat of disruption of or interference with the normal operations of the University. During the interim suspension, the student shall be denied access to the campus, and/or to classes, University housing, and/or all other University activities or privileges for which the student might otherwise be eligible as the Vice President or designee may determine to be appropriate.

Prior to, or within a reasonable time following notice to the student of an interim suspension, upon the student's request a meeting with the Director of Judicial Affairs or designee will be provided to review the reason for the imposition of the interim suspension.

## 12. Self-Injurious Behavior

Because of Eastern's concern for the well-being of our students, any student receiving medical attention to assess or treat intentionally self-injurious acts will be required to attend a meeting with the Directors of Judicial Affairs and the Counseling Center (or their designees). This meeting is to occur within 24 hours of the student's return to campus, unless otherwise specified by the University. The purpose of the meeting is to determine whether the student can safely return to the campus and/or resume class work. Continued enrollment may be conditional on the student's adherence to treatment and behavioral guidelines determined by the University.

## 13. Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Conduct Code. More than one of the sanctions may be imposed for any single violation.

**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 such sanctions as may be imposed by a hearing officer or panel. Academic misconduct may also affect a student's continuation in certain degree programs.

Revocation of conferred degrees may be recommended to the Board of Trustees in instances where conferral of the degree preceded the determination of significant misconduct or academic fraud.

**University Reprimand**—A written warning to a student that he or she has violated institutional regulations.

**Fine**—A fine may be assessed in an amount not to exceed \$200 per violation. Fines will normally be due within 30 days of imposition. Upon request of the student at the time of imposition, and with the concurrence of the hearing authority, a reasonable work assignment may be substituted for all or part of the fine.

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

**Discretionary Sanctions**—Educational papers or projects, mandated attendance at seminars or classes, service to the University or community, or other related discretionary sanctions may be assigned. Where the abuse of alcohol or drugs is a factor in the violation, the University may require satisfactory evidence of assessment and/or treatment at the student's expense as a condition of continuing enrollment.

Registered student organizations found in violation of this Code may have their University recognition revoked, suspended, or subject to appropriate probationary conditions.

**Conduct Supervision**—A requirement that the student meet with a University staff member for one or more meetings following resolution of the case, for the purpose of assuring understanding of and compliance with the Student Conduct Code.

**Housing Probation**—A specified period of observation during which the student must show clear evidence that he/she is capable of conformance to University residential standards as contained in the housing handbook

and/or living unit regulations. Students on Housing Probation may not be a member of their living unit governance committee, living unit intramural team, Residence Hall Association (RHA), nor are they eligible for National Residence Hall Honorary or RHA recognition.

Other appropriate restrictions or conditions on housing activities and privileges during the probationary period may be imposed, including but not limited to periodic conferences with professional staff members, imposed reassessment, and denial of privileges associated with the living unit.

Any significant violation of the Student Conduct Code while on Housing Probation will normally result in expulsion from University housing.

**Expulsion from University Housing**—Students removed from housing for disciplinary reasons may be restricted from all or some housing facilities, and will be held to financial obligations in accordance with the housing contract.

A student, who has not completed required on-campus residency in accordance with University policy, will be suspended from the University if expelled from on-campus housing.

**University Disciplinary Probation**—A status imposed for behavior of such nature as to place the student near removal from the University community. A student on University Disciplinary Probation is not in good standing with the University. He/she may not serve on any student-faculty board or University governance committee, as an officer of the student body or as a member of the Student Senate or University Board.

Other conditions may be imposed, including but not limited to satisfactory completion of educational assignments or programs, mandated standards of class attendance and/or academic achievement, expulsion from on-campus housing, restriction from buildings or facilities, or from participation in University activities, study abroad programs, student employment or other appropriate stipulations.

Any significant violation of the Student Conduct Code while on University Disciplinary Probation will normally result in suspension or expulsion. Scholarships, grant awards or other discretionary financial aid awarded by the University may be canceled or suspended as a condition of probationary status.

**Drug testing as a condition of probationary status**—If specified as a condition of probationary status imposed for a violation of Standard II(f) of this Code, a student may be required to submit to a urinalysis, at his or her expense, to verify the absence of other than legitimate and legal drugs, upon notice by the Director of Judicial Affairs or designee, at a site specified by the University. Testing may be at random or based on a reasonable belief that a drug-related violation of the probation may have occurred. The presence, as certified by a qualified Medical Review Officer, of prescription or non-prescription drugs, controlled substances, or cannabis, for other than legal and legitimate uses, will be considered a violation of the probationary status, and may result in suspension or expulsion from the institution or other appropriate disciplinary action.

**Separation from the University—Suspension** is the disciplinary separation of the student from the University for a minimum specified period of time less than five years. **Expulsion** is the disciplinary separation of the student from the University for a minimum of five years. Conditions for readmission may be specified. A suspended or expelled student is restricted from the campus and from all University events and activities.

## 14. Implementation

Sanctions not involving dismissal from the University shall be effective upon written notice to the student. Implementation may be held in abeyance pending the outcome of an appeal at the discretion of the Director of Judicial Affairs. Sanctions which include suspension or expulsion must be approved by the Vice President for Student Affairs or designee.

Registration for subsequent terms or the conferral of the degree may be withheld until sanctions have been concluded and any conditions imposed by the University have been fulfilled. The VPSA may defer imposing suspension or expulsion pending satisfactory completion of the academic term, or of a satisfactory period of disciplinary probation.

## 15. Disciplinary records

Student disciplinary records will be destroyed after six years from the time of the last entry, except in cases involving restrictions on reenrollment. Other than during the term of suspension or expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record. A suspended or expelled student may, following the specified minimum period of separation, request the removal of the sanction from the permanent record card, which shall be at the sole discretion of the Vice President for Student Affairs.