

The Lutheran University Association, Inc.

d/b/a Valparaiso University

Student Conduct System

Definitions

Student: For the purposes of this process, the term “student” includes all persons taking courses at the University. Persons who withdraw after allegedly violating the ***Student Handbook***, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered “students,” although not enrolled in the University. Persons are considered “students” and are responsible for complying with the ***Student Handbook***, even between periods of their actual enrollment (such as summer, winter, and spring breaks), periods of deferred enrollment, and periods of non-actual enrollment, but with intent to enroll in the future.

Jurisdiction: The ***Student Handbook*** shall apply to conduct that occurs on University premises or property, at University-sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives, or when otherwise required by law. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The ***Student Handbook*** shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The dean of students or designee shall decide whether the student judicial system shall be applied to conduct occurring off-campus, on a case-by-case basis, in their sole discretion. The term “University property” or “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks.)

Principles

Each privilege of an individual places a reciprocal responsibility upon others: the responsibility to permit the individual to exercise the privilege. The student, as a member of an academic community, has both privileges and responsibilities. Within this community, the student’s most essential privilege is the privilege to learn. The student also has responsibilities to the members of the academic community, the most important of which is to refrain from interference with those privileges of others which are equally essential to the purposes and processes of the University.

The important consideration in student conduct proceedings is not merely the determination of whether a policy has been violated, or the imposition of a penalty. These elements are involved, but the ultimate consideration is the welfare of the members of the academic community. To achieve this goal, honesty, cooperation, trust, and responsibility of the highest order are called for among students, faculty, staff, and administrators.

I. Authority and Scope

The campus conduct system applies to all students, whether they are full time or part time, undergraduate or graduate. Students are expected to be responsible citizens, and to be accountable for their conduct and behavior. Students are also expected to follow all University

regulations, as well as local, state, and federal laws. When these expectations are not met, the University reserves the right to terminate or suspend a student's enrollment, revoke the student's privilege to reside in University housing or fraternity housing, or otherwise discipline a student whenever, in its opinion, it is in the best interests of the University.

- A. Alleged violations of the following non-academic University regulations may be adjudicated through the student conduct system:
 1. University Council regulations, including those which may also be local, state, or federal law.
 2. Student Senate regulations (including regulations of the governing boards which derive their authority from the Student Senate, e.g., House Councils, Interfraternity Council, Panhellenic Council, etc..)
 3. University residence hall and student life regulations.
- B. The following components characterize the student conduct system:
 1. *Administration*: The dean of students administers the conduct system. The dean of students, or their designee serves as the advisor of the Campus Judicial Board.
 2. *Knowledge of Regulation*: It is each student's responsibility to know academic and student life policies, regulations, procedures, and deadlines, as well as local, state, and federal laws.
 3. *Confidentiality*: All hearings are closed. Only students, faculty, or staff members of the University, as they are directly related to a specific case (as determined by the dean of students or the vice president for student life), may be present at a hearing. If it is alleged that a University student has harmed a person who is not a student, faculty, or staff member of the University, the person who is alleged to have been harmed may be allowed to attend and participate in a hearing, at the discretion of the dean of students or the vice president for student life. The conduct board officer or members of conduct boards will not discuss the proceeding outside of the hearing, unless such discussion is with the dean of students or the vice president for student life or is required by law. Either of these two individuals have the discretion to publish or disclose information about conduct proceedings, including the outcomes(s), in a form and manner they deem appropriate.
 4. *Impartiality*: A complainant or respondent may challenge a conduct board officer or conduct board member on the basis of bias or prejudice prior to the hearing. The dean of students will determine the validity of a challenge concerning a student conduct board member. The chair of the Campus Judicial Board will determine the validity of a challenge of one of its members. If the dean of students (when serving as a conduct board officer) or the chair of the Campus Judicial Board is challenged, the dean of students will determine the validity of the challenge. Depending on who is being challenged, the chair of the Campus Judicial Board, the dean of students, and the vice president for student life all have the discretion to establish a deadline for filing challenges. There are no appeals for decisions made regarding challenges.
 5. *Alternative Dispute Resolution*: The student conduct system provides the freedom to resolve alleged violations through mediation, counseling, or some other means. This also includes resolving cases that arise during the academic year prior to the formation of hearing boards, or that take place during the summer, or that include

special concerns about confidentiality. In all conduct and disciplinary matters, the dean of students, the vice president for student life, or their designate has absolute discretion to authorize the use of other procedures and penalties that are deemed appropriate.

II. Structure

The student conduct system has several primary methods of adjudicating alleged violations of regulations. The method utilized for a particular case is determined in consultation with the dean of students or the vice president for student life, at their discretion.

A. Student Conduct Boards

1. The Student Conduct Boards adjudicates allegations of violations of residence hall, student life, or Student Senate regulations for both residential and non-residential students.
2. The process of selecting members is established with the approval of the dean of students.
3. The Assistant Director of Student Conduct and Support serves as advisor.

B. Fraternity and Sorority Judicial Board

1. There is a judicial board for fraternities and sororities which adjudicates allegations of violations of fraternity and sorority policies, inter/national policies or regulations, Fraternity and Sorority Risk Management policy, and ***Student Handbook*** policies.
2. The process of selecting members is established with the approval of the assistant vice-president of student life.
3. The director of student involvement and new student programs serves as advisor.

C. Dean of Students and Academic Deans

1. The dean of students and academic deans may adjudicate alleged violations of University Council, residence hall, student life, or Student Senate regulations.

D. Campus Judicial Board

1. The Campus Judicial Board may adjudicate alleged violations of University policy, expected behaviors set forth in this ***Student Handbook*** or other University publications, state, federal, or local law, University Council, residence hall, student life, or Student Senate regulations. The Campus Judicial Board does not adjudicate matters that are academic in nature or violations of the University's Honor Code.
2. The pool of members is made up of ten students nominated by the Student Senate, ten faculty members nominated by the provost, and five salaried staff members nominated by the president's designate at the beginning of each academic year. The dean of students may also nominate additional faculty, staff, and students for membership in the pool. The dean of students recommends to the provost one faculty or staff member from the pool to serve as the chair for the academic year.
3. In cases where sexual harassment or sexual assault is being alleged, the Title IX coordinator will participate in the adjudication process.

III. Interim Suspension

When there is behavioral concern about a student's continued presence on campus, the assistant vice president for student life, the dean of students, or designee, in consultation with others at the University with knowledge of the student or responsibility for University matters may temporarily suspend the student following an individualized safety and risk analysis that determines an immediate threat to the physical or mental health or safety of any students or other individual

which justifies removal. The student will receive written notice from the assistant vice president for student life, dean of students or designee on the interim suspension of the student. The notice letter will state the terms of the interim suspension and provide the student the opportunity to meet with the vice president for student life or designee to challenge the decision in a post-suspension meeting immediately following their removal. At the post-suspension meeting, the reasons for the University's concern will be stated and the student will be given an opportunity to respond to the concerns. Appropriate University personnel may be present and/or consulted at this meeting. A parent, spouse or any person who would be of support to the student may, with the advance consent of the vice president for student life or designee and of the student, participate in the post-suspension meeting. Following the post-suspension meeting, the student will receive written notification of the decision whether to uphold or repeal the interim suspension. The interim suspension shall be upheld pending the post-suspension meeting outcome letter. The vice president for student life or designee's decision following the post-suspension meeting shall be final pending any subsequent hearing or disciplinary outcome.

IV. Procedures

Student Conduct procedures are designed to determine whether a student has violated a regulation, as opposed to determining guilt or liability in a civil or criminal proceeding. Conduct hearings are not designed to be adversarial proceedings, but rather are an attempt to ascertain the truth. All conduct hearings are informal in nature. Students are not allowed to be represented by, or to confer with, an attorney during a hearing. All participants are expected to be honest and to provide truthful information. Providing false information will liable students to disciplinary action. When there are behavioral concerns about a student's continued presence on campus, the vice president for student life may temporarily suspend the student, pending a hearing.

A. Student Conduct Boards

The development of allegation, notification, and hearing procedures are established with the approval of the dean of students.

B. Fraternity and Sorority Judicial Board

The development of allegation, notification, and hearing procedures are established with the approval of the assistant vice-president of student life.

C. Dean of Students and Academic Deans

Allegation, notification, and hearing procedures are determined at the discretion of the dean of students and academic deans.

D. Campus Judicial Board

1. *Filing an Allegation:* A student, faculty, or staff member (henceforth referred to as the "complainant") may allege in writing that a student has violated a regulation. Such allegations are filed with the dean of students. If it is alleged that a University student has harmed a person who is not a student, faculty, or staff member of the University, the vice president for student life or the dean of students will accept an allegation filed by the person who is alleged to have been harmed. After an allegation is made, the dean of students will determine whether there is sufficient evidence to pursue the allegation and that the alleged conduct is subject to the jurisdiction of the Campus Judicial Board. This may be discussed and determined through pre-adjudication meetings with the parties involved or with other persons deemed appropriate. The dean of students does not advise complainants about the content of their allegations. An allegation must ordinarily be made no later than ninety (90) days after the occurrence of the alleged violation of a regulation. However, the dean of students has the discretion to accept allegations made beyond this

- period of time when they deem it to be in the best interests of the University community.
2. *Notice of Allegation:* If the dean of students determines there is sufficient evidence to pursue the allegation and that the alleged conduct is subject to the jurisdiction of the Campus Judicial Board, the dean of students will provide written notice to the accused student (henceforth referred to as the “respondent”) that an allegation has been made and is being adjudicated through the student conduct system. The respondent has ten (10) calendar days from receipt of a complainant’s written complaint to submit a written response and any evidence to the dean of students.
 3. *Notice of Hearing:* The dean of students will notify the complainant and respondent in writing of the date, time, and location of the hearing. The hearing notification will also include the names of the hearing panel members. The hearing shall take place within thirty (30) calendar days from the date the written complaint was filed unless there is reasonable cause for a delay of the hearing process as determined by the dean of students.
 4. *Notice of Interim Measures:* The dean of students will notify the complainant and the respondent in writing of any interim measures such as academic, housing, and transportation accommodations, in addition to no contact directives, as determined by the dean of students and that are reasonably available.
 5. *Selection of a Hearing Panel:* The members of a hearing panel for a particular case are selected from the pool of members, by the dean of students and in consultation with the chair. A hearing panel consists of the chair and five (5) additional members; all six (6) members vote when making decisions. Two (2) alternate members may also be selected to serve in the event that an emergency prevents any of the members from participating. If any members believe they may have a conflict of interest in a particular case, they will decline their selection for that hearing panel.
 6. *Nature of the Proceeding:* Specific hearing procedures and format are determined at the discretion of the chair and with approval of the dean of students.
 7. *Appearance at a Hearing:* The complainant and respondent may each be accompanied by an advisor. The dean of students maintains a list of advisors for consideration, or the complainant and respondent may ask a University student, faculty, or staff member to serve in this capacity. The role of the advisor is only supportive in nature. Advisors are not allowed to speak on behalf of the individual whom they are accompanying (e.g., they may not provide information, ask questions of witnesses or the complainant or respondent, address the hearing panel, etc.). Violation of this prohibition may result in the chair removing these individuals from the hearing.
 8. *Failure to Appear:* If a complainant or respondent fails to appear at a scheduled hearing, the hearing board may proceed with the case, unless the chair excuses the absence.
 9. *Evidence:* The procedure for presenting evidence is established by the chair. Legal rules of evidence do not apply to these proceedings. There is no discovery process available in student conduct proceedings. The dean of students will determine, at their discretion, what (if any) information to disclose to a complainant or respondent in advance of a hearing. The chair has the discretion to exclude evidence including, but not limited to, that which regards the respondent’s character, that which constitutes remote hearsay or is otherwise inherently unreliable or incredible, or that which is deemed irrelevant or inflammatory. In cases of alleged sexual assault, evidence of previous sexual history

between the respondent and the complainant is admissible if the evidence is not deemed to be remote in time by the chair. Evidence of previous sexual history between the respondent and the complainant is admissible only when the chair deems this type of evidence to be relevant. A party's consent to previous sexual activity does not imply consent to the sexual activity at issue in the complaint.

10. *Presentation and Examination of Evidence:* The complainant and respondent, and their respective witnesses may present evidence in accordance with the procedure determined by the chair. The complainant and respondent may also ask questions of each other in accordance with the procedure determined by the chair. The chair may choose not to allow a party's question to the other party if the chair believes the question is inappropriate or will likely result in irrelevant evidence. Hearing board members may question anyone, also subject to the discretion of the chair.
11. *Witnesses:* Before the hearing, the complainant and respondent will be informed of the names of the witnesses who may appear. Both the complainant and the respondent will inform the dean of students in writing of the names of their respective witnesses. The deadline for receiving this information will be established at the discretion of the dean of students. Witnesses who have not been previously disclosed in writing to the dean of students may not be permitted to appear at the hearing, subject to the discretion of the chair.
12. *Burden of Proof:* A respondent may be found responsible for violating a regulation only when the evidence indicates that it is more likely than not that s/he violated a regulation.
13. *Deliberation:* A simple majority of the hearing panel members must vote in the affirmative in order to find that a student has violated a regulation. Should a tie vote occur, the matter will be referred to the vice president for student life for a decision.
14. *Notice of Decision:* Written notice of the hearing panel's determination and any accompanying sanction(s) shall be provided to the complainant and respondent within five (5) calendar days of the hearing panel's determination and any accompanying sanction(s). The complainant and respondent shall be notified of their opportunity to appeal to the provost. The dean of students shall have sole discretion to extend any and all deadlines referenced above upon written notice to both parties.
15. *Record Keeping:* Secretarial support is provided to keep evidence and any records of the proceedings. Both parties may be given access to a copy of the record if requested.

V. Sanctions

Disciplinary actions are designed to educate students and to guide their behavior, as a reflection of University values. If a student is found to have violated a regulation, a sanction (or set of sanctions) is assigned. Student conduct records from all previous violations are available to hearing agents, in order to assist them in determining an appropriate sanction for current violations. Common sanctions are indicated below. However, hearing agents may deviate from these sanctions and may assign or recommend alternative sanctions.

A. Definitions

1. *Warning:* A written statement expressing disapproval of the behavior and notice that ongoing violations will result in additional outcomes.
2. *Disciplinary Probation:* A period of time specified for observing and evaluating a student's behavior, which may also include special conditions of various types (e.g., counseling,

participation in educational programs, etc.). If a student continues to exhibit inappropriate behavior, s/he may be suspended or expelled.

3. *Suspension*: Students who are suspended must leave the University for a specified period of time. Special conditions of various types may also be included with a suspension. At the end of the period of suspension, a student may be allowed to return to the University upon proof that special conditions that were assigned have been fulfilled. The determination of whether the special conditions have been fulfilled is made by the dean of students or the vice president for student life or designee. When a student is suspended, there are no refunds of tuition or fees, and financial aid is handled according to the policies of the Financial Aid Office. If a student organization is suspended, it loses its recognition and standing for a specified period of time. After the suspension, the student organization will ordinarily have its status reinstated. Students need not have been the recipients of previous disciplinary sanctions before being suspended.
4. *Expulsion*: When a student is expelled, they are permanently separated from the University. There are no refunds of tuition or fees, and financial aid is handled according to the policies of the Financial Aid Office. If a student organization is expelled, it permanently loses its recognition and standing. Students need not have been the recipients of previous disciplinary sanctions before being expelled.

B. Assignment

1. Student Conduct Boards
Student Conduct Boards may assign minor sanctions. Examples of minor sanctions include but are not limited to, warnings, written papers or agreements for behavioral change, monetary fines or restitution, attendance at educational programs, and community service hours. A sanction of disciplinary probation may also be recommended to the dean of students for approval.
2. Fraternity and Sorority Judicial Board
The Fraternity and Sorority Judicial Board may assign minor sanctions. Examples of minor sanctions include, but are not limited to, warnings, monetary fines or restitution, attendance at educational programs, community service hours, and conduct probation. A sanction of removal of IFC/Panhellenic and/or university recognition may also be recommended to the assistant vice-president for student life for approval.
3. Vice President for Student Life, Assistant Vice-President of Student Life, Dean of Students and Academic Deans
The vice president for student life, assistant vice-president of student life, dean of students, and academic deans may assign minor sanctions and also place a student on disciplinary probation. The dean of the student's college, or his/her designee, may assign additional sanctions, taking into account the professional conduct ramifications of the violation and its effect on the accused's continued enrollment in the school or college or ability to practice in the profession. These sanctions may include, but are not limited to, a warning, disciplinary probation, suspension, or expulsion from the school or college.
4. Campus Judicial Board
The Campus Judicial Board may assign minor and major sanctions including disciplinary probation, suspension, or expulsion. When a suspension or expulsion has been approved, the dean of students has the discretion to require a student to leave campus for the entire

time that the decision is being appealed. The student's school or college will be notified of the outcome.

C. Fulfillment

Students are expected to fulfill assigned sanctions, and in accordance with established due dates. Failure to complete sanctions, or to complete them on time, may result in additional sanctions being assigned and/or the holding of grades, transcripts, and class registration.

D. Sanction-only Meetings

When a student admits violating a regulation, there is no need to conduct a formal hearing. However, a hearing officer or judicial board will convene in order to determine a sanction. Meeting in this manner is not a hearing and, therefore, is not bound by hearing procedures. The procedures to be used by a hearing officer or a conduct board for determining a sanction are informal and determined by the chair with approval of the dean of students. The hearing officer or Judicial Board may assign minor sanctions and/or disciplinary probation or suspension or expulsion. If the accused student is enrolled in a professional school or college, the dean of that school or college will be notified of the plea and outcome. The dean, or his/her designee, may assign additional sanctions, taking into account the professional conduct ramifications of the violation and its effect on the accused's continued enrollment in the school or college or ability to practice in the profession. These sanctions may include, but are not limited to, a warning, disciplinary probation, suspension, or expulsion from the school or college.

VI. Appeals

A student who has been found to have violated a regulation may only appeal the decision if

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
3. The Valpo Office for Civil Rights, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against complainants or respondents that affected the outcome of the matter.

The student must write and submit their appeal themselves. If a student chooses not to appeal, or their appeal is not received on time, the decision is final and binding upon all involved.

A. Student Conduct Boards

The procedure for appealing these cases to contact the Dean of Students office.

B. Fraternity and Sorority Judicial Board

The procedure for appealing cases to the Fraternity and Sorority Judicial Appeals Board is found in the Fraternity and Sorority Judicial Board Constitution.

C. Dean of Students and Academic Deans

Appeals of decisions from these cases are reviewed by the provost. In order to be reviewed, a written appeal must be received in the provost's office no later than 5 p.m. on the fifth (5th) calendar day after the respondent has been notified of the decision. The appeal should state with specificity the reason(s) why the decision should not stand. All decisions of the provost are final and binding.

D. **Campus Judicial Board**

Appeals of decisions from these cases are reviewed by the provost or his/her designee. The respondent's written appeal, or in cases of sexual assault and/or harassment, the complainant's written appeal, must be received by the provost's office no later than 5 p.m. on the fifth (5th) calendar day from the date of receipt or notification of the hearing panel's determination and any accompanying sanction(s). The provost or his/her designee may immediately dismiss the appeal if there is no basis for it. Both parties shall be immediately notified of such dismissal. Otherwise, upon receipt of an appeal, the provost or his/her designee shall provide the non-appealing party a copy of such appeal. The non-appealing party may then provide a written response within five (5) calendar days from the date of receipt of the appeal. The provost or his/her designee shall issue a written determination to the appealing and non-appealing parties within fifteen (15) calendar days of receipt of the appeal. All decisions of the provost or his/her designee are final and binding. The provost or his/her designee has the discretion to review the case on any basis and by any means, and then to render any decisions s/he deems appropriate.

VII. *Records and Notification of Parents*

All student conduct records are included in a student's personnel file, which is maintained by the Dean of Students Office. These files are retained for five years after a student leaves the University, or until such time as deemed appropriate by the dean of students or the vice president for student life. When a student appears before a hearing agent, the dean of students has the discretion to notify the student's parents/guardians.