

Governors State University STUDENT CONDUCT POLICY

I. Scope and Purpose

Governors State University (GSU) strives to cultivate a community which values academic freedom, integrity, excellence in scholarship, justice, diversity, and access to educational opportunities. Each member of the community is responsible for creating and maintaining conditions which support these values and the University's mission.

This policy outlines a Code of Conduct for students at Governors State University, and specifies the rights and responsibilities of the University community in considering misconduct. This policy applies to students who are admitted or enrolled at Governors State University; the guests of students, off-campus, cohort classes, on-line classes, campus sponsored events, and to student sponsored organizations in accordance with applicable University policies and laws of the United States.

This policy also specifies the responsibilities of faculty and administrators in responding to student misconduct. This policy is intended to protect students' due process rights.

This policy also provides for a Student Conduct Committee which has responsibility to conduct hearings on charges of student misconduct and advise administrators in the determination of sanctions and procedures associated with the execution of the Student Code of Conduct.

II. Definitions

Student is a person currently enrolled at a campus or in a course, program or activity of the University, including without limitation, all persons taking courses at the University, both full-time and part-time, pursuing undergraduate or graduate studies in any University school or program. During the recess period, between semester or the summer period, it includes those individuals who have completed the immediately preceding term and who are eligible for enrollment or graduation. For an individual who become subject to discipline while a student his/her student status shall continue for disciplinary process purposes until all University/proceedings have been concluded.

University community includes all persons associated with the University as students, employees, agents, trustees, volunteers, contractors (including employees or agents of contractors), or members of the public lawfully in attendance at a University activity or present on University premises.

Administrative/University Conduct/Hearing Officer is a University official authorized by the Dean of Students or designee to investigate an incident upon receipt of an Incident Report, and to meet and discuss the incident with an Accused student who may be responsible for violating the Student Code of Conduct. This officer may impose sanctions against an accused student who is found to be responsible for violating the student conduct code.

University premises are building or grounds owned, leased, operated, controlled, or supervised by the University.

University sponsored activities are all University sponsored educational programs and services; extracurricular programs, events, or functions (including religious, service, leadership, social, recreational and athletic) administered or coordinated through the University or one of its schools, departments or approved organizations; and as to each whether occurring on or off University premises.

Level of Violation (Minor, Moderate, Serious) depends on the severity of the act, the extent to which it affects other individuals, the monetary extent of any damage caused, and the number of violations

III. Background

- A. University students are members of the academic community at Governors State University. As members of the academic community, students are entitled to the same rights and protections enjoyed by members of society. Students are subject to certain obligations by virtue of membership in the University community. Students are subject to civil law, the enforcement of which is the responsibility of duly constituted civil authorities.
- B. The accrediting groups for the various academic programs at Governors State University may have different ethical standards and requirements regarding student conduct which complement the University's student conduct policy and procedures. Please check with the division/department chair/unit director or Dean's office in your college regarding a grievance policy and procedures specific to your academic major (see Policy 5: Student Grievance and Policy Procedures).
- C. When students violate a University regulation, they are subject to disciplinary action by the University whether or not the conduct violates civil laws. When a student has allegations of violating federal, state, and/or local laws the university may investigate and address potential conduct code violations. The University conduct process shall go forward notwithstanding any criminal complaint that may arise from the same incident.
- D. Each GSU student is accountable for his/her actions. Students may be held responsible for the actions of their guests. When a Guest commits a violation, the student host may be charged with violation of the student code of conduct. Guests include but are not limited to: University guests, guests of students residing in University owned and operated residence halls. Students may be held accountable for the behavior of their guests including restitution for property damage. Students and their guests are expected to follow the rules and regulations defined in the following Student Code of Conduct.

IV. Student Code of Conduct

- A. Governors State University recognizes the basic rights and responsibilities of the members of the University and accepts its obligation to preserve and protect those rights and responsibilities. Further, the University must provide for its members the opportunities and protections which best serve the nature of the educational process. The Student Conduct Code governing the behavior of students of the University must ensure the basic rights of the individual as well as the practical necessities of the community.
- B. Students are expected to:

1. treat students, faculty and staff of the University with fairness and respect,
 2. represent themselves in an honest manner (see Policy 24 Academic Honesty),
 3. respect University property and the activities conducted at University facilities, or University-sponsored events,
 4. respect the property of others, and
 5. uphold University policies and all applicable laws.
- C. University is expected to:
1. be in compliance with the Fourteenth Amendment of the U.S. Constitution, 1961 *Dixon v. Alabama Board of Education* and 1974 *Goss v. Lopez*, which requires all public institutions of higher learning to afford students minimal procedural process before taking disciplinary actions; and
 2. ensure due process for all students: all students implied to be in violation of the student code of conduct must be informed of any charges and provided with an impartial opportunity to be heard on alleged charges against them.
- D. The student conduct regulations which follow are set forth to give students general notice of prohibited conduct. These regulations are intended as a guide and are not meant to define misconduct in every circumstance. They apply to actions on any property owned, operated or controlled by the University, at University-sponsored activities on or off campus, and to University related activities in the electronic environment.

V. Student Misconduct

- A. Academic Misconduct includes:
- B. All violations of academic honesty related to fulfilling academic requirements, including but not limited to cheating, plagiarism, and/or knowingly assisting other students to engage in such conduct (see Policy 24 Academic Honesty).
- C. Non-Academic Misconduct includes, but is not limited to:
1. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance including prescription or over the counter medications.
 2. Furnishing false or misleading information to the University including but not limited to election tampering, unauthorized use of University organizational names and images, and failure of any student to accurately report criminal records to the university.
 3. Possession or use of firearms, explosives, dangerous chemicals, or other weapons, except as permitted by law.
 4. Endangering the physical, mental, or sexual health or safety of any individual, such as assaulting, bullying, and engaging in sexual misconduct, threats, harassment, dating violence, and/or abuse.
 - a. Sexual misconduct includes engaging in any physical or verbal acts related to sexual activities between individuals that is accomplished through force or the threat of force, or without full and informed consent of all parties involved (Policy 52 Anti-Discrimination and Harassment).
 - b. Bullying behavior may include the systematic and chronic infliction of physical hurt or psychological distress by threat, intimidation, stalking, physical violence, theft, harassment, or destruction of property.
 5. Recording of Images without Consent. Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person's consent and when such a recording is

likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence living space, and restrooms; and the sharing and/or distributing of such unauthorized records by any means.

6. Disruptive behaviors or acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or the rights of other members of the University community. This includes acts that occur both inside and outside of the classroom setting and may involve use of electronic or cellular equipment, such as in on-line classes. This also includes behavior off campus during a University sanctioned event or activity or an event where the student serves as a representative of the University (including, but not limited to an organizational leadership role).
7. To disrupt or obstruct or attempt to disrupt or obstruct any speaker invited to appear on the campus by the University or a University-recognized organization. This includes all forms of rioting (harm to self, others, damage of property).
8. Willfully damaging or destroying property of the University or that of another person.
9. Except as otherwise provided in University policy, the sale, delivery, possession, distribution, and consumption of alcoholic beverages in or on any property owned, controlled or used by Governors State University, including residence living. According to 235 ILCS 5/ Liquor Control Act of 1934, the legal age for alcohol consumption is 21. University property includes University vehicles or personal vehicles while being used for University business.
10. Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.
11. Knowingly violating terms of any disciplinary sanction imposed in accordance with the Student Code of Conduct.
12. Failure to comply with the directions of University officials, including campus police officers acting in performance of their duties.
13. Forgery, unauthorized alteration, or unauthorized use of any University document or identification card.
14. Unauthorized presence in or use of University premises, facilities, or properties.
15. Theft or damage to public or private property.
16. Unauthorized use of other's property without proper authorization including goods and services.
17. Misuse of University computer systems, laboratories, equipment, or software in violation of University policies.
18. Comments or actions that disparage other individuals based on religious affiliation, gender, age, race, disability, sexual orientation or gender identity.
19. Any form of gambling, playing any games and/or extra-curricular activities for money or property, or otherwise placing bets on uncertain outcomes.
20. Violating any regulation defined by the residence hall handbook, or established within the housing contract, or any supplementary rules communicated by the University Housing staff.
21. Indecent exposure of the body, including, but not limited to urination or defecation in public.

22. Committing or attempting to commit any act that is or would be a violation of local, state, or federal law on-campus or at University sponsored events including tampering and damaging fire safety or security equipment.
23. Knowingly aiding another person in committing a violation of the Student Code of Conduct.
24. Failure to comply with university process (i.e. conduct, appeals, academic integrity)

VI. Actions Taken as a Result of Conduct Violations

- A. Cases of non-academic misconduct delineated in (Section V B) above, shall be immediately referred to the Dean of Students (or designee) and may also be referred to the appropriate department.
- B. The faculty member has initial jurisdiction over any instances of academic misconduct that occur in association with a course being taught by the faculty member. See Section IX for additional steps should no resolution be reached. I
- C. Levels of Conduct Referral for Non-academic misconduct: Levels of conduct are determined based upon the frequency and severity of the offense. These determinations are made by the Office of the Dean of Students (refer to *Student Handbook* for a detailed breakdown).
 1. Minor Non-academic: Cases of alleged minor violations when student is a first time offender of a non-academic University policy. Minor non-academic cases shall be heard at the administrative level by a Hearing Officer. The appellate body shall be one administrative level higher than the Hearing Officer.
 2. Moderate Non-academic: Cases that involve alleged first-time moderate or repeated violations of non-academic policy. Sanctions at this level can include, but are not limited to, disciplinary probation. Cases shall be heard by the Administrative Hearing Officer. Appellate body shall be the University Student Conduct Committee.
 3. Severe Non-academic: Cases that involve alleged serious violations or history of repeated moderate violations of non-academic policy. Cases shall be heard by the Student Conduct Committee. Appellate body shall be the Dean of Students or Provost.

VII. Sanctions for Violations

The following disciplinary sanctions shall comprise the range of official sanctions which may be imposed for violation of conduct regulations. One or more sanctions may be imposed. Records of disciplinary action shall be recorded and kept by the Dean of Students (or designee) for five (5) years following the last term of enrollment, except as noted under Disciplinary Suspension and Disciplinary Dismissal.

- A. **Disciplinary Written Warning:** Disciplinary written warning is official notice to a student that previous conduct was unacceptable and that future breaches of conduct shall be treated more severely.
- B. **Educational Programs:** Educational program includes activities and assignments designed to increase awareness and education about the impact of violation on self and community. Completion and outcomes of these assignments should clearly be articulated

in hearing summary of findings. Failure to complete assignments as designated shall be considered a violation of the Student Code of Conduct.

- C. **Disciplinary Probation:** Disciplinary probation is a trial period for a specific time during which a student must behave in a manner acceptable to the University. Terms of the probation shall reflect the purpose of the disciplinary sanction. Disciplinary probation status may affect qualification for awards, prizes, or student aid, when conduct acceptable to the University is a condition of such benefits. Violation of the terms of probation or of a further incident of misconduct may result in further disciplinary action.
- D. **Disciplinary Suspension:** Disciplinary suspension is an action which excludes the student from registration, class attendance, and use of University facilities for a specified period of time. Disciplinary suspension is recorded on the student's academic record during the period in effect and is permanently removed upon reinstatement. Upon termination of the period of suspension, the student shall be considered for registration in compliance with the academic good standing policy and the policy on continuing student status then in effect. Established proof of a further incident of misconduct, after the student is readmitted, may result in disciplinary dismissal.
- E. **Disciplinary Dismissal:** Disciplinary dismissal is the withdrawal by the University President of the privilege of registration and class attendance with no promise (implied or otherwise) that the student may return at any future time. The privilege of the use of University facilities is withdrawn by this action unless specific permission is obtained from the Dean of Students or designee. Disciplinary dismissal is recorded on the student's academic record, to be removed only if and when the student is reinstated. A student on disciplinary dismissal may be readmitted only by action of the President of the University. A student who has been dismissed is not eligible for readmission sooner than one year from the date of dismissal.
- F. **Loss of Privilege:** Loss of privilege is the withdrawal of a privilege or use of a service for a specific period of time commensurate with the offense committed. Loss of privilege may be imposed separately or in addition to any other sanction(s).
- G. **Restitution:** Requires a student to pay for damages to, or misappropriation of, University property, or the property of visitors to, or members of, the University community. Such restitution may be charged to any student who alone, or through group conducted activities, organizes or knowingly participates in the events causing the damages or costs. Restitution may be imposed separately or in addition to any other sanction(s).
- H. **Summary Suspension:** A summary suspension requires that a student immediately leave the campus. See Section XII.
- I. **Persona Non Grata:** restricts a student or other person who is not welcome at Governors State University. Specifically this restriction extends to all buildings, facilities and grounds of the University; and any University-sponsored activities or events, both on and off campus (See also Policy 45 Campus Facilities Access and Security).
- J. **Loss of Recognized Student Organization/Club Status:** Loss of all privileges identified within the student club/organization protocols, for a specified period.
- K. **University Housing Suspension:** Separation of the student from university housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- L. **University Housing Expulsion:** Permanent separation of the student from university housing.
- M. **Summary Suspension University Housing:** The Director of Auxiliary Services &

- N. University Housing or his/her designee in consultation with the Dean of Students may remove or temporarily suspend a student from university housing pending a hearing, if sufficient facts indicate that the student presents a threat to him/herself, or to others, or to the normal operations of the GSU community.

VIII. Dean of Students Authority

- A. Any member of the University community may notify the Dean of Students (or designee) of violations of the University standards of conduct via the online incident report. No complaint will be forwarded for a hearing without reasonable proof to support a violation of the policy. Unsupported/Unreliable complaints may not be forwarded for a hearing.
- B. Written complaints, reports involving student conduct, procedures for handling disciplinary cases and the results of conducted hearings shall be maintained in the Dean of Students (or designee) office.
- C. The Dean of Students (or designee) shall be responsible for all administrative details involved in academic and non-academic student conduct referrals.
1. Administrative Officer Charge:
The administrative hearing officer is a University official authorized by the Dean of Students or designee to investigate an incident upon receipt of an Incident Report, and to meet and discuss the incident with an Accused student who may be responsible for violating the Student Code of Conduct. This officer may impose sanctions against an accused student who is found to be responsible for violating the student conduct code.
 2. Student Conduct Committee Composition and Authority:
The Student Conduct Committee shall be a standing committee to hear cases (academic and non-academic) of alleged serious violations or repeat of minor/mid-level violations. The Student Conduct Committee also hears all level two appeals.
 - a. The committee shall determine student misconduct and disciplinary action.
 - b. The committee shall be composed of: six students appointed by the Student Senate, six faculty members appointed by the Faculty Senate; and three administrators appointed by the Dean of Students.
 - i. The chairperson shall be chosen from within the committee. Responsibilities of the chair shall be guided by documented procedures supporting this policy.
 - ii. All members shall serve two-year, staggered, renewable terms; student and faculty/staff must be in good standing with the university.
 - iii. At least four members (representing at least two different groups) must be present to conduct a hearing. No more than four students, two faculty members, and an administrator may serve in an official capacity in a given hearing.
 - iv. Individual members must recuse themselves from hearing any case in which they feel they could not render an impartial judgment.
 3. Procedural Guidelines:
Proposed changes to procedures supporting the Student Code of Conduct are

welcome by all GSU community members; however, the Student Conduct Committee as a standing committee (see VIII above, for composition), with the addition of a member from the Educational Policies Committee, whose role includes insuring that procedures are aligned with policy, is responsible for final approval of proposed amendments.

All final changes to procedures implementing the Student Code of Conduct must be approved by at least two thirds of the committee (Student Conduct Committee plus the EPC member). Approved amendments are finalized and held until the beginning of the following academic year.

IX. Academic Misconduct (please refer to the *Student Handbook* for more detailed description and timeline)

- A. The faculty member has initial jurisdiction over any instances of academic misconduct that occur in association with a course being taught by the faculty member.
- B. The faculty member may personally meet with the student to discuss misconduct and its consequences (e.g. zero on an exam, a lower grade for the course, etc.). If the faculty member determines that this consequence is sufficient to resolve the misconduct, a written record of the incident and its resolution needs to be drafted by the faculty member to record the resolution of this matter. A copy of the letter of understanding and/or record of disciplinary action shall be sent to the chair of the program offering the course. The chair will then forward a copy to the Dean of his/her college and the office of the Dean of Students.
- C. If the faculty member determines that the student's misconduct cannot be resolved by reducing the grade for the test, paper, or other course-related activity in question and/or by adjusting the grade for the course, the faculty member must request a meeting with the division/department chair/unit director to discuss the matter.

The division/department chair/unit director and faculty member shall meet to determine if the misconduct warrants disciplinary sanctions. If so, the division/department chair/unit director drafts a letter to the Dean of the College and the Dean of Students outlining the details of the misconduct and recommendations for sanctions or further action.

1. Upon receiving notice of the alleged violation of policy, the Dean of Students (or designee) shall determine if the case should be heard by an Administrative Hearing Officer.
2. The Administrative Hearing Officer shall personally meet with the student to discuss misconduct, decide on students' level of responsibility, and sanctions, if appropriate. At the conclusion of the hearing, the Administrative Hearing Officer presents their findings to student(s) in a written Summary of Findings. Student(s) must sign and acknowledge conclusion of the hearing, which must also include a review of the appeal process. (See Section XIII.)
3. A copy of the Summary of Findings shall be sent to the Dean of Students (or designee) and filed in the student conduct record.
4. If the Dean of Students (or designee) is notified of misconduct related to an academic matter by someone other than a division/department chair or Dean of the college in which the incident occurred, the violation shall be referred to the

appropriate Dean and/or division/department chair who shall follow the process outlined above regarding academic misconduct.

X. Non-Academic Misconduct (please refer to the *Student Handbook* for more detailed description and timeline).

All non-Academic misconduct shall be directly sent to the Office of the Dean of Students for evaluation and determination of disciplinary actions at the university level, when appropriate.

XI. Student Disciplinary Conduct Hearings

- A. If a hearing is warranted, the Dean of Students (or designee) will schedule a hearing before the Student Conduct Committee.
- B. The complainant(s) shall not be required to participate, unless his/her personal testimony is essential to the disposal of the case.
- C. The hearing shall be private (closed) unless the student charged requests that it be open to members of the University community, and the request is approved by both the Conduct Committee and the Dean of Students (Of designee).
- D. Students may have one advisor of his/her choice present during the hearing. However, the advisor shall not participate in the hearing in any way, including, but not limited to asking or responding to questions, making arguments, or presenting witnesses or evidence, and may only advise the student. If the advisor who will attend the hearing is an attorney, the student must notify the Dean of Students (or designee) of that fact a minimum of five calendar days prior to the hearing.
- E. On behalf of the University, the charges and evidence shall be presented by the Dean of Students (or designee). The student shall have the right to call a reasonable number of witnesses in his/her own behalf who shall be subject to questioning by members of the committee and the Dean of Students that individual's designee. The Dean of Students (or designee) shall determine what a reasonable number of witnesses is if this is in question.
- F. The student charged shall have the right to question all witnesses. The testimony of unknown or unidentified witnesses shall not be admissible.
- G. Documentation and written statements shall be admissible, providing the student has access to them in advance and is allowed to respond to them at the hearing and pose questions to be presented to the witness.
- H. The committee may address questions to any party or to any witness called by the parties provided; however, the student charged shall not be compelled against his/her wishes to testify or answer any question, and his/her silence shall not be held against him/her.
- I. The committee shall limit the scope of the testimony to matters relevant to the charges and the defense.
- J. The committee and/or the accused student may request from the Dean of Students (or designee) the presence at the hearing of any member of the University community.
- K. The committee and/or the accused student also may request the Dean of Students (or designee) to bring records or other exhibits.
- L. In the event that any person, including the student charged and/or his/her advisor or attorney, shall disrupt the hearing, the chairperson of the committee may exclude that person and proceed with the hearing in his/her absence.
- M. The standard of proof used within the student conduct system is the preponderance of evidence, or it is more likely than not (51% or greater probability) based on evidence presented that a respondent violated the policy.

- N. No recommendation for the imposition of sanctions shall be based solely upon the failure of the person charged to answer the charges. However, in cases where a student fails to answer a charge, sanctions may be levied if witnesses and related evidence present sufficient preponderance of evidence to find a student in violation of a policy.
- O. The decision of the Student Conduct Committee shall be considered as a recommendation to be submitted in writing to the Dean of Students or designee. The Dean of Students may accept or reject the recommendation of the committee based on an independent review of the facts' involved in the case.
- P. The Dean of Students (or designee) shall notify the student charged of his/her decision with copies to the college Dean, department chair, and faculty member of her/his decision.

XII. Removal of Student from Campus Prior to a Hearing (Summary Suspension):

- A. A Summary Suspension may be imposed upon a student when the Dean of Students (or designee) or Associate Provost (or designee) has reasonable cause to believe the continued presence of the student on campus constitutes a substantial threat to the safety of himself/herself, to other persons or property, or the stability and continuance of normal University operations. In exercising such authority, the Dean of Students (or designee) or Associate Provost (or designee) may rely upon information supplied to him/her by others.
- B. Following a summary suspension, permission for the student to be on campus for a specific purpose must be granted in writing by the Dean of (or designee) or Associate Provost (or designee).
- C. Any student summarily suspended who returns to the campus without written permission from the Dean of Students (or designee) or Associate Provost (or designee) during the period of summary suspension may be subject to disciplinary dismissal.
- D. If a student questions the fairness of the Summary Suspension made by the Dean of Students (or designee) or Associate Provost (or designee), she/he shall be granted, on written request, a hearing before the Dean of Students (or designee) or Associate Provost (or designee) respectively.
- E. The decision of the Dean of Students (or designee) or the Associate Provost (or designee) regarding the Summary Suspension Hearing shall be final and binding.
- F. Hearings held by the Dean of Students (or designee) or the Associate Provost (or designee) on summary suspension shall address the following issues only:
 - 1. The reliability of the information concerning one student's conduct, including the matter of his/her identity.
 - 2. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to himself/herself or to others or to the stability and continuance of normal University function.

XIII. Student Appeal Process

- A. Student Appeals of Faculty Disciplinary Action: The student may appeal the faculty member's action of reducing a grade through the academic grievance process (see Policy 5, section IV).
- B. Administrative Hearing Appeal: The appellate body is the Student Conduct Committee.
- C. Student Conduct Committee Appeal: The appellate body is the Dean of Students (or designee).

- D. Dean of Students Appeal: The appellate body is the Provost and Vice President of Academic Affairs (or designee).
1. The decision of the Dean of Students (or designee) may be appealed by the student by submitting a written request for review to the Provost and Vice President of Academic Affairs (unless the student has waived this right in writing) (please refer to the *Student Handbook* for more detailed description and timeline).
 2. The decision of the Provost and Vice President of Academic Affairs (or designee) is final and binding.
- E. Student Non-academic Grievance Action: Non-academic grievances such as discrimination, sexual harassment, and/or other issues/ complaints shall adhere to the student grievance policy and procedures (Policy 5, Section V).

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