

STUDENT CONDUCT CODE

[🏠](#) » [UIS Policies](#) » Student Conduct Code

Article I: Nature of the Code

The purpose of the Student Conduct Code is to uphold community standards, maintain personal accountability, and encourage student learning. By codifying the above set of values, the Student Conduct Code establishes the core set of expectations for students and provides the mechanisms to encourage students to uphold UIS' values and to communicate a set of student rights and responsibilities. The Student Conduct Code is intended to be educational and non- adversarial in nature to promote student development of responsible conduct and actions. As the Student Conduct Code is less formal than a court of law, many cases will be handled through informal proceedings that fulfill UIS educational mission and values. The standards and procedures in the Student Conduct Code differ substantially from the criminal justice system in scope and purpose and do not replace State or Federal criminal laws or procedures. For actions which violate both the Student Conduct Code and State or Federal law, students may be held accountable through both University and law enforcement channels. The procedures and sanctions of the Student Conduct Code may proceed during pending criminal proceedings and are not limited by any criminal charges that have been filed, reduced, or dismissed.

Article II: Jurisdiction

UIS may initiate disciplinary action against students and student organizations for conduct occurring in other settings, including off-campus and the internet, to protect the safety of students, faculty, staff, visitors, and other stakeholders or if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the University's educational programs or activities.

The Student Conduct Code applies to:

1. Conduct occurring on any property controlled, operated, owned, or leased by the University.
2. Conduct occurring while using University-owned, leased or rented vehicles, or vehicles leased with student-appropriated funds.
3. Certain conduct occurring off-campus with a connection to the University, including:
 - a. events and meetings sponsored by the University or University-recognized student organizations;
 - b. meetings or events where students represent the University or University-recognized student organizations;
 - c. practicums, internships, student field trips, student teaching, clinical settings, extension centers, independent study settings, and University study and travel abroad settings;
 - d. all actions that violate any of the laws or Conduct Rules and Regulations cited below and that substantially affect the University Community's

interest, even though such actions do not occur on University premises or property.

Article III: Statement on Student Rights

Students at the University of Illinois Springfield are entitled to rights afforded to them under the United States Constitution, the Illinois State Constitution, and other applicable Federal and State laws. Within the Student Conduct process at the University of Illinois Springfield, students are guaranteed the following rights:

1. The right to be presumed not responsible for policy violations, unless proceedings of the hearing prove otherwise.
2. The right to notice of alleged misconduct.
3. The right to respond to allegations of misconduct through a fair and impartial hearing. The student may testify at their discretion; a decision not to testify will not be held against the student.
4. The right to have one advisor present during a hearing. The advisor may be an attorney, but the cost of representation shall be at the accused's expense. The advisor may not participate in the hearing process. The advisor may quietly advise the party.
5. The right to be present during those portions of any hearing in which witnesses provide evidence relating to the alleged misconduct.
6. The right to request an appeal.

Article IV: Definitions

1. The term "University" means University of Illinois Springfield.
2. The term "student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Conduct Code, 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" as are persons who are living in University residence halls, although not enrolled in this institution. The term "faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
3. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
4. The term "member of the University community" includes any person who is a student, faculty member, staff, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students.
5. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, controlled, or leased by the University (including adjacent streets and sidewalks).
6. The term "student organization" means any number of persons who have complied with the formal requirements for University recognition.
7. The term "Hearing Officer" means a University official authorized on a case-by-case basis by the Dean of Students to impose sanctions upon any student(s) found to have violated the Student Conduct Code.
8. The term "shall" is used in the imperative sense.

9. The term “may” is used in the permissive sense.
10. The Dean of Students is that person designated by the Chancellor to be responsible for the administration of the Student Conduct Code.
11. The Hearing Panel is composed of one faculty, one staff, and one student member of the Student Discipline Committee and a non-voting chair designated by the Dean of Students
12. The term “Policy” means the written regulations of the University as found in, but not limited to, the Student Conduct Code, Residence Life Handbook, the University web page and computer use policy, and Graduate/Undergraduate Catalogs.
13. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Conduct Code.
14. The term “Respondent” means any student or student organization accused of violating this Student Conduct Code.

Article V: Proscribed Conduct

A. Conduct: Rules and Regulation

Any student or student organization found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article VII

1. Acts of dishonesty, including but not limited to the following:
 - a. Furnishing false information to any University official, faculty member, or office.
 - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
3. Taking or threatening any action that creates a substantial health or safety risk, or reasonable fear of such health or safety risk.
4. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property.
5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
6. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.
8. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.
9. Violation of any Federal, State, or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances. It is not a violation of this policy to be using a controlled substance if under the direction of a licensed physician and not in violation of state or federal law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations) or public intoxication. Alcoholic

beverages may not, in any circumstance, be used by, possessed, or distributed to any person under twenty-one (21) years of age.

12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.
13. Participating in any activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or university activities.
14. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace. This includes conduct includes but is not limited to any unauthorized use of electronic or other devices to make an audio or video record of any person without their prior knowledge or without their effective consent when such a recording is likely to cause injury or distress. This includes but is not limited to surreptitiously taking pictures of another person in a gym, locker room, or restroom.
16. Violation of Residence Life policies (See Residence Life policies and adjudication procedures in the Residence Life Community Handbook). If a University sanction is warranted, the Student Code procedures will be used for adjudication.
17. Violation of the UIS Policy Prohibiting Discrimination, Including Harassment and Sexual Misconduct Policy
18. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.

- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the University Computer Use Policy.

19. Abuse of the Student Conduct System including but not limited to:

- a. Failure to obey the notice from a Student Conduct Hearing Panel or University official to appear for a meeting or hearing as part of the Student Conduct System.
- b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
- c. Disruption or interference with the orderly conduct of a Student Conduct Hearing Panel proceeding.
- d. Institution of a Student Conduct Code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
- f. Attempting to influence the impartiality of a member of a Student Conduct Hearing Panel prior to and/or during the course of the Student Conduct Hearing Panel proceeding.

- g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Hearing Panel prior to, during, and/or after a Student Conduct Code proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
- i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code system.

B. Violation of Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by Federal, State, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Student Conduct Code, the University may advise off-campus authorities of the existence of the Student Conduct Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University

community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article VI: Student Conduct Code Procedures

A. General Procedures

(except for cases involving allegations of the UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct , See Section VI. F)

1. Any member of the University community may file charges against a student or student organization for violations of the Student Conduct Code. A charge shall be prepared in writing and directed to the Dean of Students or designee. Any charge should be submitted as soon as possible after the event takes place, preferably within 7 calendar days.
2. All charges shall be presented to the Respondent in written form. A time shall be set for a Student Conduct Hearing Panel Hearing not less than two calendar days after the student has been sent notice.
3. The Dean of Students or designee shall conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively through an administrative hearing by the Dean of Students or designee. The respondent has the right to request a hearing before a hearing panel. If the respondent selects an administrative hearing, no other hearing will be held. The respondent shall retain the right to appeal if the matter is adjudicated in an administrative hearing
4. The Complainant and the Respondent have the right to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate

directly in the any Student Conduct Hearing Panel Hearing or Administrative Hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

5. The Dean of Students (or designee), in conjunction with the Student Discipline Committee Chair, shall determine the composition of Student Conduct Hearing Panels.
6. The Dean of Students (or designee), in conjunction with the Student Discipline Committee Chair, shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are not inconsistent with provisions of the Student Conduct Code.
7. Decisions made by a Student Conduct Hearing Panel and/or Hearing Officers shall be final, pending the normal appeal process.

B. Student Conduct Hearing Panel Procedures

1. Student Conduct Hearing Panel Hearings shall be conducted by a Student Conduct Hearing Panel according to the following guidelines:
 - a. Student Conduct Hearing Panel Hearings shall be conducted in private and considered confidential.
 - b. The Complainant, Respondent and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Hearing Panel Hearing at which information is received (excluding deliberations).
 - c. In Student Conduct Hearing Panel Hearings involving more than one Respondent, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Hearing Panel Hearings concerning each student to be conducted either separately or jointly.
 - d. The Complainant, the Respondent, and the Student Conduct Hearing Panel may arrange for witnesses to present pertinent information to the Student Conduct Hearing Panel. The University will try to arrange the

attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Respondent at least two calendar days prior to the Hearing. Witnesses will provide information to and answer questions from the Student Conduct Hearing Panel. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Hearing Panel with such questions directed to the chairperson, rather than to the witness directly. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the panel.

- e. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Hearing Panel at the discretion of the chairperson.
 - f. All procedural questions are subject to the final decision of the chairperson of the panel.
 - g. After the portion of the Student Conduct Hearing Panel Hearing concludes in which all pertinent information has been received, the Student Conduct Hearing Panel shall determine by majority vote whether the Respondent has violated each section of the Student Conduct Code which the student is charged with violating.
 - h. The Student Conduct Hearing Panel's determination shall be made on the basis of whether it is more likely than not that the Respondent violated the Student Conduct Code.
 - i. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Code proceedings.
2. There shall be a single verbatim record, such as an audio recording, of all Student Conduct Hearing Panel Hearings before a Student Conduct Hearing Panel (not

including deliberations). Deliberations shall not be recorded. The record shall be the property of the University.

3. If a Respondent, with notice, does not appear at the Student Conduct Hearing Panel Hearing, the information in support of the charges shall be presented and considered even if the Respondent is not present.
4. The Student Conduct Hearing Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means where, and as determined in the sole judgment of Dean of Students to be, appropriate.

C. Student Conduct Administrative Hearing Procedures

1. Student Conduct Administrative Hearings shall use the following guidelines:
 - a. The Respondent(s) and their advisor(s), if any, shall be allowed to attend the entire portion of the Student Conduct Administrative Hearing.
 - b. Student Conduct Administrative Hearings involving more than one Respondents, the Student Conduct Administrator, in their discretion, may permit the hearing concerning each student to be conducted either separately or jointly.
 - c. The Respondent may arrange for witnesses to present pertinent information during the Student Conduct Administrative Hearing. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration during the Student Conduct Administrative Hearing.
 - d. All procedural questions are subject to the final decision of the Dean of Students.

- e. The determination shall be made on the basis of whether it is more likely than not the Respondent violated the Student Conduct Code.
 - f. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, shall not be required in Student Conduct Code proceedings.
2. If Respondent, with notice, does not appear at the Student Conduct Administrative Hearing, the information in support of the charges shall be presented and considered even if the Respondent is not present.

D. Cases Involving Student Organizations

- a. Cases involving a student organization shall follow the process outlined in Section VI of this Code.
- b. The student Organization President or another appropriate member designated by the student organization shall represent the student organization during any hearing process.
- c. Sanctions imposed against a student organization for violations of this Code are outlined in Article VII. In cases where a student organization is subject to an interim suspension, the process in Article VII. B shall be followed.
- d. Appeals for cases involving student organizations shall follow the process outlined in Article VIII.

E. Health and Safety Procedures

Health and Safety Procedures may be used when an alleged violation of the Student Conduct Code Section V.A.3 takes place. Once a determination is made, the case may be reviewed under the Health and Safety Procedures Guide, at the discretion of the Dean of Students or designee. The student will meet with the Dean of Students or designee at the first available time after the student has received notice that a Health and Safety Conference is

necessary. If, during the conference, it is determined that the student accepts responsibility or is found responsible for the violation(s), the Dean of Students or designee will determine an appropriate intervention/sanction(s). The Dean may impose any sanction provided for in this Code. A student found responsible for violating the Student Conduct Code as a result of a Health and Safety Conference may appeal the decision to the Vice Chancellor for Student Affairs or designee.

F. Discrimination, Including Harassment and Sex Based Misconduct

Cases involving an allegation of any prohibited conduct that falls under V.A.17, the UIS Policy Prohibiting Discrimination, Including Harassment and Sex Based Misconduct will be adjudicated using the following: For allegations based on sex see [Sexual Misconduct Policy and Appendices](#) for finding and sanctioning.

G. Discrimination based on all other protected classes

For allegations based on all other protected classes, see [Procedures to Address Protected Characteristic Discrimination](#) for finding and Student Conduct Code for sanctioning.

Article VII: Sanctions

A. Sanctions

1. The following sanctions may be imposed upon any student or student organization found to have violated the Student Conduct Code:
 - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of

more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

- c. Loss of Privileges—Denial of specified privileges for a designated period of time.
 - d. Fines—Previously established and published fines may be imposed.
 - e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
 - g. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - h. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
 - i. University Suspension—Separation of the student or student organization from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - j. University Expulsion—Permanent separation of the student or student organization from the University.
 - k. Withholding Degree—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.

3. In each case in which a Student Conduct Hearing Panel or the Hearing Officer determines that a student and/or student organization has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Dean of Students.

B. Interim Suspension

In certain circumstances, the Dean of Students, or a designee, may impose an interim disciplinary suspension against a student or a student organization.

1. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) to alleviate a threat if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. A student or student organization shall receive prompt notice of the interim suspension and an opportunity to appeal this action to the Chancellor, or the Chancellor's designee.
3. During the interim suspension, a student or student organization may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine appropriate. These interim actions shall remain in full effect until a final decision has been reached, including any appropriate appeals process.
4. Whenever an interim action is taken, proceedings to resolve alleged violations of the Student Conduct Code shall be convened at the earliest possible time.

Article VIII: Appeals

A. A decision reached by the Student Conduct Hearing Panel or a sanction imposed by the Dean of Students may be appealed by the Respondent to the Vice Chancellor of Student Affairs within seven calendar days of the decision. Such appeals shall be in writing and shall be delivered to the Student Conduct Administrator or his or her designee.

B. Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the Student Conduct Hearing Panel and supporting documents for one or more of the following purposes:

1. To determine whether the Student Conduct Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Conduct Code was violated and giving the Respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
3. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Hearing.

C. If an appeal is upheld by the Vice Chancellor of Student Affairs, the matter shall be returned to the original Student Conduct Hearing Panel or the Dean of Students to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

Article IX: Interpretation and Revision

A. Any question of interpretation or application of the Student Conduct Code shall be referred to the Dean of Students for final determination.

B. The Student Conduct Code shall be reviewed every four years under the direction of the Dean of Students.

Appendix A

Student Conduct Code Protocol for Alleged Violations of Part B (Title IX) of the UIS Sexual Misconduct Policy

I. Resolution of Formal Complaints under Part B of the UIS Sexual Misconduct Policy

This Conduct Code Protocol applies to Title IX Sexual Harassment in a UIS Education Program or Activity allegedly occurring against a person in the United States, as well as related allegations of Retaliation. The terms "Title IX Sexual Harassment", "Education Program or Activity", and "Retaliation" are defined in Appendix A of the Sexual Misconduct Policy.

II. Hearing

Following an investigation, unless the parties voluntarily agree to resolve a Formal Complaint (as defined in the Sexual Misconduct Policy) using an informal complaint resolution process, all Formal Complaints under Part B of

the Sexual Misconduct Policy are resolved through a live hearing which allows both parties to participate equally.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the Hearing Panel's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The hearing shall be closed to the public and will be recorded. The recording will be made available to the parties for inspection or review.

When all parties are physically present for the hearing in the same location, any party may request that the parties be located in separate rooms with technology enabling the Hearing Panel and the parties to simultaneously see and hear all testimony.

The Respondent is presumed not responsible for violating the Sexual Misconduct Policy and the Hearing Panel will make a Determination Regarding Responsibility at the conclusion of the grievance process. The Hearing Panel's determination will be based upon the relevant evidence presented at the hearing. The standard of proof the Hearing Panel will use is preponderance of the evidence (more likely than not).

Where a hearing involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

A. NOTICE

At least 14 days prior to the hearing the parties will receive written notice of the hearing date, time, location, participants, Hearing Panelists, and charges. The notice shall include:

- i. A statement that knowingly making false statements or knowingly submitting false information during the hearing process may result in discipline. A determination of responsibility, alone, is not sufficient to conclude that false information was intentionally provided;
- ii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility is made at the conclusion of the grievance process;
- iii. The names of the witnesses and copies of relevant documents, including the Report of Investigation; and
- iv. A copy or a link to the Sexual Misconduct Policy and this protocol.

B. ADVISORS

- i. The parties may have an advisor of their choice present during the hearing, who may be, but is not required to be, an attorney.
- ii. If the party does not have an advisor present at the hearing, UIS will provide without fee or charge to that party, the names of advisors available to ask cross-examination questions at the hearing on behalf of the party. After the party chooses an advisor from the list, the advisor will be given a reasonable amount of time to meet with the party to discuss cross-examination questions. UIS-provided advisors are not attorneys and do not provide legal or other advice. Their role is limited to asking cross-examination questions on behalf of the party.
- iii. Parties requiring a UIS-provided advisor should inform the Dean of Students or their designee of that fact at least 3 days before the hearing to allow the list of available advisors to be assembled.
- iv. An advisor may quietly consult with the parties but may not participate in the hearing beyond cross-examining witnesses.

v. If a party chooses not to participate in a hearing, UIS will appoint an advisor for the party to ask cross-examination questions on behalf of the party.

vi. Advisors shall comply with these procedures and the directions of the Hearing Panel Chair. If the advisor fails to comply with these procedures and/or directives from the Hearing Panel Chair, they may be asked to leave the hearing. If cross-examination has not happened, the hearing will be adjourned until a new advisor is appointed to perform cross-examination of witnesses on behalf of the party. If cross-examination of the witnesses has taken place, the hearing will proceed. Formal rules of legal procedure and evidence do not apply.

C. HEARING PANEL

i. Each Hearing Panel shall consist of one member of the faculty, one staff member, one student, and a non-voting Dean of Students designee. The faculty, staff, and student member of the Hearing Panel shall be members of the Student Discipline Committee. The Dean of Students designee shall serve as the Chair of the Hearing Panel. All panel decisions are by simple majority vote.

ii. Hearing panel members must be free from conflicts of interest and bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A conflict of interest includes having participated previously in the complaint resolution process for the particular complaint being considered.

iii. Panel members having such a conflict of interest or bias must recuse themselves and notify the Dean of Students so that a substitute can be designated.

iv. Either party concerned that a panel member might have a conflict of interest or bias may in writing, explain the basis for the concern, and request

a substitution of that official. Such requests must be received at least three days before the hearing to allow an appropriate substitution.

v. If the Dean of Students is notified in writing that there is a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, or a faculty, staff, or student member is unable to serve, an alternate may be appointed who is not a member of the Student Discipline Committee. The alternate must receive all required training to serve on the Hearing Panel.

Before serving on a Hearing Panel, all members, including the chair, must receive a minimum of 8 hours of training, including on topics required by applicable state and federal law, as well as on any technology to be used at a live hearing.

D. TESTIMONY AND OTHER EVIDENCE

i. All evidence included in the Report of Investigation shall be subject to the parties' inspection and review at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

ii. The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

iii. At the hearing, the Hearing Panel must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

iv. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Panel Chair must first

determine whether the question is relevant and explain any decision to exclude a question as not relevant.

v. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

vi. The Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

vii. A question or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege, is not permitted and will not be considered by the Hearing Panel.

E. HEARING OUTLINE

i. Opening Statement by Complainant

ii. Opening Statement by Responding Party

iii. Title IX Investigator's testimony

iv. Cross-Examination by the Complainant's Advisor

v. Cross-Examination by the Respondent's Advisor

vi. Panelists Question the Title IX Investigator

vii. Panel calls witnesses to testify

- viii. Panelists question the witnesses
- ix. Cross-examination by Complainant's Advisor
- x. Cross-examination by Respondent's Advisor
- xi. Additional evidence presented by Complainant
- xii. Additional witness testimony for the Complainant
- xiii. Cross-Examination of the Witnesses by the Respondent's Advisor
- xiv. Panelists Question the Witnesses
- xv. Additional evidence presented by the Respondent
- xvi. Additional witnesses for the Respondent
- xvii. Cross-Examination of the Witnesses by the Complainant's Advisor
- xviii. Panelists Questions of the Witnesses
- xix. Closing Statement by the Complainant
- xx. Closing Statement by the Respondent
- xxi. Hearing closes for panel deliberations

F. HEARING PANEL DELIBERATIONS

The Hearing Panel shall deliberate in closed session. All panel decisions shall be by simple majority vote, with each member's vote carrying equal weight.

The Hearing Panel will objectively evaluate all relevant evidence presented at the hearing – including both inculpatory and exculpatory evidence.

Credibility determinations may not be based on a person's status as a Complainant, Respondent, or Witness.

The Respondent is presumed not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process. The Hearing Panel will reflect its findings in the Determination Regarding Responsibility.

If the Hearing Panel finds, by a preponderance of the evidence, that the Respondent committed the alleged Title IX Sexual Harassment, it may impose none, any, or any combination of the sanctions set forth in Section IV of the Student Conduct Code, as appropriate.

The Hearing Panel may seek advice from the Office of University Counsel at any time during its proceedings.

The Hearing Panel must document its decisions in its written Determination Regarding Responsibility.

G. DETERMINATION REGARDING RESPONSIBILITY

Within 7 days of the hearing, unless for good cause, the Hearing Panel shall submit a written Determination Regarding Responsibility to the Dean of Students. The Determination Regarding Responsibility must include:

- i. Identification of the allegations potentially violating the Sexual Misconduct Policy;
- ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the UIS Code of Conduct or other applicable policy to the facts;

v. A statement of, and rationale for, the result as to each allegation, including a Determination Regarding Responsibility, any disciplinary sanctions the Hearing Panel imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by UIS to the Complainant; and

vi. The procedures and permissible bases for the Complainant and Respondent to appeal.

The Dean of Students or designee will provide the Determination of Responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the Dean of Students provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

III. Appeals

The determination of the Hearing Panel is final and binding upon the Respondent unless the Respondent and/or the Complainant submits a written appeal to the Vice Chancellor for Student Affairs or their designee within 7 days of receiving the Determination Regarding Responsibility. An appeal may be submitted by email, mail, or hand delivery to the Vice Chancellor for Student Affairs or their designee. Appeals must include all documentation supporting the appeal. The Vice Chancellor for Student Affairs or their designee may grant an appropriate extension of time for submitting an appeal upon written request if there is good cause shown. The parties shall be simultaneously notified in writing of any approved extension of time for filing an appeal and the reason therefore.

The Respondent and/or the Complainant may appeal based upon the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter;
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and
- D. The sanction is disproportionate with the violation.

Once an appeal is submitted by either party, the Vice Chancellor for Student Affairs or their designee will notify the other party in writing that an appeal has been filed. The non-appealing party will have 7 days to submit a written statement in response to the appeal.

The Vice Chancellor for Student Affairs or their designee shall review the appeal within 14 days of receiving the appeal and any statement in response from the other party, or the time for submission of the response has expired. Before taking action on the appeal, the Vice Chancellor for Student Affairs or their designee shall consider the appeal, any statement submitted in response by the other party, and all evidence considered by the Hearing Panel. The burden of persuasion rests with the appellant to establish the grounds for appeal.

The Vice Chancellor for Student Affairs or their designee may deny the appeal or grant the appeal in whole or in part and shall issue a written decision simultaneously to both parties within 7 days of the decision describing the result of the appeal and the rationale for the result. The notice shall specify that the decision of the Vice Chancellor for Student Affairs or their designee is final and that no further appeals are permitted.

If there are processing delays for any reason, including the granting of a party's request for an extension for good cause, the Complainant and the Respondent shall be given simultaneous written status updates that include the reason for any delay.

IV. Recordkeeping

The audio recording of the hearing will be available to the parties for inspection and review as soon after the hearing as reasonably possible.

UIS will retain the Determination Regarding Responsibility, all evidence presented at the hearing, any appeal and the result therefrom, and the audio recording of the hearing for 7 years. For other records retained relating to Title IX Sexual Harassment complaints, see the UIS Sexual Misconduct Policy.

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Responsible Unit: Student Affairs

Unit Head: Jamarco Clark

Associated Documents: [Student Conduct Code.pdf](#)
[Appendix A.pdf](#)