



## **Student Code of Conduct**

The *Code of Student Rights and Responsibilities* outlines behaviors expected of students at Martin University and methods used to judge student behavior according to these standards.

### **Equitable Procedures**

All students at Martin University have a right to fair and equitable procedures for determining the validity of charges of violating University regulations.

1. These procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness (i.e., right to notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to presence of counsel but not representation by counsel).
2. Students have the right to know in advance the range of penalties for violations of campus regulations.
3. Charges of minor infractions of regulations, for which a student is penalized by fines or reprimands, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal to the next higher level of administration or to an established appeals committee.
4. In cases involving charges of infractions of regulations that may result in suspension or expulsion from the University, students have a right to formal procedures which include right of appeal. Any person penalized for a serious infraction of established University regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.
5. Students charged with or convicted of a violation of federal, state or local law may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process. At the discretion of University officials, disciplinary action under this Student Code of Conduct may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.



Any student found to have committed or to have attempted to commit the following offenses is subject to the disciplinary sanctions.

### **Offenses Against Persons**

1. Harassment – Conduct towards another person or identifiable group of persons that has the purpose or effect of (a) creating an intimidating or hostile educational environment; (b) unreasonably interfering with a person’s educational environment.
2. Hazing - Any mental or physical action, requirement, request of, or obligation placed upon any person which could be harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws, or University policy.
3. Harm, Threat or Endangerment – Conduct that causes physical harm to any person is prohibited, as is any reckless or unauthorized conduct that threatens, endangers or reasonably could threaten or endanger the health or safety of any person. Conduct covered under this rule also includes but is not limited to intimidation, coercion, or impairment of any person’s freedom of movement as well as verbal or written threats of any action described above.
4. Privacy Violation—Use of audio, video, or photographic devices to make an image or recording of an individual without that person's prior knowledge, or without that person’s effective consent, when such image or recording is likely to cause injury or distress as determined by a reasonable person. This includes, but is not limited to, taking pictures of another person in a restricted area such as a restroom.
5. Sexual Misconduct—Sexual intercourse or sexual touching, however slight, by one person upon another without consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim’s ability to give consent or otherwise taking advantage of any impairment, which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age.
6. Stalking—Stalking is a knowing or intentional course of conduct that (1) would cause a reasonable person to feel frightened, harassed, intimidated, threatened, or alarmed and (2) that causes the person who is the subject or target of the stalking to feel frightened, harassed, intimidated, threatened, or alarmed. Such actions could be either implicit or explicit threats against a specific person; an



acquaintance, friend, family member, or pet of that person; or that person's property. Stalking includes the concept of cyber-stalking, a form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

### **Offenses Related to the Operation of the University**

1. Academic Misconduct – Acts which include but are not limited to cheating, plagiarism, falsely claiming to have completed work, cooperating with another person in academic misconduct, knowingly destroying or altering another student's work, or attempting to commit an act of misconduct.
2. Aiding and Abetting - Knowingly, recklessly, or willfully encouraging or assisting others to commit acts prohibited by this *Code*.
3. Computer Misuse - Any behavior violating policies governing the use of the University's computer system and related equipment/technology. See *Computer Lab Rules in the Student Handbook*.
4. Disorderly Conduct - Conduct that is disruptive of campus life or University activities, or that is a matter of public indecency, or a breach of the peace.
5. Failure to Comply - Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.
6. False Information—Intentionally submitting false information, verbally or in writing, to a University official or office.
7. Fraudulent Use - Forgery, alteration, taking possession of, or the unauthorized use of University documents, records, keys, or identification without the consent or authorization of appropriate University officials.
8. Interference with a Reprimand - Obstructing or interfering with the reprimand, discipline, or apprehension of another person who is involved in a violation of this *Code* or any other University rule or regulation.
9. Obstruction or Disruption - Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so.
10. Violation of the Law - Committing or attempting to commit any act that would be a violation of local, state or federal law on University property.



11. Other Policy Violations - Violating any other published University policies not specifically a part of this *Code*.

### **Violations That Compromise the Health/Safety/Welfare of Others**

1. Alcohol -Using, possessing or distributing alcoholic beverages.
2. Arson – Setting or attempting to set fires, or acting in a manner that disregards fire safety rules and results in a fire.
3. Drugs - Using, abusing, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs as defined by federal, state, or local laws, or any controlled substance (including marijuana, inhalants, and abuse of over-the-counter drugs and prescription drugs), except as expressly permitted by law. Possession of drug paraphernalia which can be demonstrated to be linked to illegal drug activity is also a violation of this policy.
4. False Reporting - Falsely reporting an emergency.
5. Gambling - Engaging in gambling, wagering, or other games of chance in violation of the law.
6. Tampering with Fire Equipment - Unauthorized use, activation, or alteration of fire-fighting equipment, fire safety, or another emergency equipment.
7. Weapons - Transferring, using, possessing, or manufacturing explosives, fireworks, firearms, dangerous chemicals, or any other weapons (deemed capable of causing bodily injury or property damage) on University property.

### **Offenses Against Property**

1. Misuse of Property – Trespass, occupancy of, unauthorized entry into, possession of, receipt of, or use of the property of another person, of the University, or of University services, facilities, or resources including, but not limited to, the University's name, seal, or insignia.
2. Theft — Attempted or actual theft, unauthorized use, or possession of public property, University property, or personal property.
3. Vandalism – Attempted or actual vandalism, damage to, or destruction of public property, University property, or personal property.

### **Offenses Involving the Judicial Process**

1. Improper Influence – Influencing or attempting to influence the decision of a member of a judicial body or a designated judicial officer, or attempting to discourage that person's participation in a judicial proceeding.



2. Intimidation of Participants – Intimidating, coercing, influencing, or attempting to intimidate, coerce, or influence a witness, complainant, or other persons participating in the judicial process.
3. Providing False Testimony - Providing false testimony or false information in the judicial process or knowingly making unfounded accusations against another individual.
4. Sanction Non-compliance - Failing to complete or to comply with a disciplinary sanction.

### **Disciplinary Procedures**

Any individual who believes a student may have committed a violation regarding the following below, may file an incident report with the Director of Compliance.

1. Harassment
2. Discrimination
3. Assault
4. Stalking
5. Hate Crime
6. Intimate Partner/Relationship Violence
7. Bullying and Cyberbullying
8. Retaliation

Any individual who believes a student may have committed a violation of the Code unrelated to the items listed above, may file an incident report with the Director of Student Services & Enrollment.

### **Contact Information**

Director of Compliance  
Amy Greene  
(317) 543-3672  
[agreene@martin.edu](mailto:agreene@martin.edu)  
[compliance@martin.edu](mailto:compliance@martin.edu)  
Compliance Hotline: (317) 917-3394

Director of Student Services & Enrollment  
Tracey Jackson  
(317) 917-3308  
[tjackson@martin.edu](mailto:tjackson@martin.edu)



## **Preliminary Meeting**

Please note: when the University receives actual or constructive notice of a sexual harassment/sexual misconduct incident the obligation to investigate is absolute. If a student has been the victim of sexual harassment or sexual misconduct and does not want to report the incident but would like to speak to a confidential professional please see the Director of Compliance for referral.

A preliminary meeting will be scheduled within 10 business days of the reported incident. The meeting will include either the Director of Compliance or the Director of Student Services & Enrollment depending on the infraction, and the student(s) involved. At this point the student(s) are made aware of the University disciplinary procedures, the nature of the complaint and the alleged violations, and the range of sanctions possible for that type of offense. The student is also given an opportunity to respond to the complaint. Based on the information available, the respective Director may: dismiss some or all the alleged violations; continue an investigation into the complaint to determine if the allegations have merit; or charge the student with one or more violations of the Student Code of Conduct.

If charged by the designated staff person with a violation(s) of the *Code*, the student(s) is also informed of his/her options in adjudicating the violation(s), including one of the following:

- a. To plead “responsible” for the violation, request an informal resolution in lieu of a hearing, and have the sanctions determined at that time by the respective Director. The respective Director may choose to refer the determination of sanctions to the Hearing Board if the level of offense warrants more serious sanctions than the Director is authorized to impose. As part of an informal resolution, the respective Director may impose sanctions up to and including suspension from the University but not expulsion or revocation of admission or degree.
- b. To plead “not responsible” for the violation and request a hearing. In the case of minor offenses, the Director may choose to hear the case administratively. Cases that are complicated in nature and scope, or where the violations may result in more serious sanctions, are referred to the University Hearing Board.

If a student(s) fails to appear for the preliminary meeting their case will be referred to the Hearing Board.

A student will be contacted via secure email the results from the initial meeting within 5 business days.



If it is determined a Hearing is necessary, the Hearing will occur within 10 business days of notice.

## **Interim Suspension**

Under certain circumstances, a student accused of a violation of the *Code* may be subject to interim suspension from the University prior to a hearing. During the interim suspension, the student is subject to trespass from University property and facilities and is denied access to all classes, activities and privileges for which the student might be eligible. Interim suspension shall be imposed only when:

- a. A student is deemed to be a threat to the safety, well-being, or property of any member(s) of the University community, or
- b. A student's presence is deemed to pose a substantial threat of disruption to the University's educational process.

The decision to suspend on an interim basis shall be made by the President of the University if a Compliance violation or the Vice President for Academic Affairs if any other violation. The student(s) will be notified in writing of this action and the reasons for the interim suspension. The notice will provide the student the opportunity for a hearing within three (3) business days at which the student(s) may show cause why his or her continued presence on the campus does not constitute a threat [and at which they may contest whether a violation of the *Code* took place]. The interim suspension may continue until the entire disciplinary process including appeal, is completed. Every effort will be made to complete the disciplinary process in a timely manner to limit the interim suspension to the shortest time possible.

## **Procedures for Disciplinary Hearings**

Procedures for disciplinary cases of the Hearing Board shall be as follows:

a. *Written Notice of Hearing.* The accused student(s) will be notified in writing of the date, time, and place of the hearing within five business days after the Preliminary Meeting. This notice will also include a statement of the allegations of policy violations, information about the hearing process, and the range of sanctions available. In cases where there are multiple accused students, the respective Director has the discretion to convene one hearing or separate hearings for the accused students.

b. *Absence of the Accused Student.* The accused student may choose not to attend the hearing and may instead submit a written presentation of his/her case.



The hearing may proceed in the absence of the accused. By such absence, the accused forfeits his/her right to question witnesses.

c. *Witnesses.* The accused student, the complainant and the respective Director may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The names of witnesses and written disclosure of the main points of their testimony must be provided to the respective Director a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing or delivery of a written or recorded statement in lieu of personal testimony. Witnesses invited by either party shall be present only while they are testifying. Character witnesses may not provide testimony directly to the Board but may provide written statements to be disclosed only if a student is found responsible. Character witness statements will be considered for sanctioning purposes only.

d. *Student Assistance.* The accused student and the complainant may be accompanied and assisted at the hearing by an advisor of their choice. The student must provide the name of his/her advisor to the respective Director a minimum of twenty-four (24) hours before the hearing. At no time may the advisor participate directly in the hearing proceedings. He/she may only consult with the student.

e. *Disqualification, Challenges.* Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student, with the complainant, or when the Board member believes a personal bias makes it impossible to render a fair decision. The accused student or complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, the Board shall thereafter consist of the remaining members of the Hearing Board.

f. *Conduct of the Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. The chairperson may limit questioning deemed to be irrelevant, immaterial, and





unduly repetitious. The hearing and the deliberations of the Hearing Board shall be private. Decisions of the Hearing Board shall be made by majority vote.

g. *Record of the Hearing.* There shall be a single verbatim record, such as an audio recording, of all University Review Board hearings (not including deliberations). Deliberations shall not be recorded. No other recording shall be made. The accused student may review the recording upon request. The recording shall be the property of Martin University and shall be maintained by the respective Director's department until the conclusion of all appeal proceedings, until the appellate term has surpassed, or as required by law. Preliminary meetings, witness and other interviews, or administrative hearings may be recorded.

h. *Continuances:* The Hearing Board, by majority vote, may continue the hearing to a later time.

i. *Additional Rules:* Procedural rules not inconsistent with this process may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

## **The Decision**

The decision of the Hearing Board shall be submitted as a recommendation to the respective Director who may do one of the following:

- a. Accept the recommendation and direct that the sanctions be implemented.
- b. Lessen or otherwise modify the sanctions imposed by the Hearing Board.
- c. Refer the case back to the Hearing Board for further consideration of sanctions.

The student be contacted within 5 business days from the conclusion of the Hearing.

## **Appeal**

Student(s) have the right to appeal the Hearing Board's decision. The request for an appeal must be in writing to the Director of Compliance or Director of Student Services & Enrollment, depending on the infraction, within 5 business days of receipt of the Hearing Board findings.

Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Hearing Board hearing and supporting documentation.



A student may appeal based on the following reasons:

1. A substantial procedural error that unreasonably impaired the student or the hearing body.
2. An unduly harsh sanction or an insufficient sanction.
3. New information of a substantive nature sufficient to alter a decision, because such information and/or facts were not known to the person appealing at the time of the original hearing.
4. Information of substantial bias on the part of the disciplinary body hearing the case.

An appeal may be resolved in one of the following ways:

1. The original decision may be upheld.
2. Modified sanctions, either greater or lesser, may be imposed.

A student will receive notice of the Appeal decision within 5 business days of the submitted Appeal.

## **Sanctions**

The following sanctions may be imposed:

- a. Official Reprimand - a written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- b. Educational Requirements - student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- c. Restitution - a student whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property for medical bills related to injuries.
- d. Referral - the student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social or emotional growth.
- e. Disciplinary Probation - for a specified period during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.



f. Trespass - a student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.

g. Restriction and Loss of Privileges - denial or restriction of specified privileges (including contact with a specific person or persons) for a designated period.

h. Suspension - termination of enrollment indefinitely or for a specific period. During the period of suspension, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Director of Facilities. Conditions of re-enrollment following a period of suspension may be determined by the Director of Compliance or the Director of Student Services & Enrollment, depending on the infraction.

i. Expulsion - permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Director of Facilities.

j. Revocation of Admission and/or Degree - admission to or a degree awarded from Martin University may be revoked for fraud, misrepresentation, or other violation of Martin University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

