

**ARTICLE X: STUDENT POLICIES AND PROCEDURES**  
**Section 2. Policy on Student Conduct**

**Policy 2.1: Grievance Procedures**  
**Issued: May 1, 2001**

Chicago State University is a community where the means of seeking truth are open discussion, free discourse, spirited debate and peaceful dissent. Free inquiry is indispensable to the purposes of the University and should be protected as a matter of academic freedom within the institution. Accordingly, conditions must exist which allow and encourage this freedom for all students. No student or group of students, regardless of moral impetus, sincerity, or conviction, has the right to limit or abrogate this freedom or prevent in any way the peaceful and lawful pursuits of other students.

Therefore, the University has an inherent right to require the cooperation of its members in the performance of educational functions, and to take appropriate action when the conduct and behavior of members impede or obstruct the achievement of its educational objectives or threaten the security of the institution. The very nature of the University as an educational community requires that both the standards of student conduct and the procedural processes related to it be reasonable, equitable, and just.

The Standards of conduct and the Hearing Board Procedures which are presented strongly reflect the spirit of the United States Constitution and the Bill of Rights. To protect students from enforcement of unpublished and vague rules or regulations, reasonable and realistic standards of conduct have been formulated which clearly inform students of University policy and protect those wishing to exercise their rights through peaceful action. Hearing Board procedures emphasize that one of the University's highest priorities is to safeguard the student's right to due process.

The student judicial process is a process whereby complaints of student misconduct are submitted, processed, and reviewed for merit. This procedure can accommodate charges involving both academic misconduct and non-academic misconduct. Unlike the criminal/civil court system, the Judicial Hearing serves administrative and educative





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Non Academic

Non-academic misconduct is an act that violates the University's rules, policies, and regulations while on campus as well as during off-campus functions sponsored or supervised by the University. Violations of this type include but are not limited to:

1. Furnishing false information to the University;
2. Forgery, alteration, misuse or misrepresentation of documents or records;
3. Obstruction or disruption of authorized University activities and functions on or off campus;
4. Physical abuse of another person or conduct which threatens or endangers another;
5. Theft of property, possession of stolen property, or damage to property of the University, a member of the University community, or a visitor to the campus;
6. Unauthorized entrance into or use of University facilities;
7. Violation of University regulations including, but not limited to, registration of organizations, manner and place of public expression;
8. Manufacture, delivery, sale, use, possession, or distribution of either narcotic or dangerous drugs, except as permitted by law and University regulations;
9. Possession, consumption, or distribution of alcoholic beverages on University property or at University sponsored activities except in accordance with the University policy;
10. Lewd, obscene, or disruptive conduct, or racial/ethnic or other legally prohibited harassment;

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11. Unauthorized possession of weapons;
12. Failure to comply with the direction of any authorized University representative, acting appropriately in the performance of her/his duties;
13. All forms of hazing;
14. Aiding and abetting violators of the Student Judicial Code and for the actions of guests(s);
15. Intentionally intimidating, impelling, threatening, or humiliating any member of the University community through conduct that violates the University's Policy on Sexual Harassment;
16. Violation of the terms of any disciplinary sanction imposed in accordance with this Policy;
17. Behavior which causes or threatens to cause harm to the student, other persons, or property, or creates a pattern of extreme disruption, or indicates an extreme inability of a student to cope with her/his own needs, and also suggests the possibility of a mental disorder.

1. PRELIMINARY MEETING

When a student is formally charged with violating the University's rules, policies, and/or regulations and if the alleged conduct might result in the imposing of a disciplinary sanction, a Preliminary Meeting shall be conducted by the Office of Judicial Affairs to determine whether further proceedings are warranted.

- 1.1 The Preliminary meeting occurs between an adjudicator and the alleged offender. During this meeting the adjudicator will explain the operation of the University Judicial System. The alleged offender may present his or her interpretation of the incident.
- 1.2 The adjudicator checks to be sure that the alleged offender has received a copy of the incident report, notice of charges, a copy of the Student

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Judicial Code, and any other pertinent information. If the alleged offender has not received all of this information, it will be provided at this time. The adjudicator may later serve as University presenter if the case requires a formal hearing. The alleged offender shall be so notified of this possibility at this meeting.

- 1.3 The alleged offender asks any questions he or she desires about the incident in question or the judicial system in general. After the adjudicator has answered any questions, the alleged offender may present his or her interpretation of the incident.
- 1.4 The adjudicator will then decide whether to proceed with the case, drop the charges against the alleged offender, or adjourn the preliminary meeting pending further consultation with the complainant.
- 1.5 If the adjudicator decides to drop the charges, the preliminary meeting will end; the student will receive written notification of the adjudicator's decision.
- 1.6 If the adjudicator decides to proceed with the matter, the student will receive an explanation of the pleas available within the University Judicial System. The alleged offender may then decide to plead or may request a maximum of one academic day in which to plead. If more than one day is needed, an additional time request can be made to the Director of Judicial Affairs. Depending on how the alleged offender pleads, the following will occur:
  - 1.6a Not guilty. The adjudicator will request that the student choose to have the case heard before either a Judicial Hearing Board or a Hearing Officer. The procedure described under "Full Hearings" will be followed.
  - 1.6b Guilty and accepts the sanctions offered by the adjudicator. The alleged offender will complete the assigned sanctions.
  - 1.6c Guilty but appeals the sanctions offered by the adjudicator. The adjudicator will contact the hearing officer for the Judicial Appeals Board and the procedure as described under "Appeals" will be followed.
  - 1.6d No contest. The alleged offender pleads neither guilty nor not guilty

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but accepts the sanctions offered by the adjudicator. This option is available to students who are involved in either civil or criminal proceedings arising out of the same incident.

- 1.7 If the alleged offender fails to attend a preliminary meeting and the alleged offender has received the material described in VI-1.1, either in person or through certified mail, the adjudicator shall enter a not guilty plea on the alleged offender's behalf and select the format for the hearing. The format for the hearing will be either before a Judicial Hearing Board or a Hearing Officer, except in cases of academic misconduct, sexual assault, or drug possession, which will always be before a Hearing Committee. The procedure described under "Full Hearings" will be followed.

2. JUDICIAL HEARING

Every student at Chicago State University shall have the right to a hearing. Except for the imposition of temporary sanctions, no judicial penalty shall be imposed upon any student without a hearing, a verdict of guilty, or no contest plea.

The Judicial hearing Officer shall schedule and convene a hearing with the student and person bringing the charge(s) within fifteen (15) days following the preliminary hearing or as soon as is reasonably possible. The student and the person bringing the charge(s) will be notified in writing of the date, time, and place of the scheduled hearing. The complainant and alleged offender should be present at the hearing. Both shall have an opportunity to speak and ask questions. The hearing may proceed without the consent of either the alleged offender or the complainant. Either party may request one postponement. Such postponement must be requested in writing at least forty-eight (48) hours prior to the hearing and will only be granted for good cause at the discretion of the Director of Judicial Affairs.

**Judicial Board**

The Judicial Board on Student Conduct shall be composed of a pool of at least sixteen members: eight students, six faculty/administrators and two civil service employees. The student Government Association and the Student General Assembly shall recommend to the Director of Judicial

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Affairs students to serve on the Board. All students who are recommended must be in good academic standing. The Faculty Senate and the Civil Service Employees Council shall also make their recommendations to the Director of Judicial Affairs. Administrative and Professional staff shall be recommended by their Directors. Five members from the Judicial Board pool constitute a Hearing Committee. A quorum consists of at least three members of the hearing Committee. The Judicial Hearing Board shall have the authority to levy any type of sanctions described in the Student Judicial Code.

3. PROCEDURE

3.1 The Judicial Hearing Officer shall schedule and convene a hearing with the student and person bringing the charge(s) within fifteen (15) working days following the Preliminary Meeting or as soon as is reasonably possible. The hearing shall be closed. The student and the person bringing the charge(s) will be notified in writing of the date, time and place of the scheduled hearing.

\_\_\_\_\_ 3.2 The student and person bringing the charge(s) should be present at the hearing. Both shall have an opportunity to speak and ask questions.

\_\_\_\_\_ a If the student fails to appear, the Judicial Hearing Officer may proceed without information from the student. \_\_\_\_\_

b. If the person bringing the charges(s) fails to appear, the Hearing Officer may proceed without that person.

3. Either party may request one postponement. Such postponement must be applied for in writing at least forty-eight (48) hours prior to the hearing and will only be granted for good cause at the discretion of the Judicial Hearing Officer.

3.3 Either party may bring an advisor to the hearing. In such instances, the Judicial Hearing Officer must be provided, in writing, the name of the advisor at least forty-eight (48) hours prior to the hearing. The advisor's participation is expressly limited to offering advice to her/his respective



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party.

3.4 Either party may bring witnesses to the hearing to testify, and each party may question the witnesses called by the other.

- a. The Judicial Hearing Officer must be provided the name(s) of the witnesses in writing at least forty-eight (48) hours prior to the hearing.
- b. This listing must also include a short description of the information to be presented by each proposed witness.
- c. The Judicial Hearing Officer may exclude witnesses if the information to be presented is repetitive or not relevant to the allegation.

Please Note: It is the responsibility of each party to inform their witnesses of the date, time, and place of the hearing. It also is the responsibility of each party to inform their witness of any changes in date, time, and/or place of the hearing.

\_\_\_\_\_3.5 If the hearing is conducted by the Judicial Hearing Committee, the following procedures will be followed:

- a. At the conclusion of the presentation of evidence, the interested parties will be excused and the Judicial Hearing Committee will conduct a closed session for deliberation.
- b. A simple majority vote of those present will decide whether the charge(s) is sustained or not. The Judicial Hearing Officer shall vote to break a tie.
- c. This committee shall prepare and submit to the Hearing Officer written findings of fact, and a recommendation of its decision regarding the charge(s) and sanction, if any.
- d. The Judicial Hearing Officer shall determine whether to impose the

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Committee's recommendation or modify it.

- 3.6 If the decision by the Judicial Hearing Officer or the Judicial Hearing committee is to sustain the charge(s), it must be based upon a preponderance of the evidence. (A preponderance of the evidence is that which indicates that the occurrence of the alleged misconduct is more probable than its non-occurrence, or vice versa).
- 3.7 If the charge(s) is sustained, the appropriate sanction will be levied as described under Disciplinary Sanctions.
- 3.8 Any prior sanctions imposed on the student in question shall be duly noted in the recommendation or determination of an appropriate sanction(s) for subsequent sustained charges.
- 3.9 The Judicial Hearing Officer shall notify all appropriate parties of her/his decision in writing within ten(10) working days or as soon as is reasonably possible thereafter.





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**Policy 2.2: Appeal Process**  
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- IV-4 **Restitution:** Payment for damage to an individual's or the University's property. The dollar amount is determined by the cost of materials to repair the item damaged, including any labor needed to replace or restore the item. The student will be responsible for payment of charges assessed within 30 days after receipt of a bill. If the bill is not paid in 30 days, an encumbrance will be placed on the student's record.
- IV-7 **Probation:** A strong formal warning which defines a student's status for a specific period of time. If a student violates any other rules and regulations within the jurisdiction of the judicial system while under University Disciplinary

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TEMPORARY SANCTIONS

A temporary sanction is an administrative action taken only under serious circumstances when time does not permit the convening of the appropriate Hearing Board and expeditious actions need to be taken. The imposition of a temporary sanction is not to be construed as a judgement of guilt or innocence, but is an administrative decision by the Office of Judicial Affairs. Such action is taken by an appropriate individual only when he or she has strong reason to believe that the alleged offense(s) involved one or more of the following circumstances:

- 1) Serious injury or danger to the emotional or physical welfare of the student in question, other students, faculty, or staff at the University.
- 2) Serious damage to University property.