

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

19TH EDITION

Revised August 2009

Marian University's vision is to transform lives, society, and the world through its graduates. Its mission is to be a Catholic university dedicated to excellent teaching and learning in the Franciscan and liberal arts traditions. The university's mission and values: dignity of the individual, peace and justice, reconciliation, and responsible stewardship guide the way faculty, administration, staff, and students relate to one another. Marian University is committed to the development of the whole person: mind, body, and spirit and the promotion of truth, honesty, personal integrity, and self-responsibility. The *Code of Student Rights and Responsibilities* is intended to provide guidelines and outline community expectations and is our means of following through on our commitment to the university's vision, mission, and values.

ARTICLE I: DEFINITIONS

1. The term "university" means Marian University.
2. The term "student" includes all persons taking courses at the university, either full-time or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with Marian University, or who have been notified of their acceptance for admission are considered "students" as are persons who are living in Marian University residence halls, houses, and apartments although not enrolled in this institution. This code does apply at all locations of the university, including all locations of Marian's Adult Programs.
3. The term "faculty member" means any person hired by Marian University to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
4. The term "Marian University official" includes any person employed by Marian University, performing assigned administrative or professional responsibilities.
5. The term "member of the Marian University community" includes any person who is a student, faculty member, Marian University official, or any other person employed by Marian University. A person's status in a particular situation shall be determined by the dean of students.

6. The term “Marian University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Marian University (including adjacent streets and sidewalks).
7. The term “organization” means any number of persons who have complied with the formal requirements for Marian University recognition/registration.
8. The term “student conduct board” means any person or persons authorized by the dean of students to determine whether a student has violated the code and to recommend sanctions that may be imposed when a rules violation has been committed.
9. The term “student conduct administrator” means a Marian 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 code. The dean of students may authorize a student conduct administrator to serve simultaneously as a student conduct administrator and the sole member or one of the members to the student conduct board. The dean of students may authorize the same student conduct administrator to impose sanctions in all cases.
10. The term “appellate board” means any person or persons authorized by the dean of students to consider an appeal of the student conduct board’s determination as to whether a student has violated the code or from the sanctions imposed by the student conduct administrator.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The dean of students is that person designated by the Marian University president to be responsible for the administration of the code.
14. The term “policy” means the written regulations of Marian University as found in, but not limited to, the code, residence life policies, the student-athlete handbook, the Marian University web site, the computer use technology policy, and the Marian University *Course Catalog*. These documents are available in the Office of the Registrar, the Office of Student Affairs, and the Marian University web site at www.marian.edu.
15. The term “complainant” means any person who submits a charge alleging that a student violated this code. When a student believes that he or she has been a victim of another student’s misconduct, the student who believes he or she has been a victim will have the same rights under this code as are provided to the complainant, even if another member of Marian University community submitted the charge itself.
16. The term “accused student” means any student accused of violating this code.

ARTICLE II: CODE AUTHORITY

1. The dean of students or his or her designee shall determine the composition of student conduct boards and appellate boards and determine which student conduct administrator, student conduct board, and appellate board shall be authorized to hear each matter.
2. The dean of students shall develop policies for the administration of the student conduct system and procedural rules for student conduct board hearings that are consistent with provisions of the code.
3. Decisions made by a student conduct board and/or student conduct administrator shall be final, pending the normal appeal process.
4. In addition to the bodies described in this code, the Marian University student consultation team will review information related to students who are experiencing significant physical or psychological crisis. This team is composed of the director of health and wellness, the director of counseling, and is chaired by the dean of students and is authorized to take appropriate interim action.
5. Marian University reserves the right to require a counseled withdrawal of any student whose behavior, physical, or psychological disorder is incompatible with minimal standards of academic performance and/or social adjustment. Behavioral withdrawal may occur when:
 - a. Students are deemed to be a danger to themselves or others.
 - b. Student behavior is severely disruptive to others.
 - c. Students refuse or are unable to cooperate with a recommended assessment and/or treatment.
 - d. Students whose physical or psychological disorder requires highly specialized services beyond those available on campus and whose condition will deteriorate without additional resources.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the Marian University *Code of Student Rights and Responsibilities*

1. The Marian University *Code of Student Rights and Responsibilities* shall apply to conduct that occurs on Marian University premises, at Marian University sponsored activities, and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The dean of students shall decide whether the code shall be applied to conduct occurring off campus at an activity that is not a university sponsored event on a case by case basis, at his or her sole discretion.
2. This code applies to all campus locations and to all student trips, programs, activities, and study abroad programs.

B. Conduct – Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV, B:

1. Acts of dishonesty, including but not limited to the following:
 - a. Academic dishonesty – rules and procedures regarding academic dishonesty are outlined in Article V of this *Code of Student Rights and Responsibilities*.
 - b. Furnishing false information to any Marian University official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any Marian University document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Marian University activities, including its public service functions on or off campus, or other authorized non-Marian University activities when the conduct occurs on Marian University premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person. Sexual misconduct is defined as any sexual act that occurs without the consent of the victim or that occurs when the victim is unable to give consent.

4. Attempted or actual theft of and/or damage to property of Marian University or property of a member of the Marian University community or other personal or public property on or off campus.
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 and/or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
6. Failure to comply with directions of Marian 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 Marian University premises or unauthorized entry to or use of Marian University premises.
8. Violation of any Marian University policy, rule, or regulation published in hard copy or available electronically on the Marian University web site.
9. Violation of any federal, state, or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, related paraphernalia, or other controlled substances except as expressly permitted by 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 by, or distributed to any person under 21 years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on university premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.
13. Participating in an on-campus or campus demonstration, riot, or 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 normal activities within any campus building or area.
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 on university premises or at functions

sponsored by or participated in by the university or members of the academic community. Disorderly 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 while on university premises without his or her prior knowledge, or without his or her 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. 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-technology policy.

Note: INTERNET USE: Students are reminded that Internet use is a form of communication. Communication which is (written, electronic, pictures, etc.) relative to behavior that is in conflict with this code may result in student conduct proceedings.

17. Abuse of the student conduct system, including but not limited to:
 - a. Failure to obey the notice from a student conduct board or university official to appear for a meeting or hearing as part of the student conduct system.
 - b. Falsification, distortion, or misrepresentations of information before a student conduct board.
 - c. Disruption or interference with the orderly conduct of a student conduct board 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 as outlined in this code.
 - f. Attempting to influence the impartiality of a member of a student conduct board proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct board prior to, during, and/or after a student conduct code proceeding.

- h. Failure to comply with the sanction(s) imposed under the code.
- i. Influencing or attempting to influence another person to commit an abuse of the code system.

18. Any behavior which is inconsistent with the Franciscan sponsorship values of the university: dignity of the individual, peace and justice, reconciliation, and responsible stewardship. Students are required to engage in responsible social conduct that reflects credit upon the university community and to model good citizenship in any community.

C. Violation of Law and Marian University Discipline

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 his or her status as a student. If the alleged offense is also being processed under the code, the university may advise off-campus authorities of the existence of the 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 IV: CODE PROCEDURES, PERSONAL, AND ORGANIZATIONAL

A. Charges and Student Conduct Board Hearings

1. Any member of the university community may file charges against a student for violations of the code. A charge shall be prepared in writing and directed to the student conduct administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within 72 hours.
2. The student conduct administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the student conduct administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the student conduct administrator may later serve in the same matter as the student conduct board or a member thereof. If the student admits violation of institutional rules, but sanctions are not

agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

3. All charges shall be presented to the accused student in written form. A time shall be set for a student conduct board hearing, not less than five or more than 15 calendar days after the student has been notified. Maximum time limits for scheduling of student conduct board hearings may be extended at the discretion of the student conduct administrator.
4. Student conduct board hearings shall be conducted by a student conduct board according to the following guidelines except as provided by Article IV, A, 7 below:
 - a. Student conduct board hearings normally shall be conducted in private.
 - b. The complainant, accused student, and their advisors, if any, shall be allowed to attend the entire portion of the student conduct board hearing at which information is received (excluding deliberations). Admission of any other person to the student conduct board hearing shall be at the discretion of the student conduct board and/or its student conduct administrator.
 - c. In student conduct board hearings involving more than one accused student, the student conduct administrator, at his or her discretion, may permit the student conduct board hearings concerning each student to be conducted either separately or jointly.
 - d. The complainant and the accused student have the right to be assisted by an advisor they choose. The advisor must be a member of the university community and may not be an attorney. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any student conduct board hearing before a student conduct board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct board hearing, because delays will not normally be allowed due to the scheduling conflicts of an advisor.
 - e. The complainant, the accused student, and the student conduct board may arrange for witness(es) to present pertinent information to the student conduct board.
 - f. Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by a student conduct board at the discretion of the chairperson.
 - g. All procedural questions are subject to the final decision of the chairperson of the student board.

- h. After the portion of the student conduct board hearing concludes in which all pertinent information has been received, the student conduct board shall determine by majority vote whether the accused student has violated each section of the code which the student is charged with violating.
 - i. The student conduct board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the code.
 - j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in code proceedings.
5. There shall be a single verbatim record, such as a tape recording, of all student conduct board hearings before a student conduct board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the university.
6. If an accused student, with notice, does not appear before a student conduct board hearing, the information in support of the charges shall be presented and considered even if the accused student is not present.
7. The student conduct board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, 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, when and as determined in the sole judgment of the dean of students to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the *Code of Student Rights and Responsibilities*:
- 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, alcohol education, educational programs, and 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 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 from the university.
 - k. Revocation of Admission and/or Degree – admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - l. Withholding Degree – the university may withhold awarding a degree otherwise earned until the completion of the process set forth in this 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. Disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record.
 - a. Upon graduation, the student’s disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, university suspension, university expulsion, or revocation or withholding of a degree, upon application to the student conduct administrator. Cases involving the imposition of sanctions other than residence hall expulsion, university suspension, university expulsion, or revocation or withholding of a degree shall be expunged from the student’s confidential record seven years after final disposition of the case.

In situations involving both an accused student(s) (or group or organization) and a student(s) claiming to be the victim of another student’s conduct, the records of the process and of the sanctions imposed, if any shall be considered to be the education records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

4. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in Article IV, B, 1, a-e.
 - b. Loss of selected rights and privileges for a specified period of time.
 - c. Deactivation – loss of all privileges, including university recognition, for a specified period of time.
5. In each case in which a student conduct board determines that a student and/or group or organization has violated the code, the sanctions(s) shall be determined and imposed by the student conduct administrator. In cases when people other than, or in addition to, the student conduct administrator have been authorized to serve as the student conduct board, the recommendation of the student conduct board shall be considered by the student conduct administrator in determining and imposing sanctions. The student conduct administrator is not limited to sanctions recommended by members of the student conduct board. Following the student conduct board hearing, the student conduct board and the student conduct administrator shall advise the accused student, group, and/or organization (and a complaining student who believes he or she was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

C. Interim Suspension

In certain circumstances, the dean of students or a designee may impose a university or residence hall suspension prior to the student conduct board hearing before a student conduct board.

1. Interim suspension may be imposed only:
 - a. To insure 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.
 - c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.
2. During the interim suspension, a student shall 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 or the conduct administrator may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a student conduct board hearing, if required.

D. Appeals

1. A decision reached by the student conduct board or a sanction imposed by the student conduct administrator may be appealed by the accused student(s) or complainant(s) to an appellate board within five school days of the decision. Such appeals shall be in writing and shall be delivered to the student conduct administrator or his or her designee.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the student conduct board hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the student conduct board 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 code was violated, and giving the accused student 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.
 - b. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the code which the student was found to have committed.
 - d. 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 board hearing.
3. If an appeal is upheld by the appellate board, the matter shall be returned to the original student conduct board and student conduct administrator for reopening of the student conduct board hearing 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 V: CODE PROCEDURES, ACADEMIC

The search for truth, the transmission of knowledge, and the facilitation of moral development are the avowed goals of institutions of higher education around the world. These goals cannot be achieved unless the men and women who participate in their achievement are honorable

persons with a common desire for the highest level of academic integrity. Members of the Marian University community are expected to maintain the highest level of honesty in every phase of their academic lives and to help create and promote an ethical atmosphere in which the goals of the university can be fully realized. Students must understand that by accepting admission to Marian University, they have agreed to abide by all the provisions of this code. Their willingness to respect and comply with this code should depend less on an expectation of punishment for violations than on their intellectual and moral integrity. The University has a positive obligation to protect this commitment by stating its code of academic integrity clearly and by taking decisive and responsible action when this code is violated. All Marian University students are responsible for knowing and avoiding the following types of academically dishonest behaviors. Student behaviors, as evidence of student intentions, will be used to establish the occurrence of academic dishonesty.

A. Academically Dishonest Behaviors

1. Cheating – using or attempting to use unauthorized materials, information, or study aids to gain an unfair grade advantage over other students in any academic exercise. Examples include, but are not limited to, using crib notes during the exam, copying answers from another student’s paper during an exam, and/or receiving information between exams in multiple sections of a course.
2. Plagiarism – representing the words or ideas of another as one’s own in any academic exercise. Examples include, but are not limited to, failing to enclose a direct quotation from a reference source within quotation marks and/or paraphrasing the words or ideas of another person without proper citation or documentation.
3. Multiple Submissions – submitting the same assignment in two or more courses without the prior permission of the respective instructors. Examples include, but are not limited to, submitting the same or essentially the same term paper for credit in two classes without obtaining both instructors’ permission, and/or giving the same or essentially the same speech for credit in two classes without obtaining both instructors’ permission.
4. Fabrication – falsifying or inventing information or citations in an academic exercise. Examples include, but are not limited to, making up fake data for a laboratory assignment, and/or padding a bibliography with references not consulted, cited, or taken into account in the text.
5. Misuse of Materials – abusing or unauthorized possessing of academic materials from the library or any other campus location. Examples include, but are not limited to, taking

a book from the library without checking it out, removing pages from a book or magazine in the library, and/or possessing unauthorized exam materials.

6. Misrepresentation – presenting false excuses or using deception to receive a higher grade or to avoid fulfilling the specific requirements of an assignment or course. Examples include, but are not limited to, giving a false excuse to miss a test or assignment, and/or obtaining unauthorized help from another person in the preparation of any graded work.
7. Facilitation of Academic Dishonesty – helping another student to violate any provision of this code. Examples include, but are not limited to, allowing another student to copy from your paper during an exam, informing another student of the contents of an exam before he or she takes it, writing a paper for another student who subsequently submits it for course credit, and/or transmitting a false excuse for another student to a faculty member.

B. Charges, Procedures, and Sanctions

Suspected violations of this code will lead to the following disciplinary procedures that are designed to emphasize fairness, consistency, and education. Sanctions resulting from these procedures will be imposed to minimize the occurrence of future violations, produce a better understanding of the value of academic integrity, and promote personal development.

1. If a faculty member detects questionable academic behavior that is not a clear violation of the code, corrective action may be taken. If the student complies, the case may be closed.
2. If a faculty member determines that a student has violated the code, the faculty member will consult with the dean of academic affairs for records of previous official disciplinary action for violation of the code. If the student has a previous official record of violation of the code, the case is automatically heard by an academic integrity panel (AIP) (see Section C).
3. If no record of previous official disciplinary action exists, the faculty member may formally impose one of the following sanctions:
 - a. Loss of credit on the assignment, paper, or test.
 - b. Failure in the course.

The faculty member must notify the student in a written memorandum within one week of discovering the violation.

4. If the student accepts the sanction, the faculty member then informs the dean of academic affairs and the dean of his or her school of the sanction in a memorandum which becomes the official record of disciplinary action for violation of the code. Included in the memorandum are the name of the violator, the course in which the violation took

place, the date of occurrence and discovery of the violation, and the nature, evidence, and copies of documents relevant to the violation. The case is considered closed.

5. If the student disagrees with the sanction, and has no previous record, the student may ask for a review of the sanction. Within one week of the original notification, the student will consult with the instructor concerning the sanction. The student will document the meeting by means of a memorandum of record which contains the date of the meeting, the results, and signatures of the student and the instructor. If, at this meeting, consensus is reached concerning the violation and sanction, the faculty member then informs the dean of academic affairs and the dean of his or her school as stated in Section B, 4 above. The case is considered closed.
6. If no resolution has been achieved following the meeting between student and faculty member, the student may file a written appeal with the dean of the school that oversees the course within one week. The appeal must include documentation of the original sanction by the faculty member, the memorandum of record of the meeting between the student and the faculty member, and a statement indicating what is requested concerning the sanction and the rationale behind the request. The dean or his or her designee will attempt to resolve the disputed violation and sanction in a manner acceptable to both parties. If a resolution is reached, the dean or designee will document the resolution in an official record of action as in Section B, 4 above and submit the documentation to the dean of academic affairs. The case is considered closed.
7. In the unlikely event that the matter is unresolved, the student may submit a written appeal to the dean of academic affairs. In addition to all of the documentation required in the initial appeal, a statement signed by the student, faculty member, and the dean or designee concerning the lack of consensus must also accompany the written appeal. This appeal will be heard by an academic integrity panel as described in Section C below.

C. Academic Integrity Panel (AIP) Policies and Procedures

1. Purpose – the purpose of the AIP is to determine if a violation occurred, determine the fairness of the original sanction, and/or impose one of the following sanctions:
 - a. Temporary suspension of the student from the university.
 - b. Permanent dismissal of the student from the university.
2. Composition – the panel is an ad hoc committee consisting of the following persons: two faculty members and two students agreed upon by both parties, and the provost or his or her designee. A list of impartial candidates will be presented to both parties by the dean of academic affairs.

3. Hearing – the deliberations of this panel represent due process in accordance with the Marian University *Code of Student Rights and Responsibilities*. The panel will hear the evidence with both the faculty member and the student present. The student may choose to have an authorized advisor present with him/her during panel proceedings. Authorized advisors are limited to Marian University faculty, students, or staff members. The provost or his or her designee will facilitate the meeting. A recorder will be present to record the deliberations. Both the student and the faculty member are given opportunity to present their case uninterrupted by the other party. The panel will have access to the student's file and to any witnesses that it wishes to hear and may choose to complete deliberations in more than one meeting. The judgment reached and the sanction(s) imposed by the panel will be determined by majority vote. The sanction will be commensurate with the seriousness of the violation and the student's previous record of academic integrity. The decisions of the AIP are final.
- D. Records – all reports of violation of the code will be submitted to the dean of academic affairs and maintained in a confidential file in that office.
1. No notation pertaining to academic dishonesty will appear in the student's files elsewhere except:
 - a. When knowledge of the violation may need to be recorded in department files for faculty recommendations for professional credentials.
 - b. In the Office of Admission in cases where students may re-apply for admission to the university.
 2. Official transcripts will contain no indication of disciplinary action taken as a result of academic dishonesty.
 3. Files pertaining to cases of academic dishonesty will be destroyed after graduation or five years of inactivity.

ARTICLE VI: INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the code shall be referred to the dean of students, in consultation with the provost and dean of academic affairs, for final determination.
- B. The code shall be reviewed every year under the direction of the dean of students.
- C. The Marian University *Code of Student Rights and Responsibilities* may be modified by the dean of students upon request by student affairs or academic affairs from time to time during the academic year. All modifications will be in consultation with the provost. Modifications to

the code will be made during the academic year to comply with federal, state, or local law. Any modifications of the code during the academic year shall be made in writing, will be made available in the Office of Student Affairs and on the Marian University web site, and shall become effective upon publication.

Marian University acknowledges and appreciates the work of Ed Stoner and Associates, authors of *A Twenty-First Century Model Student Conduct Code*, which provided a template for this document.