



CHAPTER 8

STUDENT CONDUCT CODE

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8.010. Purpose. State statutes provide that the governing boards of public colleges and universities "shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students" and "to enforce obedience to the rules." Although the grant of authority is broadly stated, it is well recognized that students are citizens. Students have legal rights, and deserve to be treated with dignity and respect. For that reason, it is important that the University's standards of student conduct, and the procedures for the enforcement of such standards, are fair and reasonable and are made available to all members of the University community.

Truman State University is a community of scholars. The University aspires to transmit knowledge, to foster student development, and to promote the quality of a mature and diverse society. By enrolling in the University, the student neither loses the rights nor escapes the duties of a citizen but conducts his or her life in the context of mutual regard for the rights, property, and privileges of others. In seeking these goals, the University recognizes the significance of students' rights. Those rights include:

- freedom of expression
- autonomy
- procedural protection, and,
- respect for personal integrity of all members of the community and their property.

By ensuring those individual rights, the University fosters an environment conducive to student success and well-being. In addition, efforts are made to foster the personal and social development of students.

Of course, students have obligations as well as rights. As members of an academic community, students must observe rules that benefit this community. Students must practice personal integrity. By doing so, they respect the dignity, rights, and property of all members of the University community. The Student Conduct Code thus creates an expectation of behavior that the University views as acceptable and appropriate. By fulfilling these expectations, students can enjoy their own rights, while also respecting others' rights and furthering the University's mission.

Student organizations often enrich the campus and community by providing a source of intellectual, personal, and social development for students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the registration and support of student organizations. Inherent in University registration of student organizations is the obligation of each organization to conduct activities in accordance with all University rules, policies, and applicable laws. It is the responsibility of the officers of each student organization to ensure that the student organization complies with the Student Conduct Code, that activities of the organization are conducted properly, and to actively oppose and prevent any organizational activity that would violate it. It is also the obligation of the officers of any student organization to advise and counsel individual members of their organization whose conduct could lead to misconduct allegations against the organization.

The University, as any other, must have a system to address those instances when a member, members, or student organization(s) fails to adhere to the expectations of the community. This Student Conduct Code describes University expectations of students and student organizations

and the processes available when a student or student organization has failed to adhere to these expectations. The Code also strives to support the educational environment by being proactive in nurturing appropriate personal and organizational development.

While the university places a high priority on student rights, the University conduct process differs from criminal law processes. This process is designed, in part, to determine whether a student has violated the Student Conduct Code only, not guilt or innocence. The University conduct process is informal and it is not bound by legal jargon, court-like proceedings, formal rules of evidence or the legal definitions that are the province of the criminal courts. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, within these procedures, assures:

- written notice;
- a hearing before an objective decision-maker;
- a finding of in-violation of Truman State University policy will not be made without information showing that it is more likely than not that a policy violation occurred; and
- sanctions will be proportionate to the severity of the violation.

This policy has been developed in accord with such philosophy and will be administered accordingly.

8.020. Definitions. Unless the context clearly requires otherwise, these terms will be accorded the following meanings.

1. The term "**attempting to commit an act**" means when a student or student organization, with the purpose of committing an act, takes any action that is a substantial step toward the commission of the act.
2. The term "**calendar day**" means any recognized day of a year.
3. The term "**complainant**" means a member of the University community, visitor or guest who files a written complaint with the University alleging that a student or student organization has violated the Student Conduct Code.
4. The term "**conduct hearing board**" means a committee appointed by the Dean of Student Affairs to determine whether a student or student organization has violated the Student Conduct Code and, if a violation is found, to recommend the imposition of sanctions.
5. The term "**Conduct Officer**" means any person authorized by the Dean of Student Affairs to implement the provisions of the Student Conduct Code and to provide assistance for any person involved in its operation. In most situations, the Conduct Officer is the Assistant Dean of Student Affairs for Citizenship and Community Standards.
6. The term "**Dean of Student Affairs**" means the person designated by the President of the University to be responsible for the administration of the Student Conduct Code.
7. The term "**faculty member**" means any person hired by the University to conduct classroom activities, to supervise other academic credit experiences, or other learning/teaching activities.
8. The term "**health**" means physical or mental well-being.

9. The term "**information**" means any witness testimony, documents, statements, or tangible material presented at a hearing or in the course of an investigation of an alleged conduct violation.
10. The term "**in violation**" means that the student or student organization has been found responsible for a violation of the Student Conduct Code.
11. The term "**joint hearing**" means any hearing at which two or more students or student organizations are accused of violating one or more provisions of the Student Conduct Code.
12. The terms "**may**" and "**should**" are used in the permissive sense.
13. The term "**member of the University community**" includes any person who is a student, administrator, faculty member, staff member, University official, or any other person employed by the University. A person's status in a particular situation will be determined by the Dean of Student Affairs.
14. The term "**more likely than not**" is the campus standard of proof. It is equivalent to the legal standard of "preponderance of evidence." The campus standard requires that a student or student organization will not be found in violation of the *Student Conduct Code* unless the information would lead a reasonable person to conclude that it is more likely than not that the accused student's actions violated the *Student Conduct Code*.
15. The terms "**must**" and "**will**" are used in the imperative sense.
16. The term "**not in violation**" means that the student or student organization has not been found responsible for a violation of the Student Conduct Code.
17. The term "**officer**" means a person in a student organization who holds an elected or appointed leadership position in that organization.
18. The term "**paraphernalia**" includes any object that contains the residue of (a) alcohol or (b) an illegal drug or (c) any object that is used in the consumption or distribution of an illegal drug. Examples of "a" include, but are not limited to a beer bong and empty alcoholic containers. Examples of "b" include, but are not limited to a marijuana pipe, bong, or blow tube. An example of "c" is a scale used in measuring quantities of an illegal drug.
19. The term "**policy**" or "**policies**" means the written regulations of the University as approved by the Board of Governors, the President of the University, or other University officials, and as set forth in general publications such as, but not limited to, the bylaws and policies of the Board of Governors, general/graduate bulletins, student handbooks, residence life handbooks, student organization recognition agreement, vehicle rules and regulations, or in special announcements about specific issues which are openly and fairly made available to students and student organizations.
20. The term "**prior record**" means that the accused student or student organization engaged in acts prior to the incident in question which violated the Student Conduct Code. A prior record includes, but is not limited to, past action taken for misconduct, any previous conduct hearing, documents sent to an accused student or student organization concerning any act of misconduct, and informal hearing records. A finding of "in violation" of the Student Conduct Code will be considered a prior record even if a review of the finding and/or sanction is pending. A prior record can only be used in recommending or determining sanctions and will not be revealed during the hearing process except as outlined in the Special Provisions section below.

21. The term “**sanctions**” means the consequences and remedies imposed by the Office of Citizenship and Community Standards when a student is found to have violated the Student Conduct Code.
22. The term “**sanctioned by an officer**” means a student organization and its officers may be held collectively or individually responsible when violations of this Code by those associated with the organization have received the tacit or overt consent or encouragement of the organization or the organization’s leaders, officers, or spokespersons.
23. The term “**student**” or “**students**” include all persons taking or auditing classes at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies; matriculated in any University program; and those who attend post-secondary educational institutions other than Truman State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the University, are considered “students.”
24. The term “**Student Conduct Code**” means the policy in this chapter of the Code of Policies of the Board of Governors establishing rules for the conduct of students at Truman State University.
25. The term “**student organization**” means (a) any number of persons who have applied for recognition/registration as a student organization by the University or (b) any number of persons who have complied with the formal requirements for University recognition/registration as a student organization.
26. The term “**University**” means Truman State University.
27. The term “**University conduct system**” means the processes and entities created in this chapter to implement the provisions of the Student Conduct Code.
28. The term “**University official**” means any person employed by the University performing assigned administrative or professional responsibilities. This term specifically includes residence hall Student Advisors.
29. The term “**University premises**” includes all land, buildings, facilities, and other property owned or controlled by the University.

8.030. Administrative Authority. The authority to administer and implement the Student Conduct Code is vested in the President of the University. Unless the President of the University elects to be directly involved in the administration of the Student Conduct Code, the authority for such administration is delegated to the Dean of Student Affairs, who will implement the policy. The Dean of Student Affairs will develop policies for the administration of the student conduct program and procedural rules for the conduct of hearings that are consistent with state and federal laws and with the provisions of the Student Conduct Code.

8.040. Jurisdiction.

8.040.1. Jurisdiction over Student Conduct. Students at Truman State University are provided access to the Student Conduct Code on the Office of Citizenship and Community Standards website <http://conduct.truman.edu> or may request a printed copy from the office. Students are charged with the responsibility of having read, and agreeing to abide by, the provisions of the Student Conduct Code and the authority of the student conduct process. Because the Student Conduct Code is based on shared values, it sets a range of expectations for the Truman State University student no matter where or when their conduct may take place. Therefore, the

Student Conduct Code will apply to behaviors that take place on the campus, at Truman State University-sponsored events, and may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial Truman State University interest. The University extends its jurisdiction to misconduct occurring online on university networks and sponsored sites. The University also responds to complaints of misconduct online (such as posts to www.facebook.com), even if the misconduct occurs off campus, when it falls under the “substantial university interest” standard. A substantial Truman State University interest is defined to include:

- a. Any action that constitutes a criminal offense as defined by Missouri law. This includes repeat violations of any local, state or federal law committed in the municipality where Truman State University is located.
- b. Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others.
- c. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- d. Any situation that is detrimental to the educational interests of Truman State University.

The Student Conduct Code may be applied to conduct that takes place during the time a person is enrolled as a student, including during intra-semester breaks and between semesters. Further, the Student Conduct Code applies to guests of community members, whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Truman State University are also protected by the Student Conduct Code, and may initiate grievances for violations of the Student Conduct Code committed by members of the Truman State University community against them. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Citizenship and Community Standards.

8.040.2. Student Organization Jurisdiction. A student organization, its officers, and advisor(s) acknowledge on an annual basis through completion and signing of the Student Organization Recognition Agreement that they have read, reviewed, and agreed that the organization and its members will abide by the Student Conduct Code and the rules for student organization conduct. Student organization officers are responsible for actively addressing member behavior that violates the Student Conduct Code, both individually and behavior that is considered an organizational violation. The “reasonable person” standard will be utilized by the Conduct Officer in determining if the behavior by the organization, its officers, members, and/or guests is the responsibility of the student organization. A violation exists when a reasonable person would conclude that it is more likely than not that the act in question did occur and is the responsibility of the student organization. A student organization is subject to the jurisdiction of the University Conduct System if it allegedly violated a provision of the Student Conduct Code:

1. Which occurs on University premises; or
2. Which occurs at any location during activities or events arranged or sponsored by the University or by a student, student organization(s), or by an officer or a student acting on behalf of, or at the request of an organization(s); or
3. Which occurs at any location if such conduct presents a danger or threat to the health or safety of members, guests, or others; or

4. Which occurs at any location if such conduct is so grievous that it could seriously and adversely affect the reputation of the University, its community, and/or the pursuit of the University's objectives, or
5. If the organization(s) chooses to protect one or more individual offenders who are members, alumni or guests of the organization(s) or guests at the organization(s)' activity; or
6. The offense, by its nature or after a review of facts and circumstances, is deemed an organizational violation since the organization, its officers, and/or leadership failed to exercise reasonable supervision of its member(s) or guest(s); or
7. When, after hearing a complaint, the conduct officer or conduct hearing board deems that the offense, by its nature, was an organizational violation and not the actions of an individual member.

8.050. Expectations for Conduct.

8.050.1. Expectations for Student Conduct. At Truman State University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Conduct Code. These standards are embodied within a set of core values that include *trust, community, civility and responsible citizenship*. When members of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the Student Conduct Code.

Any student found to have committed, to have attempted to commit, to have willfully aided or abetted, or to have been complicit in any of the following acts of misconduct is subject to the sanctions hereafter described in this chapter.

TRUST: Trust is a deeply held community value. Students at Truman State University exemplify honesty, integrity and a respect for truth in all of their dealings. Behavior that demonstrates a lapse of trust includes, but is not limited to:

1. **Acts of academic misconduct/dishonesty**, including, but not limited to the following:
 - 1.1. ***Cheating***: Defined as using or attempting to use unauthorized (a) materials, (b) information, or (c) study aids in any academic exercise.
 - 1.2. ***Fabrication***: Defined as unauthorized (a) falsification or (b) invention of any information (including research data) or citation in an academic exercise.
 - 1.3. ***Facilitating academic dishonesty***: Defined as (a) assisting or (b) attempting to assist another to commit an act of academic dishonesty, whether or not that action is associated with any particular course.
 - 1.4. ***Plagiarism***: Intentional representation of the words or ideas of another as one's own in any academic exercise. The term "plagiarism" includes, but is not limited to, (a) the use, by paraphrase or direct quotation, of the published or unpublished work or sections of a work of another person without full and clear acknowledgement; (b) the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials, including material taken from or ordered through the Internet; and/or (c) the unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.

- 1.5. **Sabotage:** Defined as, but is not limited to, the unauthorized interference with, modification of, or destruction of the work or intellectual property of another member of the University community.
2. **Taking property/property damage.**
 - 2.1. Intentional taking of (a) University property or (b) property of another.
 - 2.2. Intentional or reckless damage to (a) University property or (b) property of another.
 - 2.3. Procuring any money, goods, services, or thing of value under false pretenses, including the issuance of a check, draft, money order, or use of a credit card knowing that it will be dishonored upon presentation for payment.
 - 2.4. Knowingly taking possession of stolen property.
3. **Providing false and/or misleading information and/or falsification of University records.**
 - 3.1. (a) Lying, (b) deceiving, or (c) furnishing false and/or misleading information for the purpose of causing another person or University official to act or refrain from acting;
 - 3.2. (a) Forgery, (b) alteration, or (c) misuse of any document, record, material, file, or instrument of identification;
 - 3.3. Deliberately or purposefully providing false or misleading verbal or written information about another person that results in damage to the person's reputation.
 - 3.4. Tampering with or improperly attempting to influence the election(s) of any student organization(s) or group.
4. **Unauthorized use of keys, and/or entry.**
 - 4.1. Unauthorized (a) possession, (b) duplication or (c) use of keys, codes or passwords to gain entry to any University premises.
 - 4.2. Unauthorized (a) entry, (b) attempted entry, (c) use of University premises or (d) remaining in private or restricted areas of University or community facilities is prohibited.
5. **Misuse of computing resources through failure to comply with laws, license agreements, and contracts governing network, software, and hardware use. Abuse of the University Computer Use Policy, including, but not limited to:**
 - 5.1. Any use deemed commercial or for-profit.
 - 5.2. Any use that is likely, intended, or by negligence causes unauthorized network (a) disruption, (b) system failure, or (c) data corruption.
 - 5.3. Any use related to achieving, enabling, or hiding unauthorized access to (a) network resources, (b) Truman owned software, or (c) other information belonging to Truman State University, either within or outside the Truman network.
 - 5.4. Any use related to sending/receiving electronic mail that includes, but not limited to, the following: (a) solicitation or commercial use, (b) forging any portion of an electronic mail message, (c) spamming (bulk unsolicited email), (d) sending unwanted messages to unwilling recipients, or (e) invasion of privacy.
 - 5.5. Intentionally circumventing or building an unauthorized conduit through the University firewall with intentions of bypassing University (a) network management and/or (b) security devices.

- 5.6. Use of another individual's (a) identification; (b) network, email or other university based account; and/or (c) related passwords.
- 5.7. Unauthorized transfer or entry into a file, (a) to read, use, or change the contents; or (b) for any other reason.
- 5.8. Use of computing facilities or network resources to send (a) obscene, (b) harassing, (c) threatening messages, or (d) computer viruses or worms.
- 5.9. Any use that violates Truman (a) policies, (b) procedures, and (c) contractual agreements.
- 5.10. Any use that violates (a) local, (b) state or (c) federal laws.

6. **University wordmark violations.** Unauthorized use of the (a) University's name, (b) abbreviation, (c) trademarks or (d) wordmarks, including the Bulldog, logo, seal, or other graphic identity symbols.

COMMUNITY: Truman State University students honor and value their community. Behavior that violates this value includes, but is not limited to:

7. **Disruptive conduct.**

- 7.1. Disruption or obstruction of (a) teaching, (b) research, (c) administration, (d) free flow of pedestrian or vehicular traffic on University premises.
- 7.2. Disruption or obstruction of (a) teaching, (b) research, (c) administration, (d) free flow of pedestrian or vehicular traffic at University recognized activities and events.
- 7.3. Creating a fire, safety, or health hazard through the misuse, abuse, rendering inoperable, or degrading the effectiveness of any University safety equipment, fire fighting equipment, or fire alarms.
- 7.4. Activating a fire or emergency alarm, extinguisher, or other safety device without good cause or reasonable justification.
- 7.5. Failure to evacuate a Truman State University-owned building during a fire alarm;
- 7.6. Intentionally providing a false report of an explosive or incendiary device that constitutes a threat or bomb scare.
- 7.7. Any act that deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community.
- 7.8. Conduct that is (a) disorderly, (b) lewd, or (c) indecent.
- 7.9. An act that (a) is a breach of peace or (b) that aids, abets, or procures another person to breach the peace on University premises, at activities or events arranged or sponsored by the University, or sponsored by a student organization(s), regardless of location.
- 7.10. Failure to comply with oral or written instruction from duly authorized (a) University officials acting within the scope of their job duties or (b) law enforcement officers acting in performance of their duties.
- 7.11. Failure to identify oneself upon request to (a) University officials acting within the scope of their job duties or (b) law enforcement officers acting in performance of their duties when requested to do so. A student is required to produce his/her University ID card upon the request of an official or law enforcement officer.
- 7.12. Complicity. Condoning, supporting, or encouraging a violation of University policy. Students who anticipate or observe a violation of University policy are expected to remove themselves from the situation, and are encouraged to report it immediately.

8. **Violation of University policies** as defined above in this chapter, when such policies are published or otherwise made known to students in a fair and open manner (Student Handbook, Residence Life Handbook, General/Graduate Catalog, University websites, etc.).
9. **Misconduct at University sponsored/related activities.** Violation of University rules or regulations of a host institution sponsored/related activity.
10. **Abuse of University conduct procedures, including, but not limited to:**
 - 10.1. Failure to obey the summons of the University Conduct system or University official.
 - 10.2. Falsification, distortion, or misrepresentation of information to the University Conduct system.
 - 10.3. Disruption of or interference with the orderly operation of the University Conduct system.
 - 10.4. Initiation of a conduct proceeding knowingly without cause.
 - 10.5. Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
 - 10.6. Attempting to discourage an individual's proper participation in, or use of, the University Conduct system.
 - 10.7. Attempting or committing an act of retaliation against a person or student organization that has reported or intends to report a violation of the Student Conduct Code.
 - 10.8. Attempting to influence the impartiality of a member of a conduct hearing board prior to, or during the course of, participation in the University Conduct system;
 - 10.9. Harassment, abuse, or intimidation of a member of a conduct hearing board prior to, during, or after participation in the University Conduct system.
 - 10.10. Failure to comply with the sanction or sanctions imposed under the Student Conduct Code.
 - 10.11. Influencing or attempting to influence another person to commit an abuse of the University Conduct system.
11. **Social Host.** It is the responsibility of any student who hosts a visitor or guest on campus to insure that the person knows and adheres to the Student Conduct Code and University policies. In instances where guests violate rules or policies, the student host may be held responsible. Whether a visitor is a student, non-student, or non-identified guest, the student host may be held responsible for violations of the Student Conduct Code and University policies. Responsibility under these rules may occur even if the host is not a participant in the activity or has left the visitor(s) alone.
12. **Conduct that is** (a) obscene based on contemporary community standards or that is (b) detrimental to the University's image as a public institution.

CIVILITY: Truman State University students exemplify civil and respectful treatment of each other in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

13. Personal Abuse.

- 13.1. **Physical harm** or threat of physical harm to any person.
- 13.2. **Harassment:** severe, pervasive and objectively offensive physical, verbal, or written conduct related to an individual's age, disability, ethnic background, nationality, gender, race, religion, or sexual orientation that interferes with the person's academic or work performance and social interaction at the University. Student harassment occurs when the student's conduct (a) unreasonably interferes with a person's work or educational performance or (b) creates an intimidating, hostile, or offensive environment for working, learning, or social interaction at the University (including written, telephone, or electronic communication such as AOL, IM, ICQ, etc.). This definition, however, will not be interpreted to abridge the right of any member of the University community to freedom of expression protected by the First Amendment of the United States Constitution and other applicable law.
- 13.3. **Failure to respect the privacy of other individuals**, including, but not limited to, eavesdropping, surveillance, or intruding upon the privacy of another person or group by means of bugging devices, concealed recorders, magnifying optics, etc.
- 13.4. **Student conduct that threatens or endangers the health or safety of** (a) the individual student (self) or (b) any other person(s).
- 13.5. **Violence between those in an intimate relationship to each other.**
- 13.6. **Stalking**, defined as repetitive, menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

14. Sexual misconduct.

- 14.1. **Sexual harassment:** The University is committed to the advancement of knowledge, to freedom of thought and inquiry, and to the personal, social, and intellectual development of its students. The University has a professional and ethical responsibility to provide a healthy living, learning, and working environment and a climate of academic freedom for all its members—students, faculty and staff. To foster educational development and promote true academic freedom, the University requires an environment in which no person is intimidated, exploited, or coerced. These goals cannot be attained where sexual harassment exists. This policy is designed to promote behavior that supports personal and social development in an environment that fosters academic performance and intellectual growth. Its purpose is to ensure the academic freedom of everyone while protecting the rights of all.

Definition

- a. Sexual harassment is a form of sex discrimination which may violate Title VII of the Civil Rights Act of 1964 (employee rights) or Title IX of the Education Amendments of 1972 (employee and student rights). The following definition adapts the 1980 Equal Employment Opportunity Commission guidelines to the academic setting.
- b. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- c. Submission is made an express or implied term or condition of employment or status in class, program, or activity.

- d. Submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, promotion or grading a course);
 - e. The conduct may unreasonably interfere with a person's work or educational performance or creates an intimidating, hostile, or offensive environment for working or learning.
 - f. Both men and women can be sexually harassed. Sexual harassment can occur between equals, but most often occurs in situations where one person has power over another.
- 14.2. ***Retaliation Prohibited*** : Retaliatory action of any kind against any individual as a result of a person's attempt to seek redress under the applicable procedures dealing with sexual harassment is prohibited. Retaliatory action shall be regarded as a separate and distinct cause for complaint under this policy and any other applicable policies.
- 14.3. ***Non-consensual sexual intercourse*** is any sexual intercourse involving anal, oral or vaginal penetration, however slight, by a man or a woman upon a man or a woman, without effective consent.
- 14.4. ***Non-consensual sexual contact*** is any intentional sexual touching, however slight, by a man or a woman upon a man or a woman, without effective consent.

Effective Consent

Effective consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Effective consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity --who, what, when, where, why and how sexual activity will take place. In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. In order to give effective consent, one must be of legal age.

If you have sexual activity with someone you know to be--or should know to be--mentally or physically incapacitated (alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.

- a. Any time sexual activity takes place between individuals, those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their sexual behavior.
- b. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called "date-rape" drug. Possession, use and/or distribution of any of these substances (e.g., Rohypnol, Ketamine, GHB, Burundanga, etc.) is prohibited, and administering one of these drugs to another individual for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>

- c. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

The requirements of this policy are blind to the sexual orientation or preference of individuals engaging in sexual activity. Sexual activity includes:

- a. Intentional contact with the breasts, buttocks, groin, genitals, mouth or other orifice, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts;
- b. Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- c. Intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

14.5. **Sexual exploitation** occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: prostituting another student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism (Peeping Tom); knowingly transmitting an STI or HIV to another student.

- 15. **Abusive affiliation** (hazing), which the law might recognize by the term "hazing" is any act on or off the campus of the University, that a reasonable person would find to endanger the mental or physical health or comfort or safety of a student or prospective student or member, or which results in the destruction or removal of public or private property, or which causes extreme embarrassment, or public humiliation, for the purpose of initiation or admission into, affiliation with, or confirming any form of affiliation, or continued membership in a student organization regardless of an individual's consent to participate in the activity. Acts of abusive affiliation include, but are not limited to:
 - 15.1. Any activity which endangers the physical health or safety of the student or prospective member, including, but not limited to, physical brutality, whipping, beating, paddling, slapping, kicking, choking, scratching, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or forced smoking or chewing of tobacco products; or
 - 15.2. Any activity that endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, placing prospective members of an organization or group in ambiguous situations which lead to confusion and emotional stress or other extreme stress inducing activity; or
 - 15.3. Any activity that requires the student or prospective member to perform a duty or task that involves a violation of the criminal laws of this state or any University policies, rules, or regulations published in University documents; or

- 15.4 Subservience, including but not limited to any activity which promotes a class system within organizations or activities which facilitate inappropriate levels of authority over students.

RESPONSIBLE CITIZENSHIP: Truman State University students are given and accept a high level of responsibility as role models. Responsible citizenship requires self-reflection and acceptance of the duty to model ethical and moral conduct. Behavior that violates this value includes, but is not limited to:

16. Narcotics, controlled substances, chemicals, and drug paraphernalia violations.

- 16.1. (a) Manufacture, (b) possession, (c) use, (d) sale, (e) distribution of narcotic or other controlled substances, (f) drug paraphernalia, and/or (g) other chemicals is prohibited, without proper prescription or required license, except as expressly permitted by law or University regulation. Possession could mean in the presence of narcotic or other controlled substances, drug paraphernalia, or other chemicals.
- 16.2. Misuse or abuse of prescription medications and/or drugs.
- 16.3. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property, under the influence of a narcotic or other controlled substance.

17. Alcohol violations.

- 17.1. Public intoxication on University premises.
- 17.2. (a) Manufacture, (b) possession, (c) use, (d) sale, or (e) distribution of alcoholic beverages or alcohol paraphernalia on University premises, when such manufacture, possession, use, sale, or distribution is prohibited by law or University rules. Possession could mean in the presence of alcohol.
- 17.3. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property, under the influence of alcohol.
- 17.4. No student will furnish or cause to be or allow to be furnished any alcoholic beverage to any person (a) under the legal drinking age; (b) in a state of noticeable intoxication; or (c) who is on University premises.

18. Possession and/or use of a firearm and/or dangerous material.

- 18.1. Possession of (a) firearms (including BB, paint, and pellet guns) or (b) any other weapons other than a common pocket knife on University premises or at University sponsored/related activities unless specifically approved by a University official.
- 18.2. Possession of (a) fireworks, (b) explosives, (c) dangerous chemicals which are disruptive, explosive, or corrosive on University premises or at University sponsored/related activities unless specifically approved by a University official.

19. Gambling is prohibited at activities or events arranged or sponsored by the University, on University premises, or sponsored by a student organization(s), regardless of location. It is prohibited to:

- 19.1. Play or sponsor an unlawful game of chance for money or for anything of value (a) on University premises or (b) at a University or student organization sponsored activity or event.

- 19.2. Sell, barter, or dispose of a ticket, order, or any interest in a scheme of chance by whatever name (a) on University premises or (b) at a University or student organization sponsored activity or event.
 - 19.3. Wager on a University team or organization in a competition, with or without an intent to have a direct influence on the outcome of the competition (a) on University premises or (b) at a University or student organization sponsored activity or event.
20. **Instigation or participation in group disturbances during demonstration(s), parade(s), or picketing.**
- 20.1. Participation in demonstration(s), parade(s), or picketing which (a) disrupts the normal operations of the University; (b) infringes on the rights of other members of the University community; (c) obstructs or unreasonably interferes with freedom of movement, either pedestrian or vehicular, on University premises; or (d) which jeopardizes public order or safety.
 - 20.2. Leading or inciting others to disrupt scheduled and/or normal activities on University premises.
21. **Commission of felony or misdemeanor.** Commission of an act, which may be a (a) felony or (b) misdemeanor as provided in local, state, or federal law will also constitute a violation of this Code, and subject the accused student to conduct action, whether or not prosecuted by public officials.

Acts of misconduct by a student will be cumulative in effect, and all acts of misconduct may be considered together in deciding whether the Student Conduct Code has been violated and, if a violation is found, the imposition of sanctions. This does not include prior infractions for which a determination has already been made.

8.050.2. Expectations for Student Organization Conduct. In addition to all of the Expectations for Student Conduct listed above, the following acts are prohibited and any student organization found to have committed, have attempted to commit, or to have willfully aided or abetted any of the following acts of misconduct is subject to the sanctions hereafter described in this chapter. Sanctions for student organization misconduct may include revocation or denial of recognition, registration, or charter, as well as other appropriate sanctions, pursuant to 8.080 of this Code.

TRUST: Trust is a deeply held community value. Organizations at Truman State University exemplify honesty, integrity and a respect for truth in all of their dealings. Behavior that demonstrates a lapse of trust includes, but is not limited to:

- 1. **Taking property/property damage.**
 - 1.1. Intentional taking of (a) University property or (b) property of another.
 - 1.2. Intentional or reckless damage to (a) University property or (b) property of another.
 - 1.3. Procuring any money, goods, services, or thing of value under false pretenses, including the issuance of a check, draft, money order, or use of a credit card knowing that it will be dishonored upon presentation for payment.
 - 1.4. Knowingly taking possession of stolen property;

- 1.5. Keeping in its possession property or services not belonging to their organization without authorization.
2. **Providing false and/or misleading information and/or falsification of University records.**
 - 2.1. (a) Lying, (b) deceiving, or (c) furnishing false and/or misleading information for the purpose of causing another person or University official to act or refrain from acting.
 - 2.2. (a) Forgery, (b) alteration, or (c) misuse of any document, record, material, file, or instrument of identification.
 - 2.3. Deliberately or purposefully providing false or misleading verbal or written information about another person that results in damage to the person's reputation.
 - 2.4. Tampering with or improperly attempting to influence the election(s) of any student organization(s) or group.
3. **Unauthorized use of keys, and/or entry.**
 - 3.1. Unauthorized (a) possession, (b) duplication or (c) use of keys, codes or passwords to gain entry to any University premises.
 - 3.2. Unauthorized (a) entry, (b) attempted entry, (c) use of University premises or (d) remaining in private or restricted areas of University or community facilities is prohibited.
4. **University wordmark violations.**
 - 4.1. Unauthorized use of the (a) University's name, (b) abbreviation, (c) trademarks or (d) wordmarks, including the Bulldog, logo, seal, or other graphic identity symbols.
 - 4.2. The phrases "Truman State" or "Truman State University" (or some form thereof) cannot precede the title of the organization or group.

COMMUNITY: Truman State University organizations honor and value their community. Behavior that violates this value includes, but is not limited to:

5. **Disruptive Conduct.** No student organization will:
 - 5.1. Act in a manner that can reasonably be expected to disturb the academic pursuits or infringe upon the privacy, rights, privileges, health or safety of (a) students, (b) the University community, or (c) local community.
 - 5.2. Obstruct the (a) free movement of other students around the campus, (b) interfere with the use of University facilities, or (c) prevent the normal operation of University.
 - 5.3. Condone or encourage acts that cause physical harm.
 - 5.4. Engage in obscene or indecent conduct.
 - 5.5. Fail to comply with the administrative policies as enacted by the University.
 - 5.6. Fail to comply with the directions of (a) University officials or (b) authorized agents acting in the performance of their duties.
6. **Compliance with the Directions or Requests of University Officials.**
 - 6.1. Student organization officers, leaders and spokespersons will comply with all directions or requests of (a) University officials or (b) law enforcement officers in a timely manner.

- 6.2. Student organization members will comply with all directions or requests of (a) University officials or (b) law enforcement officers in a timely manner.
7. **Use of Facilities.**
 - 7.1. Registered student organizations planning events in University facilities are responsible for knowing any applicable policies.
 - 7.2. Registered student organizations planning events in University facilities are expected to be in full compliance with any applicable policies.
 - 7.3. Those individuals acting on behalf of an organization that reserves facilities should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.
8. **Fire Safety and Sanitation.**
 - 8.1. (a) Tampering with or (b) damaging fire safety equipment is prohibited.
 - 8.2. (a) Causing, (b) condoning, or (c) encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives or fire that reasonably may result in danger to another's person or property is prohibited.
 - 8.3. (a) Possession or (b) use of fireworks, incendiary devices, or dangerous explosives is prohibited.
 - 8.4. Failure to properly maintain a student organization's facilities, property (furnishings, equipment, etc.), or surrounding real estate property so as to create a potential danger to the health and/or safety of the occupants or members of the University and surrounding community is prohibited.
9. **Abuse of University Conduct procedures, including but not limited to:**
 - 9.1. Failure to obey the summons of the University Conduct system or University official.
 - 9.2. Falsification, distortion, or misrepresentation of information to the University Conduct system.
 - 9.3. Disruption or interference with the orderly conduct of the University Conduct system.
 - 9.4. Initiation of a conduct proceeding knowingly without cause.
 - 9.5. Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
 - 9.6. Attempting to discourage or discouraging an individual's proper participation in, or use of, the University Conduct system.
 - 9.7. Attempting or committing an act of retaliation against a person or student organization that has reported a violation of the Student Conduct Code.
 - 9.8. Attempting to influence the impartiality of a member of a conduct hearing body or hearing officer prior to, or during the course of, a University Conduct proceeding.
 - 9.9. Harassment of a member of a conduct hearing body prior to, during, or after a University Conduct proceeding.
 - 9.10. Failure to comply with the sanction or sanctions imposed under the Student Conduct Code.
 - 9.11. Influencing or attempting to influence another person to commit an abuse of the University Conduct system.
10. **Conduct that is** (a) obscene based on contemporary community standards or that is (b)

detrimental to the University's image as a public institution.

11. **Other misconduct.**

- 11.1. **Social Host.** It is the responsibility of any student organization who hosts a visitor or guest on campus, at a University sponsored event/activity or student organization sponsored event/activity, to ensure that the guest knows and adheres to the Student Conduct Code. In instances where guests violate rules or codes, the student organization host will be held responsible. Student organizations are responsible for all that occurs within facilities they have reserved for use on campus, or which they own or rent off-campus. Whether a visitor is a student, non-student, or non-identified guest, the student organization host will be held responsible for violations of the Student Conduct Code. Responsibility under these rules may occur even if the host organizations' officers are not a participant in the activity or have left the visitor(s) alone.
- 11.2. **Violation of University policies** as defined above in this chapter, when such policies are published or otherwise made known to students in a fair and open manner (Student Handbook, Residence Life Handbook, General/Graduate Catalog, University website, etc.).
- 11.3. **Misconduct at University sponsored/related activities.** Violation of University rules of a host institution sponsored/related activity.

CIVILITY: Truman State University organizations exemplify civil and respectful treatment of others in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

12. **Damage to Property.** Intentional or reckless (a) damage or (b) destruction of another's property is prohibited.

13. **Advertising.**

- 13.1. Origination or circulation of any advertising media that contains matter that violates or is contrary to the policies of the University, Student Organization Recognition Agreement, Center for Student Involvement, Department of Residence Life, Student Recreation Center, Student Union, and/or federal, state or local law is prohibited.
- 13.2. Origination or circulation of any advertising media containing (a) false information, (b) misleading information, (c) obscene language, (d) patently offensive material, (e) the promotion of alcohol consumption, or (f) illegal activities/behavior is prohibited.

14. **Abusive affiliation**, (hazing), which the law might recognize by the term "hazing" is any act on or off the campus of the University, that a reasonable person would find to endanger the mental or physical health or comfort or safety of a student or prospective student or member, or which results in the destruction or removal of public or private property, or which causes extreme embarrassment, or public humiliation, for the purpose of initiation or admission into, affiliation with, or confirming any form of affiliation, or continued membership in a student organization regardless of an individual's consent to participate in the activity. Acts of abusive affiliation include, but not be limited to:

- 14.1. Any activity which endangers the physical health or safety of the student or

- prospective member, including, but not limited to, physical brutality, whipping, beating, paddling, slapping, kicking, choking, scratching, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or forced smoking or chewing of tobacco products; or
- 14.2. Any activity that endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, placing prospective members of an organization or group in ambiguous situations which lead to confusion and emotional stress or other extreme stress inducing activity; or
 - 14.3. Any activity that requires the student or prospective member to perform a duty or task that involves a violation of the criminal laws of this state or any University policies, rules, or regulations published in University documents; or
 - 14.4. Subservience, including but not limited to any activity which promotes a class system within organizations or activities which facilitate inappropriate levels of authority over students.

RESPONSIBLE CITIZENSHIP: Truman State University organizations are given and accept a high level of responsibility as role models. Responsible citizenship requires self-reflection and acceptance of the duty to model ethical and moral conduct. Behavior that violates this value includes, but is not limited to:

15. **Alcohol and Drug Related Misconduct.** Missouri law prohibits possession or consumption of alcoholic beverages by those under the legal drinking age and prohibits making alcoholic beverages available to persons under the legal drinking age.
 - 15.1. No organization will furnish or cause to be or allow to be furnished any alcoholic beverage to any person under the legal drinking age.
 - 15.2. The sale of alcohol is prohibited at organization events, as are donations, sales of items, or other financial arrangements that are used to secure funding for the purchase of alcohol.
 - 15.3. No organization will furnish or cause to be or allow to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
 - 15.4. The unlawful (a) manufacture (b) possession, (c) use, (d) sale, (e) distribution of narcotic or other controlled substances, (f) drug paraphernalia, and/or (g) other chemicals is prohibited. Each organization will take all necessary steps to see that this regulation is not violated at functions it sponsors as well as on any property it owns, operates, and/or rents.
 - 15.5. Each student organization will take all necessary steps to see that no person under the legal drinking age possesses any alcoholic beverages at (a) functions it sponsors as well as within any (b) property or (c) transportation it owns, operates, and/or rents.
 - 15.6. When alcoholic beverages are present at off-campus activities sponsored by a student organization, (a) the organization must provide non-carbonated, non-alcoholic beverages and an adequate supply of food that is in plain view of those attending; and (b) the organization must not permit, encourage, or sponsor participation in pre-loading or any drinking games or themes that might encourage the rapid/excessive consumption of alcohol.

16. **Gambling.** Student organizations are prohibited from the following:

- 16.1. Play or sponsor an unlawful game of chance for money or for anything of value (e.g., raffle) on (a) University premises or at (b) any event sponsored by a student organization.
- 16.2. Unlawfully sell, barter, or dispose of a ticket, order, or any interest in a scheme of chance by whatever name on (a) University premises or at (b) any event sponsored by a student organization.
- 16.3. Wager on a University team or organization in a competition, with or without an intent to have a direct influence on the outcome of the competition (a) on University premises or (b) at a University or student organization sponsored activity or event.

17. Outstanding Debt.

- 17.1. All student organizations are responsible for ensuring that all bills are paid to both on and off campus vendors and creditors in a timely manner.
- 17.2. Student organizations will not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay.

18. Social Events.

- 18.1. Crowd size that exceeds such limits so as to infringe upon the rights and/or property of others and/or endanger those in attendance is prohibited. Student organizations should refer to other national parent organizations or University policies for specific information on crowd size.
- 18.2. Failure to provide adequate security personnel or other security measures in order to ensure the safety of those in attendance at an organization-sponsored event is prohibited.
- 18.3. Failure to provide adequate parking so that vehicles are impeding the normal flow of traffic, parked illegally or parked on private property without proper authorization is prohibited.
- 18.4. Conducting any event that interferes with the normal progress of academic events on campus is prohibited.
- 18.5. Failure to register and get appropriate approval for any outdoor event on or adjacent to campus (via Outdoor Event Permit) with the Center for Student Involvement five (5) days before the event is prohibited (30 days advance approval is required for parades and events involving fireworks).
- 18.6. Failure to adhere to specific time limits and other restrictions required of all outdoor events on campus involving bands or other forms of amplified music is prohibited. Outdoor events on campus must cease by 1:00 a.m. unless prior approval has been received from the University.

19. Solicitation and Fundraising. All student organizations will conduct any solicitation and fundraising activities in a manner that does not violate and is not contrary to the policies of the University or its Center for Student Involvement, Department of Residence Life, Student Recreation Center, Student Union, and/or federal, state, or local law.

Acts of misconduct by a student organization will be cumulative in effect, and all acts of misconduct may be considered together in deciding whether the Student Conduct Code has been violated and, if a violation is found, the imposition of sanctions.

8.050.3. Good Samaritan Policy. The welfare of our students is of the highest importance to Truman State University. There will be times when individual students, both on and off campus, may be in critical need of assistance from medical or other professional personnel. Truman wants to minimize any hesitation that students or student organizations might have in obtaining help due to concern that their own behavior might be a violation of University policy.

While policy violations cannot be overlooked, the University will take into consideration the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequences for the reporter of the problem should be evaluated against the possible negative consequences for the student who needed intervention. At a minimum, Truman hopes that a student or student organization would make an anonymous report that would put the student in need in touch with professional helpers.

8.060. Relationship of Law Enforcement and University Conduct System. Violations of federal, state and local laws are incorporated as offenses under the Student Conduct Code. When an offense occurs over which the university has jurisdiction, the university conduct process will usually go forward notwithstanding any criminal charges that may arise from the same incident. Should a student withdraw from the university when criminal charges are made, it is the typical practice of the university to pursue investigation and resolution of campus conduct matters, regardless of the fact that the student has withdrawn.

When a student is arrested, charged or indicted for a violent, alcohol, or drug-related off-campus crime, the University may elect to take action against that student for violation of the Student Conduct Code, which incorporates violation of local, state and federal laws as code infractions.

When it has reasonable cause to separate a student from the community, the university may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the Code. The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or charges. The university will permit a student who receives an interim suspension to request a meeting with the Dean of Student Affairs or designee to show cause why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a campus hearing.

When criminal charges are pending, the university may be delayed or prevented from conducting its own investigation, and moving forward with a campus hearing. In such cases, the university will delay its hearing until such time as it can conduct an internal investigation, or obtain from law enforcement sufficient information upon which to proceed.

It may be in the best interests of students accused of crimes to withdraw from the university, without penalty, until the criminal charges are resolved. The university has a procedure for voluntary withdrawals, under the following conditions. The accused student may not be present on campus or at university-sponsored events without special permission. The accused student must comply with any and all campus efforts at investigation that will not prejudice their defense

in the criminal trial, and the accused student must agree that in order to be reinstated to active student status, the student must first be subject to and fully cooperative with a campus hearing, and must comply with any sanctions that are administered. If the alleged victim of the crime is a student, the University will consult with the alleged victim about the voluntary withdrawal of the accused student.

8.060.1. Cooperation with Authorities. 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 the subject of a proceeding for a violation of 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 handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on University premises and in the compliance with conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and employees, acting in their personal capacities, will remain free to interact with governmental representatives, as they deem appropriate.

8.070. University Conduct System. Reports and complaints of misconduct of a student will be administered in accordance with the standards of due process as established by this Code. Reports and complaints of misconduct of a student organization will be administered in accordance with the standards of fundamental fairness as established by this Code.

8.070.1. Complaint Procedure. Any member of the University community may file a complaint of misconduct by a student or student organization(s). Complaints asking for action on the misconduct are to be prepared in writing and signed by the complainant. Complaints are to be directed to the Assistant Dean of Student Affairs for Citizenship and Community Standards (Conduct Officer). Any complaint should be submitted as soon as possible after the misconduct takes place or becomes known, preferably within ten (10) calendar days. Absent special circumstances, no action may be taken on reports or complaints received more than one year after the misconduct takes place or becomes known, whichever is later. The existence of special circumstances will be determined in each complaint by the Conduct Officer and will include any threats or actions that, through trauma or fear, caused the complainant or any witness to delay their reports of the misconduct. When a complaint is received, the Conduct Officer will conduct an investigation to determine what further action will be taken, including the following:

- a. **No Action** — Complaints that fall outside the University's jurisdiction, do not violate the Student Conduct Code, or that are not supported by sufficient information, may result in no action being taken by the Office of Citizenship and Community Standards.
- b. **Administrative Hearing** — The Conduct Officer may meet with the involved parties in an attempt to resolve the complaint. Such dispositions will be final and there will be no subsequent proceedings except in those complaints involving students whose sanction is suspension or expulsion from the University or student organizations whose sanction is recommendation for charter revocation or suspension or revocation of University registration, or denial of registration for a chartering student organization.

- c. **Conduct Hearing Board** — any individual or student organization accused of a violation of the Student Conduct Code may have the complaint heard by a Conduct Hearing Board of his/her/its peers, under the discretion of the Conduct Officer.

8.070.2. University as Complainant. Individuals outside the University may provide information related to student or student organization misconduct to the Conduct Officer for consideration. As necessary, Truman State University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

8.070.3. Group Violations. When members of groups, individuals acting collusively, or members of an organization acting in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as joint accused students. In any such action, individual findings will be made with respect to each accused student.

8.070.4. Conduct Hearing Board. The Conduct Hearing Board (CHB) is comprised of students and faculty or staff. The CHB is chosen from a pool of eligible candidates. For each complaint, a new CHB will be chosen at random under the supervision of the Conduct Officer. Any members of the pool who have a conflict due to any prejudicial factors (anything that would prevent an impartial and objective determination) should remove themselves from consideration. One member of each CHB chosen will be designated by the Conduct Officer to serve as Chairperson, who will conduct the hearing and serve as the official representative of the Board. The Chairperson has final say on all questions of admissibility of information, appropriateness of questions, and on any procedural decisions. The CHB will render decisions on all requests prior to and during the hearing, and will be allowed to directly question all involved parties (accused student(s) or student organizations(s), complainant(s), and witnesses) during the hearing. The Chairperson may also permit parties to directly question each other and witnesses if that can be done with maturity and civility. All decisions will be made by a majority vote. No student will be found in violation unless information proves that a violation of the Student Conduct Code is more likely than not to have occurred. Abstention in voting is not permitted. Every voting member will either vote to support a motion or will vote not to support a motion. The term for individuals chosen to be in the pool is two calendar years (January 1st year one through December 31st year two), and a member may serve more than one consecutive term at the discretion of the Dean of Student Affairs. Three (3) members consisting of two (2) full-time students and one (1) faculty or administrative staff member are necessary to hear a complaint. The Conduct Officer is responsible for coordinating training sessions, hearings, and assigning complaints. The Dean of Student Affairs or Conduct Officer has authority to make interim appointments to fill any open slot from the three categories below. Additionally, the Conduct Officer may implement alternate procedures for any conduct complaints occurring at the end of a semester or between semesters, when the usual pool of CHB members is not available. The composition of the eligible pool will be as follows:

- a. **Six (6) full-time students** – who are appointed by the Dean of Student Affairs and recommended by the President of Student Senate with the advice and consent of the Student Senate. No more than two (2) full-time students will be allowed to hear any complaint at any time.

- b. **Three (3) Faculty** – who are appointed by the Dean of Student Affairs and recommended by the Vice President for Academic Affairs after consultation with the Faculty Senate. No more than one (1) faculty or staff member will be allowed to hear any complaint at any time.
- c. **Three (3) professional administrative staff** – who are appointed by the Dean of Student Affairs and recommended by the Chair of the Staff Council with the advice and consent of the Staff Council. No more than one (1) faculty or staff member will be allowed to hear any complaint at any time.

8.070.5. Investigation and Disposition. The Conduct Officer will conduct an investigation to determine if the report or complaint has merit and if the reported violation and any resulting sanctions can be disposed of administratively by mutual consent of the Conduct Officer and the accused student or student organization. If a complaint has been filed, the Conduct Officer may confer with the complainant about the proposed terms of the administrative hearing by mutual consent, prior to a finalization of an agreement with the accused student or student organization. Such disposition by mutual consent is final and there will be no subsequent proceedings. If the complaint cannot be disposed of by mutual consent, the Conduct Officer will prepare written allegations against the accused student or student organization, unless the Conduct Officer finds there are no reasonable grounds for the filing of a complaint. If the violation(s) cannot be disposed of with an administrative hearing, a Conduct Hearing Board (CHB) will be assigned to resolve the complaint. A CHB will recommend a finding and if merited, the imposition of sanctions, but the Conduct Officer has the right to amend that recommendation.

8.070.6. Notice and Time for Hearings. Notice will be in writing, and may be delivered in person during a meeting with the Conduct Officer. Notice will also be mailed to the local or permanent address of the accused student. Once mailed, such notice will be presumptively delivered.

- a. The letter of notice will include a concise summary of the alleged violation;
- b. The letter will state all policies the accused student is alleged to have violated and the possible consequences if the accused student is found in violation;
- c. The letter will include the relevant procedures for resolution of the complaint;
- d. The date, time, and place of the hearing;
- e. A list of the University's witnesses (to be supplemented later if necessary); and
- f. A deadline for meeting with the Conduct Officer.
- g. The letter of notice may also direct the accused student to contact the Conduct Officer within two business days of receipt with a written response to the complaint.

Once the accused student responds, written notice of the time, date and location of the hearing will be sent to all parties to the complaint, who may additionally be notified in person, by telephone, or by e-mail. Such means may also be used when the accused student fails to respond to the mailed notice letter. If an accused student fails to respond to notice, the Conduct Officer will initiate a complaint against the student for failure to comply with the directives of a University official, and give notice of this offense. Unless the student responds to this notice within two business days by answering the initial notice, the student will be automatically suspended until such time as s/he responds to the initial complaint. In complaints where the Assistant Dean of Student Affairs/Citizenship and Community Standards serves as the complainant, another Conduct Officer may carry out his/her pre-hearing duties.

Additionally, the following pre-hearing timeline applies to all Conduct Hearing Board (CHB) proceedings:

- a. Once a student denies a violation, they will be given a minimum of seven (7) days to prepare for a hearing.

At least forty-eight hours before any scheduled hearing, the following will occur:

- a. The accused student will deliver to the Conduct Officer a written response to the complaint;
- b. The accused student will deliver to the Conduct Officer a written list of all witnesses the accused student wants Truman State University to call on his/her behalf at the hearing, giving the full contact information of any such witness, if known.
- c. The accused student will deliver to the Conduct Officer a written list of all physical items the accused student intends to use or needs to have present at the hearing, and will indicate who has possession or custody of such information, if known;
- d. The complainant will deliver to the Conduct Officer a written list of all witnesses the complainant wants Truman State University to call and all physical items that will be used by the complainant at the hearing and will indicate who has possession or custody of such information, if known;
- e. The parties will notify the Conduct Officer, at least forty-eight hours prior to the hearing, of the names of any advisors who may be accompanying the parties at the hearing;
- f. The Conduct Officer will ensure that this information and any other available written documentation is shared between the complainant and accused student at least twenty-four hours before any scheduled hearing. In addition, the parties will be given a list of the names of all the hearing officers for the complaint. Should either party object to any members of the board or panel, they must raise all objections in writing to the Conduct Officer immediately. Hearing officers will only be unseated if the Conduct Officer concludes that their bias precludes an impartial hearing of the complaint.
- g. The Conduct Officer will, prior to the hearing, attempt to obtain signed FERPA consents from all parties and witnesses who will participate in hearing.
- h. Witnesses are normally to be identified in advance. However, the Conduct Officer has discretion to protect the identity of a witness where knowing the witness' identity is not essential to the defense of the accused student. While witnesses are subject to questioning at the hearing, unavailable witnesses may submit their testimony by telephone or written statement.

8.070.7. Conduct of Hearings. Hearings to determine whether or not a student or student organization has violated the Student Conduct Code as alleged, or as reasonably related to the facts as alleged, will be conducted by a conduct hearing body according to this Code and any other procedures as issued by the Dean of Student Affairs and Conduct Officer. Minor variations in established hearing procedures can be approved on an ad hoc basis by the Dean of Student Affairs and Conduct Officer as long as they do not materially impact on the fairness of the proceedings. The hearings will be administrative in nature, and every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with FERPA. The accused student or student organization has the right to consult an advisor of his/her/its choice before, during, and

after any conference, hearing, or review. If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may elect to have the administration serve as complainant. Where there is no victim, the administration will serve as complainant. A student serving as complainant has the same rights to an advisor as the accused student or student organization. Advisors are not permitted to speak or to participate directly, (i.e., make opening or closing remarks, examine or cross examine, ask questions, to submit and object to information, to address the hearing board), in any hearing, conference, or review. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Conduct Officer may supply previous complaint information in complaints of sexual misconduct, stalking, relationship violence and discrimination to the CHB, or may consider it her/himself in hearing the complaint, only if:

- a. The accused student was previously found to be responsible;
- b. The previous incident was substantially similar to the present allegation;
- c. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

8.070.8. Hearing Deliberations. The Conduct Officer will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the Conduct Hearing Board (CHB) will determine an appropriate sanction. The Conduct Officer is responsible for informing the CHB of applicable precedent and any previous conduct violations by the accused student. The Chairperson will prepare a written deliberation report submitted to the Conduct Officer detailing the finding, how each CHB member voted, the information cited by the body in support of its finding, and any information that the body excluded from its consideration, and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length, and must be submitted to the Conduct Officer within 48 hours after the end of deliberations. The Conduct Officer may make appropriate modifications and then will implement the final determination and inform the parties within seven (7) days after the hearing.

8.070.9. Record of Hearings. There will be a single verbatim record, such as a tape recording, of all hearings before a conduct hearing board. The record will be the property of the University. In the event a student or student organization petitions for a review of a decision or a sanction and wishes to review a verbatim record, he/she/it may make a request in writing to do so to the Dean of Student Affairs. Under no circumstances will a copy of the recording be released. A student petitioning for a review or student organization may request a typed summation of the hearing. The transcription should normally be provided subject to payment of costs for the production of the transcript. Personally identifiable information will be deleted, unless FERPA consents have been sought and obtained from those students mentioned in the record. In the event a mechanical failure occurs that prevents a verbatim recording, the absence of a verbatim record will not, in itself, be cause for review. In such complaints, the Conduct Officer will contact the chairperson of the hearing board. The chairperson will reconvene the hearing body and issue a record, which will include the finding of the body, what information the body considered, and the basis for the finding. This record will be considered sufficient for review by a review authority.

8.070.10. Notification of Outcomes. The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. However, Truman State University observes the legal exceptions as follows:

- a. Complainants in non-consensual sexual contact/intercourse incidents have an absolute right to be informed of the outcome and sanctions of the hearing and any subsequent appeals, in writing, without condition or limitation.
- b. Complainants in sexual exploitation/sexual harassment complaints have a right to be informed of information regarding sanctions that personally identifies and is directly pertinent to them, such as the imposition of a restriction on physical contact between the complainant and the accused student. Otherwise, information on the outcome and sanction cannot be shared.
- c. Truman State University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a Truman State University policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. Truman State University may release this information to the complainant in any of these offenses regardless of the outcome, but complainants are cautioned that FERPA does not permit them to re-release this information to others.

8.070.11. Parental Notification. Truman State University reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. Truman State University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, Truman State University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk. Truman State University also reserves the right to determine which Truman State University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

8.080. Sanctions.

8.080.1. Listing of Sanctions. The following sanctions may be imposed upon any student or student organization found to have violated the Student Conduct Code.

1. **Warning.** A notice in writing to the student or student organization that the student or student organization is violating or has violated one or more provisions of the Student Conduct Code.
2. **Probation.** A written reprimand for one or more violations of the Student Conduct Code and, when appropriate, conditions for continued enrollment. Probation is for a designated period of time, and it includes the probability of more severe conduct sanctions if the student or student organization fails to fulfill the conditions for continued enrollment or is found to be violating or to have violated any provisions of the Student Conduct Code during the probationary period.
3. **Loss of Privileges.** Denial of specified privileges for a designated period of time.
4. **Restitution.** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

5. **Discretionary Sanctions.** Work assignments, service to the University, or other related discretionary assignments. Such assignments are to be supervised by, and must have the prior approval of, a Conduct Officer.
6. **Educational Sanctions.** Projects or assignments designed to educate a student or student organization(s) in connection with the effect of their behavior on the community.
7. **Residence Hall Probation.** A written reprimand for one or more violations of the Residence Life Handbook and/or Student Conduct Code and, when appropriate, conditions for continued residence on campus. Probation is for a designated period of time, and it includes the probability for more severe conduct sanctions if the student fails to fulfill the conditions for continued residence or is found to be violating or to have violated any provisions of the Residence Life Handbook or the Student Conduct Code during the probationary period.
8. **Residence Hall Suspension.** Separation of a student or student organization from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
9. **Residence Hall Expulsion.** Permanent separation of a student or student organization from the residence halls.
10. **Interim Suspension.** Temporary separation of a student or student organization(s) from the University pending completion of conduct procedures, as referenced in Section 8.090.
11. **Limited Access.** A student or student organization may be denied access to any or all of University premises, or any activities or events arranged or sponsored by the University or student organization, as the Dean of Student Affairs or the Conduct Officer may determine to be appropriate.
12. **Interim Suspension of Participation.** Separation of a student or student organization from participation in a University recognized activity or organization for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified. While on interim suspension of participation, the student or student organization is denied access to University premises, and all University or student organization sponsored activity. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization's activities on or off-campus, pending completion of the misconduct procedures.
13. **Recommendation for Charter Revocation.** An official request to the national office that the local charter be revoked.
14. **Revocation or Denial of University Registration/Recognition.** Permanent severance of the organization's relationship with the University.
15. **Denial of Privilege to Re-enroll.** This permits the student to complete the current semester barring further violations, but prohibits the individual from enrolling for a definite period of time, after which the student is permitted to return. Conditions for readmission may be specified. Records are encumbered.
16. **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. Records will note a sanction of suspension due to conduct proceedings. While on university suspension, the student is denied access to University premises, and all University or student organization sponsored activity. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization's activities on or off-campus.

17. University Expulsion. Permanent separation of the student from the University. Records will note a sanction of expulsion due to conduct proceedings. Upon expulsion, the student is denied access to University premises, and all University or student organization sponsored activity. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization's activities on or off-campus.

8.080.2. Multiple Sanctions. More than one of the sanctions listed above may be imposed for any single violation.

8.080.3. Special Recommendations. If any of the following conditions exist in a violation of the Student Conduct Code, more severe or multiple sanctions may be given to the accused student(s) or student organization(s):

- a. Information that the victim was intentionally selected because of the victim's actual or perceived race, religion, national origin, gender, ethnicity, sexual orientation, or disability;
- b. The use or possession of a firearm(s) or other weapon(s);
- c. The possession of a controlled substance, or information that the accused student(s) was under the influence of a controlled substance;
- d. The existence of a prior record of violation(s) in this chapter by the accused student(s) or student organization(s);
- e. Any additional factors which contribute to the severity of the offense.
- f. It is also possible that mitigating factors can serve as cause to moderate a sanction, such as the payment of restitution prior to the complaint, sincere regret, and accepting responsibility by admitting to misconduct.

8.080.4. Additional Actions. The foregoing sanctions are in addition to any actions that any other office(s) is authorized to take for conduct violations or any actions authorized to be taken by faculty members or academic deans for acts of academic misconduct.

8.080.5. Student and Student Organization Records. Conduct sanctions become part of the student's conduct record. Conduct records of students will be kept for a period of no more than seven (7) years after the academic year when final disposition of the violation occurred, except in complaints of suspension and expulsion, where the record will be kept permanently. Student conduct records may be kept longer due to special circumstances, as deemed necessary by the Dean of Student Affairs. Conduct records of student organizations will be kept permanently for historical and archival purposes. Generally, a five-year time frame will be utilized when considering sanctions for a student organization. However, a longer time frame may be considered when evaluating sanctions for serious violations of the Code (e.g., patterns of organizational behavior that include alcohol and drug related misconduct, abusive affiliation, life safety issues, etc.).

8.080.6. Determination and Notice of Sanctions. In each complaint in which a conduct hearing determines that a student or student organization has violated the Student Conduct Code, the sanction or sanctions will be determined in accordance with the rules of this Code or rules issued by the Dean of Student Affairs for that particular conduct hearing. Following any conduct hearing, the decision will be sent via the United States Postal Service mail or hand delivered to

the accused and complainant, if applicable, to the last known address and will include a concise summary on the decision and recommendation of sanction(s), and information on the review process.

8.090. Interim Suspension. In certain circumstances, the Dean of Student Affairs, or his/her designee, may impose a University or residence hall suspension prior to a conduct hearing. The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or charges. The University will permit any student who receives an interim suspension to request a meeting with the Dean of Student Affairs or designee to show cause why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a campus hearing.

8.090.1. Reasons. Interim suspension may be imposed only to ensure the safety and well-being of members of the University community or preservation of any University premises, to ensure a student's own physical or emotional safety and well-being, or if the student or student organization poses a reasonable threat of disruption of, or interference with, the normal operations of the University.

8.090.2. Denial of Access. During the interim suspension, a student or student organization may be denied access to any or all University premises, or any activities or events arranged or sponsored by the University or student organizations, as the Dean of Student Affairs or his/her designee may determine to be appropriate.

8.100. Reviews. The Student Conduct Code allows the accused student, student organization or the complainant to petition for a review of the finding(s) or sanction(s) of a University Conduct Hearing Board. A petition for the review of the finding(s) or sanction(s) of an administrative hearing cannot be made except when an individual is suspended or expelled from the University or residence hall/apartment or when a student organization is suspended or their charter or registration/recognition is revoked. Normally, sanctions are in place from the time of imposition, but the Dean of Student Affairs has discretion to suspend sanctions during the period in which the complaint is being reviewed.

8.100.1. Contents of the Review. The review must include the grounds for the review as well as supporting facts and arguments. The following are grounds for a review:

- a. New information, unavailable at the time of the board hearing, is now available and could materially affect the decision that was rendered.
- b. “The hearing board deprived a party of a right the party had according to the rules and regulations governing the University Conduct System; and this deprivation materially affected the decision.” In other words, a review can be filed on the grounds that the process was not conducted according to the procedures described in the Student Conduct Code and the process failure influenced the decision that was rendered.
- c. “The finding of ‘in violation’ is not supported by substantial evidence.” In other words, a review can argue that the evidence was not substantial enough to justify an “in violation” finding.

- d. “The sanction(s) imposed is not proportionate to the severity of the violation(s).” In other words, the review can argue that the sanctions were inappropriate when the circumstances of the act and prior record of the accused are considered.

8.100.2. Filing. Any review must be submitted in writing, addressed to the Dean of Student Affairs and **delivered to the Conduct Officer**, and include all supporting facts and arguments, no later than three (3) calendar days after the notification of decision has been delivered to the accused student, unless an extension has been granted by the Conduct Officer for the case. A review letter must meet two conditions:

- a. It must cite the basis of the review;
- b. It must provide sufficient and detailed information to support the review.

Failure to meet either or both of these conditions will be sufficient cause to deny a review. The Conduct Officer for the case will make the determination as to whether both conditions have been met.

8.100.3. Review by the Dean of Student Affairs. The Dean of Student Affairs has fourteen (14) calendar days after the date the review is delivered to the Conduct Officer to respond to a petition for review, unless there are extenuating circumstances that require additional time for the review to be considered. The Dean of Student Affairs may grant the review, and if so, decide whether to return the complaint to the hearing board for reconsideration, or to conduct the reconsideration herself/himself. Generally, reviews will involve a review of the hearing record, but the Dean of Student Affairs may conduct a new hearing, interview witnesses or otherwise direct further investigation at her/his discretion.

The standard for review is a deferential standard. It is not merely a matter of whether the Dean of Student Affairs agrees with the hearing board. S/he may only alter the finding if there is clear error. S/he may only alter the sanction if a compelling justification exists to do so.

The Dean of Student Affairs’ decision will be sent via United States Postal Service mail or hand delivered to the accused and complainant, if applicable, to the last known address and will include a concise summary on why the decision was upheld or amended as well as information on the review process. Any decision rendered by the Dean of Student Affairs will be final except in those complaints involving students whose sanction is suspension or expulsion from the University or student organizations whose sanction is recommendation for charter revocation or suspension or revocation of University registration/recognition. In those complaints, the accused may petition for Extraordinary Review by the President of the University.

On the rare occasion when the Dean of Student Affairs is unavailable to conduct a review of a particular case, a designee may be appointed by the Dean of Student Affairs. On the rare occasion when the Dean of Students is unavailable to conduct a review due to a conflict of interest with a particular case, then the President will appoint the designee.

Source: Resolution of the Board dated December 2, 2006

8.100.4. Review by the President. A petition for Extraordinary Review can be made to the President of the University when a review by the Dean of Student Affairs has already been decided and when either of two grounds exist:

- a. New information, unavailable at the time of the review by the Dean of Student Affairs, is now available, and could materially impact on the decision rendered by the Dean of Student Affairs;
- b. Outcome determinative procedural errors or deprivation of student rights not cured by the review to the Dean of Student Affairs, or arising from the review decided by the Dean of Student Affairs.

The review letter needs to be **delivered to the Dean of Student Affairs** within seven (7) calendar days after notice of the Dean of Student Affairs' decision, unless an extension is granted at the discretion of the Dean of Student Affairs. The review letter must cite the basis of the review (one of the two "grounds" listed above). The letter must then provide "sufficient and detailed information to support the review." The Dean of Student Affairs will review the letter to ensure the letter contains the required components prior to delivering the review letter to the President.

On the rare occasion when the President is unavailable to conduct a review or, due to a conflict of interest, is inappropriate to review a particular case, a designee may be appointed by the Dean of Student Affairs or the President to conduct the review.

Source: Resolution of the Board dated December 2, 2006

The standard for review is a deferential standard. It is not merely a matter of whether the President agrees with the Dean of Student Affairs. S/he may only alter the finding if there is clear error. S/he may only alter the sanction if a compelling justification exists to do so. The President's decision will be rendered in a "reasonable matter of time" and is final. The President may decide that no review is warranted, grant a review and direct the Dean of Student Affairs to reconsider or grant the review and consider the matter directly.

8.110. Interpretation, Review, and Revision. Questions of interpretation and periodic reviews of this policy will be administered in the following manner:

8.110.1. Interpretation. Any questions of interpretation regarding the Student Conduct Code will be referred to the Dean of Student Affairs or his/her designee for determination.

8.110.2. Code Revision. The Code will be reviewed once every three years under the direction of the Dean of Student Affairs. Review of this document should be done in conjunction with the University General Counsel, the Provost and Vice President for Academic Affairs, and the Student Government. Changes to the Code can be made as necessary at the request of the Dean of Student Affairs, President, or Board of Governors, with the approval from the Board of Governors. Grammatical, editing, formatting and other non-substantive changes can be made at the discretion of the Dean of Student Affairs or designee as needed without approval of the Board.

Source: Resolution of the Board dated June 16, 2006

Resolution of the Board dated February 17, 2007 regarding “Student Government” name change

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