

CHAPTER 8 - STUDENT CONDUCT CODE

(Approved June 28, 2003)

- 8.010. Purpose
- 8.020. Definitions
- 8.030. Administrative Authority
- 8.040. Jurisdiction
- 8.050. Proscribed Conduct
- 8.060. Relationship of Law Enforcement and University
- 8.070. University Conduct System
- 8.080. Sanctions
- 8.090. Interim Suspension
- 8.100. Appeals
- 8.110. Interpretation and Periodic Review



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. They have legal rights, and they deserve to be treated with dignity and respect. For that reason, it is important for the University's standards of student conduct, and the procedures for the enforcement of such standards, to be fair and reasonable and to be made available to all members of the University community.

Truman State University is a community of scholars. The University aspires to transmit knowledge, to develop its students, 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 the 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 the students' success and well being. In addition, efforts will be made to foster the personal and social development of students. The Student Conduct Code fully respects students' rights.

Of course, students have obligations as well as rights. As members of an academic community, they must observe rules that benefit their 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. A fundamental aspect of an organization is the right of the membership to elect officers who serve to ensure, among their other duties, that the activities of the organizations are conducted properly. It is the responsibility of the officers of each student organization to ensure that the student organization complies with the Student Conduct Code 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 charges against the organization.

The University, as any other, must have a system to deal with 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.

The University conduct process is not analogous to, is not equivalent to, and does not conform to, and is not a

substitute for criminal law processes. This process is designed, in part, to determine responsibility, or lack thereof, for violations of the Student Conduct Code only, not guilt or innocence. The University conduct process shall be informal in nature so as to provide substantial justice and it shall not be bound by legal jargon, court-like proceedings, or legal definitions, which are the province of criminal courts.

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

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

1. The term "**academic dishonesty**" includes, but is not limited to any one of the following acts:

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:** Defined as representing 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; or (c) 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. The term "**accused**" means a student or student organization charged with violating one or more provision(s) of the Student Conduct Code.

3. 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.

4. The term "**calendar day**" means any recognized day of a year.

5. The term "**complainant**" means a member of the University community who files a written complaint with the University alleging that a student or student organization has violated the Student Conduct Code.

6. 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.

7. 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.

8. The term "**consent**" means voluntary, non-coerced and clear communication indicating a willingness to engage in a particular act. Consent is defined in the following manner: consent or lack of consent may be expressed or implied. Acquiescence does not necessarily constitute consent, further consent cannot be construed if: (a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known to the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.

9. 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.

10. The term "**evidence**" means any witness testimony, documents, statements, or tangible material presented at a hearing in support of either the University's or the accused's case.

11. 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.

12. The term "**gambling**" means playing or sponsoring an unlawful game of chance for money or for anything of value on University premises or at a University or student organization sponsored activity or event; unlawfully sell, barter, or dispose of a ticket, order, or any interest in a scheme of chance on University premises or at a University or student organization sponsored activity or event; wage on a University team or organization in a competition, with or without an intent to have a direct influence in the success of the competition.

13. The term "**harassment**" means physical, verbal, or written conduct related to an individual's disability, ethnic background, 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.

14. The term "**hazing**" is any act on or off the campus of the University, determined by a reasonable person, that endangers the mental or physical health or comfort or safety of a student or prospective member, or results in the destruction or removal of public or private property, or which causes embarrassment, or 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 willingness to participate in the activity. Acts of hazing shall 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, 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, 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.

15. The term "**health**" means physical or mental well-being.

16. The term "**in violation**" means that the student or student organization has been found responsible for a violation of the Student Conduct Code.

17. The term "**joint hearing**" means any hearing at which two or more students or student organizations are charged with violating one or more provisions of the Student Conduct Code.

18. The terms "**may**" and "**should**" are used in the permissive sense.

19. 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 shall be determined by the Dean of Student Affairs.

20. The terms "**must**", "**shall**", and "**will**" are used in the imperative sense.

21. 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.

22. The term "**officer**" means a person in a student organization who holds an elected or appointed leadership position in that organization.

23. The term "**paraphernalia**" includes any object that contains the residue of (a) alcohol or (b) an illegal drug and (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.

24. 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, residential living 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.

25. The term "**preponderance of evidence**" means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur or that the fact or proposition is true.

26. 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 an appeal of the finding and/or sanction is pending. A prior record can only be used in recommending or determining sanctions and shall not be revealed during the hearing process.

27. 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.

28. The term "**sexual misconduct**" means the involvement by a person in any sexual act with another person without the acknowledged and informed consent of the other person. Failure of the other person to object to the sexual act does not qualify as acknowledged and informed consent, particularly when the other person is incapacitated by drugs, alcohol, mental deficiency, or other similar disability. In particular, sexual misconduct

includes the following acts with another person which occur without the acknowledged and informed consent of the other person:

28.1 "**Sexual contact**" means any intentional touching of the genitals or anus of any person, or the breast of any person, or any such intentional touching through the clothing for the purpose of arousing or gratifying sexual desire of any one person;

28.2 "**Sexual act**" means (a) any penetration, however slight, involving the genitals of one person and the genitals or anus of another person, whether or not emission results; (b) any act involving the genital of one person and the mouth, tongue, hand, or anus of another person; (c) or any of the above acts induced by force, duress, or deception.

28.3 Specifically excluded from this definition of sexual misconduct is the touching of another person for legitimate medical or safety purposes due to an emergency situation, which precludes consent, but for which consent could be reasonably presumed.

28.4 The term "**sexual harassment**" is defined in Chapter 15 of the Code of Policies of the Board of Governors. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

29. 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."

30. 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.

31. 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.

32. The term "**University**" means Truman State University.

33. The term "**University conduct system**" means the processes and entities created in this chapter to implement the provisions of the Student Conduct Code.

34. 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.

35. The term "**University premises**" includes all land, buildings, facilities, and other property owned, used, or controlled by the University.

Cross-reference: Sections 5.070 and 7.020 of the Code of Policies of the Board of Governors.

8.030. Administrative Authority. The authority to administer and implement the Student Conduct Code shall be 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 shall be delegated to the Dean of Student Affairs, who shall implement the policy. The Dean of Student Affairs shall 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. Student Jurisdiction. A student becomes responsible for reading and agreeing to abide by the Student Conduct Code at the time of matriculation to the University. A student is subject to the jurisdiction of the University Conduct System if he/she 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 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.

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 proscribed 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 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 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
4. 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
5. 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
6. When, after hearing a case, 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. Proscribed Conduct

8.050.1. Proscribed Student Conduct. The following acts are prohibited, and 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.

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: Defined as representing 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. Providing false and misleading information and/or falsification of University records.

2.1 (a) Lying, (b) deceiving, or (c) furnishing false and 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 and purposefully providing false or misleading verbal or written information about another person that results in damage to the person's reputation.

3. Disruptive conduct.

3.1 Disruption or obstruction of (a) teaching, (b) research, (c) administration, (d) free flow of pedestrian or vehicular traffic on University premises.

3.2 Disruption or obstruction of (a) teaching, (b) research, (c) administration, (d) free flow of pedestrian or vehicular traffic at University recognized activities and events.

3.3 Tampering with the election(s) of any student organization(s) or group.

3.4 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.

3.5 Activating a fire or emergency alarm, extinguisher, or other safety device without good cause or reasonable justification.

3.6 Providing a false report of an explosive or incendiary device that constitutes a threat or bomb scare.

3.7 An act that deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community.

3.8 Conduct that is (a) disorderly, (b) lewd, or (c) indecent.

3.9 (a) Breach of peace or (b) an act 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.

3.10 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.

3.11 Failure to identify oneself 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.

3.12 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.

4. Personal Abuse.

4.1 **Verbal or written abuse** of any person including coercion, lewd, indecent, or obscene expressions of conduct.

4.2 **Physical abuse** or threat of physical abuse to any person.

4.3 **Harassment**: defined as behavior that (including written, telephone, or electronic communication such as AOL, IM, ICQ, etc.) directed at a member of the University community that would cause severe emotional distress, intimidation, or coercion to a reasonable person in the victim's position, or would place a reasonable person in the victim's position in fear of bodily injury or death. This definition, however, shall 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.

4.4 **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.

4.5 **Other conduct that threatens or endangers the health or safety of any person.**

5. **Sexual misconduct** specifically includes, but is not limited to, the following acts with another person which occur without the consent of the other person:

5.1 **Forcible Sexual Misconduct**: The involvement in any sexual act with another person, without the consent of the other person, in which there is (a) force which overcomes reasonable resistance; or (b) the threat of force, expressed or implied, or (c) the use of duress or deception.

5.2 **Nonforcible Sexual Misconduct**: The involvement in any sexual act with another person, without the consent of the other person, particularly when the other person is

incapacitated by drugs, alcohol, mental deficiency, or other disability.

5.3 **Nonconsensual Sexual Contact**: Any intentional and unwanted touching of the genitals, anus, or breast of any person.

5.4 **Sexual Related Misconduct**: Behavior that is sexually motivated, including but not limited to indecent exposure and voyeurism.

5.5 **Sexual Harassment**: Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Student sexual harassment occurs when the student's conduct unreasonably interferes with a (a) person's work or educational performance or (b) creates an intimidating, hostile, or offensive environment for working and learning.

5.6 **Sexual Verbal Abuse**: Using language that is sexual in nature and unwanted on the part of another person. Examples include but are not limited to phone calls or use of written and/or verbal communication that are intimidating, threatening, or obscene in nature.

6. Theft/property damage.

6.1 Attempted theft of (a) University property or (b) property of another.

6.2 Actual theft of (a) University property or (b) property of another.

6.3 Damage to (a) University property or (b) property of another.

6.4 (a) Embezzling, (b) defrauding, or (c) 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.

7. **Hazing** as defined above in this chapter. The term "hazing" is any act on or off the campus of the University, determined by a reasonable person, that endangers the mental or physical health or comfort or safety of a student or prospective member, or results in the destruction or removal of public or private property, or which causes embarrassment, or 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 willingness to participate in the activity. Acts of hazing shall include, but not be limited to:

7.1 Any activity which endangers the physical health or safety of the student or prospective member, including, but not limited to, physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or forced smoking or chewing of tobacco products; or

7.2 Any activity that endangers the mental health of the student or prospective member, including but not limited

to sleep deprivation, physical confinement, or other extreme stress inducing activity; or

7.3 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.

8. Unauthorized use of keys, and/or entry.

8.1 Unauthorized (a) possession, (b) duplication or (c) use of keys to any University premises.

8.2 Unauthorized (a) entry, (b) attempted entry, or (c) use of University premises or (d) remaining in private or restricted areas of University or community facilities is prohibited.

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

9.1 (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.

9.2 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 as prohibited by law of the state of Missouri.

10. Alcohol violations.

10.1 Public intoxication on University premises.

10.2 (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 regulations. Possession could mean in the presence of alcohol.

10.3 Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property, under the influence of alcohol as prohibited by law of the state of Missouri.

10.4 No student shall 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.

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

11.1 Illegal or unauthorized 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.

11.2 Illegal or unauthorized 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.

12. 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.

12.1 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.

12.2 Unlawfully 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.

12.3 Wage on a University team or organization in a competition, with or without an intent to have a direct influence in the success of the competition (a) on University premises or (b) at a University or student organization sponsored activity or event.

13. Instigation or participation in group disturbances during demonstration(s), parade(s), or picketing.

13.1 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.

13.2 Leading or inciting others to disrupt scheduled and/or normal activities on University premises.

14. 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:

14.1 Any use deemed commercial or for-profit.

14.2 Any use that is likely, intended, or by negligence causes unauthorized network (a) disruption, (b) system failure, or (c) data corruption.

14.3 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.

14.4 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.

14.5 Intentionally circumventing or building an unauthorized conduit through the University firewall with intentions of bypassing University (a) network management and/or (b) security devices.

14.6 Use of another individual's (a) identification; (b) network, email or other university based account; and/or (c) related passwords.

14.7 Unauthorized transfer or entry into a file, (a) to read, use, or change the contents; or (b) for any other reason.

14.8 Use of computing facilities or network resources to send (a) obscene, (b) harassing, (c) abusive, (d) threatening messages, or (e) computer viruses or worms.

14.9 Any use that violates Truman (a) policies, (b) procedures, and (c) contractual agreements.

14.10 Any use that violates (a) local, (b) state or (c) federal laws.

15. **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.

16. **Other misconduct.**

16.1 ***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. In instances where guests violate rules or codes, the student host will be held responsible. Residents of a room or apartment are responsible for all that occurs within that dwelling including any guest misconduct. Whether a visitor is a student, non-student, or non-identified guest the student host will be held responsible for violations of the Student Conduct Code. Responsibility under these rules may occur even if the host is not a participant in the activity or has left the visitor(s) alone.

16.2 ***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, Residential Living Handbook, General/Graduate Catalog, University web site, etc.).

16.3 ***Misconduct at University sponsored/related activities.*** Violation of University rules or regulations of a host institution sponsored/related activity.

17. **Abuse of University conduct procedures, including but not limited to:**

17.1 Failure to obey the summons of the University Conduct system or University official.

17.2 Falsification, distortion, or misrepresentation of information to the University Conduct system.

17.3 Disruption or interference with the orderly operation of the University Conduct system.

17.4 Initiation of a conduct proceeding knowingly without cause.

17.5 Attempting to discourage an individual's proper participation in, or use of, the University Conduct system.

17.6 Attempting or committing an act of retaliation against a person or student organization that has reported a violation of the Student Conduct Code.

17.7 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;

17.8 Harassment, abuse, or intimidation of a member of a conduct hearing board prior to, during, or after participation in the University Conduct system.

17.9 Failure to comply with the sanction or sanctions imposed under the Student Conduct Code.

17.10 Influencing or attempting to influence another person to commit an abuse of the University Conduct system.

18. **Commission of felony or misdemeanor.**

Commission of an act, which is a felony or misdemeanor as provided in local, state, or federal law shall also constitute a violation of this Code, and subject the accused to disciplinary action, whether or not prosecuted by public officials.

19. **Conduct that is (a) obscene based on contemporary community standards or that is (b) detrimental to the University's image as a public institution.**

Acts of misconduct by a student shall 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.

Cross-reference: Sections 5.070 and 7.020 of the Code

8.050.2. **Proscribed Student Organization Conduct.**

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.

1. Providing false and misleading information and/or falsification of University records.

1.1(a) Lying, (b) deceiving, or (c) furnishing false and misleading information for the purpose of causing another person or University official to act or refrain from acting.

1.2(a) Forgery, (b) alteration, or (c) misuse of any document, record, material, file, or instrument of identification.

1.3(a) Causing, (b) condoning, or (c) encouraging the alteration or creation of any official University document, record, material, file, or instrument of identification to include incorrect or misleading information is prohibited.

1.4 Deliberately and purposefully providing false or misleading verbal or written information about another person that results in damage to the person's reputation.

2. Disorderly Conduct. No student organization shall:

2.1 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.

2.2 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.

2.3 Condone or encourage such acts of physical assault, including sexual assault.

2.4 Engage in obscene or indecent conduct.

2.5 Fail to comply with the administrative policies as enacted by the University.

2.6 Fail to comply with the directions of (a) University officials or (b) authorized agents acting in the performance of their duties.

2.7 Tamper with the election(s) of any student organization(s).

3. Compliance with the Directions or Requests of University Officials.

3.1 Student organization officers, leaders, spokespersons shall comply with all directions or requests of (a) University officials or (b) law enforcement officers, etc. in a timely manner.

3.2 Student organization members shall comply with all directions or requests of (a) University officials or (b) law enforcement officers, etc. in a timely manner.

4. Theft, Disregard for Property. No student organization shall (a) take, (b) attempt to take, or (c)

keep in its possession property or services not belonging to their organization.

5. Damage to Property. Malicious or unwarranted (a) damage or (b) destruction of another's property is prohibited.

6. Hazing. The University does not condone hazing in any form and defines hazing to include but not be limited to any act on or off the campus of the University, determined by a reasonable person, that endangers the mental or physical health or comfort or safety of a student or prospective member, or results in the destruction or removal of public or private property, or which causes embarrassment, or 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 willingness to participate in the activity. Acts of hazing shall include, but not be limited to:

6.1 Any activity which endangers the physical health or safety of the student or prospective member, including, but not limited to, physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or forced smoking or chewing of tobacco products; or

6.2 Any activity that endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress inducing activity; or

6.3 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.

7. Unauthorized use of keys, and/or entry.

7.1 Unauthorized (a) possession, (b) duplication or (c) use of keys to any University premises

7.2 Unauthorized (a) entry, (b) attempted entry, or (c) use of University premises or (d) remaining in private or restricted areas of University or community facilities is prohibited.

8. 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.

8.1 No organization shall furnish or cause to be or allow to be furnished any alcoholic beverage to any person under the legal drinking age.

8.2 The sale of alcohol is prohibited.

8.3 No organization shall furnish or cause to be or allow to be furnished any alcoholic

beverage to any person in a state of noticeable intoxication.

8.4 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 shall 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.

8.5 Each student organization shall 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.

8.6 When alcoholic beverages are present at off-campus activities sponsored by a student organization, (a) the organization must provide 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 any drinking games or themes that might encourage the rapid/excessive consumption of alcohol.

9. Gambling. Student organizations are prohibited from the following:

9.1 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 affair sponsored by a student organization.

9.2 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 affair sponsored by a student organization.

9.3 Wage on a University team or organization in a competition, with or without an intent to have a direct influence in the success of the competition (a) on University premises or (b) at a University or student organization sponsored activity or event.

10. Use of Facilities.

10.1 Registered student organizations planning events in University facilities are responsible for knowing any applicable policies.

10.2 Registered student organizations planning events in University facilities are expected to be in full compliance with any applicable policies.

10.3 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.

11. Fire Safety and Sanitation.

11.1 (a) Tampering with or (b) damaging fire safety equipment is prohibited.

11.2 (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.

11.3 (a) Possession or (b) use of illegal fireworks, incendiary devices, or dangerous explosives is prohibited.

11.4 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 safety of the occupants or members of the University and surrounding community is prohibited.

12. Outstanding Debt.

12.1 All student organizations are responsible for ensuring that all bills are paid to both on and off campus vendors in a timely manner.

12.2 Student organizations shall not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay.

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 Residential Living, 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. Social Events.

14.1 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.

14.2 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.

14.3 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.

14.4 Conducting any event that interferes with the normal progress of academic events on campus is prohibited.

14.5 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 days before the event is prohibited (30 days advance approval is required for parades and events involving fireworks).

14.6 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.

14.7 Outdoor events on campus must cease by 1:00 a.m.

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

16. Misuse or Infringement of University's Names or Marks etc.

16.1 Student organizations or groups are prohibited from the unauthorized use of the University's name, abbreviation, trademarks or wordmarks, including the Bulldog, logo, seal, or other graphic identity symbols.

16.2 The phrases "Truman State" or "Truman State University" (or some form thereof) cannot precede the title of the organization or group.

17. Other misconduct.

17.1 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 insure that the person 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, 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.

17.2 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, Residential Living Handbook, General/Graduate Catalog, University web site, etc.).

17.3 Misconduct at University sponsored/related activities. Violation of University rules or regulations of a host institution sponsored/related activity.

18. Abuse of University conduct procedures, including but not limited to:

18.1 Failure to obey the summons of the University Conduct system or University official.

18.2 Falsification, distortion, or misrepresentation of information to the University Conduct system.

18.3 Disruption or interference with the orderly conduct of the University Conduct system.

18.4 Initiation of a judicial proceeding knowingly without cause.

18.5 Attempting to discourage an individual's proper participation in, or use of, the University Conduct system.

18.6 Attempting or committing an act of retaliation against a person or student organization that has reported a violation of the Student Conduct Code.

18.7 Attempting to influence the impartiality of a member of a judicial hearing body prior to, or during the course of, the University Conduct system.

18.8 Harassment, abuse, or intimidation of a member of a judicial hearing body prior to, during, or after the University Conduct system.

18.9 Failure to comply with the sanction or sanctions imposed under the Student Conduct Code.

18.10 Influencing or attempting to influence another person to commit an abuse of the University Conduct system.

19. Conduct that is (a) obscene based on contemporary community standards or that is (b) detrimental to the University's image as a public institution.

Acts of misconduct by a student organization shall 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.

Cross-reference: Sections 5.070 and 7.020 of the Code

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.

Examples where the Good Samaritan Policy may influence educational sanctions are:

1. A female student is reluctant to report that she has been sexually assaulted because she had been smoking marijuana just prior to the assault.
2. A student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.
3. A member of a student organization is reluctant to report a possible suicide attempt by a prospective member because prospective members have been required to perform activities that might be considered hazing.

In all three of these examples, a student's physical and/or psychological well-being is in serious jeopardy.

8.060. Relationship of Law Enforcement and University Conduct System. If an action by a student or student organization is, or appears to be, a violation of both the law and the Student Conduct Code, then the violation shall be handled by the University in the following manner.

8.060.1. Timing of Conduct Hearings. University conduct proceedings may be instituted against a student or student organization charged with a violation of a law, which is also a violation of the Student Conduct Code (that is, if both violations result from the same factual situation), without regard to the pendency of civil litigation in court or criminal arrest and prosecution.

8.060.2. Behavior Outside the Area. If a student or organization is charged with a violation of federal, state, or local law, as the result of behavior which demonstrates flagrant disregard for the University community or the University's objectives, or which causes genuine concern for the safety of members of the University community, regardless of where it occurred, the behavior may result in disciplinary action being taken and if necessary, sanctions imposed. If a student is charged with a serious crime of violence or other moral turpitude, which causes genuine concern for the safety of

the members of the University community, the Dean of Student Affairs may utilize the provisions hereafter described in this chapter to suspend the student from the University on an interim basis while the criminal charges are pending. If a conviction results from the criminal proceedings, the Dean of Student Affairs may utilize the provisions hereafter described in this chapter to suspend or expel the student from the University.

8.060.3. 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, shall remain free to interact with governmental representatives, as they deem appropriate.

8.070. University Conduct System. Reports and complaints of misconduct of a student shall be administered in accordance with the standards of due process as established by this Code. Reports and complaints of misconduct of a student organization shall 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 shall be prepared in writing and signed by the complainant. Complaints are to be directed to a 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 case by the Dean of Student Affairs or his/her designee 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 Dean of Student Affairs or his/her designee will conduct an

investigation to determine what further action will be taken, including the following:

1. **No Action** — Complaints that fall outside the University's jurisdiction, do not violate the Student Conduct Code, or that are not supported by sufficient evidence, may result in no action being taken by the Dean of Student Affairs Office.

2. **Administrative Hearing** — The Dean of Student Affairs or his/her designee may meet with the involved parties in an attempt to resolve the case. Such dispositions shall be final and there will be no subsequent proceedings except in those cases 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.

3. **Conduct Hearing Board** — any individual or student organization charged with a violation of the Student Conduct Code may have the case heard by a Conduct Hearing Board of his/her/its peers, under the discretion of a Conduct Officer.

8.070.2. Conduct Hearing Board. The Conduct Hearing Board will be comprised of students and faculty or staff. The board shall be chosen from a pool of eligible candidates. For each case, a new Board will be chosen at random under the supervision of a Conduct Officer. Any members of the pool who have a conflict due to any prejudicial factors should remove themselves from consideration. Each board chosen will elect a Chairperson, who will conduct the hearing and serve as the official representative of the Board. This Chairperson must be a full-time undergraduate student. The Board 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. All decisions will be made by a majority vote. Abstention in voting is not permitted. Every voting member shall either vote to support a motion or will vote not to support a motion. The term for individuals chosen to be in the pool shall be two calendar years (January 1st year one through December 31st year two), and no member shall serve more than one consecutive term. Three (3) members consisting of two (2) full-time students and one (1) faculty or administrative staff member are necessary to hear a case. A Conduct Officer is responsible for coordinating training sessions, hearings, and assigning cases. The composition of the eligible pool will be as follows:

1. **Six (6) full-time students** – who shall be 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 case at any time.

2. **Three (3) Faculty** – who shall be 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 case at any time.

3. **Three (3) professional administrative staff** – who shall be appointed by the Dean of Student Affairs. No more than one (1) faculty or staff member will be allowed to hear any case at any time.

8.070.2. Investigation and Disposition. A Conduct Officer, or other designated representative, 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 a Conduct Officer and the accused student or student organization. If a complaint has been filed, a 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 shall be final and there shall be no subsequent proceedings. If the complaint cannot be disposed of by mutual consent, the Conduct Officer shall prepare written charges against the accused student or student organization, unless the Conduct Officer finds there is no reasonable grounds for the filing of charges. If the violation(s) cannot be disposed of with an administrative hearing, a conduct hearing board will be assigned to resolve the case. A conduct hearing board will recommend the imposition of sanctions, but a conduct officer has the right to amend that recommendation.

8.070.3. Charges and Time for Hearings. All charges shall be presented to the accused student or student organization in the following manner:

1. A written statement of charges identifying the alleged violation(s) of the Student Conduct Code;
2. The date, time, and place of the hearing;
3. A concise summary of the alleged violation;
4. A list of the University's witnesses (to be supplemented later if necessary); and
5. A deadline for meeting with a Conduct Officer.

8.070.4. Conduct of Hearings. Hearings to determine whether or not a student or student organization has violated the Student Conduct Code as charged, or as reasonably related to the facts as charged, shall be conducted by a conduct hearing body according to this Code and any other procedures as issued by the Dean of Student Affairs. The hearings shall be administrative in nature, and every attempt shall be made to assure fair and impartial hearings. The hearings shall be conducted in closed session, and all hearings and records shall be administered in compliance with the Federal Family

Educational Rights and Privacy Act. 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 appeal. 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 evidence, to address the hearing board), in any hearing, conference, or appeal.

8.070.5. Record of Hearings. There shall be a single verbatim record, such as a tape recording, of all hearings before a conduct hearing board. The record shall be the property of the University. In the event a student or student organization is appealing 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. An appealing student 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. In the event a mechanical failure occurs that prevents a verbatim recording, the absence of a verbatim record shall not, in itself, be cause for appeal. In such cases, a 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 evidence the body considered, and the basis for the finding. This record shall be considered sufficient for review by an appeal authority.

8.070.6. Conduct Hearing Board Procedures. All proceedings of the conduct hearing board shall be conducted in a fair and impartial manner. The hearings shall be conducted in closed session, and all hearings and records shall be administered in compliance with the Federal Family Educational Rights and Privacy Act. In cases where a Conduct Officer serves as the complainant, another Conduct Officer or the Chairperson of the Conduct Hearing Board may carry out his/her pre-hearing duties.

8.080. Sanctions. The imposition of sanctions for violations shall be administered in the following manner.

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 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 Residential Living 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 disciplinary 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 Residential Living 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 disciplinary 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. While on university 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) student organization(s):

1. Evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, national origin, gender, ethnicity, sexual orientation, or disability;
2. The use or possession of a firearm(s) or other weapon(s);

3. The possession of a controlled substance, or evidence that the offender(s) was under the influence of a controlled substance;

4. The existence of a prior record of violation(s) in this chapter by the accused student(s) or student organization(s);

5. Any additional factors which contribute to the severity of the offense.

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 division heads 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 final disposition of the violation, except in cases of suspension and expulsion, where the record will be kept permanently. Student conduct records may be kept longer due to special circumstance, 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, hazing, life safety issues, etc.). Students may request to have their non-academic conduct records expunged under the conditions listed below.

Expungement shall be at the sole discretion of the Dean of Student Affairs and shall require the entire record to be expunged or none of it to be expunged (i.e., partial expungement will not be allowed). Conditions include:

1. A written request for expungement shall occur only upon completion of all degree requirements and attainment of a degree. The Dean of Student Affairs Office should be contacted for guidelines prior to submitting the request.

2. Expungement may occur only for students who have sanctions other than suspension or expulsion and whose violations were determined to have not threatened or endangered the health or safety of any person. The conduct record for students who have been suspended or expelled are not eligible for expungement.

3. Expungement decisions shall be made based on obvious long-term improvement in behavior, or lack thereof (i.e., no violations of the student conduct code for two or more consecutive semesters prior to graduation); evidence, or lack thereof; cooperation in

previous student conduct matters; or any other reasonable factor.

8.080.6. Determination and Notice of Sanctions. In each case in which a conduct hearing determines that a student or student organization has violated the Student Conduct Code, the sanction or sanctions shall 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 appeal 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.

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 the student's own physical or emotional safety and well-being, or if the student 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 the Conduct Officer may determine to be appropriate.

8.100. Appeals. The finding(s) or sanction(s) of a conduct hearing body may be appealed to the Dean of Student Affairs by an accused student or student organization. Only the sanction(s) may be appealed by a complainant. Administrative hearing dispositions shall be final and there will be no subsequent proceedings except in those cases 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.

8.100.1. Contents of the Appeal. The appeal must include the grounds for the appeal as well as supporting facts and arguments. New evidence may not be presented during the appeals process unless the defendant can prove that it was unavailable during the previous conduct hearing and only if the Dean of Student

Affairs allows its admission. The following are grounds for an appeal:

1. The hearing board deprived the accused of a right the accused had according to the rules and regulations governing the University Conduct System; and this deprivation materially affected the decision;
2. The finding of "in violation" is not supported by substantial evidence;
3. The sanction(s) imposed is not representative of the violation based upon circumstances of the act of misconduct and the prior record of the accused.

8.100.2. Burden of Proof. In the original hearing, the complainant has the burden of proving by a preponderance of evidence that the accused violated the Student Conduct Code. During the appeals process, the burden of proof rests with the accused. The standard of proof remains the same.

8.100.3. Filing. Any appeal must be submitted in writing, addressed to the Dean of Student Affairs and hand delivered to a Conduct Officer, and include all supporting facts and arguments, no later than seven (7) calendar days after the notification of decision has been delivered to the accused. An appeal letter must meet two conditions:

1. It must cite the basis of the appeal;
2. It must provide sufficient and detailed information to support the appeal.

Failure to meet either or both of these conditions shall be sufficient cause to deny an appeal. A Conduct Officer shall make the determination as to whether both conditions have been met.

8.100.4. Appeal to the Dean of Student Affairs. In cases involving appeals by a student or student organization found responsible for violating the Student Conduct Code, review of the sanction or sanctions by the Dean of Student Affairs may result in an affirmation or reduction of sanctions, but may not result in more severe sanctions, for the student or student organization. The restriction against more severe sanctions shall not apply in appeals filed by complainants. The Dean of Student Affairs will render a decision based on the appeal no later than fourteen (14) calendar days after the date the appeal was hand delivered to a Conduct Officer. 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 appeal process. Any decision rendered by the Dean of Student Affairs shall be final except in those cases 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 cases, the accused may appeal to the President of the University.

8.100.5. Review by President. When final action on an appeal has been completed by the Dean of Student Affairs, the accused or the complainant may request a review of the record of the proceedings by the President of the University. Such a request for review must be filed within seven (7) days after notice of the Dean of Student Affairs' decision is delivered or mailed to the parties. This request for review must be addressed to the President of the University and must be hand delivered to a Conduct Officer and meet the appeal conditions as defined in 8.100.3. Failure to meet either or both of these conditions shall be sufficient cause to deny an appeal. The Dean of Student Affairs shall make the determination as to whether both conditions have been met. Upon review of the record, the President of the University may affirm, reverse, or modify the decisions of a Conduct Officer, the conduct hearing board, or the decision of the Dean of Student Affairs and may impose such sanction or sanctions as he or she deems appropriate. The President's decision will be rendered in a reasonable matter of time. The President's 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. The President's action shall be final on behalf of the University.

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

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

8.110.2. Review. The Code shall be reviewed once every three years under the direction of the Dean of Student Affairs. In all cases, review of this document should be done in conjunction with the University General Counsel, the Vice President for Academic Affairs, and the Student Senate.

Source: Resolution of the Board dated June 28, 2003