

## 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 equity.

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 the Student Conduct Code. 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 violation of Truman State University policy only when information shows that it is more likely than not that a policy violation occurred; and
- sanctions that are proportionate to the severity of the violation and prior conduct history

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 “administrative investigator” refers to a Truman employee with special training and expertise in conducting investigations related to accusations of gender-based misconduct.
2. 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.
3. The term "calendar day" means any recognized day of a year.
4. The term "complainant" means a member of the University community, visitor, guest or the University itself who is considering filing a complaint, makes an oral complaint or files a written complaint with the University alleging that a student or student organization has violated the Student Conduct Code.

5. The term “complicit” means associated with or participating in an act of misconduct.
6. The term “condoned 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.
7. 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.
8. 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.
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 “deferential standard” means that the individual(s) conducting the review will defer to the judgment of the decision making person or body unless a reasonable person would conclude that a clear error was made in the finding or a compelling justification exist to alter the finding. It is not merely a matter of whether reviewer(s) agree with the decisions. Findings may only be altered if there is clear error. Sanctions may only be alter if a compelling justification exists to do so.
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 “health” means physical or mental well-being.
13. 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.
14. The term “interim measures” refers to interventions implemented to stop, prevent and remedy a hostile environment before the resolution of the complaint or when a complaint is not pursued.
15. The term “in violation” means that the student or student organization has been found responsible for a violation of the Student Conduct Code.
16. 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.
17. The terms “may” and “should” are used in the permissive sense.
18. 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.
19. 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 be found in violation of the Student Conduct Code only when 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.
20. The terms “must” 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 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.
24. The term “pervasive” means any conduct which is sufficiently widespread or severe that it pollutes the educational environment and can be said to deprive one of educational access, benefits or opportunities. Can also mean “persistent” in the sense of a repetition of the act.
25. The term “process advisor” refers to those individuals who assist the complainant or the respondent in navigating the process of resolving a conduct complaint. The role of the process advisor includes: providing information to help with decision making; responding to questions about the resolution process and support services available; assisting in preparation for interviews, meetings, hearing and review requests, and questions for the opposing party or witnesses; and communicating updates on the progress of the resolution process as needed. Process advisors may attend meetings involved in the resolution process but they are not allowed to speak or delay scheduling of meetings. Complainants and respondents may identify their own process advisors or request that one be provided for them. Process advisors do not have administrative, investigative, or decision-making roles in the cases where they are serving as process advisors. The same individual cannot serve as the process advisor for both the complainant and respondent involved in the resolution of the complaint.
26. 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.
27. 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 or legal statutes. 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 typically only be used in recommending or determining sanctions and will not be revealed during the hearing process except as outlined in the Sanctions section below. In cases of gender-based misconduct, the previous history of the complainant or the respondent will only be considered if such behavior establishes a pattern relevant to the facts of the incident under consideration. In these cases, history may be used in the investigator’s consideration of findings as well as sanctions.
28. The term “remedies” refers to interventions implemented to stop, prevent and remedy a hostile environment as a result of a complaint resolution. Individual remedies refers to those remedies that are implemented to address the personal needs of those involved in a gender-based misconduct resolution process. Institutional remedies are those remedies implemented to address the environment in which gender-based misconduct occurred.
29. The term “respondent” means a student, students or student organization who may have committed, is under investigation, or who has been charged with a violation of the Student Conduct Code.

30. 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.
31. 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.”
32. 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.
33. 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.
34. The term “Title IX offenses” refers to gender-based misconduct described in Sections 8.050.14 and 8.050.2.12. Truman State University will adjudicate Title IX offenses in compliance with the mandates of the Office of Civil Rights. Questions or complaints regarding the University policies and procedures may be directed to the Office of Civil Rights at [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov). Complaints must be filed within 180 days of the completion of the University’s processes.
35. The term “Title IX Coordinator” refers to the University’s Title IX Coordinator or the designee appointed to provide Title IX coordination duties for a particular case.
36. The term "University" means Truman State University.
37. The term "University conduct system" means the processes and entities created in this chapter to implement the provisions of the Student Conduct Code.
38. 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.
39. 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 social media websites), 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 misdemeanor or felony criminal offense as provided in local, state, or federal law.
- b. Any situation where it appears that the student or student organization 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.

The Student Conduct Code may be applied to conduct that takes place from the time of admission, 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 students, 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 students 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. Organizational responsibility may extend to events in which organizations participate as well as act as sponsors, hosts and/or cohosts (i.e. mixers, Greek Week, Homecoming). In such cases, the University will consider the following criteria to determine the extent of responsibility:

- Number of members in attendance;
- National association definition of “events”;
- Location of an event (i.e. chapter house, organization rented property, etc.);
- Participation of an organization leader in the planning of the event;
- Use of organization funds to finance the event;
- Promotion or endorsement of the event by the organization to members and/or non-affiliated guests;
- Patterns of individual violations found to exist without proper and appropriate group control, remedy, or sanction; and/or the
- Importance of an organization’s participation in relation to the event’s purpose (i.e. Would the event still exist without the organization’s participation?).

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 on a University network or a website identified as belonging to a student organization recognized by Truman, or
4. Which occurs at any location if such conduct presents a danger or threat to the health or safety of members, guests, or others; or
5. 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
6. 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
7. 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
8. 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 assisted, 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 (e) academic pursuits, (f) residential and/or social activities.
  - 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 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. Conduct that is a violation of the Code and is perpetrated because of the person's actual or perceived race, religion, national origin, gender, ethnicity, sexual orientation, disability or other protected status.
  - 7.10. Conduct that excludes a member of the community or diminishes that member's participation in academic, residential and/or social activities on the basis of that person's actual or perceived race, religion, national origin, gender, ethnicity, sexual orientation, disability or other protected status. This expectation, however, will not be interpreted to abridge the right of any member or organization protected by the First Amendment of the United States Constitution or other applicable law.

- 7.11. Retaliation, defined as any adverse action taken against a member of the community for bringing or participating in a complaint of discrimination, harassment and/or sexual misconduct under this code.
- 7.12. 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.
- 7.13. 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.
- 7.14. 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.
- 7.15. 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 (including, but not limited to, the 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 ensure 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, alumni, 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 obscene based on contemporary community standards.

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: physical, verbal, or written conduct on the basis of an individual's age, disability, ethnic background, nationality, gender, race, religion, or sexual orientation that is so severe, pervasive and objectively offensive that it interferes with, limits or denies educational, work and/or social access, benefits or opportunities. 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.) 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 any other person(s).
- 13.5. Tobacco. Smoking or use of other nicotine delivery products on campus as prohibited by campus policy.
- 13.6. Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
- 13.7. Stalking, defined as repetitive and/or 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. Gender-based misconduct.

- 14.1. Sexual harassment. Sexual harassment is a form of sex discrimination that may violate Title VII (employee rights) and Title IX (student rights) of the Civil Rights Act of 1964. The following definition adapts the 1980 Equal Employment Opportunity Commission guidelines to the academic setting.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1. Submission is made an expressed or implied term or condition of employment or status in a class, program, or activity;
- 2. Submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, firing, promotion, or grading a course);

3. 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.

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. The University's sexual harassment policy applies to all members of the University community: students, faculty, and staff, in both on- and off-campus educational settings when involved in University employment, classes, programs, or activities.

#### Types of Sexual Harassment

- A. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive so that it alters the conditions of education or employment, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
    - the frequency of the conduct;
    - the nature and severity of the conduct;
    - whether the conduct was physically threatening;
    - whether the conduct was humiliating;
    - the effect of the conduct on the alleged victim's mental or emotional state;
    - whether the conduct was directed at more than one person;
    - whether the conduct arose in the context of other discriminatory conduct;
    - whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
    - whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
    - whether the statement or conduct is speech protected by the US Constitution.
  - B. Quid pro quo sexual harassment exists when there are:
    - unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
    - submission to such conduct results in favorable educational or employment action; or
    - rejection of such conduct results in adverse educational or employment action.
- 14.2. Retaliation Prohibited: Retaliatory action, as defined above, 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, 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), however slight, by a person upon another person, without consent.

- 14.4. Non-consensual sexual contact is any intentional sexual touching, meaning 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 or any intentional body contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice, however slight, by a person upon another person, without consent.

#### Consent

Consent is clear, knowing and voluntary permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. 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.

Missouri State Law (RSMo 556.061) defines consent as follows:

Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity 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 by 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.

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

- 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.
- 14.6. Violence between those in an intimate relationship to each other.
- 14.7. Gender-based stalking, defined as repetitive and/or menacing pursuit based on gender or intimate or desired intimate relationships, 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.
- 14.8. Public Exposure. Includes intentionally exposing one's intimate body parts, public urination, public defecation, and public sex acts.
- 14.9. Providing alcohol or other drugs to another student for the purpose of gaining sexual access.
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, pressured or coerced consumption of any food, liquor, drug, or other substance, or forced, pressured or coerced 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 (including but not limited to marijuana), chemicals, and drug paraphernalia violations.
  - 16.1. (a) Manufacture, (b) possession, (c) use or under the influence of, (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 knowingly 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. Furnishing or allowing the furnishing of 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 of or participation in activities that (a) unreasonably disrupts the normal operations of the University; (b) unreasonably 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.
21. Allegation of commission of felony or misdemeanor. Allegation of commission of an act which may be a (a) felony or (b) misdemeanor or (c) other crime 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.

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 assisted in 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 8.090 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.
  - 9.12. Complicity. Complicity with or failure of any organized group to appropriately address known and obvious violations of the Student Conduct Code or law by its members.
10. Conduct that is obscene based on contemporary community standards.

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 also 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, alumni, 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 participants 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 (including, but not limited to, the 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. Gender-Based Misconduct

- 12.1 Sexual harassment. Sexual harassment is a form of sex discrimination that may violate Title VII (employee rights) and Title IX (student rights) of the Civil Rights Act of 1964. The following definition adapts the 1980 Equal Employment Opportunity Commission guidelines to the academic setting.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission is made an expressed or implied term or condition of employment or status in a class, program, or activity;
2. Submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, firing, promotion, or grading a course);
3. 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.

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. The University's sexual harassment policy applies to all members of the University community: students, faculty, and staff, in both on- and off-campus educational settings when involved in University employment, classes, programs, or activities.

Types of Sexual Harassment

- A. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive so that it alters the conditions of

education or employment, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- whether the conduct was humiliating;
- the effect of the conduct on the alleged victim's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
- whether the statement or conduct is speech protected by the US Constitution.

B. Quid pro quo sexual harassment exists when there are:

- unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- submission to such conduct results in favorable educational or employment action; or
- rejection of such conduct results in adverse educational or employment action.

12.2. Retaliation Prohibited: Retaliatory action, as defined above, shall be regarded as a separate and distinct cause for complaint under this policy and any other applicable policies.

12.3. Sexual exploitation occurs when a student organization takes non-consensual or abusive sexual advantage of another for its 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.

12.4. Allowing alcohol or other drugs to be used during organizational events for the purpose of gaining sexual access to guests or participants.

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

14. Advertising.

14.1. 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.

- 14.2. 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.
15. Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
16. 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:
  - 16.1. 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, pressured, or coerced consumption of any food, liquor, drug, or other substance, or forced, pressured, or coerced smoking or chewing of tobacco products; or
  - 16.2. 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
  - 16.3. 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
  - 16.4. 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:

17. 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.
  - 17.1. No organization will furnish or cause to be or allow to be furnished any alcoholic beverage to any person under the legal drinking age.
  - 17.2. 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.
  - 17.3. 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.
  - 17.4. 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.

- 17.5. 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.
  - 17.6. 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-partying or any drinking games or themes that might encourage the rapid/excessive consumption of alcohol.
18. Gambling. Student organizations are prohibited from the following:
- 18.1. 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.
  - 18.2. 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.
  - 18.3. 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.
19. Outstanding Debt.
- 19.1. 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.
  - 19.2. Student organizations will not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay.
20. Social Events.
- 20.1. 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.
  - 20.2. 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.
  - 20.3. 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.
  - 20.4. Conducting any event that interferes with the normal progress of academic events on campus is prohibited.
  - 20.5. Failure to register and get appropriate approval for any outdoor event on or adjacent to campus with the Student Union at least five (5) days before the event is prohibited (30 days advance approval is required for parades and events involving fireworks).
  - 20.6. 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.
  - 20.7. Failure to abide by the risk management policies established by the University, governing councils, or national organizations.

21. 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, Business Office 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.

8.060. 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. In situations where information from law enforcement necessary to establish the facts of the case is unavailable proceedings may be delayed.

Students are always encouraged to report criminal activity to the appropriate law enforcement officials. In the case of Title IX offenses (see gender-based misconduct), the University may have an obligation to conduct an investigation even if a criminal investigation is in progress.

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. However, the University cannot delay its processes unreasonably while criminal investigations are underway, and without interfering, will undertake internal resolution of complaints even though those complaints may arise from conduct that may also be criminal in nature. Individual students and employees, acting in their personal capacities, will remain free to interact with governmental representatives, as they deem appropriate.

8.070. 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 as soon as possible 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. The following will be the only issues discussed at the meeting:

- Information related to the facts the university has regarding the student's conduct as well as the identity of the student.
- The conduct in question and whether or not it is reasonable to believe that the student's presence on campus poses a substantial or immediate threat to the safety and well-being of him/herself or others, undue interference with a university investigation and/or disturbance of the university's educational mission

8.070.1. 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.

8.070.2. 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.

8.080. University Conduct System. Reports and complaints of misconduct of a student will be administered in accordance with the standards of due process and fundamental fairness as established by this Code. Due to the special circumstances involved in gender-based offenses and in order to comply with laws and regulations specific to these types of offenses, a separate process for addressing gender-based offenses appears below (8.090). All other Student Conduct Code complaints will be handle by the process explained in section 8.100.

8.080.1. 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, to initiate and/or complete conduct proceedings without a formal complaint or the cooperation of the alleged victim of misconduct when there is a substantial university interest to do so. Substantial university interest is defined in section 8.040.1.

8.080.2. Group Violations. When members of groups, individuals acting together collectively or members of an organization acting together in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as joint respondents. In any such action, individual findings of responsibility and a determination of sanctions will be made with respect to each respondent involved in the incident.

8.080.3. Complaint Procedure. Any member of the University community may file a complaint of misconduct against students or student organizations. 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 Director for Citizenship and Community Standards. Gender-based complaints may also be directed to the Title IX Coordinator. Any complaint should be submitted as soon as possible (generally within 180 days) after the misconduct takes place or becomes known. In some situations, however, the complainant may delay in filing a complaint. Such delays may make it more difficult to secure evidence and witnesses; however, resolution is still possible in special circumstances. The existence of special

circumstances will be determined in each complaint by the Title IX Coordinator or designee. Special circumstances include, but are not limited to, any threats or actions that, through trauma or fear, caused the complainant or any witness to delay reports of the misconduct.

8.090. Investigation and Disposition of Gender-Based Misconduct: It is the responsibility of the Title IX Coordinator to ensure that investigations occur in all gender-based misconduct complaints. When a complaint is received by either the Office of Citizenship and Community Standards or the Human Resources Office, the Title IX Coordinator or designee will conduct an initial review. The initial review will be followed by a resolution process. The Title IX Coordinator or designee will determine the process of resolution of the complaint in consultation, if appropriate, with the complainant.

8.090.1. Confidentiality. Truman State University encourages those who have experienced sexual violence and other traumatic crimes to talk to appropriate people about what happened to them and to discuss options for filing a criminal complaint and/or complaint with the University. Students need to know where they can go for confidential support. Students also have a right to know the reporting obligations of faculty and staff before they disclose information about gender-based misconduct.

Students may discuss gender-based misconduct confidentially with staff of the University Counseling Services and the Student Health Center. These professional staff members are only required to disclose the names of complainants and respondents when the situation presents a risk of imminent harm to others. These staff members are also aware of the various reporting options and can provide information to complainants regarding filing complaints. University Counseling Services and the Student Health Center can arrange to have visit fees waived for those individuals seeking help in the aftermath of gender-based misconduct.

Off-campus confidential resources are also available. Health and mental health professionals in off-campus settings can provide confidential support as can Victim Support Services and clergy.

Students may disclose incidences of gender-based misconduct at public awareness events such as “Take Back the Night” or the “Clothesline Project.” The University has no obligation to act on information disclosed at these events.

Many faculty and staff members at Truman are required by the Clery Act to report certain crimes to the Department of Public Safety if those crimes occurred on-campus or off-campus at certain university related events. These reports do not need to include names of complainant or respondent.

Most staff members, including Student Advisors, are required to report to their supervisors when they are made aware of gender-based misconduct. Supervisors are required to share this information with the Title IX Coordinator. Truman will take requests for confidentiality seriously. Such requests, however, may significantly hinder the University’s ability to investigate and adjudicate the offense.

There are circumstances where requests for confidentiality may not be honored due to legal requirements and the need to maintain a safe educational environment. These circumstances include the following:

- When the act of gender-based misconduct included the use of a weapon;
- When physical force or violence was used in the attack;
- When the complainant is a minor;



- When the act appears to be part of a pattern of similar violations by the same individual or individuals; or
- When there is a significant threat to the health and safety of others.

In these circumstances, the Title IX Coordinator or designee will likely determine that information must be shared with law enforcement and/or that an investigation must proceed with or without the complainant's cooperation. Efforts will be made to address the concerns of complainants in these circumstances and to maintain confidentiality as much as possible. A safety plan will be developed with the complainant and appropriate interim measures will be implemented. The complainants will not be required to participate in any investigation or disciplinary procedure if they choose not to do so. However, the University is severely limited in its ability to proceed with resolution processes when complainants do not cooperate.

Conduct records are protected by the Family Education Rights and Privacy Act (FERPA). Conduct records are released only as required by law. Typically, release of information to a third party will occur with the knowledge and/or written permission of the respondent and, in some cases the complainant.

8.090.2. Interim Measures. In the case of gender-based offenses, the Title IX Coordinator or designee may take immediate measures to assist complainants in resuming educational activities while deciding what course of action, if any, to pursue against a respondent or while awaiting the results of a resolution process. Some interim measures can be utilized even when the decision is made not to file a complaint. Interim measures include but are not limited to, the following: providing an escort; changing the complainant's course schedule or room assignment in the residence halls; arranging academic accommodations; waiving the service fee for on-campus counseling and health center services; and/or implementing appropriate educational or prevention strategies to address the environment in which the offense took place. Additional interim measures can be utilized in those cases where the complainant has filed a complaint. These include, but are not limited to, the following: issuing no contact orders; limiting the respondent's access to campus; limiting the respondent's access to facilities and activities; and changing the respondent's course schedule or room assignment. When appropriate, the respondent may be placed on interim suspension.

8.090.3. Initial Review. When a complaint is received by either the Office of Citizenship and Community Standards or the Human Resources Office, the Title IX Coordinator or designee will conduct an initial review to ensure a number of activities have been completed. The initial review includes the following tasks and will typically take no longer than seven days to complete:

1. Communication with the complainant to:
  - a. Attend to any immediate safety and well-being issues;
  - b. Notify of the right to contact law enforcement and seek medical treatment if appropriate;
  - c. Notify of the importance of preservation of evidence;
  - d. Offer appropriate interim measures;
  - e. Offer counseling and other resources;
  - f. Describe the role of and offer to appoint a process advisor;
  - g. Discuss options for resolution;
  - h. Ascertain the complainant's wishes for resolution; and
  - i. Discuss barriers to proceeding.
2. Determine the basic facts of the situation:
  - a. Evaluate individual and campus safety issues;

- b. If necessary notify the Department of Public Safety to determine if a timely warning should be issued (complainant and respondent identity is not required);
  - c. If necessary, notify law enforcement regarding a criminal investigation (see 8.090.1); and,
  - d. Evaluate the appropriate resolution procedure (no action, informal, formal) as described below:
    - i. No Action — In situations when a complaint falls outside the University's jurisdiction, does not violate the Student Conduct Code, or is not supported by sufficient information, the result may be no action against the respondent. No action may also result if the complainant is not willing to participate in the resolution process. This course of action does not preclude other actions that may be taken under the direction of the Title IX Coordinator or designee if such action is appropriate to prevent, stop, or remedy gender-oriented misconduct.
    - ii. Informal Resolution: Alternative Negotiated Agreement – In cases of minor, non-criminal violations and/or complaints that can best be resolved through negotiation, an Alternative Negotiated Agreement can be sought. The process must be agreed upon by both parties. Alternative Negotiated Agreements do not involve direct interaction between the parties unless both consent to the interaction. Alternative Negotiated Agreements will not be included in a student or student organization's conduct record. Records, however, will be kept of the resolution and can be used in future conduct decisions, if appropriate, to establish a pattern of behavior. Informal resolutions are final and not subject to review. Interim measures may remain in place as a part of the Alternative Negotiated Agreement.
    - iii. Formal Resolution: Administrative Investigation – In cases of gender-based misconduct, the Title IX Coordinator or designee may determine that a full investigation should be conducted. Administrative investigations involve an opportunity for both complainants and respondents to share testimony, evidence, and identify witnesses. The trained administrative investigator will interview witnesses and analyze evidence to determine findings and sanctions. If either party disagrees with the conclusions of the investigator, a hearing may be requested. After the hearing, either party may request a review based on established grounds.
- 3. If "no action" is decided, notify the complainant.
- 4. If an informal resolution is an option, notify the Director of the Office of Citizenship and Community Standards to implement the process.
- 5. If formal resolution is required:
  - a. Appoint an administrative investigator;
  - b. Appoint two administrative investigators to participate in the review process, if necessary;
  - c. Communicate with the respondent:
    - i. Explain that an investigation is occurring;
    - ii. Notify of the importance of preservation of evidence;
    - iii. Notify of sources of support;
    - iv. Explain the process of investigation;
    - v. Describe the role of and offer to appoint a process advisor.

6. Carefully document all actions taken.

8.090.4. Complaint Resolution Through an Alternative Resolution Agreement. The following describes the process and requirements of the Alternative Resolution Agreement.

- a. Mutual Consent: The conduct officer communicates with both the complainant and the respondent, explains this option for resolving the concern, and receives written permission from both parties to participate in the Alternative Resolution Agreement process.
- b. Notification: Each party is notified of the behavior of concern, time and date of meetings, rules regarding the resolution process, and consequences of violating agreements.
- c. Resolution Process: The process involves an opportunity for both parties to provide testimony, respond to concerns, present alternatives and discuss potential solutions with the conduct officer. The goal of the resolution process is a mutually acceptable agreement. One or both parties may withdraw from the process at any time before its conclusion and pursue a different course of resolution. The facilitator may also terminate the process if parties do not abide by the rules of the process or if a mutually agreeable resolution is not likely. Meetings can take place jointly if both parties agree or independently if either party objects to a joint meeting. Process advisors may attend the meetings but are not allowed to participate in the discussion or to delay the resolution due to scheduling conflicts.
- d. Notification of Outcomes: Participants will receive written confirmation of the outcomes of the negotiation and the consequences of failing to abide by the agreements.

8.090.5. Complaint Resolution Through an Administrative Investigation. When appointed, the administrative investigator will:

1. Conduct a comprehensive investigation to determine if it is more likely than not that the respondent violated the Student Conduct Code;
2. If, in the course of the investigation of gender-based misconduct, potential misconduct that is not gender-based is identified, refer the information to the Office of Citizenship and Community Standards at the conclusion of the investigation for resolution under the process described in 8.100.
3. Meet with the party filing the complaint to finalize the written complaint statement. A process advisor is allowed to attend this meeting but is not allowed to speak or delay the scheduling of meetings;
4. Commence a thorough and impartial investigation by developing a strategic investigation plan, including witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent;
5. Meet with the responding party at an appropriate time during the investigation to gather evidence and identify witnesses. A process advisor may attend this meeting but is not allowed to speak or delay the scheduling of meetings;
6. Interview all relevant witnesses reviewing expectations outlined in the Student Conduct Code to cooperate with the investigative process, maintain confidentiality, and refrain from retaliation;
7. Summarize in writing the information included in the witness interviews. Each witness will review the summary and, after appropriate corrections, sign the statement;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;

11. Prepare a charge letter identifying all alleged policy violations. The letter may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator;
12. Discuss the preliminary results of the investigation with both the complainant and respondent separately providing them with an opportunity to provide additional information, clarify their statements, identify additional evidence, and suggest witnesses in response to the preliminary results. Process advisors may attend this meeting but are not allowed to speak or delay scheduling;
13. Make findings for each of the infractions included in the charge letter;
14. Recommend appropriate sanctions for each charge for which the respondent was found responsible (see 8.110 for sanctions and conditions that should be considered in the sanctioning process) and additional remedies that might be necessary for the complainant and/or the community;
15. Create an investigative report to be delivered to the Director of Citizenship and Community Standards and the Title IX Coordinator or designee within 40 days of their assignment as the administrative investigator.

8.090.6. Notification of Outcomes. The Title IX Coordinator or designee will present a summary of the investigative report, findings, and sanctions to the complainant and respondent. Contents of the summary will depend on the violations, the sanctions, and applicable privacy laws. Information shared will comply with the following:

- Complainants in gender-based misconduct cases have a right to be informed of the outcomes of the investigation and any subsequent appeals, in writing, without condition or limitation.
- The complainant will be informed if the investigation determined that the alleged violation occurred. Notification of individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant will also be provided. The complainant will be informed if other steps have been taken to eliminate the hostile environment if it was found to exist and/or to prevent reoccurrence.
- The respondent will not be notified of the individual remedies offered or provided to the complainant.

The Title IX Coordinator or designee will also explain that both parties may accept the findings and sanctions or request a hearing. If either party requests a hearing, they must do so within seven days of the receipt of the report summary.

8.090.7. Hearing. If a hearing is requested by either party, the conduct officer will prepare and conduct the hearing in consultation with the complainant and the respondent. The hearing will occur approximately seven days from the notification of the hearing request. Either party may request that arrangements are made to minimize or eliminate face to face contact with the other party during the hearing. Parties will submit questions they want asked of the other party to the conduct officer no later than four days after the request for a hearing. A process advisor may attend the hearing but is not allowed to speak or to delay scheduling. During the hearing, the conduct officer will hear statements regarding the investigation, ask appropriate questions submitted by the opposing party, and ask any additional questions needed to render a decision. After the hearing, the conduct officer will render a decision within seven days of the hearing. The decision can be to uphold the findings and sanctions; to overturn the findings and render another finding; and/or to change the sanctions and/or remedies. The more likely than not standard will be used in finding decisions and sanctions will be determined as described in 8.110. Every effort will be made to assure fair and impartial hearings. All hearings and records will be administered in compliance with FERPA. The conduct officer will make his/her findings

based on whether it is more likely than not that the alleged violation occurred. The conduct officer will prepare of written report of the decisions including the evidence that led to the conclusions. An audio recording of the hearing will also be available for use during a review process. The Title IX Coordinator or designee will be informed of the results and communicate those results to both parties in compliance with 8.090.6. The Title IX Officer or designee will also notify the parties of the option to request a review and the grounds for which a review may be requested.

8.090.8. Review. A review request must be submitted to the Title IX Coordinator or designee in writing within seven days of the receipt of results of the hearing. The review request will explain upon which of the following grounds the request for a review is based:

- A procedural or other substantive error occurred in the investigation or hearing that significantly impacted the outcome of the investigation;
- The finding is not supported by substantial evidence;
- New evidence is currently available that was not available at the time of the investigation or hearing;
- The sanctions imposed are substantially disproportionate to the severity of the violation.

If the Title IX Coordinator or designee determines that the request for review meets the grounds upon which a review may be requested, he/she will assign two trained investigators who were not involved in the original investigation to review the report findings and sanctions and the record of the hearing to make a decision regarding the review. The review will be completed within 15 days of the submission of the request. The standard for the review is the deferential standard. This decision will be final and will be communicated to the Title IX Coordinator or designee who will notify the respondent and the complainant of the results of the review. At the conclusion of the resolution process, the Title IX Coordinator will review the documentation and determine if additional institutional remedies are required and, if so, will oversee the implementation of those remedies.

8.100. Investigation and Disposition for All Other Offenses: It is the responsibility of the conduct officer to investigate all non-gender based complaints of the Student Conduct Code. When a complaint is received, the conduct officer will conduct an initial review which most likely will include a conference with the complainant and possibly the respondent. The initial conference will be followed by an investigation. This may mean interviewing witnesses and gathering information from other agencies (law enforcement, campus offices, etc.). This investigation is not the same as a police led investigation and standard rules of evidence used in the criminal court do not apply. After the complaint has been investigated and allegations of violation of the Student Conduct Code have been identified, the conduct officer will decide. Complainants and respondents will be consulted prior to the conduct officer's decision to move forward with mediation or formal procedures. Both parties will also be consulted regarding the type of hearing will be used to resolve the complaint. The conduct officer will make the final decision regarding the resolution process based on input from the parties, the severity of the charges and potential sanctions, the complexity of the evidence, and the availability and preparation of appropriate board members.

- 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. Informal Resolution Through Mediation. Uncontested allegations or complaints that can be resolved through negotiated procedures will result in mediation if agreed upon

by both parties. Informal resolution will not be included in a student or student organizations conduct record. The conduct officer will work with both parties to determine a mutually acceptable solution. In these cases documentation of the incident and its resolution will be kept in university records, but will not be part of a student's conduct record unless future violations take place. Records, however, will be kept of the resolution and can be used in future conduct proceedings if appropriate to establish a pattern of behavior. Mediation agreements are final and not subject to review.

- c. Formal Resolution: Formal resolution involves a resolution process that will result in a conduct record if the respondent is found responsible for violating the Student Conduct Codes. Formal resolution involves either an Administrative Hearing or a University Conduct Board Hearing.
  - Administrative Hearing — Administrative hearings are the most common method of disposing of conduct complaints. This method of resolving complaints is rarely utilized when suspension, expulsion or charter revocation are likely outcomes. The focus is resolution involving educational sanctions and working with the respondent to improve behavior. Administrative hearings, however, may also be used in cases of probation violation, severe or unusual circumstances or in situations where immediate action is necessary. In cases where an administrative hearing results in suspension or expulsion for an individual or suspension/revocation of student organization, the respondent may request a review. The complainant may request a review in the case of a finding of "not responsible".
  - Conduct Hearing Board — Students or student organizations 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. Conduct Hearing Boards are usually reserved for those situations where suspension and/or expulsion are possible outcomes for individuals or when student organizations may face suspension or revocation of recognition by the University. Conduct Hearing Boards may also be utilized when there is a need to interpret more complicated evidence or consider more complex circumstances.

8.100.1 Complaint Resolution Through Mediation. Mediation is appropriate when there is a dispute between or among students, the complainant desires that action be taken to stop an unwanted behavior that may be a violation of the Student Conduct Code, the violation is relatively minor and does not present the potential to endanger other students or disrupt the campus community and the complainant does not want the complaint to result in a conduct record for the accused. A mediation involves the following process:

- a. Mutual Consent: The conduct officer communicates with both the complainant and the respondent, explains the various options for resolving the concern, and both parties agree in writing to mediation.
- b. Notification: Each party is notified regarding the behavior of concern, the time and date of the mediation, rules regarding the mediation process, the binding nature of the outcomes and the consequences of violating the agreements.
- c. Mediation Process: Mediation involves an opportunity for both parties to present and respond to concerns and to present and discuss potential solutions. The goal for mediation is a mutually agreed upon resolution. Agreements made during mediation are binding and final. One or both parties may withdraw from the process at any time and pursue a different

course of resolution. The mediator may also terminate mediation if parties do not abide by the rules of mediation or if a mutually agreeable resolution is not possible.

- d. Notification of Outcomes: Participants will receive written confirmation of the outcomes of the mediation and the consequences of failing to abide by the agreements.

8.100.2. Complaint Resolution Through an Administrative Hearing. The administrative hearing process is the most commonly used method for resolution of student complaints. Administrative hearings are rarely utilized when the complaint involves complex and controversial testimony or documentation and/or when the sanctions of suspension or expulsion for individuals or suspension or revocation of charter as a recognized student organization are possible. Findings of administrative hearings, however, may result in these more severe sanctions in cases where a student or student organization has violated probation, there are severe or unusual circumstances where a Conduct Hearing Board resolution is not appropriate or when immediate action is necessary. There are three parts to an administrative hearing:

- a. Notice and Time of Hearing. After the complaint has been investigated, allegations of violation of the Student Conduct Code have been determined and an administrative hearing has been found to be the appropriate course of resolution by the conduct officer, a notice is sent to the student or student organization with information regarding the administrative hearing. Notice will be in writing, and will be emailed to the student's University e-mail address or mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered. Each letter will include the following:
- A concise summary of the alleged violation;
  - All policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
  - Relevant procedures for resolution of the complaint; and,
  - The date, time, and place of the hearing or instructions for the accused to schedule the hearing.
- b. Administrative Hearing Process. 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 officer according to this Code and any other procedures as issued by the Dean of Student Affairs. Minor variations in established hearing procedures can be approved on an ad hoc basis by the Dean of Student Affairs and the Director of Citizenship and Community Standards as long as they do not materially impact the fairness of the proceedings. 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 respondent has the right to consult a process advisor of his/her/its choice before, during, and after any conference, hearing, or review. Typically the administrative hearing process is facilitated through one meeting with the respondent which includes an opportunity to discuss the respondent's rights within the process and to hear information regarding the facts of the case from the respondent. During this conversation the respondent will state their belief of whether or not they are responsible for the allegations listed and the conduct officer will make his/her finding based on if it is more likely than not that the violation occurred.
- c. Notification of Outcomes: Once a finding is determined, if the finding is that of a policy violation, the conduct officer will determine an appropriate sanction or sanctions based on considerations listed in section 8.110 and will document the sanctions and information for their completion in a decision letter that will be emailed to the student's University e-mail address or mailed to the local or permanent address of the respondent. Pertinent information regarding

the outcome will also be shared with the complainant when appropriate. Once mailed, such notice will be presumed to be delivered. Decisions of an administrative hearing are final except in cases where the sanctions involve suspension or expulsion from the University or residence halls for a student and suspension or revocation of University recognition for a student organization. In these circumstances the respondent can request a review. The complainant may request a review when the finding is “not responsible.”

8.100.3. Complaint Resolution Through a Conduct Hearing Board (CHB). Conduct Hearing Boards are used to resolve a minority of complaints. CHBs are most often used in the resolution of more serious violations of the Code or in situations where students face potential suspension or expulsion from the University or student organizations face potential suspension or revocation of their charter/university recognition. CHBs may also be used in situations where a fair and equitable process would be better achieved through the hearing of the case by multiple decision makers due to the complexity of evidence or circumstances surrounding the case.

8.100.4. Composition of the CHB. The Conduct Hearing Board (CHB) is comprised of students, faculty and/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 [respondent(s), complainant(s), and witnesses] during the hearing. The Chairperson may also permit parties to directly or indirectly question each other and witnesses if that can be done with maturity and civility. All decisions regarding findings and sanctions 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 1<sup>st</sup> year one through December 31<sup>st</sup> year two), and a member may serve more than one consecutive term at the discretion of the Dean of Student Affairs. Three (3) members are necessary to hear a complaint. The Director of Citizenship and Community Standards is responsible for coordinating training sessions, hearings, and assigning complaints. The Dean of Student Affairs or Director of Citizenship and Community Standards has authority to make interim appointments to fill any open slot from the three categories below. Additionally, the Dean of Student Affairs or the Director of Citizenship and Community Standards may implement alternate procedures for any conduct complaints 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 after consultation with Student Government. The Office of Citizenship and Community Standards will be responsible for recruiting and recommending student Conduct Hearing Board nominees to be appointed by the Dean of Student Affairs.
- b. Three (3) Faculty — who are appointed by the Dean of Student Affairs and recommended by the Executive Vice President for Academic Affairs and Provost after consultation with the Faculty Senate.



- 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.

8.100.5. Conduct Hearing Board Process: Several steps, explained below, are involved in the process of preparing for and conducting a hearing utilizing the CHB.

- a. 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 e-mailed to the student's University e-mail address or mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered.
  - The letter of notice will include a concise summary of the alleged violation;
  - The letter will state all policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
  - The letter will include the relevant procedures for resolution of the complaint;
  - The date, time, and place of the hearing;
  - A list of the University's witnesses (to be supplemented later if necessary); and
  - A deadline for meeting with the conduct officer.
  - The letter of notice may also direct the respondent to contact the conduct officer within two business days of receipt with a written response to the complaint.

Once the respondent 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 respondent fails to respond to the mailed notice letter. If a respondent 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 Director of Citizenship and Community Standards serves as the complainant, another conduct officer may carry out his/her pre-hearing duties.

- b. Pre-hearing Process. Multiple individuals are involved in preparations for a CHB hearing as outlined below:

**Respondent.** 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 (48) hours before any scheduled hearing, the respondent will deliver to the conduct officer a written response to the complaint, a written list of all witnesses the respondent wants the University to call on his/her behalf with full contact information for such witnesses, a list of all physical items the respondent intends to use or needs to have present at the hearing, and who has possession or custody of such information if known, and the name of any process advisor who may be accompanying them to the hearing.

**Complainant.** At least forty-eight (48) hours before the scheduled hearing, the complainant will deliver to the conduct officer a list of all witnesses the complainant wants the University to call on his/her behalf at the hearing with full contact information, a list of all physical items the complainant will use or needs to have present at the hearing and who has

possession or custody of such information if known, and the name of any process advisor who may be accompanying them to the hearing.

Conduct Officer. The conduct officer will ensure that the above information and all other available written documentation will be shared between the complainant and the respondent at least twenty-four (24) hours before the scheduled hearing. Each party will also be given a list of the names of the hearing board members for the case. Should either party object to any members of the board, 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. The conduct officer will, prior to the hearing, attempt to obtain signed FERPA consents when appropriate from all parties and witnesses who will participate in the hearing.

Witnesses. In most cases, witnesses are to be identified in advance. The identity of a witness may be kept confidential for safety reasons at the discretion of the conduct officer if knowing the identity of a witness is not essential to the defense of the respondent. While witnesses are subject to questioning at the hearing, unavailable witnesses may submit their testimony by telephone or written statement.

- c. Conduct of Hearings. Hearings to determine whether or not a respondent 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 the Director of Citizenship and Community Standards. Minor variations in established hearing procedures can be approved on an ad hoc basis by the Dean of Student Affairs and the Director of Citizenship and Community Standards as long as they do not materially impact on the fairness of the proceedings. 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 respondent has the right to consult a process advisor 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 a process advisor as the respondent. Parents or other support persons may also attend but like process advisors are not permitted to speak, (i.e., make opening or closing remarks, examine or cross examine, ask questions, to submit and object to information, to address the hearing board) or delay scheduling any hearing, conference, or review. While previous conduct violations by the respondent are not generally admissible as information about the present alleged violation, the conduct officer may supply previous complaint information to the CHB, or may consider it her/himself in hearing the complaint, if any of the following applies:
  - The respondent was previously found to be responsible;
  - The previous incident was substantially similar to the present allegation;
  - An informal resolution process resulted in an agreement previously based on a similar allegation; or
  - Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

- d. Hearing Deliberations. Deliberations will take place in a private setting with only members of the Board in attendance. Once a finding is determined, if the finding is that of a policy violation, the Conduct Hearing Board (CHB) will determine appropriate sanctions. The Chair of the Board will contact the conduct officer by telephone to learn if there is a previous history that should be considered in the sanctioning process. Sanctions and factors that should be considered in sanctioning decisions appear in section 8.110. The report should be expressed in a finding supported by the recitation of the evidence considered as the basis of the finding with citations to the rules implicated by the facts and charges. This report should conclude with recommended sanctions and a rationale for how the sanctions related to the findings. This report should typically 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 will inform the parties of the results within seven (7) days after the hearing.
- e. 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. 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.
- f. Notification of Outcomes. The outcome of a campus hearing is part of the educational record of the respondent, and is protected from release under a federal law, FERPA. 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 non-forcible sex offense or 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. Additionally, student organizations are not protected under FERPA and information from their hearings may be released to the public upon request based upon the judgment of the conduct officer. Information regarding conduct actions involving local chapters may be shared with national offices.

8.110. Sanctions and Remedies. 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. Following any conduct hearing, the decision will be sent via e-mail to the student’s University e-mail address or the United States Postal Service mail or hand delivered to the respondent 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. Once mailed, such notice will be presumed to be delivered.

8.110.1. 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 or continued recognition. 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 continued recognition 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 8.070.
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 or student organization from the University for a definite period of time, after which the student or student organization 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 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.
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.
18. **Remedies.** In gender-based misconduct, individual students may be sanctioned in a variety of ways including some of the above to stop, prevent the reoccurrence and to remedy those who were adversely affected by a hostile environment. Institutional remedies may also be imposed in those cases where a more comprehensive intervention is needed. The administrative investigator and the conduct officer in formal gender-based resolutions processes may recommend individual and institutional remedies. These remedies are implemented under the direction of the Title IX Coordinator or designee. Institutional remedies will not be included in the student conduct records of respondents.

8.110.2. **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.

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

8.110.4. **Conditions Leading to More Severe Sanctions.** 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 respondent:

- a. Information that the complainant was intentionally selected because of the complainant'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 respondent(s) was under the influence of a controlled substance;
- d. The existence of a prior record of violation(s) in this chapter by the respondent(s);
- e. Any additional factors which contribute to the severity of the offense.

- f. Other mitigating factors can serve as a cause to impose more severe sanctions such as failure to express regret, failure to recognize errors in judgment and/or unwillingness to address factors leading to the behavior.

8.110.5.. Responsible Action 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 have knowledge of a situation that may present a significant threat to the health and welfare of themselves or others. Truman wants to eliminate 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.

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 consequence for the reporter of the problem will be evaluated against the positive consequences of the intervention for the student in need. Responsible citizens recognize and accept the duty to make ethical and moral decisions about the health and safety of themselves or others even when to do so might result in personal inconvenience. 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. If charged and found responsible for a violation of the Code, sanctions imposed, if any, will be less severe when students or student organizations appropriately report dangerous circumstances than if students or student organizations fail to report.

The University provides amnesty to students who have experienced gender-based misconduct or violent crimes and who may be hesitant to file a complaint because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct proceedings against the complainant or conduct record will result.

8.110.6. Additional Conditions Leading to Less Severe Sanctions.

Mitigating factors can serve as a cause to moderate a sanction. If any of the following conditions exist in a violation of the Student Conduct Code, less severe or fewer sanctions may be given to the respondent including but not limited to payment of restitution, sincere regret, acceptance of responsibility for the misconduct, taking steps to ensure the misconduct does not occur again, etc.

8.110.7. 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.

8.110.8. Student and Student Organization Records, Record Retention, and Record Consideration in Organization Sanctions. 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.).

8.120. Requesting a Review by the President or his/her Designee after Administrative and Conduct Board Hearings. When a case is eligible for a review, a student or student organization may request a review. Any request must be submitted in writing, addressed to and delivered to the Dean of Student Affairs, and include all supporting facts and arguments, no later than seven days after the notification of decision has been delivered to the respondent, unless an extension has been granted by the conduct officer for the case. Complainants who wish to have the findings or sanctions of a Conduct Hearing Board reviewed must also submit their requests to the Dean of Student Affairs no later than seven days after the notification of a decision has been delivered to them. The petition for a review must include the grounds for the review as well as supporting facts and arguments. Failure to meet either or both of these conditions will be sufficient cause to deny a review. The Dean of Student Affairs will make the determination as to whether both conditions have been met. 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.

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 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 is not supported by substantial evidence." In other words, a review can argue that the evidence was not supportive of the 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 respondent or the impact on the complainant are considered.

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

The President or his/her designee's decision will be sent via e-mail to the student's University e-mail address or United States Postal Service mail or hand delivered to the respondent 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. Once mailed, such notice will be presumed to be delivered. Any decision rendered by the President or his/her designee will be final.

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

8.130.1. 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.

8.130.2. Code Revision. The Code will be reviewed once every five 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 Executive Vice President for Academic Affairs and Provost, 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.

*This code of conduct has been reviewed by Brett Sokolow from the National Center for Higher Education Risk Management [www.ncherm.org](http://www.ncherm.org). Some of the language may be proprietary and copyrighted. It is licensed to Truman State University for its use and publication, but all other uses and copying is prohibited without express permission from NCHERM.*

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1987 Compilation: Article 12