

ITEM H**Academic and Student Affairs Committee Report****DESCRIPTION AND BACKGROUND**

Governor Jennifer Dameron, Chair of the Academic and Student Affairs Committee, will provide a report on the committee meeting held on April 3.

RECOMMENDED ACTION

This is a discussion item only.

ITEM H.1

Resolution amending Chapter 8 of the Code of Policies of the Board of Governors pertaining to Student Conduct Code

DESCRIPTION AND BACKGROUND

The Student Conduct Code is Chapter 8 of the current Code of Policies and is to be reviewed every five years. The Board of Governors approves or disapproves all changes made during the review process. Changes during the current review process were made based on the recommendations of a committee composed of students, faculty and staff. Consultations with the Interim Executive Vice President for Academic Affairs and Provost, General Counsel, and Student Senate also contributed to the attached draft. The Academic and Student Affairs Committee will discuss the proposed changes in their meeting and will share their recommendations with the Board at the April 8th meeting.

Changes to Chapter 8 reflected in Attachment B are shown by deleting the verbiage that is shown in red and in **[brackets and bold type]** and adding new verbiage shown in blue and in *bold italics and underlined type*. There is also a matrix showing how Sections 7, 8, and 9 of Chapter 8 were modified. Attachment B contains notes in the right margin summarizing the proposed changes.

RECOMMENDED ACTION

BE IT RESOLVED that Chapter 8 of the Code of Policies of the Board of Governors of Truman State University is hereby amended by repealing Chapter 8, entitled Student Conduct Code, in its entirety and enacting in lieu thereof a new Chapter 8, entitled Student Conduct Code, as set out in Attachment B, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that a copy of Attachment B be attached to the minutes as an exhibit.

Moved by _____
Seconded by _____
Vote: Aye _____
Nay _____

ATTACHMENT

Attachment B

Attachment B

CHAPTER 8

STUDENT CONDUCT CODE

Sections:

Comment [u1]: Formated to be more consistent with other chapters.

- 8.010. Purpose
- 8.020. Definitions
- 8.030. Administrative Authority
- 8.040. Jurisdiction
- 8.050. Expectations for Conduct
- 8.060. Relationship of Law Enforcement and University Conduct System
- 8.070. Interim Suspension
- 8.080. University Conduct System
- 8.090. Investigation and Disposition of Gender-Based Misconduct
- 8.100. Investigation and Disposition of Offenses
- 8.110. Sanction and Remedies
- 8.120. Review of Decisions
- 8.130. Interpretation and Periodic Review

8.010. Purpose. State statutes provide that the governing boards of public colleges and universities “shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students” and “to enforce obedience to the rules.” Although the grant of authority is broadly stated, it is well recognized that students are citizens of the Truman community. 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, *personal and social development*, 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 *or organization* 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.

Comment [u2]: The existing student conduct code has separate violation sections for students and for organizations. During the time input was sought the number one suggestion was to make the layout of the Student Conduct Code easier to follow. Specifically, many people were confused about the two separate sections of violations, why they sounded similar but not the same, and why like violations were numbered differently between the two sections.

This proposed revision combines the two sections and makes the violations applicable to both students and organizations (except where specified in subsection 22).

Throughout the document a clarifying statement such as “or organization” was inserted as appropriate.

1. The term “**attempting to commit an act**” means when a student or student organization, with the purpose of committing an act, takes any action that is a substantial step toward the commission of the act.
2. *The term “binge drinking” means a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after 4 drinks for women and 5 drinks for men—in about 2 hours. Source: National Institute of Alcohol Abuse and Alcoholism*
3. The term “**calendar day**” means any recognized day of a year.
4. *The terms “Campus” and “University premises” are synonymous and include all land, buildings, facilities, and other property owned or controlled by the University*
5. 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.
6. The term “**complicit**” means associated with or participating in an act of misconduct.
7. 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.
8. The term “**conduct hearing board**” means a committee appointed by the **[Dean of] Vice President for** 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.
9. The term “**Conduct Officer**” means any person authorized by the **[Dean of] Vice President for** Student Affairs to implement the provisions of the Student Conduct Code and to provide assistance for any person involved in its operation. In most

Comment [u3]: Added because the term “binge drinking” was added to Section 18.3(c) Alcohol Violations.

The remaining terms have been renumbered.

Comment [u4]: This addition clarifies that “Campus” and University premises” have the same definition.

Comment [u5]: Since the last revision to the Code the title for the position of Dean of Student Affairs has been changed to Vice President for Student Affairs.

Throughout this document the title change has been made.

situations, the Conduct Officer is the **[Assistant Dean of Student Affairs for]** Director of the Office of Citizenship and Community Standards.

10. The term “**[Dean of]** Vice President for **Student Affairs**” means the person designated by the President for the University to be responsible for the administration of the Student Conduct Code.
11. 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 altered if a compelling justification exists to do so.
12. 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.
13. The term “**health**” means physical or mental well-being.
14. 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.
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]** Vice President for 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 “Responsible” for violating 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.
28. 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.
29. 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.

Comment [u6]: In practice we use the terms “responsible” or “not responsible” concerning a finding.

30. 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.**”
31. 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.
32. 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.
33. The term “**University**” means Truman State University.
34. The term “**University conduct system**” means the processes and entities created in this chapter to implement the provisions of the Student Conduct Code.
35. 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.
36. The **[term] terms** “**University premises**” **[includes]and “Campus” are synonymous and include** all land, buildings, facilities, and other property owned or controlled by the University.

Comment [u7]: This addition clarifies that “Campus” and University premises” have the same definition.

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] Vice President for** Student Affairs, who will implement the policy. The **[Dean of] Vice President for** 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 may also **[responds]** respond to complaints of misconduct online when non-university networks or sponsored sites are used (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:

Comment [u8]: This addition clarifies that the jurisdiction of the student conduct code extends to all social media misconduct, not just social media on university networks or sponsored sites. This clarification is very relevant in light of the extensive, and increasing, use of social media.

- a. Any action that constitutes **[a]** any serious or repeated ordinance violation 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.

Comment [u9]: This addition clarifies that various ordinances enacted by the City of Kirksville apply in light of the practice of the Kirksville Police Department’s use of municipal court where ordinances are enforced rather than submitting offenses to state court through the county prosecutor.

The above definition of substantial university interest applies to a student who is taking courses from the University online or through a distance learning program.

Comment [u10]: This addition clarifies that students who take Truman's on-line courses, or who are participating in learning programs such as study abroad or various internships, are subject to the student conduct code when their conduct meets the definition of "substantial university interest".

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. *Students on suspension or taking leaves of absence with the intent to return are also expected to abide by the tenets of the Student Conduct Code. Students who withdraw from the University may still be subject to conduct proceedings if the withdrawal was intended to avoid conduct proceedings.*

Comment [u11]: This addition clarifies the current practice to apply the student conduct code to student's conduct when such student has an ongoing relationship with the University but is temporarily not attending classes.

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 (e.g. mixers,

Greek Week, Homecoming). In such cases, the University will consider the following criteria to determine the extent of responsibility:

- a. Number of members in attendance;
- b. National association definition of “events”;
- c. Location of an event (i.e. chapter house, organization rented property, etc.);
- d. Participation in or knowledge of the planning of the event by an organization leader **[in the planning of the even]regarding**;
- e. Use of organization funds to finance the event;
- f. Promotion or endorsement of the event by the organization to members and/or non-affiliated guests;
- g. Patterns of individual violations found to exist without proper and appropriate group control, remedy, or sanction; and/or the
- h. 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?).

Comment [u12]: Clarifies that an organization’s leader, who has knowledge of a planned event, has a responsibility to assure that such plans will not result in a violation.

A student organization is subject to the jurisdiction of the University Conduct System if it allegedly violated a provision of the Student Conduct Code:

- a. Which occurs on University premises; or
- b. 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
- c. Which occurs on a University network or a website identified as belonging to a student organization recognized by Truman, or
- d. Which occurs at any location if such conduct presents a danger or threat to the health or safety of members, guests, or others; or
- e. 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

- f. 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
- g. 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
- h. 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.

At Truman State University, student members of the community and student organizations 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 or student organization 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 and 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. 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. 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.
- 1.4. 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.
- 1.5. 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.

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

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

7. Disruptive conduct
 - 7.1. Acting in a manner that can reasonably be expected to disturb or obstruct the academic pursuits, including teaching, research, and administration, or infringe upon the privacy, rights (e.g., freedom of speech), privileges, health or safety of (a) students, (b) organizations, (c) the University community, (d) guests, or (e) local community.

Comment [u13]: Please see an attached rubric showing how the violations for individuals and the violations for organizations for Sections 7, 8, and 9 were combined.

- 7.2. Acting in a manner that can reasonably be expected to (a) disturb or obstruct the free movement of other students around the campus including pedestrian and vehicular traffic on University premises, (b) interfere with the use of University facilities, (c) prevent the normal operation of University, or (d) residential and/or social activities.

Fire Safety and Sanitation

- 7.3. Creating a fire, safety, or health hazard through misuse, abuse, rendering inoperable, or degrading the effectiveness of any University safety equipment, firefighting equipment, or fire alarms.
- 7.4. Failure to evacuate a Truman State University-owned building during a fire alarm.
- 7.5. Intentionally providing a false report of an explosive or incendiary device or other chemicals or substances, or fire, that constitutes a threat or bomb scare.
- 7.6. (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.

Obscene Behavior

- 7.7. Conduct that is (a) disorderly, (b) lewd, or (c) indecent, based on contemporary community standards is a violation of the student conduct code. An example includes public urination, which is likely to cause affront or alarm and is against generally accepted standards of decency.
Breast feeding or expressing breast milk is not indecent exposure.
- 7.8. 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.

Comment [u14]: We changed the example to a more common occurrence. The previous example was an example more relevant to NDP than the student conduct code.

The original example stated, “Indecent exposure to include the exposure of a person’s genitals or other private parts when done in a place or manner in which such exposure is likely to cause affront and alarm, or is against generally accepted standards of decency.”

Compliance with the Directions or Requests of University Officials.

- 7.9. Failure to timely comply with oral or written instruction from duly authorized (a) University officials acting within the scope of their job duties (b) authorized agents acting in the performance of their duties, or (b) law enforcement officers acting in performance of their duties.
- 7.10. Failure to identify oneself or organization 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 timely produce his/her University ID card upon the request of an official or law enforcement officer.

Use of Facilities

- 7.11. Students and organizations planning events in University facilities are responsible for knowing and being in full compliance with any applicable policies. Students and organizations should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

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

8. Physical Harm
 - 8.1. Intentional or reckless physical harm or threat of physical harm to any person.
 - 8.2. 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.
 - 8.3. Conduct that intentionally or recklessly threatens or endangers the health or safety of any other person(s).
 - 8.4. Condone or encourage acts that cause physical harm.
 - 8.5. Smoking or use of other nicotine delivery products on campus as prohibited by campus policy.

- 8.6. Bullying and cyberbullying through 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.
- 8.7. Stalking by 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.
9. Violation of University policies are defined above in this or any other chapter, when such policies are published or otherwise made known to students or organizations in a fair and open manner (including, but not limited to, the Student Handbook, Residence Life Handbook, Housing Agreement, General/Graduate Catalog, University websites, etc.).
10. Failure to properly maintain a student’s or student organization’s facilities, property (furnishings, equipment, etc.), or surrounding real estate property, whether owned or leased, 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.
11. Misconduct at University sponsored/related activities. Violation of University rules or regulations of a host institution sponsored/related activity.
12. Abuse of University conduct procedures, including, but not limited to:
 - 12.1. Failure to obey the summons of the University Conduct system or University official.
 - 12.2. Falsification, distortion, or misrepresentation of information to the University Conduct system.
 - 12.3. Disruption of or interference with the orderly operation of the University Conduct system.
 - 12.4. Initiation of a conduct proceeding knowingly without cause.

Comment [u15]: Clarifies that it is a violation of the student conduct code if the student violates any rule or policy originating from the Board of Governors Policies.

Comment [u16]: This is an example of the above Comment 14.

- 12.5. Failure to provide, destroying or hiding information during an investigation of an alleged policy violation.
- 12.6. Attempting to discourage an individual's proper participation in, or use of, the University Conduct system.
- 12.7. 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.
- 12.8. 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.
- 12.9. Harassment, abuse, or intimidation of a member of a conduct hearing board, student or organization, prior to, during, or after participation in the University Conduct system.
- 12.10. Failure to comply with the sanction or sanctions imposed under the Student Conduct Code.
- 12.11. Influencing or attempting to influence another person to commit an abuse of the University Conduct system.

13. Complicity. Condoning, supporting, or encouraging a violation of University policy, or the failure to appropriately address known or identifiable violations of the Student Conduct Code or law. Students who anticipate or observe a violation of University policy shall remove themselves from the situation and ~~[shall]~~should report the possible violation immediately.

14. Social Host. It is the responsibility of any student or organization who hosts a ~~[~~or], guest or another organization, on or off campus, to ensure that the ~~[person]~~ guest or guest organization knows and adheres to the Student Conduct Code and University policies. Hosts are responsible for all that occurs within facilities they use on campus, or own, or rent off-campus. In instances where guests or guest organizations violate rules or policies, the student or organization host may be held responsible. Whether a visitor is a student, alumni, non-student, or

Comment [u17]: This section addresses the frequent times when a group of students or an organization host an event, social or otherwise. Many of our organizations travel to other institutions for events. This section combines that two "Social Host" sections of the current Student Conduct Code into a single coherent section.

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 or an officer of the host's organization is not a participant in the activity or has left the visitor(s) alone. A Truman student or organization is in violation of this policy if they violate the rules of another institution while a visitor at that institution.

15. Advertising and Social Media.

- 15.1. Origination, circulation or posting of any advertising media or social media that contains matter that violates or is contrary to the policies of the University, other Board of Governors policies, 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.
- 15.2. Organization, circulation or posting of any advertising media or social media containing (a) false information, (b) misleading information, (c) obscene language or images, (d) patently offensive material, (e) the promotion of alcohol or illegal drugs, or (f) illegal activities/behavior is prohibited.

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 recognized student organization, or any group, regardless of an individual’s consent to participate in the activity. Acts of abusive affiliation include, but are not 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,

Comment [u18]: This addition recognizes that hazing may occur by any group of students, irrespective of the group’s recognition by the University.

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, city, 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.

Comment [u19]: Addition to clarifying that the City of Kirksville's ordinances are included.

RESPONSIBLE CITIZENSHIP: Truman State University students and 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. Narcotics, controlled substances (including but not limited to marijuana), chemicals, and drug paraphernalia violations.
- 17.1. (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 knowingly being in the presence of narcotic or other controlled substances, drug paraphernalia, or other chemicals. Each student or organization will take all necessary steps to see that this regulation is not violated at

Comment [u20]: Added to be consistent with the companion alcohol violation which has the "knowingly" element.

functions they sponsor or host as well as on any property they own, occupy, operate, and/or rent.

- 17.2. Misuse or abuse of prescription medications and/or drugs.
- 17.3. 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.

Comment [u21]: This addition was simply a merger to the organization section which already had this provision.
The word “occupy” was added.

18. Alcohol violations.

- 18.1. Public intoxication on University premises.
- 18.2. No Student or organization will furnish or cause to be or allow to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
- 18.3. (a) Manufacture, (b) possession, (c) use or being under the influence of including but not limited to binge drinking, (d) sale, or (e) distribution of alcoholic beverages or alcohol paraphernalia on University premises when such manufacture, possession, use or being under the influence of, sale, or distribution is prohibited by law or University rules. Possession could mean knowingly being in the presence of alcohol. Each student or organization will take all necessary steps to see that this regulation is not violated at functions they sponsor or host as well as on any property they own, occupy, operate, and/or rent.

Comment [u22]: Clarifying addition and to make consistent with the companion narcotics violation.
The phrase “including but not limited to binge drinking” was added.

- 18.4. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property under the influence of alcohol.
- 18.5. The sale of alcohol by a student or organization at an event is prohibited, as are donations, sales of items, or other financial arrangements that are used to secure funding for the purchase of alcohol.

Comment [u23]: This addition was simply a merger to the organization section which already had this provision.
The word “occupy” was added.

- 18.6. When alcoholic beverages are present at off-campus activities sponsored by a student or a student organization, (a) the student or 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 student or 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.

Comment [u24]: This addition was simply a merger to the organization section which already had this provision.

19. Possession and/or use of a firearm and/or dangerous material.
- 19.1. 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.
- 19.2. Possession of (a) fireworks, (b) explosives, or (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.
20. 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:
 - 20.1. 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.
 - 20.2. 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.
 - 20.3. 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.
21. Allegation of commission of felony, misdemeanor or other crime. 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.

22. Violations Applicable Only to Organizations.
- 22.1. 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.
- 22.2. Student organizations will not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay.
- 22.3. 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.
- 22.4. 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.
- 22.5. 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.
- 22.6. Conducting any event that interferes with the normal progress of academic events on campus is prohibited.
- 22.7. 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).
- 22.8. 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.
- 22.9. Failure to abide by the risk management policies established by the University, governing councils, or national organizations.
- 22.10. 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 or 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 or be on suspension 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.

Comment [u25]: Clarifying statement. This provision clarifies that the student conduct code applies to conduct by a student on suspension.

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.*

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]** Vice President for 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 or organization is facing criminal investigation and/or charges.

Interim suspension may also be used at the request of the Students of Concern committee or at the discretion of the Vice President for Student Affairs when a student presents a danger to self or others.

The University will permit any student or organization who receives an interim suspension to request a meeting as soon as possible with the **[Dean of]** Vice President for 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 if appropriate. The following will be the only issues discussed at the meeting:

- a. Information related to the facts the university has regarding the student's or organization's conduct as well as the identity of the student or organization.
- b. The conduct in question and whether or not it is reasonable to believe that the student's or organization'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.

Comment [u26]: This provision codifies and clarifies what has been the understanding that the Students of Concern committee can make a request that the Vice President for Student Affairs consider use of this Section in situations where a student presents a danger to self or others.

Comment [u27]: Clarifying statement. No substantive changes.

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]** Vice President for Student Affairs or his/her designee may determine to be appropriate.

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

8.080.1. University as Complainant. Individuals or entities 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.

Comment [u28]: Eliminates the argument that a business or community partner is not an individual and thus lacks standing to submit a complaint.

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.

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. These complaints are not processed through the Student Conduct Code but are processed through the University Non-Discrimination Policy and Grievance Procedure. All other Student Conduct Code complaints will be handled by the process set forth in section 8.100 below. The Title IX Coordinator has the ability to assign any sanction available under the Student Conduct Code while implementing the University Non-Discrimination Policy and Grievance Procedure. All other Student Conduct Code complaints will be handled by the process set forth in section 8.100 below.

8.100. Investigation and Disposition of 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 *the appropriate course of action*. Complainants and/or respondents **[will]may** be consulted prior to the conduct officer's decision to move forward with mediation or formal procedures. Both parties **[will]may** 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

Comment [u29]: Clarifying statement. No substantive changes.

Comment [u30]: We believe that in a fair and just process all persons involved should be kept informed and involved as appropriate. However, there will be times when it is not appropriate. The term "may" simply makes consultation permissive rather than mandatory.

complexity of the evidence, and the availability and preparation of appropriate conduct 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 organization’s 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. Deferred Resolution: When the conduct in question is determined by the conduct officer to be a minor violation and the Respondent has no prior conduct history with the University, the conduct in question may be resolved through the Deferred Resolution process. If the Respondent takes responsibility for the conduct in question, completes an educational sanction, and is not responsible for any violation of the Student Conduct Code for a term established by the **[remainder of the current semester]** conduct officer, the resolution will not be included in a student’s conduct record. If the Respondent fails to complete the educational sanction or is found responsible for a violation of the Student Conduct Code during the **[same semester that a resolution is reached]**term established by the conduct officer, the violation will become part of the student’s conduct record and appropriate sanctions will be imposed. Records**[, however,]** will be kept of the resolution and can be used in future conduct proceedings if appropriate to

Comment [u31]: In practice it has been noted that students who go through the deferred resolution process late in the semester enjoy a relatively short period of probation. In those cases their probation period should extend through the next semester. There may also be times, on a case by case bases, where the student would benefit from programs that cannot be completed during the current semester. The term of probation should extend until all programs can be successfully completed.

establish a pattern of behavior. The Deferred Resolution process is available only once for a student and is not available to an organization.

Comment [u32]: Clarifying statement. No substantive changes.

d. **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.

i. **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]Only 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”.]**

Comment [u33]: Clarifying statement. No substantive changes.

ii. **Conduct Hearing Board** — Students or student organizations accused of a violation of the Student Conduct Code may have the complaint heard by the 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.

Comment [u34]: Once a respondent has been through a hearing and found “not responsible” it would be troubling to make the respondent go through another hearing at the request of the complainant. This provision was previously added due to Title IX and is no longer necessary since the Student Conduct Code no longer addresses Title IX offenses.

8.100.1. **Complaint Resolution Through Mediation.** Mediation is appropriate when there is a dispute between or among students or organizations, 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 Deferred Resolution. Deferred Resolution is appropriate when the conduct in question is determined by the conduct officer to be a minor violation and the Respondent has no prior conduct history with the University. There are three parts to a deferred resolution:

- a. Notice of Time of Deferred Resolution Hearing. After the complaint has been investigated, allegations of violation of the Student Conduct Code have been determined and a deferred resolution has been found to be an eligible course of resolution by the conduct officer, a notice is sent to the student with information regarding the deferred resolution hearing.

Notice will be in writing, and will be emailed to the student's University email address or mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered. Each letter will contain the following:

- i. A concise summary of the reported violation;
 - ii. All policies the respondent is reported to have violated and the possible consequences if the respondent is found in violation;
 - iii. Relevant procedures for resolution of the complaint; and
 - iv. The date, time, and place of the hearing or instructions for the respondent to schedule the hearing.
- b. Deferred Resolution Hearing Process. Hearings to determine whether or not a student has violated the Student Conduct Code as reported, or as reasonably related to the facts as reported, will be conducted by a conduct officer according to this Code and any other procedures as issued by the **[Dean of]** Vice President for Student Affairs. Minor variations in established hearing procedures can be approved on an ad hoc basis by the **[Dean of]** Vice President for 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 choice before, during and after any conference, hearing or review. Typically, the deferred responsibility 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. If the respondent takes responsibility for their actions, the proceeding will remain in the deferred resolution process, unless the respondent requests resolution through an administrative hearing or a conduct board. If the respondent does not take responsibility for their actions, the process will move to the respondent's choice of an administrative hearing or a conduct board.

- c. Notification of Outcome. If a respondent takes responsibility for the conduct violation in question, the conduct officer will determine an appropriate educational sanction 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 email address or mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumed to be delivered. Decisions of a deferred responsibility are final.

8.100.3.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:
 - i. A concise summary of the alleged violation;
 - ii. All policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
 - iii. Relevant procedures for resolution of the complaint; and,

- iv. 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] Vice President for Student Affairs. Minor variations in established hearing procedures can be approved on an ad hoc basis by the [Dean of] Vice President for 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.
 - i. 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.”

8.100.4. 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.

8.100.5. 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 1st year one through December 31st of year two), and a member may serve more than one consecutive term at the discretion of the **[Dean of] Vice President for** Student Affairs. At least 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] Vice President for** 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] Vice President for** 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:

Comment [u35]: Clarifying statement. No substantive changes.

- a. ~~[Six]~~At least six (6) full-time students — who are appointed by the **[Dean of] Vice President for** 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] Vice President for** Student Affairs.
- b. ~~[Three]~~At least three (3) Faculty — who are appointed by the **[Dean of] Vice President for** Student Affairs and recommended by the Executive Vice President for Academic Affairs and Provost after consultation with the Faculty Senate.
- c. ~~[Three]~~At least three (3) **[professional administrative]** staff — who are appointed by the **[Dean of] Vice President for** Student Affairs and recommended by the Chair of the Staff Council with the advice and consent of the Staff Council. The CHB may perform additional functions and roles as may be determined from time to time by the Vice President for Student Affairs or the Director of Citizenship and Community Standards.

Comment [u36]: This change allows for there to be more members on the CHB as needed. The CHB, as set out below, is taking on more activities related to the student conduct process. A larger pool will make it easier to set dates for hearings.

Comment [u37]: This change allows for there to be more members on the CHB as needed. The CHB, as set out below, is taking on more activities related to the student conduct process. A larger pool will make it easier to set dates for hearings.

Comment [u38]: This change allows for there to be more members on the CHB as needed. The CHB, as set out below, is taking on more activities related to the student conduct process. A larger pool will make it easier to set dates for hearings.

Comment [u39]: This provision codifies what is now the practice regarding the Student Conduct Board. For example, the board members are now directly involved with the facilitation of the deferred resolution classes, data collection, essay reviews, etc.

8.100.6. 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.
 - i. The letter of notice will include a concise summary of the alleged violation;
 - ii. The letter will state all policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
 - iii. The letter will include the relevant procedures for resolution of the complaint;
 - iv. The date, time, and place of the hearing;
 - v. A list of the University's witnesses (to be supplemented later if necessary); and
 - vi. A deadline for meeting with the conduct officer.
 - vii. 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]** Vice President for 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]** Vice President for 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:
- I. The respondent was previously found to be responsible;
 - II. The previous incident was substantially similar to the present allegation;
 - III. An informal resolution process resulted in an agreement previously based on a similar allegation; or
 - IV. 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 as allowed under FERPA.
- e. Record of Hearings. There will be a single verbatim record, such as a tape or digital 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]** Vice President for 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

Comment [u40]: Clarifying statement. No substantive changes.

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.

Sex offenses notifications are processed through the University Non-Discrimination Policy and Grievance Procedure and are not included in this subsection.

Comment [u41]: Clarifying statement. No substantive changes.

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, and if applicable, to the last known address. Said notice 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 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]** Vice President for 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.

8.110.2. Parental Notification. Subject to FERPA, Truman State University reserves the right to notify parents/guardians of **[dependent]** students regarding any conduct situation, particularly alcohol and other drug related 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.

Comment [u42]: This Section simplifies the provisions related to parental notification and allows for a case by case determination of the FERPA implications related to a particular parental notification.

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);
and
- e. Any additional factors which contribute to the severity of the offense.

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 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]** *Subject to Section 8.100(c) which set out that a successful deferred responsibility resolution is not included in a student's conduct record, 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]** *Vice President for* 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.).

Comment [u43]: No substantive change. This addition is so that the reader does not have to refer back to the section that set out when a deferred responsibility resolution is not included in a student's record.

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 (*i.e., in cases resulting in suspension, expulsion, or revocation of charter*), a student or student organization may request a review. Any request must be submitted in writing, addressed to and delivered to the **[Dean of]** *Vice President for* Student Affairs, and include all supporting facts and arguments, no later than seven days after the notification of decision has been delivered

Comment [u44]: No Substantive change. This addition is so that the reader does not have to refer back to the section that set out when a review is allowed.

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]** Vice President for 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]** Vice President for 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]** Vice President for 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]** Vice President for 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]** Vice President for 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]** Vice President for 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]** Vice President for 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]** Vice President for 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. 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]

Source: Resolutions of the Board dated September 12, 1992, June 28, 2003, June 16, 2006, February 17, 2007, June 20, 2009, April 14, 2012, April 12, 2014, August 2, 2014, October 10, 2014, August 1, 2015 and April _____, 2017.

1987 Compilation: Article 12

Comment [u45]: After a careful review of previous version of the Student Conduct Code it appears NCHERM merely reviewed the Code in the past. The language if the Code is a produce of the University.

INDIVIDUAL

ORGANIZATION

COMBINED

		7 DISRUPTIVE CONDUCT
<p>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.</p> <p>7.2 Disruption or obstruction of (a) teaching, (b) research, (c) administration, (d) free flow of pedestrian or vehicular traffic on University recognized activities and events.</p>	<p>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.</p> <p>5.2 Obstruct the (a) free movement of other students around the campus, (b) the University community, or (c) local community.</p>	<p>7.1 Acting in a manner that can reasonably be expected to disturb or obstruct the academic pursuits, including teaching, research, and administration, or infringe upon the privacy, rights (e.g., freedom of speech), privileges, health or safety of (a) students, (b) organizations, (c) the University community, (d) guests, or (e) local community.</p>
<p>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.</p>	<p>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.</p>	<p>7.2 Acting in a manner that can reasonably be expected to (a) disturb or obstruct the free movement of other students around the campus including pedestrian and vehicular traffic on University premises, (b) interfere with the use of University facilities, (c) prevent the normal operation of University, or (d) residential and/or social activities.</p>

INDIVIDUAL

ORGANIZATION

COMBINED

		<i>FIRE SAFETY AND SANITATION</i>
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.	8.1. (a) Tampering with or (b) damaging fire safety equipment is prohibited.	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.	8.1. (a) Tampering with or (b) damaging fire safety equipment is prohibited.	See Above
7.5 Failure to evacuate a Truman State University-owned building during a fire alarm;	No Comparison	7.4 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.	No Comparison but see 8.2 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.	7.5 Intentionally providing a false report of an explosive or incendiary device or other chemicals or substances, or fire, that constitutes a threat or bomb scare.
No Comparison	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.	7.6 (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.

INDIVIDUAL

ORGANIZATION

COMBINED

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.	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.	See Above
		<i>OBSCENE BEHAVIOR</i>
7.8 Conduct that is (a) disorderly, (b) lewd, or (c) indecent.	5.4. Engage in obscene or indecent conduct. 10. Conduct that is obscene based on contemporary community standards.	7.7 Conduct that is (a) disorderly, (b) lewd, or (c) indecent, based on contemporary community standards is a violation of the student conduct code. An example includes public urination, which is likely to cause affront or alarm and is against generally accepted standards of decency. Breast feeding or expressing breast milk is not indecent exposure.
7.9 An act that (a) is a breach of peace or (b) that aids, abets, or procures another person to breach the peace on University premises, at activities or events arranged or sponsored by the University, or sponsored by a student organization(s), regardless of location.	No Comparison	7.8 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.

INDIVIDUAL

ORGANIZATION

COMBINED

		<i>Compliance with the Directions or Requests of University Officials.</i>
7.10 Failure to comply with oral or written instruction from duly authorized (a) University officials acting within the scope of their job duties or (b) law enforcement officers acting in performance of their duties.	<p>5.6 Fail to comply with the directions of (a) University officials or (b) authorized agents acting in the performance of their duties.</p> <p>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.</p> <p>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.</p>	7.9 Failure to timely comply with oral or written instruction from duly authorized (a) University officials acting within the scope of their job duties (b) authorized agents acting in the performance of their duties, or (b) law enforcement officers acting in performance of their duties.
7.11 Failure to identify oneself upon request to (a) University officials acting within the scope of their job duties or (b) law enforcement officers acting in performance of their duties when requested to do so. A student is required to produce his/her University ID card upon the request of an official or law enforcement officer.	No Comparison	7.10 Failure to identify oneself or organization 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 timely produce his/her University ID card upon the request of an official or law enforcement officer.
7.12 Complicity. Condoning, supporting, or encouraging a violation of University policy. Students who anticipate or observe a violation of University policy are expected to remove themselves from the situation, and are encouraged to report it immediately.	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.	NONE IN VIOLATION 7 BUT SEE NEW VIOLATION 13: Complicity. Condoning, supporting, or encouraging a violation of University policy, or the failure to appropriately address known or identifiable violations of the Student Conduct Code or law. Students who anticipate or observe a violation of University policy shall remove themselves from the situation, and report the possible violation immediately.

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		Use of Facilities
	<p>7.1. Registered student organizations planning events in University facilities are responsible for knowing any applicable policies.</p> <p>7.2. Registered student organizations planning events in University facilities are expected to be in full compliance with any applicable policies.</p> <p>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.</p>	<p>7.11 Students and organizations planning events in University facilities are responsible for knowing and being in full compliance with any applicable policies. Students and organizations should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.</p>
		8 PHYSICAL HARM
<p>13 generally:</p> <p>13.1. Physical harm or threat of physical harm to any person.</p> <p>13.2. Failure to respect the privacy of other</p>	<p>5.3. Condone or encourage acts that cause physical harm.</p>	<p>8.1. <i>Intentional or reckless</i> physical harm or threat of physical harm to any person.</p> <p>8.2 Failure to respect the privacy of other individuals, including, but not limited to, eavesdropping, surveillance, or intruding upon the privacy of another</p>

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<p>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.</p> <p>13.3. Student conduct that threatens or endangers the health or safety of any other person(s).</p> <p>13.4. Tobacco. Smoking or use of other nicotine delivery products on campus as prohibited by campus policy.</p> <p>13.5. 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.</p> <p>13.6. 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.</p>		<p>person or group by means of bugging devices, concealed recorders, magnifying optics, etc</p> <p>8.3 Conduct that threatens or endangers the health or safety of any other person(s).</p> <p>8.4 Condone or encourage acts that cause physical harm.</p> <p>8.5 Smoking or use of other nicotine delivery products on campus as prohibited by campus policy.</p> <p>8.6 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.</p> <p>8.7 Stalking, by 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.</p>
<p>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,</p>	<p>5.5. Fail to comply with the administrative policies as enacted by the University.</p> <p>7.4. Registered student organizations planning events in University facilities are responsible for knowing any</p>	<p>9 Violation of University policies as defined above in this or any other chapter, when such policies are published or otherwise made known to students or organizations in a fair and open manner (including, but not limited to, the Student Handbook, Residence Life Handbook, Housing Agreement, General/Graduate</p>

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etc.).	applicable policies. 7.5. Registered student organizations planning events in University facilities are expected to be in full compliance with any applicable policies. 7.6. Those individuals acting on behalf of an organization that reserves facilities should check with the University department or office responsible for the facility to guarantee that all procedures have been followed. 11.2. 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.).	Catalog, University websites, University Facilities, etc.).