

CHAPTER 8

STUDENT CONDUCT CODE

Sections:

- 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 Board
- 8.090. Allegations of Unlawful Discrimination, Harassment, or Retaliation
- 8.100. Investigation and Disposition of Offenses
- 8.110. Sanction and Educational Outcomes
- 8.120. Appeal of Decisions
- 8.130. Interpretation and Periodic Review

- 8.010. Purpose. As members of an academic community, students must observe rules that benefit this community. Students must practice personal integrity and must respect the dignity, rights, and property of all members of the University community. The Student Conduct Code (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 recognition and support of student organizations. Inherent in University recognition of student organizations is the obligation of each organization to conduct activities in accordance with all applicable rules, policies, and laws. It is the responsibility of the leaders of each student organization to ensure that the student organization complies with the Code, that activities of the organization are conducted properly, and to actively oppose and prevent any organizational activity that would violate the Code. It is also the obligation of the leaders of any student

organization to advise and review expectations with 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 student organization, through its members, fails to adhere to the expectations of the community. This 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.

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 Code, and not to determine whether a crime has been committed. Students may be held accountable by the criminal justice system for conduct that violates the law. *See* Code Section 8.060.

The Code is designed to provide students with legally required due process. This process is less than that which is required in criminal proceedings. Due process, within these procedures, assures:

- Written notice;
- An opportunity to be heard by an objective decision-maker;
- A finding of violation of Truman State University policy only when information demonstrates that it is more likely than not that a policy violation occurred; and, if found responsible
- Sanctions or educational outcomes that are proportionate to the severity of the violation and prior conduct history.

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

1. The term “**attempting to commit an act**” means when a student or student organization, with the purpose of committing an act, takes any action that is a substantial step toward the commission of the act.

2. The term “**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 “**business day**” means any day of a year that the University is open, even when classes are not in session (e.g., term breaks).
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 Code.
6. The term “**complicit**” means associated with or participating in an act of misconduct.
7. The term “**condoned by a leader**” means a student organization and its leaders 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 panel**” means a panel established to determine whether a student or student organization has violated the Code and, if a violation is found, to recommend the imposition of sanctions or educational outcomes.
9. The term “**conduct officer**” means any person authorized by the Vice President for Student Engagement to implement the provisions of the Code and to provide assistance for any person involved in its operation. In most situations, the conduct officer is the Director of the Office of Citizenship and Community Standards (OCCS).
10. The term “**Vice President for Student Engagement**” means the person designated by the President for the University to be responsible for the administration of the Code.

11. The term “**deferential standard**” means that the individual(s) conducting the appeal 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 and educational outcomes may only be altered if a compelling justification exists to do so.
12. The term “**educational outcomes**” refers to conditions or assignments that must be completed within a timeframe designated by the conduct officer when a student or student organization is found to be in violation of the Code. Educational outcomes are assigned in addition to any sanction imposed (examples may include, but are not limited to, alcohol and other drug programming or evaluation, written assignments, participation in a specific program or project, community service, restricted access, loss of privileges, restitution, etc.)
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 Code.
16. The terms “**may**” and “**should**” are used in the permissive sense.
17. The term “**member of the University community**” includes any person who is a student, alumni, 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 Vice President for Student Engagement.
18. 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 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 Code.

19. The terms “**must**” and “**will**” are used in the imperative sense.
20. The term “**not in violation**” means that the student or student organization has not been found responsible for a violation of the Code.
21. The terms “**officer**” and “**leader**” means a person in a student organization who holds an elected or appointed leadership position in that organization.
22. 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.
23. 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. The process advisor may not serve in any other capacity throughout the investigation or resolution process (i.e., one individual cannot be both a process advisor and a witness called by either party).

24. The term “**policy**” or “**policies**” means the written regulations of the University as approved by the Board of Governors, the President of the University, or other authorized University officials.
25. The term “**prior record**” means that the accused student or student organization engaged in acts prior to the incident in question which violated the 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 resolution records. A finding of “responsible” for violating the 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 a sanction and educational outcomes and will not be revealed during the hearing process except as outlined in the sanctions section below.
26. 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 Code.
27. The term “**restorative program**” means a program that shifts the focus away from penalizing personal behaviors and choices, for example related to substance use, to evidence-based practices that support making better and health-centered decisions rooted in behavior change and student development theory, to improve student well-being, reduce negative consequences, and increase student engagement.
28. The term “**sanction**” means the nature of the relationship between the University and a student or student organization that is found to have violated the Code. There are four possible sanctions: written warning, probation, suspension and expulsion. Educational outcomes may be assigned in addition to the sanction.
29. The term “**student**” or “**students**” includes all persons taking or auditing classes at the University, in person, online, or through a distance learning program; both full-time and part-time; pursuing undergraduate, graduate, or professional studies; matriculated in any

University program; and those who attend post-secondary educational institutions other than Truman State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the University, are considered “**students.**”

30. The term “**Student Conduct Code**” or “**Code**” means the policy in this chapter of the Code of Policies of the Board of Governors establishing rules for the conduct of students at Truman State University.
 31. The term “**student organization**” means (a) any number of persons who have applied for recognition/registration as a student organization by the University or (b) any number of persons who have complied with the formal requirements for University recognition/registration as a student organization, or (c) a student group acting in a manner similar to such student organizations even if not formally recognized.
 32. The term “**University**” means Truman State University.
 33. The term “**University Conduct System**” means the processes and entities created in this chapter to implement the provisions of the Code.
 34. The term “**University official**” means any person employed by the University performing assigned administrative or professional responsibilities. This term specifically includes residence hall Student Advisors.
 35. The terms “**University premises**” and “**campus**” are synonymous and include all land, buildings, facilities, and other property owned or controlled by the University.
- 8.030. Administrative Authority. The authority to administer and implement the 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 Code, the authority for such administration is delegated to the Vice President for Student Engagement, who will implement the policy. The Vice President for Student Engagement 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 Code.

8.040. Jurisdiction.

8.040.1. Jurisdiction over Student Conduct. Students at Truman State University are provided access to the Code on the OCCS website 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 Code and the authority of the student conduct process. Because the Code is based on shared values, it sets expectations for Truman student conduct no matter where or when their conduct may take place. Therefore, the 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 respond to complaints of misconduct online when non-university networks or sponsored sites are used (such as posts to social media websites), when it falls under the “substantial University interest” standard. A substantial Truman State University interest is affected by conduct that:

- a. Violates federal, state, or local law, regardless of charges being filed by a prosecutor;
- b. Threatens the health or safety of others;
- c. Impinges upon the rights, property, or achievements of others; and/or
- d. Breaches the peace and/or causes disruption to the educational environment.

The 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 Code. Students who withdraw from the University may still be subject to conduct proceedings if the withdrawal was intended to avoid conduct proceedings. Further, the 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 Code, and may initiate grievances for violations of the Code committed by students or student organizations. Those who are aware of misconduct are encouraged to report it as quickly as possible to OCCS.

- 8.040.2. Student Organization Jurisdiction. A student organization, its leaders, 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 Code. Student organization leaders are responsible for actively addressing member behavior that violates the Code, both individually and behavior that is considered an organizational violation. The “reasonable person” standard will be utilized in determining if the behavior by the organization, its leaders, 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. social events, philanthropy events, educational programs, Homecoming). In such cases, the University will consider the following non-exhaustive examples of criteria to determine the extent of responsibility:
- a. Number of members in attendance;
 - b. National or international association definition of “events;”
 - c. Location of an event (i.e. on campus, organization owned or rented property, etc.);
 - d. Participation in or knowledge of the planning of the event by organization leaders;
 - e. Use of organization funds to finance any portion of the event;
 - f. Collecting funds (electronically or otherwise) to finance any portion of the event;
 - g. Promotion or endorsement of the event by the organization to members and/or non-affiliated guests; and/or the
 - h. Importance of an organization’s participation in relation to the event’s purpose (i.e. would the event still occur without the organization’s participation?).

A student organization is subject to the jurisdiction of the University Conduct System if it allegedly violated a provision of the 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 a leader 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 adversely affects 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, at any point in the conduct process, the conduct officer, administrative hearing officer or conduct hearing panel determines that the offense, by its nature, was an organizational violation.

When members of a student organization, or students acting in a manner similar to student organizations even if not formally recognized, act together in violation of any policy, they may be held accountable as a group. In any such action, individual findings of responsibility and a determination of a sanction will be made with respect to each respondent involved in the incident.

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 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 enforce and uphold the 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 lack of trustworthiness includes, but is not limited to:

1. Acts of academic misconduct/dishonesty. Acts of academic misconduct/dishonesty, including, but not limited to cheating, fabrication, and plagiarism. Academic misconduct/dishonesty are addressed by processes established by the Office of the Executive Vice President for Academic Affairs and Provost, pursuant to Chapter 5, section 5.070 of this code of policies. The Provost may elect to refer a report of academic misconduct/dishonesty to OCCS, in which case the report will be adjudicated using the processes outlined in this Code.
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 includes 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.
- 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 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.

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 (c) 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 their 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, 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 as defined above in this chapter, when such policies are published or otherwise made known to students or organizations in a fair and open manner.
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 comply with instructions of the designated conduct officer, including attendance at meetings.
 - 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.
 - 12.5. Failing 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 Code, or anyone who is a witness.
 - 12.8. Attempting to influence the impartiality of either an administrative hearing officer or a member of a conduct hearing panel prior to, or during the course of, participation in the University Conduct system.

- 12.9. Harassment, abuse, or intimidation of either an administrative hearing officer or member of a conduct hearing panel, student or organization, prior to, during, or after participation in the University Conduct system.
- 12.10. Failure to comply with the sanction or educational outcomes imposed under the 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 Code or law. Students who anticipate or observe a violation of University policy shall remove themselves from the situation and should report the possible violation immediately.
14. Social Host. It is the responsibility of any student or organization who hosts a guest or another organization, on or off campus, to ensure that the guest or guest organization knows and adheres to the 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 non-identified guest, the host may be held responsible for violations of the 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, Union and

Involvement Services, 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 embarrassment or 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, 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.

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 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.
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 policy. 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.

- 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 student 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.
- 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.
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 student 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, (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 to Organizations.
 - 22.1. Crowd size that exceeds such limits so as to infringe upon the rights and/or property of others and/or endanger those in attendance is prohibited.
 - 22.2. Failure to provide adequate sober/security monitors or implement other reasonable security measures in order to ensure the safety of those in attendance at an organization-sponsored event is prohibited.
 - 22.3. Failure to abide by the policies established by the University, governing councils, or national/international organizations.

22.4. 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 Union and Involvement Services, 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 student organization will be cumulative in effect, and all acts of misconduct may be considered together in deciding whether the Code has been violated and, if a violation is found, the imposition of a sanction and educational outcomes.

8.060. Relationship of Law Enforcement and University Conduct System. Violations of federal, state, and local laws are incorporated as offenses under the 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.

When a student is arrested, charged, or indicted for a crime, the University may elect to take action against that student for violation of the 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 their status as a student. If the alleged offense is also the subject of a proceeding for a violation of the Code, the University may advise off-campus authorities of the existence of the 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 Vice President for Student Engagement, or their designee, may impose an interim suspension prior to a conduct hearing. The University will permit any student or student organization who receives an interim suspension to request a meeting as soon as possible with the Vice President for Student Engagement 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 student organization's conduct as well as the identity of the student or student organization.
- b. The conduct in question and whether it is reasonable to believe that the student's or student organization's presence on campus poses a substantial or immediate threat for the reasons listed below.

8.070.1. Reasons. Interim suspension may be imposed pursuant to, but not limited to:

- a. Ensure the safety and well-being of members of the University community,
- b. Preservation of any University premises,
- c. Disruption to, or interference with, the normal operations of the University,
- d. Undue interference with a University investigation,
- e. Disturbance of the University's educational mission, or
- f. When a student is facing a criminal investigation and/or criminal charges

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 Vice President for Student Engagement or their designee may determine to be appropriate. A notice of trespass upon University premises may be issued to a student placed on interim suspension.

8.080 University Conduct Board. The University shall have a Student Conduct Board (SCB) under the oversight of OCCS. The SCB shall serve as a pool of people who are, once trained, available to serve as an administrative hearing officer, conduct hearing panel member, or chair of a conduct hearing panel. A SCB member may also elect to be trained and serve in a variety of other roles such as a process advisor, conduct officer, or facilitator of an educational program. The SCB will also serve as an advisory board to OCCS. The term for individuals chosen to be on the SCB is two calendar years (January 1st of year one through December 31st of year two), and a member may serve more than one consecutive term at the discretion of the Vice President for Student Engagement or the Director of OCCS. The Director of OCCS is responsible for coordinating training sessions, facilitating meetings, and assigning members to various roles. The Vice President for Student Engagement or Director of OCCS has authority to make interim appointments to fill any open slot from the three categories below. The composition of the SCB will be as follows:

- a. At least three (3) full-time students. OCCS will be responsible for recruiting and recommending student SCB nominees to be appointed by the Vice President for Student Engagement after consultation with Student Government.
- b. At least three (3) faculty. OCCS will be responsible for recruiting and recommending faculty SCB nominees to be appointed by the Vice President for Student Engagement after consultation with the Executive Vice President for Academic Affairs and Provost and with the Chair of Faculty Senate.

- c. At least three (3) staff. OCCS will be responsible for recruiting and recommending staff SCB nominees to be appointed by the Vice President for Student Engagement after consultation with the Chair of the Staff Council.

The SCB may perform additional functions and roles as may be determined from time to time by the Vice President for Student Engagement or the Director of OCCS.

8.090. Allegations of Unlawful Discrimination, Harassment, or Retaliation: The University’s Institutional Compliance Office (ICO) investigates and remedies complaints alleging discrimination or harassment based on any legally protected characteristic. If ICO determines that it lacks jurisdiction over a complaint, it may be referred to OCCS and will be handled in accordance with this Code.

8.100. Investigation and Disposition of Offenses: 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 of OCCS.

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. 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 Code have been identified, the conduct officer will

decide the appropriate course of action. Complainants and/or respondents may be consulted prior to the conduct officer's decision to move forward with informal or formal resolution procedures. Both parties may also be consulted regarding the type of hearing that will be used to resolve the complaint. The conduct officer will make the final decision regarding the resolution process based on input from the parties, the severity of the charges and potential sanctions, the complexity of the evidence, and the availability and preparation of appropriate SCB members. The following are available resolution processes:

- a. No Action. Complaints that fall outside the Code's jurisdiction, do not violate the Code, or not supported by sufficient information may result in no action being taken by OCCS.
- b. Amnesty.
 - i. Emergency Medical Amnesty.

If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students and student organizations take responsible action by calling an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Responsible action includes:

- CALL for help. In medical emergencies, immediate action should be taken by calling 9-1-1 either off campus or on campus.
- STAY with the person until help arrives and you have been told your assistance is no longer needed.
- COOPERATE with responding staff or emergency personnel, including all requests for information and assistance.

Students and student organizations who take such responsible action by seeking emergency medical attention, or for whom such action is taken, will not be subject to the student conduct process for recreational alcohol or drug use, nor will the incident become part of the student's or student organization's conduct record. However, all

students [including the student(s) needing assistance and reporter(s)] may be required to complete educational measures and pay any costs associated with those measures. Students and student organizations who do not take responsible action will be subject to the full extent of the Code.

Students requiring emergency medical assistance, and student organizations hosting events where emergency medical attention is sought will be limited to one application of emergency medical amnesty every twelve (12) months. Individuals who engage in responsible action (call, stay, cooperate) will not be limited in the number of applications of emergency medical amnesty where they serve as the person calling for help. The application of emergency medical amnesty does not preclude the University from pursuing charges against a student or student organization for allegations of code violations other than recreational drug or alcohol use policies. Possession with intent to deliver is not covered under emergency medical amnesty. Additional information and illustrative examples are available on the OCCS website.

ii. Amnesty for Victims of Violent Crimes.

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 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.

c. Informal Resolution. Informal resolution is a process for addressing the complaint that will not result in a conduct record. Informal resolution may involve mediation and/or agreed resolution.

i. Mediation. Uncontested allegations or complaints that can be resolved through negotiated procedures will result in mediation if agreed upon by both parties. 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. 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.
- ii. Agreed Resolution. When the conduct in question is determined by the conduct officer to be a minor violation (typically a violation that does not cause harm to persons or property) and the respondent has no prior conduct history with the University, the conduct in question may be resolved through the agreed resolution

process. If the respondent takes responsibility for the conduct in question, completes a restorative program and is not responsible for any violation of the Code for a term established by the conduct officer, the resolution will not be included in a student's conduct record. If the respondent fails to complete the restorative program or is found responsible for a violation of the Code during the term established by the conduct officer, the violation will become part of the student's conduct record and an appropriate sanction and educational outcomes will be imposed. Records will be kept of the resolution and can be used in future conduct proceedings if appropriate to establish a pattern of behavior.

- 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 Code. Formal resolution involves either an administrative hearing or a conduct panel hearing.

8.100.3. Formal Resolution Through an Administrative Hearing. The administrative hearing process is the most commonly used method for formal resolution of conduct complaints. Administrative hearings are rarely utilized when the complaint involves complex or controversial testimony or documentation, or when the sanctions of suspension, expulsion, or non-recognition of an organization are possible outcomes.

- a. Notice and Time of Hearing. After the complaint has been investigated, allegations of violation of the 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 respondent's University e-mail address and also may be mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered. A notice 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 respondent to schedule the hearing.
- b. Administrative Hearing Process. Hearings to determine whether a student or student organization has violated the Code will be conducted by a conduct officer according to this Code and any other procedures as issued by the Vice President for Student Engagement. Minor variations in established hearing procedures may be approved on an ad hoc basis by the Vice President for Student Engagement 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 Family Educational Rights and Privacy Act (“FERPA”). The respondent has the right to consult a process advisor of their/its choice before, during, and after any 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 whether they are responsible for the allegations and the administrative hearing officer will make a finding as to whether it is more likely than not that the violation occurred.
- c. Notification of Outcomes. If a finding is made that the respondent is responsible for a policy violation, the conduct officer will determine an appropriate sanction and educational outcomes based on considerations listed in section 8.110 of the Code. The conduct officer will communicate the finding, sanction, and educational outcome(s) to the respondent in writing via the respondent’s University email address and also may be 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 following an administrative hearing are final except in cases where the sanction is suspension or expulsion from the University for a student and suspension or revocation of University recognition for a student organization. See Section 8.120.

8.100.4. Complaint Resolution Through a Conduct Panel Hearing (CPH). Conduct panel hearings are used to resolve a minority of complaints. CPHs are most often used in the resolution of more serious allegations of 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 University recognition. CPHs may also be used in situations involving complex evidence or circumstances.

- a. Composition of the Conduct Hearing Panel (CHP). The panel has at least three (3) members consisting of students, faculty, and/or staff. The panel is chosen from a pool of trained members of the SCB. For each complaint, a new panel will be chosen at random under the supervision of the conduct officer. The conduct officer may elect to appoint a nonvoting alternate panel member who will participate in the hearing process until deliberations begin unless they are needed to replace a voting panel member. Any member of the panel who presents a conflict of interest due to any prejudicial factors (anything that would prevent an impartial and objective determination) should remove themselves from consideration, and may be removed from the panel by the conduct officer. One member of each panel will be designated by the conduct officer to serve as chairperson, who will conduct the hearing and serve as the official representative of the panel. The chairperson has final say on all questions of admissibility of information, appropriateness of questions, and on any procedural decisions. The chairperson will render decisions on all requests prior to and during the hearing. The panel 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. The chairperson has the authority to stop direct questioning at any time if the parties fail to conduct themselves in a mature and civil manner. All decisions regarding findings and, if applicable, a sanction will be made by a majority vote of the panelists. Abstention is not permitted. Every panel member will vote on the respondent's responsibility for each alleged violation, using the "more likely than not" standard. The Vice President for Student Engagement or the Director of OCCS may implement alternate procedures when the usual pool of SCB members is not available.

- b. Panel Hearing Process. Several steps, explained below, are involved in the process of preparing for and conducting a panel hearing.
 - i. 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 respondent's University e-mail address and also may be mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumed delivered. The notice will include:
 1. A concise summary of the alleged violation;
 2. Identification of all policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
 3. Relevant procedures for resolution of the complaint;
 4. Date, time, and place of the hearing;
 5. A list of the University's witnesses (to be supplemented later if necessary);
 6. A deadline for meeting with the conduct officer; and,
 7. Instructions for the respondent to contact the conduct officer within two (2) business days of delivery of the notice letter with a written response to the complaint stating their position regarding responsibility for each alleged policy violation. The respondent may request in writing for an additional two (2) business days to respond.

Written notice of the time, date, and location of the hearing will be sent by email to all parties to the complaint, who may additionally be notified in person, by telephone, or by US mail. If a respondent fails to respond to the notice, the conduct officer will initiate a complaint against the respondent for failure to comply with the directives of a University official, and give notice of this additional offense. Failure to respond to this second notice within two (2) business days by answering the initial notice may result in the respondent being placed on interim suspension until such time as they respond to the complaint. In complaints where the Director of OCCS serves as the complainant, another conduct officer may carry out the pre-hearing duties.

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

Respondent. When a student or student organization denies a violation of the Code, they will have a minimum of seven (7) business days to prepare for a hearing. The respondent may make a written request to the conduct officer for a hearing date sooner than seven (7) business days from delivery of the notice of the hearing. At least three (3) business days before any scheduled hearing, the respondent will deliver to the conduct officer a written response to the complaint if one has not already been submitted, a written list of all witnesses the respondent intends to call on their behalf at the hearing with a summary of what information each witness will provide and full contact information for such witnesses, a list and copy of all physical items the respondent intends to present at the hearing, a summary of the purpose for presenting each physical item, who has possession or custody of such physical item, and the name of any process advisor who may be accompanying them to the hearing.

Complainant. Once a complainant receives notice of a panel hearing, they will be given a minimum of seven (7) business days to prepare for a hearing. The complainant

may make a written request to the conduct officer for a hearing date sooner than seven (7) business days from delivery of notice of the hearing. At least three (3) business days before any scheduled hearing, the complainant will deliver to the conduct officer a written list of all witnesses the complainant intends to call on their behalf at the hearing with a summary of what information each witness will provide and full contact information for such witnesses, a list and copy of all physical items the complainant intends to present at the hearing, a summary of the purpose for presenting each physical item, who has possession or custody of such physical item, 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 two (2) business days before the scheduled hearing. Each party will also be given a list of the names of the hearing panel members for the case. Should either party object to any members of the panel, they must raise all objections in writing to the conduct officer immediately and no later than one (1) business day before the scheduled hearing. Panel members will only be unseated if the conduct officer concludes that their bias precludes an impartial hearing of the complaint. The conduct officer may grant a request by a party for an extension of any of the timelines set pursuant to this section, including hearing dates, for good cause shown by the requesting party, including the University. The conduct officer will only grant a request for extension of time if approval does not compromise a party's right to due process.

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 Chairperson if knowing the identity of a witness is not essential to a party's case.

While witnesses are subject to questioning at the hearing, unavailable witnesses may submit their testimony by telephone or written statement.

- iii. Panel Hearing Procedures. Hearings to determine whether a respondent has violated the Code as alleged, or as reasonably related to the facts as alleged, will be presented to a conduct hearing panel according to this Code and any other procedures as issued by the Vice President for Student Engagement and the Director of OCCS. Minor variations in established hearing procedures may be approved on an ad hoc basis by the Vice President for Student Engagement or the Director of OCCS provided 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 hearing or appeal. If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may request to have the Director of OCCS or their designee serve as complainant. Where there is no victim, the Director of OCCS or their designee 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 for the complainant or respondent may also attend, but like process advisors are not permitted to speak, (e.g., make opening or closing remarks, examine or cross examine, ask questions, to submit and object to information, to address the hearing panel), or delay scheduling any hearing, conference, or appeal. 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 panel when the respondent has previously been found responsible for a similar section of the Code, which may be used to establish a pattern of behavior.

- iv. Hearing Deliberations. Deliberations will take place in a private setting with only members of the CHP in attendance. When a respondent is found not responsible for any alleged violation, the CHP has completed its responsibilities, and the respondent is provided notice in writing which will also be included in their conduct record. If the CHP determines a finding of responsible for any of the alleged violations, the CHP will recommend an appropriate sanction and/or educational outcomes to the conduct officer. Prior to making a recommendation, the chairperson will contact the conduct officer to learn if there is a previous history that should be considered in the sanctioning process. Factors that should be considered in determining a sanction appear in section 8.110. The chairperson will provide a report to the Director of OCCS stating the findings of the panel and, when appropriate, recommendations regarding the sanction and educational outcomes, including concise rationale for the outcome and their relationship to the alleged violations. This report should be brief and be submitted to the Director of OCCS within two (2) business days after the business day that deliberations concluded. The Director of OCCS or their designee will inform the parties of the results within seven (7) business days after the hearing panel report is submitted to OCCS as allowed under FERPA.
- v. Record of Panel Hearings. There will be a single digital recording of all hearings before a panel. The record will be the property of the University. In the event a party petitions for an appeal of a decision or a sanction and wishes to review the digital record, they may make a request in writing to do so to the Vice President for Student Engagement. A party filing an appeal may request a transcription 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 redacted, unless FERPA consents have been sought and obtained from those students mentioned in the record.

8.110. Sanctions and Educational Outcomes. Following any hearing, a decision letter will be delivered to the respondent's University e-mail address and also may be delivered via the US Postal Service mail or hand delivered to the respondent, and the complainant if applicable. Said notice will include a concise summary on the decision and identified sanction, educational outcomes, and information on the appeal process if the decision is eligible for an appeal. Once mailed, such decision letter will be presumed to be delivered.

8.110.1. Sanctions. A sanction is a consequence placed upon students and student organizations when found in violation of the Code. Sanctions help define the relationship between the student or student organization and the University. The following sanctions may be imposed upon any student or student organization found to have violated the Code.

1. Written Warning. A notice in writing to the student or student organization that they have been found responsible for violating one or more provisions of the Code.
2. Probation. Probation is assigned for a designated period of time which may include conditions (e.g., periodic review meetings). An additional violation of the Code while on probation may lead to additional outcomes.
3. 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. The period of time may begin immediately or begin at some time in the future (e.g., at the end of the current semester, after an appeal process, etc.) While on University Suspension, the student or student organization may be denied access to University premises, and University or student organization sponsored activity. In the case where a student is a member of a student organization, the student may be prohibited from attending the student organization's activities on or off-campus.

4. University Expulsion. Permanent separation of the student from the University or non-recognition of the student organization. Records will note a sanction of expulsion due to conduct proceedings.

8.110.2 Educational Outcomes. Educational outcomes are assigned actions that may serve to repair damages, encourage reflection and learning, and/or assist the student or student organization in meeting the University's expectations. A sanction may include one or more educational outcomes. Examples of educational outcomes include, but are not limited to:

1. Loss of Privileges. Denial of specified privileges for a designated period of time.
2. Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
3. Discretionary Outcomes. Work assignments, service to the University, or other related discretionary assignments.
4. Developmental Outcomes. Projects or assignments designed to educate a student or student organization(s) in connection with the effect of their behavior on the community.
5. Residence Hall Restrictions. Restrictions for continued residence on campus. Restrictions will be for a designated period of time, and will include the probability for additional outcomes 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 Code during the restrictions period.
6. Residence Hall Removal. Removal of a student or student organization from the residence halls for either a definite period of time after which the student or student organization is eligible to return when conditions for return are met, or permanent removal.
7. 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 Vice President for Student Engagement or the conduct officer may determine to be appropriate.

8.110.3. Parental Notification. Subject to FERPA, Truman State University reserves the right to notify parents/guardians of students regarding any conduct situation, including alcohol and other drug related violations. Truman State University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk.

8.110.4. Conditions Leading to a More Severe Sanction and/or Additional Outcomes. If any of the following conditions exist in a violation of the Code, a more severe sanction or additional outcomes may be given to the respondent:

- a. The use or possession of a firearm(s) or other weapon(s);
- b. The existence of a prior record of violation(s) in this chapter by the respondent(s); and
- c. Any additional factors which contribute to the severity of the offense.

Other aggravating factors can serve as a cause to impose a more severe sanction and/or additional outcomes 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. The University 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, the University hopes that a student or student organization would

make an anonymous report that would put the student in need in touch with a professional trained to help and care for our students. If charged and found responsible for a violation of the Code, the sanction 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.

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 Code, a less severe sanction or fewer educational outcomes 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. Student and Student Organization Records, Record Retention, and Record Consideration in

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

8.120. Appeal of Decision. When the sanction of a case is suspension or expulsion, or non-recognition of a student organization, the student or student organization may appeal the decision. Any request must be submitted in writing, addressed to and delivered to the Vice President for Student Engagement, and include all supporting facts and arguments, no later than seven (7) business days after the notification of decision has been delivered to the appellant unless an extension has been

granted by the conduct officer for the case. The written appeal must include the grounds for the appeal as well as supporting facts and arguments. Failure to meet either or both of these conditions will be sufficient cause to deny an appeal. The Vice President for Student Engagement will make the determination as to whether both conditions have been met. Normally, a sanction is in place from the time of imposition, but the Vice President for Student Engagement has discretion to suspend a sanction during the period in which the complaint is being appealed.

The following are grounds for an appeal

- a. New information, unavailable at the time of the hearing, is now available and could materially affect the decision that was rendered.
- b. The process was not conducted according to the procedures described in the Code and the process failure materially influenced the decision rendered.
- c. The evidence was not substantially supportive of the finding.
- d. The sanction was 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 Vice President for Student Engagement or their designee has ten (10) business days after the date the appeal is delivered to the Vice President for Student Engagement to respond to a petition for appeal, unless there are extenuating circumstances that require additional time for the appeal to be considered. The Vice President for Student Engagement or their designee may grant the appeal, and if so, decide whether to return the complaint to the CHP or conduct officer for reconsideration, or to conduct the reconsideration. Generally, appeals will involve a review of the hearing record, but the Vice President for Student Engagement or their designee may conduct a new hearing, interview witnesses, or otherwise direct further investigation at their discretion. The standard for review is a deferential standard.

The Vice President for Student Engagement or their designee's decision will be sent to the student's University e-mail address and may also be delivered via US 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 appeal process. Once mailed, such notice will be presumed to be delivered. Any decision rendered by the Vice President or their designee will be final.

8.130. Interpretation, Review, and Revision. Questions of interpretation and periodic reviews of this policy will be administered as set-out below.

8.130.1. Interpretation. Any questions of interpretation regarding the Code will be referred to the Vice President for Student Engagement or their designee for determination.

8.130.2. Code Revision. The Code will be reviewed once every five years under the direction of the Vice President for Student Engagement. Review of this document should be done in conjunction with the University General Counsel, the Executive Vice President for Academic Affairs and Provost, and Student Government. Changes to the Code can be made as necessary at the request of the Vice President for Student Engagement, 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 Vice President for Student Engagement or designee as needed without approval of the Board of Governors.

Source: Resolution of the Board dated August 6, 2022