

# MISSOURI WESTERN STATE UNIVERSITY

## Governance Advisory Council Report 2010-2011

July 5, 2011

Volume 35, No. 6

### GOVERNANCE ADVISORY COUNCIL

June 14, 2011

Member Attendees: Dr. Jeanne Daffron, Dr. Jim Bargar, Dr. Brenda Blessing, Dr. Brian Cronk, Dan Eckhoff, Mel Klinkner, Dr. Greg Lindsteadt, Dr. Gordon Mapley, Dr. Murray Nabors, Dr. Philip Nitse, Alison Norris, Amy Parnell, Dr. Esther Perález, Sally Sanders, Jacob Scott

Other Attendees: Dr. Judy Grimes, Don Willis

#### **Correction of May 17, 2011 Minutes**

A discussion was held regarding some wording in the May 17, 2011 Governance Advisory Council minutes for proposal #10-15 from the General Studies Committee. Dr. James Bargar asked that the minutes be corrected under the GAC discussion summary to read that Dr. Bargar agrees with the recommendation that the proposal goes back to Faculty Senate.

#### **GAC #10-17 – Facilities and Outdoor Areas Scheduling Policy**

**Source of Proposal:** Events Committee

**Purpose of Proposal:** Policy Revision/For Information

**Current Policy or Procedure:** MWSU Policy Guide, See Attached Document – Facilities and Outdoor Areas Scheduling Policy Current

**Proposed Policy or Procedure:** MWSU Policy Guide, See Attached Document – Facilities and Outdoor Areas Scheduling Policy Proposed

**GAC Summary:** A few minor clerical recommendations were made for clarification, in particular under items 2.d.ii and 3.a.iii. Also, the sentences were rearranged under 3.a.i. to avoid confusion of required due dates. With these revisions, this proposal will be forwarded to the President for his approval.

**Presidential Action:** The President made one clerical correction at the beginning of the third paragraph of item 1. This proposal was then signed by the President on July 1, 2011.

**GAC #10-18 – Student Code of Conduct**

**Source of Proposal:** Student Affairs

**Purpose of Proposal:** Policy Revision/For Information

**Current Policy or Procedure:** Student Handbook

**Proposed Policy or Procedure:** Student Handbook, See Attached Document

**GAC Summary:** A few minor clerical recommendations were made for clarification, in particular:

- Under "Code of Conduct, Disrespect for Self," number 3, "or at university sanctioned activities" should be bolded.
- Under "Student Conduct Process, Philosophy," the second sentence (bolded) should be removed.
- Under "Definitions, number 10," the word "authorized" should be removed.
- Under "Formal Hearing Procedures," number 1 should be reworded as "An electronic or other verbatim record will be made of all hearings and will be retained with the student's conduct file."

With these revisions, this proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on July 1, 2011.

Respectfully submitted,

Jennie McDonald  
Secretary

**Facilities and Outdoor Areas Scheduling Policy****University Policies**Approved: 08/25/2009

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## 1. General Statements:

Scheduling of facilities and outdoor areas (i.e. playing fields, picnic area, ponds) and related services will be coordinated through the Scheduling Services.

Student, faculty, and staff groups and their activities are vital to the educational process, and University groups are encouraged to make use of University facilities when their endeavors are part of their University work.

Insuring the availability of space for the numerous events, which take place on our campus during a single day, requires the coordination of a number of supporting services and careful scheduling to avoid conflicts. The Scheduling Office has the responsibility for such coordination and scheduling, for maintaining the master calendar, for communicating with the coordinators of appropriate support services, and for obtaining other concurrence involving requested arrangements. To facilitate effective coordination, all members of the University community must communicate with the Scheduling Office concerning the use of facilities. All nonaffiliated groups will schedule the use of all MWSU facility and grounds through the Office of Conferences and Special Programs. The Office of Conferences and Special Programs will be responsible for coordinating and confirming all scheduling details with the Scheduling Office.

## 2. Groups Definitions and Purpose of Event

## a. Group Types

- i. University group: Any officially recognized club, organization, academic, or administrative office.
- ii. Nonaffiliated group: All other groups or organizations are nonaffiliated, including all Western employees scheduling events for personal use, profit or a nonaffiliated group.

## b. Procedure for Determination of Group Recognition

- i. Faculty/staff groups are listed in the Policy Guide and/or Student Handbook.
- ii. Student groups seeking official recognition follow the guidelines established in Student Handbook.
- iii. All other groups or organizations status will be nonaffiliated.

- iv. Any sponsor who feels their event has been placed in the wrong category can appeal to the Facility Usage Advisory Committee consisting of one designee from each vice president and the Faculty Senate, Scheduling Services representative (Ex-officio), Conferences and Special Programs Director (Ex-officio) and SGA representative.

c. Group Responsibilities in Scheduling Events

- i. Groups sponsoring events are responsible for the following:
  - 1. A member of the group must be present at all times and student groups must have a faculty/staff advisor present.
  - 2. Completion of logistical arrangements for the event, such as audio visual equipment, food, setup, cleanup, public safety, etc.; and any possible cost for arrangements.
- ii. If a registration fee for the event is charged, the event must be coordinated through the Office of Conferences and Special Programs.

d. \*Events/Fees by Category

- i. Credit bearing courses have the institutional highest priority. (With appropriate and adequate notice, faculty may be asked to hold classes in different classrooms for extraordinary special events.)
- ii. University Groups - Events held without admission or registration fees or special services are not assessed room or facilities fees per se.
- iii. Cost Recovery - Events held by nonaffiliated, not-for-profit groups consistent with the University's mission must pay all direct costs associated with the event.
- iv. Events held with admission or registration fees are charged with the intent of generating revenues over expenses. Organizers pay fees as developed by the SSO and reviewed by the President's Cabinet. All appropriate fees and charges will be assessed.

\*Events, for this purpose, are defined as any organized meeting or function occurring in University facilities or outdoor areas.

3. Scheduling Facilities (including outdoor areas)

a. Making a Reservation

- i. A Facility Reservation Form must be registered with complete

details electronically. Complex events requiring a suite of services should complete requests no later than two weeks before the event. If the Scheduling Services Office is unable to meet the user needs due to short notice, a reservation may not be accepted.

- ii. Reservations will generally be taken on a first-come first-served basis. However, the Scheduling Services office may require changes on location based upon the best interest of the University.
- iii. The Scheduling Services Office reserves the right to regulate, modify, relocate, reschedule or cancel events based on the best interest of Western after notification to the reserving group.

b. Events Insurance Requirements

- i. Western requires general liability insurance coverage (bodily injury, property damage) in the amount of \$1,000,000 per occurrence from an “A” rated insurance company. This is to be provided 14 working days prior to the event, cover the entire term of the facility reservation, and have Western listed as additional insured.
- ii. Vendors and/or suppliers must also provide a certificate of insurance with the University named as additional insured prior to the event from an “A” rated insurance company.
- iii. Other types and amounts of insurance may be required dependent on the services that are being provided and the obligations of the parties under the contract.
- iv. Review by the Risk Manager may be required at the discretion of the Scheduling Services Office.

c. Campus/Contracted Services

- i. All food and/or beverages for on-campus events must be ordered through campus food service provider or have the permission from the food service provider to bring in food from an outside source.
- ii. A/V equipment, if required for an event, must be scheduled prior to the event and will be delivered prior to the event by the Classroom Services Department. Equipment should not be left unattended. Any damaged or lost equipment is the financial responsibility of the reserving group.
- iii. University Police Department reserves the right to require security for events as it deems necessary.

- iv. Recreation and athletic equipment can be reserved on a first-come, first-served basis.
- v. Policies for campus contracted services are at the discretion of the service providers.

#### IV. Responsibilities of Reserving Group

- a. University Police Department is responsible for unlocking facilities for events. A member of the reserving group must be present for the facility to be unlocked and must remain in or at the facility until it is locked. Facilities may not be left unattended while unsecured. University Police may have to be phoned to get a facility locked or unlocked.
- b. Student Organization Use
  - a. Events sponsored by student groups will require the attendance of the sponsoring organization's faculty/staff advisor
  - b. Facilities used by student groups must be returned to their original condition immediately following the event.
  - c. All dances will require a facility deposit and the services of the University Police Department.
  - d. Groups seeking official student organization recognition may only sponsor and schedule recruitment/informational meetings.
- c. All safety and fire code guidelines must be observed at all times.
- d. If an event is CANCELLED or CHANGED, the requestor is required to electronically cancel or change the reservation immediately. Late cancellation notification may result in assessment of fees at the discretion of the service provider.
- e. University policy strictly prohibits the use of alcohol on campus. Tobacco products may not be used in campus facilities.
- f. Offensive displays/music that degrade the quality of life and/or contain foul language shall not be aired in an open, unconfined area (i.e. outdoors, hallways, lobbies, etc.).
- g. Additional charges will be assessed equal to the amount necessary to repair damage, replace missing equipment, or pay for excessive clean up.

#### V. Payment for Contracted Services

- a. The Scheduling Services Office will act as a clearinghouse for the provision of contracted services. Groups requesting special equipment or services will be referred to the appropriate department for determination of fees.

- b. Catering and Concessions Guidelines are as follows:
  - i. Groups planning to have food during a scheduled event will work directly with the contracted food service provider. The food service provider will bill groups directly or through the Office of Conferences and Special Programs for services provided. The University has an exclusive contract for food service on campus. Other caterers are not permitted without the prior permission of the Director of Food Service.
  - ii. Should groups require concessions; the group will work directly with the Athletic Director of Finance. Any other concessions are not permitted without the permission of the Athletic Director of Finance.
- c. Payment arrangements for campus services will be made through the Scheduling Services Office for the University; payment arrangements for nonaffiliated groups will be made through the Office of Conferences and Special Programs.

**Facilities and Outdoor Areas Scheduling Policy****University Policies**Approved: 08/25/2009

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## 1. General Statements:

Scheduling of facilities and outdoor areas (i.e. ~~playing fields~~, picnic area, ponds) and related services will be coordinated through the Scheduling Services, <http://www.missouriwestern.edu/scheduling/>.

**Use of the Spring Sports Complex or the Griffon Indoor Sports Complex will be scheduled through the Director of Athletic Facilities.**

Student, faculty, and staff groups and their activities are vital to the educational process, and University groups are encouraged to make use of University facilities when their endeavors are part of their University work.

Ensuring the availability of space for the numerous events, which take place on our campus during a single day, requires the coordination of a number of supporting services and careful scheduling to avoid conflicts. ~~The Scheduling Office~~ **Services** has the responsibility for such coordination and scheduling, for maintaining the master calendar, for communicating with the coordinators of appropriate support services, and for obtaining other concurrence involving requested arrangements. To facilitate effective coordination, all members of the University community must communicate with ~~the Scheduling Office~~ **Scheduling Services** concerning the use of facilities. All nonaffiliated groups will schedule the use of all MWSU facility and grounds through ~~the Office of Conferences and Special Programs~~ **Scheduling Services, except for the Spring Sports Complex and Griffon Indoor Sports Complex.** ~~The Office of Conferences and Special Programs~~ will be responsible for coordinating and confirming all scheduling details with ~~the Scheduling Services Office~~.

## 2. Groups Definitions and Purpose of Event

## a. Group Types

- i. University group: Any officially recognized club, organization, academic or administrative office.
- ii. Nonaffiliated group: All other groups or organizations are nonaffiliated, including all Western employees scheduling events for personal use, ~~profit or a nonaffiliated group.~~

## b. Procedure for Determination of Group Recognition

- i. Faculty/staff groups are listed in the Policy Guide ([www.missouriwestern.edu/hr/](http://www.missouriwestern.edu/hr/)) and/or the Student Handbook

[\(www.missouriwestern.edu/handbook/\)](http://www.missouriwestern.edu/handbook/)

- ii. Student groups seeking official recognition follow the guidelines established in Student Handbook.
- iii. All other groups or organizations status will be nonaffiliated.
- iv. Any sponsor who feels their event has been placed in the wrong category can appeal to the ~~Facility Usage Advisory Committee consisting of one designee from each vice president and the Faculty Senate, Scheduling Services representative (Ex-officio), Conferences and Special Programs Director (Ex-officio) and SGA representative~~ **Events Committee**.

c. Group Responsibilities in Scheduling Events

- i. Groups sponsoring events are responsible for the following:
  - 1) A member of the group must be present at all times and student groups must have a faculty/staff advisor present **at all times**.
  - 2) Completion of logistical arrangements for the event, such as audio visual equipment, food, setup, cleanup, public safety, etc.; and any possible cost for arrangements.
  - 3) **Any group requesting solicitation, demonstration or petition signing should be aware of the University's Solicitation Policy.**

d. \*Events/Fees by Category

- i. Credit bearing courses have the institutional highest priority. (With appropriate and adequate notice, faculty may be asked to hold classes in different classrooms for extraordinary special events.)
- ii. University Groups – **In general**, events held without admission or registration fees or special services are not assessed room or facilities fees per se. **Exceptions might include Fulkerson Center, the Griffon Indoor Sports Complex, etc.**
- iii. If a registration fee for the event is charged, the event must be coordinated through ~~the Office of~~ Conferences and Special Programs.
- iv. Cost Recovery - Events held by nonaffiliated, not-for-profit groups consistent with the University's mission must pay all direct costs associated with the event.

~~v. Events held with admission or registration fees are charged with the intent of generating revenues over expenses. Organizers pay fees as developed by the SSO and reviewed by the President's Cabinet. All appropriate fees and charges will be assessed.~~

~~\*Events, for this purpose, are defined as any organized meeting or function occurring in University facilities or outdoor areas.~~

### 3. Scheduling Facilities (including outdoor areas)

#### a. Making a Reservation

- i. A Facility Reservation Form must be ~~registered~~ **submitted** with complete details ~~electronically~~ **no later than 14 working days before the event**. If ~~the~~ Scheduling Services ~~Office~~ is unable to meet the user needs due to short notice, a reservation may not be accepted. **Students must complete event information electronically on OrgSync. For Late Night Events, students must follow the Late Night Events policy that requires a minimum of 30 days.** ~~Complex events requiring a suite of services should complete.~~
- ii. Reservations will generally be taken on a first-come first-served basis. However, the Scheduling Services office may require changes ~~on~~ **of** location based upon the best interest of the University.
- iii. ~~The~~ Scheduling Services ~~Office~~ reserves the right to regulate, modify, relocate, reschedule or cancel events based on the best interest of ~~Western~~ **the University** after notification to the reserving group.

#### b. Events Insurance Requirements

- i. Western requires general liability insurance coverage (bodily injury, property damage) in the amount of \$1,000,000 per occurrence from an "A" rated insurance company. This is to be provided 14 working days prior to the event, cover the entire term of the facility reservation, and have Western listed as additional insured.
- ii. ~~Vendors and/or suppliers must also provide a certificate of insurance with the University named as additional insured prior to the event from an "A" rated insurance company.~~
- iii. Other types and amounts of insurance may be required dependent on the services that are being provided and the obligations of the

parties under the contract.

- iv. Review by the Risk Manager may be required at the discretion of ~~the Scheduling Services Office~~.

c. Campus/Contracted Services

- i. All food and/or beverages for on-campus events must be ordered through ~~the~~ campus food service provider or have the permission from the **campus** food service provider to bring in food from an outside source.
- ii. A/V equipment, if required for an event, must be scheduled **14 working days** prior to the event and will be delivered prior to the event by ~~the Classroom Services Department~~. Equipment should not be left unattended. Any damaged or lost equipment is the financial responsibility of the reserving group.
- iii. **The** University Police Department reserves the right to ~~require security~~ **recommend police staffing** for events as it deems necessary.
- iv. ~~Recreational and athletic~~ equipment can be reserved on a first-come, first-served basis.
- v. Policies for campus contracted services are at the discretion of the service providers.

4. Responsibilities of Reserving Group

- a. University Police Department is responsible for unlocking facilities for events. A member of the reserving group must be present for the facility to be unlocked and must remain in or at the facility until it is locked. Facilities may not be left unattended while unsecured. University Police may have to be phoned to get a facility locked or unlocked.
- b. Student Organization Use
  - i. Events sponsored by student groups will require the attendance of the sponsoring organization's faculty/staff advisor
  - ii. Facilities used by student groups must be returned to their original condition immediately following the event.
  - iii. ~~All dances~~ **Late Night Events and other events as determined by the Events Committee** will require a facility deposit and the services of the University Police Department.
  - iv. Groups seeking official student organization recognition may only sponsor and schedule recruitment/informational meetings.

- c. All safety and fire code guidelines must be observed at all times.
- d. If an event ~~is~~ is CANCELLED or CHANGED, the requestor is required to ~~electronically-cancel~~ or change the reservation immediately **with Scheduling Services**. Late cancellation notification may result in assessment of fees at the discretion of the service provider.
- e. ~~University policy strictly prohibits the use of alcohol on campus. Tobacco products may not be used in campus facilities.~~ **All groups must obey the university policy regarding alcohol and tobacco products**
- f. Offensive displays/music that degrade the quality of life and/or contain foul language ~~shall~~ **may** not be aired in an open, unconfined area (i.e. outdoors, hallways, lobbies, **atria, common areas**, etc.).
- g. Additional charges will be assessed equal to the amount necessary to repair damage, replace missing equipment, pay for excessive clean up **or any additional overtime in connection with the event or repairs.**

## 5. Payment for Contracted Services

- a. ~~The Scheduling Services Office~~ will act as a clearinghouse for the provision of contracted services. Groups requesting special equipment or services will be referred to the appropriate department for determination of fees.
- b. Catering and Concessions Guidelines are as follows:
  - i. **Campus G groups** planning to have food during a scheduled event will work directly with the contracted **campus** food service provider. The **campus** food service provider will bill groups directly ~~or through the Office of Conferences and Special Programs~~ for services provided. The University has an exclusive contract for food service on campus. Other caterers are not permitted without the prior permission of the Director of Food Service. **Nonaffiliated groups planning to have food during an event will work directly with Conferences and Special Programs.**
  - ii. ~~Should~~ **When Athletic** groups require concessions, the group will work directly with the **Associate Director of Athletics**. Any other concessions are not permitted without the permission of the ~~Athletic Director of Finance~~ **Director of Food Services**.
- c. ~~Payment arrangements for campus services will be made through the Scheduling Services Office for the University;~~ Payment arrangements for nonaffiliated groups will be made through ~~the Office of Conferences and Special Programs~~.

## COMMUNITY EXPECTATIONS

When students choose to accept admission to Western, they accept the rights and responsibilities of the university's academic and social community. As members of the university community, students are expected to uphold the university's values (service, quality, freedom, enthusiasm, respect and courage) by maintaining a high standard of conduct.

Faculty, administrators, staff and students all have responsibility to take care of the intellectual, social, emotional, psychological and physical condition of this community we share. As a result, we expect all members of the Western community to exhibit the following:

### Respect for Self

Western expects its community members to appreciate their own talents, take themselves and their academic pursuits seriously and enhance the quality of their lives.

### Respect for Others

Western expects its community members to behave towards one another with sensitivity, consideration, understanding, tolerance and an active concern for the welfare of others.

### Respect for Property

Western expects its community members to use all property, including buildings, library books, equipment and green spaces, responsibly. This principle requires students to respect personal and institutional property, inside and outside the Western community.

### Respect for Authority

Western expects its community members to exhibit respect for its faculty, administrators, staff and designated student staff members and paraprofessionals – each of whom has been charged with responsibilities essential to the orderly operation of the university.

### Honesty

Western expects its community members to demonstrate the personal characteristics of honesty and integrity in all aspects of their campus life, both inside and outside the classroom.

These qualities, which are congruent with our community values, are integral parts of daily life on campus.

## STUDENT CODE OF CONDUCT

The Community Expectations and values of the university reflect an expectation that students will be held to a high standard of conduct. When a student's behavior departs from the community expectations (when it hurts others, detracts from the sense of community and/or is irresponsible) it will be addressed by the university using established conduct procedures.

Jurisdiction of the Missouri Western State University Student Code of Conduct

The Missouri Western State University Student Code of Conduct shall apply to conduct that occurs on university premises; at university-sponsored activities, and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree.

The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. ~~The Dean of Student Affairs or his/her designee shall decide whether~~ The Student Code of Conduct shall **also** be applied to conduct occurring off campus **and will be adjudicated when reported**, ~~on a case-by-case basis~~. This listing of Student Code of Conduct violations is meant to serve as a guide and is not exhaustive. Behavior that conflicts with the community expectations, although not specifically included below, may be deemed a violation of the Student Code of Conduct and adjudicated using the student conduct procedures.

The following actions are deemed unacceptable behavior and thus violations of the Student Code of Conduct:

#### Disrespect for Self

1. Manufacturing, growing, distributing, selling, possessing, using, or offering for sale narcotic drugs, depressants or stimulant substances, hallucinogens, cannabis and/or derivatives, including synthetic derivatives; on university property or at a university-sponsored or supervised event. This includes, but is not limited to, such behavior as being in the presence of illegal drugs.
2. Exhibiting such behavior or engaging in activities which endanger the safety of oneself or others.
3. Possessing, using or participating in an activity involving firearms, fireworks, chemicals which are explosive, hazardous chemicals, other implements used as weapons, and other types of arms classified as weapons in the Missouri Revised Statutes, on university property **or at university sanctioned activities**.
4. Using or possessing alcoholic beverages on campus **or at university sanctioned activities**. This includes, but is not limited to, such behavior as underage students being in the presence of or using alcoholic beverages, or being intoxicated on- or off-campus.
5. Conducting oneself in such a manner so as to reflect unfavorably upon the individual student or the university community.

#### Disrespect for Others

6. Disrupting classes, seminars, research projects, or activities of the university.

7. Assaulting or threatening to assault any person, engaging in any unwelcome physical contact (which includes, but is not limited to, unwanted touching, even between acquaintances) with any person, making unwelcome advances, or engaging in conduct which threatens or endangers the health or safety of any person.
8. Engaging in lewd, indecent or obscene conduct or expression or repeating, proposing or requesting such conduct or expression, after being asked to stop.
9. Harassing and/or intimidating (which includes conduct causing alarm or recklessly creating a risk by threatening to commit crimes against persons or their property or the face to face use of “inflammatory words” any person on- or off-campus. “Inflammatory words” are those personally abusive epithets, which, when directly addressed to an ordinary person, in the context used and as matter of common knowledge, are inherently likely to provoke an immediate violent reaction, whether or not they actually do. Such words include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability and other personal characteristics.
10. Engaging in disorderly conduct or expression, a breach of the peace or aiding or inciting another to a breach of the peace.
11. Engaging in hazing, which is defined as any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, constitutes a violation.
12. **Engaging in any form of harassment over the Internet, commonly referred to as cyber bullying. Cyber bullying includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, or threatening another person by sending or posting inappropriate and hurtful email messages, instant messages, text messages, digital pictures or images or Website postings, including blogs and social network systems.**

#### Disrespect for Property

13. Damaging, destroying or defacing university property or property of any person as a result of deliberate action or as a result of reckless or imprudent behavior.
14. Entering and using university facilities without authorization by appropriate university officials.
15. Making or assisting in making unauthorized, obscene or annoying telephone calls, text messages, or computer messages or otherwise misusing or abusing telephone and/or

computer equipment.

16. Engaging in computer abuse, which includes but is not limited to, plagiarism of programs, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possessing authorized passwords, viewing or distributing of pornographic material, and disruptive or annoying behavior toward the university's computer system.
17. Using or possessing any university key without proper authorization. No student is allowed, under any condition, to have a university key duplicated.
18. Allowing a dog or pet to run at large (without a restraint) on campus or to enter any building on campus. ~~Bonafide seeing-eye dogs service animals are permitted with their masters anywhere on campus.~~ **This rule does not apply to service animals.**

#### Disrespect for Authority

19. Harassing or intimidating university officials while they are discharging their official duties and responsibilities.
20. Violating any of the restrictions, conditions or terms of any sanctions resulting from a previously held disciplinary hearing or agreed upon in an informal disposition or formal conduct hearing.
21. Failing to identify oneself when requested to do so by a university official and/or surrender one's ID card when requested to do so. The usual means of identifying oneself is by producing the ID card, which must be in the student's possession at all times.
22. Committing any act, which is a violation of a criminal law of the United States, the State of Missouri or a municipal ordinance.
23. Failing to obey Housing Complex rules and regulations, whether or not one is a resident.
24. Failing to obey a reasonable order or request by a university official.

#### Dishonesty

25. Engaging in acts of academic dishonesty, which include but are not limited to, cheating and plagiarizing.

26. Stealing or attempting to steal university property or property of any person and/or to be in possession of stolen property.
27. Forging, altering, transferring, infringing on the copyright of, or misusing university documents, including identification cards.
28. Providing false information in the application for admission, petitions, requests, disciplinary hearings, or other matters of record, and transactions with officials of the university.
29. Falsely reporting information of an emergency nature (i.e., false report of a bomb, fire, or other emergency) in any building, structure or facility. ***This is a federal offense and will be reported to the proper authorities.***
30. Selling a textbook that does not belong to oneself without prior authorization by the book's owner.
31. Misusing or using university property without proper authorization.

## STUDENT CONDUCT PROCEDURES ***PROCESS***

### Philosophy

Missouri Western State University believes the goal of students enrolling at this university is the pursuit of an outstanding higher educational experience.

Upon enrolling in this university, each student assumes an obligation to conduct themselves in a manner compatible with the university's function as an educational institution and to obey the laws enacted by federal, state and local governments. If this obligation is neglected or ignored while on campus or attending a university function, or even while off campus doing something not associated with the university, the university may, in the interest of fulfilling its function, institute appropriate disciplinary action.

Any ***student*** that violates university policies or regulations may be subject to the student conduct process. It should be noted that the burden of proof concerning violation of a university rule or policy rests with the institution. Because inappropriate conduct obstructs the mission and functions of the university, or adversely affects the interests of the university community or may even endanger members of the university community, ***conduct*** hearings and resulting sanctions may take place even if the alleged victim chooses to no longer participate. So that the student involved in a conduct meeting will be given every opportunity to present his or her case to the proper hearing agency, the following rules and regulations establishing conduct channels and authority are described.

## Overview

The Code of Conduct pertains to ALL students attending Missouri Western State University. To determine if a student is responsible for a conduct violation the Student Conduct ~~Procedures~~ **Process** described below will be followed. In most cases a university police officer, a university faculty/staff member or a student, will file an incident report. After an incident report is filed, it will be referred to the **Division of Student Affairs-Office**. The Dean of Students, or his/her designee will review the case and decide whether the case will be handled as an informal **disposition** or formal ~~disposition~~ **hearing**.

The charged student(s), victim(s), complainants and witness(es) identified in the incident report will be notified and will be asked to attend an informal **disposition** or formal ~~disposition~~ **hearing**. In both cases, all parties will be asked to provide written and/or verbal testimony and to explain what happened. A determination of responsibility will be based on the evidence presented during the informal **disposition** or formal ~~disposition~~ **hearing**. During the hearing a charged student will have certain rights and responsibilities. An electronic or other verbatim record shall be made of all formal ~~dispositions~~ **hearings**.

## Definitions

- (1) The term “university” means Missouri Western State University.
- (2) The term “student” includes all persons taking courses at the university, both full-time and part-time. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the university are considered students. Students can also be held responsible for the conduct of their guests whether they are students or not.
- (3) The term “faculty member” means any person hired by the university to conduct classroom activities.
- (4) The term “university official” includes any person employed by the university who performs assigned administrative, professional, support service, or classroom responsibilities. This includes certain student employees who act as agents of the university. University officials who may perform informal **disposition** or formal ~~disposition~~ **hearing** are the Dean of Students ~~Affairs~~ or his/her designee.
- (5) The term “member of the university community” includes any person who is a student, faculty member, university official or any other person who is employed by the university.
- (6) The “complainant” shall mean the member of the university community who files a written complaint against a student with ~~the Student Affairs Office~~.

- (7) The term “university premises” includes all land, buildings, facilities and other property in possession of or owned, used or controlled by the university.
- (8) The term “organization” means any number of persons who have complied with the formal requirements for university recognition. In respect to the rights and procedures outlined below, an “organization” shall have the same rights and requirements as an accused student.
- (9) The “Appellate Board” is the body which is authorized to conduct appeal hearings. Appointed by the ~~university President~~ **Vice President for Student Affairs**, it will normally be concerned with cases which are serious enough to result in dismissal or expulsion; however students may appeal less serious sanctions than dismissal or expulsion. The Appellate Board has the options of upholding the original sanction or recommending lesser or greater sanctions.
- (10) The **Vice President for Student Affairs** ~~Dean of Students~~ or his/her designee is the person designated by the university President to be responsible for the administration of the Student Code of Conduct and for ensuring that all students are afforded due process.
- (11) The term “policy” is defined as the written regulations of the university as found in, but not limited to, the Student Handbook, Residence Life Handbook and university catalog.
- (12) The term “Student Code of Conduct” pertains to the rules, regulations and policies of the university, which apply to students and/or student organizations.
- (13) The term “conduct hearing” refers to the process by which the Dean of Students or his/her designee may offer a student appropriate discipline, which the student has the right to accept or reject, for a rule infraction. There are two types of conduct hearings: an informal disposition or formal **hearing**.
- (14) An “informal disposition” is a conduct hearing in which the student(s) involved in an alleged violation of the Student Code of Conduct is contacted and invited to have an informal **disposition meeting** regarding an incident report or formal complaint. Informal dispositions are usually NOT tape recorded and are used in situations when student(s) are most likely responsible for violating the Student Code of Conduct and will likely not appeal the possible outcomes of the disposition. If a student insists he/she is not responsible, the informal disposition must be immediately discontinued and a formal ~~disposition~~ hearing must be scheduled.
- (15) A “formal ~~disposition~~ hearing” is a conduct hearing in which the student(s) involved in an alleged violation of the Student Code of Conduct is invited to have a formal conduct hearing regarding an incident report or formal complaint. Formal **hearings** are recorded and follow an outline that includes the reading of student rights, reading of charges, reading verbatim of the incident report, and an opportunity for the student to present a rebuttal to the incident report or

formal complaint and to any alleged charges. Formal **hearings** are typically conducted when a student(s) is charged with alleged violations of the Student Code of Conduct that will likely end in an outcome that includes university probation, suspension or expulsion. More than one university administrator typically conducts formal hearings, and students must be notified at least three (3) working days in advance of the hearing. All outcomes of formal ~~dispositions~~ **hearings** must be presented to the charged student(s) within five (5) working days of the hearing.

***(16) The Student Conduct Officer (SCO) is the student conduct official assigned to adjudicate an incident report. The Vice President for Student Affairs will designate the University Conduct Officer (UCO) for all University violations and the Housing Conduct Officer (HCO) for Residence Hall violations. The Director of Athletics will assign the Athletic Conduct Officer (ACO) for violation of Athletic Department violations, however resident hall students and student athletes will be adjudicated as all students if they violate the Student Code of Conduct.***

### Procedures

In cases where disciplinary action against a student(s) is sought or indicated as a result of the complaint of a member of the university community, the complainant shall make his/her complaint to the Student Affairs office in writing setting forth the time, date, place and details giving rise to the complaint and/or by a report filed with the University Police Department. The Dean of Students or his/her designee, who shall not be an attorney, is the primary officer for administration of discipline for violations of the Student Code of Conduct. The Dean of Students may invoke such discipline or sanctions for violations of the Student Code of Conduct as set forth in this section of the Missouri Western State University Student Handbook.

Missouri Western State University Police Department reports or reports from police departments may also be used in order to invoke discipline or sanctions for violation of the Student Code of Conduct.

#### A. Due Process

A student charged with a breach of the Student Code of Conduct is entitled to a conduct hearing (informal **disposition** or formal ~~disposition~~ **hearing**) and a written notice summarizing the contents and the sanctions imposed during the conduct hearing.

The procedures set forth below shall be interpreted and administered to accomplish this objective and provide for prompt consideration and disposition of student conduct cases. Disciplinary proceedings are not to be construed as legal proceedings, but care shall be taken to comply as fully as possible with the spirit and intent of the procedural safeguards set forth herein.

Following the notification of the outcome of a conduct hearing (informal **disposition** or formal **disposition hearing**), a student shall have five (5) working days to elect to appeal the sanctions imposed in writing or the sanction shall stand.

#### B. Notification Procedures

The charged student will be notified by the **Student** Conduct Officer at least three (3) working days before the hearing of the date, time, location and nature of the hearing, including a description of the ~~Student Conduct administrator~~ **conduct code** alleged to have been violated. The charged student may request a delay of up to five (5) working days for the start of the hearing. The decision on the hearing date and location of a delayed hearing will be decided by the Student Conduct ~~administrator~~ **Officer**. All communications to the student may be verbal, but must subsequently be confirmed in writing.

**Note: Violations occurring at the end of a semester or term may be adjudicated before the start of the next semester/term. This may require the student to appear before a Conduct Officer at a time that classes are not in session.**

#### C. Complaints

Any member of the Missouri Western State University community may file complaints against a student for violations of the Student Code of Conduct. Complaints are usually filed by submitting an incident report to the Student Affairs Office and/or to the University Police Department. Once an incident report is submitted, it will be the charge of the Dean of Students or his/her designee to determine which, if any, violations of the code of conduct have allegedly occurred and how the case will be adjudicated. Any complaint should be submitted as soon as possible after the event takes place, preferably within one (1) week.

All complaints shall be presented to the charged student in written form. A time shall be set for an informal **disposition** or formal **disposition hearing**, not less than three (3) ~~and no more than fifteen (15) working days~~ after the student has been notified.

#### D. Conduct Hearings (*Informal **Disposition** and Formal **Hearing***)

Disciplinary action begins with a conduct hearing (informal **disposition** or formal **disposition hearing**) where the incident report or formal complaint is presented to the charged student(s) and the facts surrounding the alleged violation(s) are explored. Missouri Western State University Police Department reports, the reports of other university officials, witnesses and those of other law enforcement agencies are reviewed, and witnesses are produced and interviewed. All of this information becomes university evidence, should an appeal be requested. These conduct hearings are conducted by the ~~Dean of Students or his/her designee~~ **Student Conduct Officer**. ~~A family member or friend~~ **An advocate for the student** whose role is solely that of providing emotional support to the student may accompany the charged students.

As part of a conduct hearing, the **Student Conduct Officer** shall investigate any reported student misconduct before initiating disciplinary sanctions, and give the student the opportunity to present his/her personal version of the incident or occurrence. The **Student Conduct Officer** may discuss, consult and advise with any student whose conduct is called in to question, and the student shall attend such consultations as requested.

The **Student Conduct Officer**, in making his/her investigation and disposition, may utilize students, faculty or administrators to make recommendations to him/her, which he/she shall consider in exercising the authority vested in him/her.

Usually someone associated with the location where the infraction is alleged to have occurred such as the residence halls, recreation facilities, or at university- sponsored events, activities, or the events and activities sponsored by student organizations will conduct the conduct hearing. The ~~Dean of Student Affairs~~ **Vice President for Student Affairs** will designate professional staff members throughout the Division of Student Affairs who may be called upon to be Student Conduct Administrators **Officers**. The Dean of Students; along with another Student **Conduct Administrator Officer(s)** whom he/she designates, will conduct all conduct hearings serious enough to result in suspension or expulsion from the university. Students have the right to appeal the sanctions imposed during a conduct hearing. These appeals will be directed to the appropriate appellate process outlined below.

***See Informal Disposition and Formal Hearing procedural details below***

#### E. Organizational Hearing

An organizational hearing is a formal hearing conducted by one or more Student Conduct ~~administrators~~ **Officers**. This type of hearing is conducted when there is a violation of the Student Code of Conduct on premises owned, rented or operated by the organization; during an organization event; in any situation sponsored or endorsed by the organization; or in any event an observer would associate with the organization. The Student Conduct ~~administrator(s)~~ **Officers** will review all of the evidence and decide responsibility or non-responsibility. If there is a decision of responsibility, the Student Conduct ~~Administrator(s)~~ **Officer(s)** will then assign or recommend a **conduct** action for the organization and/or individual member(s), as appropriate.

An organizational hearing differs from a formal ~~disposition~~ **hearing** in the following way:

1. The organization's adviser (faculty, administrative, staff, alumni, or other) is ~~invited~~ encouraged to attend the hearing.
2. The organization's president and executive officers will usually officially represent the organization at the hearing, although additional officers and/or members of the organization may be invited to the hearing.

3. The organization will be asked to submit a written statement about the incident and its members' involvement that will be used during the hearing. Otherwise, the organizational hearing will follow the procedures outlined below in the formal disposition procedures.

## F. Outcomes

The following outcomes or a combination thereof may be imposed upon any student found to have violated the Student Code of Conduct.

1. University Warning - a notice in writing to the student that the student is violating or has violated the **Student** Code of Conduct.
2. Loss of Privileges - denial of specified privileges for a designated period of time.
3. Restitution - compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
4. Discretionary Sanctions – education program, work assignments, service to the university, service to the community, an oral or written apology, and counseling or other related discretionary assignments. Failure to complete a discretionary sanction(s) will result in additional sanctioning.
5. Residence Hall Probation - a written reprimand for violation of specified Residential Life policies and procedures. Residence hall probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period. Failure to comply with any or all components of probation may be considered cause for immediate residence hall suspension.
6. Residence Hall Suspension - separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified.
7. Residence Hall Expulsion - permanent separation of the student from the residence halls.
8. University Probation - a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of additional and/or more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period. Failure to comply with any or all components of probation may be considered cause for immediate temporary suspension from the university pending a hearing.
9. University Suspension - separation of the student from the university for a definite period of time, after which the student is eligible to return. Conditions for re-

admission may be specified.

10. University Expulsion - permanent separation of the student from the university. The foregoing is not meant to be an all-inclusive list of sanctions. More than one sanction may be imposed for any single violation.

The following sanctions or a combination thereof may be imposed upon groups or organizations found to have violated the Student Code of Conduct:

1. University Warning - a notice in writing to the organization that students comprising such organization are violating or have violated institutional regulations.
2. Loss of Privileges - denial of specified privileges for a designated period of time.
3. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
4. Discretionary Sanctions – education program, work assignments, service to the university, service to the community, an oral or written apology, and counseling, or other related discretionary assignments.
5. University Probation - a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the organization is found to be violating any institutional regulation(s) during the probationary period. Failure to comply with any or all components of probation may be considered cause for immediate suspension from the university pending a hearing.
6. Deactivation - loss of all privileges, including university recognition, for a specified period of time. The foregoing is not meant to be an all-inclusive list of sanctions. More than one sanction may be imposed for any single violation.

#### ***Drug and Alcohol Violation Disclosure***

***In general – nothing in FERPA or the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records if:***

- ***the student is under the age of 21; and***
- ***the institution determines that the student has committed a disciplinary violation with respect to such use or possession.***

**Western will review each case on the individual circumstances in regard to releasing the above information.**

### Special Circumstances of Student Code of Conduct Violations

#### Immediate Temporary Suspension

The Dean of Students or his/her designee may temporarily dismiss a student from university facilities, including the residence halls, pending formal procedures when he/she finds or believes from information coming to his/her attention that the presence of the student would be seriously disruptive or would constitute a danger to the health, safety and welfare of the people present in said areas. It is only through consultation with the **Vice President for Student Affairs** that a student may be temporarily dismissed from campus. Although the temporary suspension will be imposed at an informal proceeding, the dismissal must be submitted in writing to the student when the decision is communicated to the student. The student will then have the right to appeal in writing the immediate temporary suspension within five (5) business days from the date of notification. After temporarily suspending a student, the Dean of Students or his/her designee will have up to ~~five (5)~~ **three (3)** business days to contact the student and arrange to adjudicate the case. Because they are considered to be particularly disruptive to the mission of the university, the following actions and similar actions could result in immediate temporary suspension until review has occurred:

1. Violating federal, state or local laws resulting in the student being charged with or found guilty of a felony crime.
2. Assaulting, striking, intimidating, threatening or endangering the well being of another, or sexual contact or sexual intercourse with a person without consent or when that person is incapacitated.
3. The brandishing or use of anything that can reasonably be construed as a weapon.
4. Efforts to intimidate individuals by groups of people.
5. The abuse of property including grossly negligent or irresponsible use of property whether it belongs to other individuals or Missouri Western State University.
6. Being in possession of enough illegal substances such as drugs including so-called party drugs or alcohol, as to warrant suspicion of intent to distribute.

In these occurrences, it is the responsibility of the Dean of Students ~~Affairs~~ in consultation with the ~~Dean of Students~~ **Vice President for Student Affairs**, acting on behalf of the best interests of the university, to implement the sanction of immediate temporary dismissal from the university. Because student conduct is the responsibility of the student, the university assumes no responsibility for any of the potential ramifications resulting from temporary or permanent disciplinary sanctions, such as inability to participate in regularly scheduled academic activities including

examinations; extracurricular activities such as athletics events; loss of financial aid or employment; how a student is perceived by peers or others on- and off-campus; or whether a student is able to continue her or his educational endeavors at other institutions of higher education.

### Sexual Assault Cases

Due to the sensitive nature, sexual assault cases will be referred to a Student **Conduct Administrator Officer** for a formal disposition. When possible, these cases will be chaired by two student conduct affairs administrators, one of each gender. The victim is encouraged to obtain counseling and to utilize an adviser throughout the entire proceeding.

The Student **Conduct Administrator Officer (s)** may issue a “~~stay-away~~ **no-contact**” directive to any or all parties involved in the case, including third parties. The victim will be notified should this occur. Prior to the hearing, the victim will be required to make a formal statement (normally a signed written statement) describing the incident. The alleged suspect(s) will be given an opportunity to respond with their own formal statement. The victim has the right to be present throughout the hearing, but not during the deliberation of the Student **Conduct Administrator Officer (s)**. The victim has the right to present pertinent evidence and the testimony of witnesses to substantiate the complaint. Irrelevant history of both parties will not be discussed or considered during the conduct process. The Student **Conduct Administrator Officer (s)** will determine relevancy. As permitted by federal or state law, the victim will be informed of the results of the student conduct proceeding. Should any delay occur during the proceedings, the Student **Conduct Administrator Officer (s)** will inform the victim of the reason for the delay.

### Violations of Federal, State or Local Laws

Missouri Western State University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus, at the discretion of the Dean of Students or his/her designee. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

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 being processed under the Student Code of Conduct, the university may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the university community. The university will attempt to cooperate with law enforcement and other agencies in the

enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the university community, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

## Academic Honesty

Refer to Academic Honesty Policy and Due Process

~~A student accused of academic dishonesty will first meet with the faculty member who made the allegation of academic dishonesty. If the faculty member decides academic dishonesty occurred, consequences could include giving the student a zero on the assignment, asking the student to rewrite the assignment, or failing the student in the course. If the student's grade is affected, the faculty member must file a MWSU Academic Honesty Violation Report. If the student disagrees with the faculty member's decision, the student may submit a written appeal of that decision within ten (10) working days to the department chair and request a meeting with the department chair. The department chair will inform the faculty member that an appeal has been made, and the faculty member will have the option to submit a rebuttal form to address the student's appeal. In the event there is no assigned chair, the request should be made to the college or school dean. The chair's decision shall be provided in writing to the student and to the faculty member within thirty (30) calendar days of the chair's receipt of the written appeal. If the student chooses to continue the appeal process, the appeal may be made within ten (10) working days to the Provost or his/her designee to present the case to the Academic Honesty Committee. The Provost or his/her designee will present the case to the Academic Honesty Committee within ten (10) working days of receipt of the appeal. If the appeal is made during the summer semester or intersession, it will be presented to the Committee within ten (10) working days from the beginning of the next regular academic semester. The Committee will base its decision on the written statements and evidence submitted by the student and the faculty member. The Committee's decision, which must be made within thirty (30) calendar days from the date on which the committee receives the appeal, is final. The Committee will notify, in writing, the student and the faculty member of its decision. If it is determined that no violation of academic honesty has occurred, the student's alleged violation will be removed from his or her record. As per the Academic Honesty Policy and Due Process - Any student who has been found guilty of violating the academic honesty policy a second time will be reported by the Provost to the Dean of Students Affairs for disciplinary action.~~

### ***Informal Disposition Procedures***

**Informal disposition hearings will be a meeting between the Student Conduct Officer and the student charged with violations of the Student Code of Conduct. The student will be notified by letter of the date/time/location, violations and identification of the Student Conduct Officer they will meet. This meeting is not recorded and usually in the office of the Student Conduct Officer. Following discussion of the incident, violations responsible by the student and outcome, the student will sign an informal disposition**

**form agreeing with the outcome and rejecting right to appeal. The student will receive a letter, via Western email and regular mail, of the meeting outcome and sanctions. Should the student not agree, formal hearing procedures will be implemented.**

### Formal Hearing Procedures

This section describes the format of the hearing and the rights of the charged student in a hearing process. It also includes information about witnesses, student conduct administrators, the charged student's adviser, the decision-making process and the communication process.

#### A. Formal Disposition Hearing Format

1. An electronic or other verbatim record will be made of all hearings ~~This record will be retained for one month following the hearing or until the conclusion of any appeal process, whichever is longer. The record will then be destroyed, except in cases of suspension and expulsion, and will be retained with the student's conduct file.~~
2. At the beginning of the hearing ~~the charged student will be introduced to others who are~~ **all those** present **will identify themselves** for the record. The charged student will be informed of standards alleged to have been violated and will be advised that he/she has rights specified in the Student Rights section.
3. The student will be asked if they received the notice of hearing and the list of charges of student conduct violations. If the student did not receive the letter, the Student Conduct Officer will provide a copy. The list of student conduct violations will be read for the record.
4. The Student ~~Conduct Administrator~~ **Officer** will read all incident reports and ask the charged student to respond. In addition any additional statements given in the report may be entered with the student having an opportunity to respond.
5. If the complainant/victim chooses to attend the hearing, the complainant/victim will be asked to describe what happened, and the charged student will have the opportunity to respond.
6. Witnesses will be asked to describe what happened, and the charged student will have a chance to respond. All communication between the charged student, complainant, victim and witnesses will be directed to a Student ~~Conduct Administrator~~ **Officer**.

The Student ~~Conduct Administrator~~ **Officers** will decide which questions to ask of each person. The Student ~~Conduct Administrator~~ **Officers** may reasonably limit the scope and time devoted to each matter or item of discussion during hearings, as well as the number of persons testifying. The Student ~~Conduct Administrator~~ **Officer** will decide the order of witnesses and when the victim and witnesses will be in the hearing room.

7. The Student ~~Conduct administrator~~ **Officer** may ask questions of any charged student, victim or witness during the hearing.

8. The formal ~~disposition~~ **hearing** will conclude with a review of the outcome notification and appeal processes review. At the conclusion of the hearing, the charged student, victim, advisers and witnesses will be asked to leave the room. These individuals will not be present during the deliberations of the Student ~~Conduct Administrator~~ **Officers**.

## B. Student Rights

In the hearing notification letter and again at the beginning of the hearing, the charged student will be advised that he/she has these rights. Students with any questions about their rights are encouraged to contact the **Division of Student Affairs Office**.

The student rights in a formal administrative hearing are as follows:

- The student is entitled to be present throughout the hearing, but not during the deliberation of the Student ~~Conduct Administrator~~ **Officers**.
- The student is entitled to remain silent (i.e., not to testify against him/herself), but must be informed that if silence is maintained, the case will be decided on the evidence presented.
- ***The student has a right to have an advocate present for support. This advocate cannot address any member of the formal hearing unless approved by the Student Conduct Officer.***
- The student is entitled to know all evidence and the testimony presented against him/herself and to view pertinent materials supporting the case against him/herself.
- The student is entitled to present pertinent evidence and the testimony of witnesses to substantiate his/her case and to comment upon and respond to the charges against him/herself.
- The student is entitled to make a written appeal of the disciplinary decision within five (5) working day of the date of notification of that decision.
- University disciplinary actions are appealed to the Dean of Students.

## C. Attendance

All formal ~~dispositions~~ **hearings** will be closed to everyone except those persons specifically provided for in the aforementioned conduct procedures or persons whose presence at the hearing is authorized by the Student ~~Conduct Administrator~~ **Officer**.

A student who cannot attend the ~~dispositions~~ **hearing** scheduled for consideration of his/her case must submit a written statement to the Student ~~Conduct Administrator~~ **Officer** stating the reasons for the conflict and requesting a new ~~dispositions~~ **hearing** date. This statement must be presented to the Student ~~Conduct Administrator~~ **Officer** not less than two (2) working days before the beginning of the hearing. At the discretion of the Student ~~Conduct Administrator~~

**Officer** the hearing may be rescheduled. Only one (1) change of hearing date and time may be granted.

If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the charged student. Such an absence will not be considered grounds for an appeal.

Where two (2) or more cases involving common occurrences or the same student(s) are pending simultaneously, the Student Conduct ~~administrator~~ **officer** may decide to consolidate the ~~dispositions~~ **hearings** of such cases, or hear them separately.

#### D. Witnesses

The charged student is responsible for arranging for witnesses testifying on his/her behalf to appear at the ~~dispositions~~ **hearing**. Victims, complainants and the Student **Conduct Administrator Officer** may also invite witnesses to appear at the ~~dispositions~~ **hearing**. In the exceptional event that a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the Student **Conduct Administrator Officer** before the scheduled hearing.

The Student **Conduct Administrator Officer** is to be notified by the charged student, victims, complainants or witnesses not less than one (1) working day before the ~~disposition~~ **hearing** of those persons intending to provide testimony, whether in person or in writing. The Student **Conduct Administrator Officer** may reasonably limit the scope and time devoted to witness statements. Witnesses are typically asked to comment only on the event(s) pertinent to the charges, not the character of the charged student(s).

#### E. Evidence

In all cases, the procedures will not be subject to limiting rules of evidence. Evidence will consist of oral and written testimony, incident reports, and any other material directly related to the incident. Other evidence may also be considered and will consist of such things as secondhand reports and circumstantial evidence. The Student **Conduct Administrator Officer** may reasonably limit the scope of evidence considered in the ~~disposition~~ **hearing**.

#### F. Adviser/Advocate

The charged student, a victim in a sexual assault case, or any victim who has received permission from the Student **Conduct Administrator Officer**, may have one (1) adviser/advocate present at the hearing. If the student wants to have an adviser present, the student must notify the Student **Conduct Administrator Officer** of this fact in writing no later than two (2) working days before the beginning of the ~~dispositions~~ **hearing**.

Advisers/advocates are normally members of the Western community (i.e., current full-time students, faculty, and staff). This adviser/advocate serves as a support person and is intended to be of direct assistance to the student before and during the ~~dispositions~~ **hearing**. The adviser/advocate may not speak for the student nor address the Student ~~Conduct Administrator~~ **Officer**. If the adviser/advocate is an attorney, the case will be heard as a formal ~~dispositions~~ **hearing** and the Student ~~Conduct Administrator~~ **Officer** may reschedule the time and/or date of the hearing so that Missouri Western State University legal counsel may be present.

#### H. Decisions and Communications

At the conclusion of the formal ~~disposition~~ **hearing**, the charged student will be informed as to when the decision will be made and communicated. Disciplinary decisions that result in positive action, university warning or restitution will be made by the Student ~~Conduct Administrator~~ **Officer** and communicated to the charged student in writing within five (5) working days of the conclusion of the hearing.

All other **conduct** actions will be made after consultation with and approval by the administrators indicated below:

- The Director of Residential Life or his/her designee ~~must approve~~ will be consulted on disciplinary actions of limitation on activities or termination of the housing contract in the Residence Halls.
- ~~The Director of Residential Life or his/her designee in consultation with the Dean of Student Affairs or his/her designee must approve disciplinary action of termination of the housing contract.~~
- The Dean of Students or his/her designee ~~must~~ **will** approve disciplinary actions of limitation on activities on campus (outside of those in the Residence Halls)
- The Dean of Students or his/her designee will approve disciplinary actions of university probation.
- ~~The Dean of Students~~ Vice President for Student Affairs will approve disciplinary actions of university and/or residence halls suspension or expulsion.

The official receiving the recommendation may accept or lower the recommended disciplinary action. The Student ~~Conduct Administrator~~ **Officer** will communicate the final decision in writing to the charged student within five (5) working days of the conclusion of the hearing. In the event that the written notification is delayed, the charged student will be notified of the delay and informed when the decision will be communicated.

All communications to students will be transmitted in the manner specified in the appropriate part of this procedure. Individual circumstances may permit or require communication by whatever means is necessary to reach the student promptly and reliably. Following reasonable

efforts to deliver any communication to a student personally, an indirect or substituted mode of delivery may be attempted. Thus, any delay or failure to reach the student shall not impair the procedure.

## Appealing a Conduct Outcome

### A. Dean of Students

#### 1. Overview

Students found responsible for a violation of the Code of Conduct may appeal the decision. Appeals are not re-hearings, and they are not granted on the basis of disagreement with the original decision.

The Dean of Students or his/her designee will determine if there are grounds to warrant an appeal.

\*Note — for cases in which the Dean of Students makes the disciplinary decision, the Vice President for Student Affairs or his/her designee will assume the appeal role described in this section.

The bases of appeals include the following:

- The student was not given due process.
- New or additional evidence became available.
- The discipline was inappropriate for the violation.
- The decision of the conduct administrator was not based on competent and substantial evidence.

#### 2. Timeline

A student has ~~eight~~ five working days after letter date of the written notification of a disciplinary decision to file an appeal with the ~~Student Affairs Office~~ Dean of Students.

Failure to appeal within the ~~eight~~ five-working-day period waives the right to appeal. Disciplinary actions will not be implemented while an appeal is under consideration unless Special Circumstances apply.

#### 3. Documentation

The appeal must be in writing and must contain the following:

- The completed Request for Appeal Form, which can be obtained ~~in the~~ **from** Student Affairs Office **in** Blum Union 228 or by the form provided via the electronic mail hearing outcome letter.
- A statement explaining in detail why the student is contesting the findings or the action(s).

- Copies of any documents that will substantiate or clarify the appeal request.

#### 4. Review of an Appeal Request

Within five (5) working days of the receipt of the material pertinent to the appeal, the Dean of Students ~~or his/her designee~~ will notify the student in writing of his/her decision to deny the request for an appeal ~~or to inform the student of the outcome of an administrative appeal decision.~~ If a delay occurs in the receipt of the supporting material, or additional time is needed to review the material, the administrator will notify the student of the delay within five (5) working days of the appeal filing date.

#### 5. *Finality of Decision if Denied*

The decision **by** the Dean of Students to deny the appeal shall be final.

#### 6. Appeal Sustained

If the Dean of Students sustains the appeal, the case will be referred to the ~~Appeals~~ **Appellate** Board. The Dean of Students can reverse any sanctions of Special Circumstances at this time.

### B. Appellate Board

#### 1. Overview

~~A decision by the Dean of Students may be appealed to the Appellate Board.~~ Appeals sustained by the Dean of Students will be referred to the Appellate Board, appointed by the ~~university President~~ **Vice President for Student Affairs** or his/her designee, and shall consist of three (3) members: one (1) faculty member, one (1) staff member, and one (1) student. No member of the university administration, as defined previously, may serve on the Appellate Board. The ~~university President~~ **Vice President for Student Affairs** or his/her designee shall designate the Appellate Board chairperson.

#### 2. Timeline

An appeal must be implemented by filing written notice of the appeal to the Appellate Board in the ~~university President's~~ **Vice President for Student Affairs'** office within five (5) working days after notification of the decision by the Dean of Students ~~Affairs or his/her designee~~. The Appellate Board chairperson will convene a meeting of the board within five (5) working days of receipt of the appeal. The chairperson is to notify the student of the date and time of the board meeting, yet the student may not be required to attend this meeting. If a delay occurs, the chairperson will notify the student of the delay within five (5) working days of receipt of the appeal.

#### 3. Appellate Action

The Appellate Board, upon review of the case, may affirm the decision and sanctions imposed by the Hearing Board; reverse the decision; or reduce, or increase, the sanctions imposed by

the Student Conduct Officer and affirmed by the Dean of Students. If the Appellate Board reverses the decision or reduces the sanction, it shall base that decision on one or more of the following reasons:

- The student was not given due process.
- New or additional evidence became available.
- The **conduct sanction** was inappropriate for the violation.
- The decision of the **Student Conduct Officer(s)** was not based on competent and substantial evidence.
- For other good cause.

#### 4. Review of an Appeal Request

Within five (5) working days of the Appellate Board meeting, the chairperson will notify the student in writing of the decision of the board. If a delay occurs in the receipt of the supporting material, or additional time is needed to review the material, the chairperson will notify the student of the delay within five (5) working days of the initial meeting of the board and provide the student with an anticipated date the decision will be finalized.

#### 5. Finality of Decision

The decision of the Appellate Board shall be final. The decision must be submitted to the student in writing and a copy must be delivered or mailed to the student.

#### 6. Legal Adviser to the Appellate Board

The Appellate Board may request of the **President-Vice President for Student Affairs** that the university provide the Appellate Board with a legal adviser. Such legal adviser should not be the university's attorney or a member of any firm representing the university. The legal adviser may advise the Appellate Board in connection with its review and in all other aspects of their responsibilities.

### CODE OF CONDUCT SANCTIONING LEVELS

#### Level One Violations

Level one violations are the most serious violations of the **Student** Code of Conduct and will most likely result in the student's immediate temporary suspension from the university. These violations include but are not limited to the following:

- Violating federal, state or local laws resulting in the student being charged with or found guilty of a felony crime. (With the exception of felony non-support.)
- Assaulting, striking, intimidating, threatening or endangering the wellbeing of another, or sexual contact or sexual intercourse with a person without consent or when that person is incapacitated.

Incident reports and statements with alleged level one violations will be immediately submitted to the Student Affairs Office for review. Formal conduct procedures will be used to adjudicate these violations.

## Level Two Violations

Level two violations include any or all violations of the **Student** Code of Conduct in which students will be more than likely placed on university probation or suspension. These violations include but are not limited to the following:

- Violations of the university alcohol policy.
- Violating the university drug policy.
- Stealing any property or services from another person, group or the university.
- Embezzling, defrauding, or 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.
- Forging, altering or misusing any document, record or identification or causing any false information to be entered upon any record or presented at any proceeding.
- Hazing, any action taken or situation created, to intentionally produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the use of alcohol, paddling in any form, creation of excessive fatigue, physical and psychological shocks, quests, treasure hunts, scavenger hunts, road trips or any other such activities, wearing of public apparel which is conspicuous and not normally in good taste, engaging in public stunts and buffoonery, morally degrading or humiliating games and activities.
- Obstructing or disrupting any university processes, including but not limited to instruction, research, study, administration, meetings, ceremonies and student activities.
- Unauthorized possession or use of explosives or other dangerous devices on campus.
- Entering into or upon, or using university facilities including but not limited to access gained by unauthorized or duplicate keys, bugging devices, computer codes or other methods or devices used to afford unauthorized access to restricted areas or information or operation of equipment.

Incident reports and statements with alleged level two violations will be submitted to ~~the~~ Student Affairs Office in a timely fashion for review. Level two violations may be adjudicated using formal or informal conduct procedures.

- **Multiple violations of academic dishonesty.**
- **Violations of previous disciplinary sanctions (probation).**

## Level Three Violations

Level three violations include any or all violations of the **Student** Code of Conduct in which students will more than likely be given a warning and/or discretionary sanctions for their behavior. These violations include but are not limited to the following:

- Failure to obey residence hall rules and regulations, whether or not one is a resident (with the exception of those violations that may result in a possible outcome of probation or suspension).
- **Violation of team rules or athletic department policies.**

***Incident reports and statements with alleged level one violations may be adjudicated through Student Affairs, Residential Life or Athletics. Level three violations will be adjudicated using informal conduct procedures.***

### ***Off-Campus Violations***

***Missouri Western students are responsible to adhere to the Code of Conduct at all times not just while on the Western campus. Violations that occur off-campus and are reported to Student Affairs will be adjudicated by the student conduct process.***

***Offenses/violations to be adjudicated include but are not limited to:***

- ***Felony charges, excluding felony non-support***
- ***Alcohol and drug related violations***
- ***Stealing, theft, robbery and fraudulent use of a credit device***
- ***Unlawful use of a weapon or other weapons charges***
- ***Assault and battery***
- ***Property damage***
- ***Loitering/trespassing***

***Minimum Conduct Sanctions for Drug and Alcohol Violations (sanctions can be increased depending on the situation)***

### ***Alcohol Violations (possession/use)***

#### ***1st Offense***

- ***Written Warning***
- ***\$25 fine***
- ***Education Program***
- ***Parent Notification if minor***

#### ***2nd Offense***

- ***Disciplinary Probation (1 year)***
- ***\$50 fine***
- ***Initial Substance Screening***
- ***Reflection Paper***

#### ***3rd Offense***

- ***Removal from housing and possible university suspension***
- ***Prohibited from visiting the residential life area. Violators are subject to prosecution for criminal trespass***
- ***\$75 fine***
- ***Comprehensive substance assessment; requirement to follow recommendations made from assessment***

### ***Drug Violations (possession/use):***

### **1st Offense**

- **Disciplinary probation (1 year)**
- **\$50 fine**
- **Education Program**
- **Initial substance screening**
- **Possible removal from housing**
- **Parent Notification if minor**

### **2<sup>nd</sup> Offense**

- **Removal from housing – possible university suspension**
- **Prohibited from visiting the residential life area. Violators are subject to prosecution for criminal trespass**
- **\$100 fine**

### **Drug Violations (sales/distribution):**

- **Removal from housing/university suspension**
- **Prohibited from visiting the residential life area. Violators are subject to prosecution for criminal trespass**
- **\$200 fine**

### **Drug Violations (covert use on another):**

- **Expulsion from the university**
- **Prohibited from visiting the residential life area. Violators are subject to prosecution for criminal trespass**
- **\$200 fine**

**As previously stated the Student Conduct Officer is the University Official assigned to adjudicate an incident report. The Vice President for Student Affairs will designate the University Conduct Officer (UCO) for all University violations and the Housing Conduct Officer (HCO) for Residence Hall violations. The Director of Athletics will assign the Athletic Conduct Officer (ACO) for violation of Athletic Department violations, however resident hall students and student athletes will be adjudicated as all students if they violate the Student Code of Conduct.**

Below is Residence Hall Processes for Housing Violations—not pertinent to the above information.

### ***STUDENT CONDUCT PROCESS:***

~~Conduct which violates university code of conduct may require a student to participate in the student conduct process. Generally, Residence Hall violations taking place in the residence halls will be handled by the Office of Residential Life staff. The Director of Athletics, or his/her designee will adjudicate violations of team rule and/or athletic policies. Violations of any~~

University Code of Conduct will be forwarded to the Office of Student Affairs. Below is a description of the standard Student Conduct process for students living in the residence halls:

1. If a student allegedly violates University Code of Conduct Residence Hall Policy or Athletic Policy an incident report is generally written, though other forms of written reports may be used. Staff will ask students for information and document the circumstances in the incident report. Once complete the incident report will be submitted to the Office of Student Affairs within 24-48 hours. Each incident report is reviewed by the Dean of Students or his/her designee. Based upon the information provided a decision will be made to either take no further action, or to have the students involved meet with a conduct officer (UCO, HCO, ACO).
2. If necessary, students will be notified through campus mail to schedule a meeting with a conduct officer. Residence Hall Directors also serve as conduct officers, and will generally meet with students who have violated policy in their residence area. Athletes will meet with the Director of Athletics or a designated ACO.
3. At the meeting the student will have the opportunity to examine the possible violations, give a plea, and to discuss their behavior in regards to the incident.
4. After all information has been presented the conduct officer will assess whether there is sufficient information to determine if a student did/did not violate University/Residential Life/Athletic Policy. If the student is found responsible for violating University/Residential Life Policy/Athletic an informal disposition will be assigned. The student will receive in writing the finding of the informal disposition, and if necessary outline the sanctions assigned.

APPEALS: Those wishing to make an appeal of the outcome of their informal or formal disposition must submit his/her appeal in writing to the Student Affairs Office within five working days of receipt of the outcome. (Please see Student Handbook, Student Conduct Procedures- Section 7: Appealing a Conduct Outcome for more information on this topic.)

Residential Hall Students only.

#### Minimum Conduct Sanctions for Limited Access Policy Violations

Residents who do not have their ID during limited access or walk by the limited access desk without producing ID will be documented by limited access desk staff or Residential Life staff for violating the Limited Access Policy.

##### 1st Violation:

- Educational conference with Residence Hall Director

##### 2nd Violation

- Referred to the Student Conduct Process
- Verbal or written warning

If the violation took place in another hall:

- Loss of visitation rights from area for two-four weeks minimum

##### 3rd Violation:

- Referred to the Student Conduct Process
- Potential disciplinary probation (one semester)
- Reflection paper

If the violation took place in another hall:

- Loss of visitation rights from area for four-eight weeks minimum

4th Violation:

- Referred to the Student Conduct Process
- Potential disciplinary probation (one year)
- Reflection paper
- Behavioral contract

If the violation took place in another hall:

- Loss of visitation rights from area for one semester

\*Repeated violations where a student disregards, harasses, or intimidates limited access desk staff may result in relocation, removal or loss of privilege to live in the residence halls for the next academic year.

Minimum Conduct Sanctions for Guest Registration Policy Violations

1st Violation:

- Educational conference with Residence Hall Director

2nd Violation:

- Written warning
- Loss of privilege-guest privileges for two weeks minimum

3rd Violation:

- Disciplinary probation (one semester)
- Reflection paper
- Loss of privilege-guest privileges for four-eight weeks

4th Violation:

- Disciplinary probation (one year)
- Reflection paper
- Loss of privilege- guest privileges for one semester
- Behavioral contract

\*Repeated violations of this policy where the student disregards limited access desk staff and walks past may result in possible Loss of privilege to live in the residence halls for the next academic year or removal from housing.

Minimum Conduct Sanctions Guest Registration Policy-Beshears/**Griffon Hall Only**

This policy only applies to Beshears/**Griffon Hall** visitation from 12 - 6 am. This policy will be strictly enforced. Continuous violation of the Weekend Policy by residents of Beshears will result in removal of this policy for the entire complex.

1st Violation:

- Written warning
- Loss of privilege-guest privileges for two weeks minimum

2nd Violation:

- Written warning
- Reflection paper

- Loss of privilege-guest privileges for three months-one semester

3rd Violation:

- Disciplinary probation (one year)
- Reflection paper
- Removal from Beshears Hall

~~Minimum Conduct Sanctions for Riotous Behavior~~

~~1st Violation:~~

- ~~• Disciplinary probation (one year)~~

~~Possible removal from housing or university suspension~~

- ~~• Reflection paper~~
- ~~• Community service~~

~~2nd Violation:~~

- ~~• Removal from housing, possible university suspension or expulsion~~
- ~~• Prohibited from visiting the residential life area.~~

~~Violators are subject to prosecution for criminal trespass~~

~~Please note that the above sanctions indicate typical minimum responses for active involvement in conduct situations. Depending on the severity of the violation, sanctioning levels and guidelines can and will be more aggressive. Passive violators while still in violation of the Code of Student Conduct, may receive reduced sanctions if in otherwise good standing with regard to student conduct. Those being removed from housing will continue to be held to the terms and conditions of their housing contract.~~