

# MISSOURI WESTERN STATE UNIVERSITY

## Governance Advisory Council Report 2008-2009

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### GOVERNANCE ADVISORY COUNCIL

April 21, 2009

Attendees: Dr. Joseph Bragin, Dr. Jeanne Daffron, Dr. Murray Nabors, Dr. Steve Estes, Mel Klinkner, Dan Nicoson, Dr. Gordon Mapley, Dr. Judy Grimes, Carol Roever, Jan Aspelund, Tim Kissock, Dr. Brenda Blessing, Dan Eckhoff, Kathy Kelly, Susan Bracciano

Others: Dr. James MacGregor, Angie Beam, Duane Bruce

#### **GAC #08-14 – Identity Theft Protection Policy**

**Source of Proposal:** Risk Management

**Purpose of Proposal:** New Policy

**Current Policy or Procedure:** None

**Proposed Policy or Procedure:** (To be placed in the Policy Guide)

### IDENTITY THEFT POLICY

#### **SECTION 1: BACKGROUND**

The risk to the University, its employees and students from data loss and identity theft is of significant concern to the University and can be reduced only through the combined efforts of every employee and contractor.

#### **SECTION 2: PURPOSE**

The University adopts this sensitive information policy to help protect employees, customers, students, contractors and the University from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the University in compliance with state and federal law regarding identity theft protection.

This policy enables the University to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the University from fraudulent new accounts. The program will help the University:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

### **SECTION 3: SCOPE**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the University, including all personnel affiliated with third parties.

### **SECTION 4: POLICY**

#### **4.A: Sensitive Information Policy**

##### **4.A.1: Definition of Sensitive Information**

Sensitive information includes the following items whether stored in electronic or printed format:

##### **4.A.1.a: Credit card information, including any of the following:**

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

##### **4.A.1.b: Tax identification numbers, including:**

1. Social Security number
2. Business identification number
3. Employer identification numbers

**4.A.1.c:** Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

**4.A.1.d:** Cafeteria plan check requests and associated paperwork

**4.A.1.e:** Medical information for any employee or customer, including but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

**4.A.1.f:** Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

**4.A.1.g:** University personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Missouri Sunshine Act. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the University cannot resolve a conflict between this policy and the Missouri Sunshine Act contact appropriate legal counsel for guidance.

#### **4.A.2: Hard Copy Distribution**

Each employee and contractor performing work for the University will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded

## **6. 4.A.3: Electronic Distribution**

Each employee and contractor performing work for the University will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved University e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

*"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."*

## **SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM**

**If the University maintains certain covered accounts pursuant to federal legislation, the University may include the additional program details.**

### **5.A: Covered accounts**

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the University from identity theft, including financial, operational, compliance, reputation, or litigation risks.

### **5.B: Red flags**

**5.B.1:** The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

**5.B.2:** Red flags also include consumer reports that indicate a pattern of activity inconsistent

with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

### **5.C: Suspicious documents**

**5.C.1:** Documents provided for identification that appear to have been altered or forged.

**5.C.2:** The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

**5.C.3:** Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

**5.C.4:** Other information on the identification is not consistent with readily accessible information that is on file with the University, such as a signature card or a recent check.

**5.C.5:** An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

### **5.D: Suspicious personal identifying information**

**5.D.1:** Personal identifying information provided is inconsistent when compared against external information sources used by the University. For example:

- The address does not match any address in the consumer report;
- The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

**5.D.2:** Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the University. For example, the address on an application is the same as the address provided on a fraudulent application

**5.D.3:** Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the University. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

**5.D.4:** The SSN provided is the same as that submitted by other persons opening an account or other customers.

**5.D.5:** The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

**5.D.6:** The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

**5.D.7:** Personal identifying information provided is not consistent with personal identifying information that is on file with the University.

**5.D.8:** When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

#### **5.E: Unusual use of, or suspicious activity related to, the covered account**

**5.E.1:** Shortly following the notice of a change of address for a covered account, the University receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

**5.E.2:** A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

**5.E.3:** A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns

**5.E.4:** A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

**5.E.5:** Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

**5.E.6:** The University is notified that the customer is not receiving paper account statements.

**5.E.7:** The University is notified of unauthorized charges or transactions in connection with a customer's covered account.

**5.E.8:** The University receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the University

**5.E.9:** The University is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

## **SECTION 6: RESPONDING TO RED FLAGS**

**6.A: Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the University from damages and loss.**

**6.A.1:** Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

**6.A.2:** The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

**6.A.3:** The designated authority for such notification shall be the University's Risk Manager.

**6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:**

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the University; and
4. Notifying the actual customer that fraud has been attempted.

## **SECTION 7: PERIODIC UPDATES TO PLAN**

**7.A:** At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

**7.B:** Periodic reviews will include an assessment of which accounts are covered by the program.

**7.C:** As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

**7.D:** Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the University and its customers.

## **SECTION 8: PROGRAM ADMINISTRATION**

### **8.A: Involvement of management**

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.
3. Operational responsibility of the program is delegated to the University's Risk Manager.

### **8.B: Staff training**

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the University or its customers.
2. Department Managers are responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

### **8.C: Oversight of service provider arrangements**

1. It is the responsibility of the University to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on April 24, 2009.

### **GAC #08-15 – Amend Policy Governing Part-Time and Overload Compensation for Faculty**

**Source of Proposal:** Faculty Senate

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** 2008-2009 Policy Guide, p. 132

#### Overload Compensation

Payment for overload teaching for the academic year as defined by the teaching load policy of



Missouri Western State University will be made in the spring semester after the regular teaching load has been reached in a given year. Compensation is based on the level of education in the discipline in which the appointment is made: BA, \$600; MA, \$700; DR, \$800 per equitable hour.

Policy Guide, p. 102

Part-time Faculty are issued a letter of appointment. Compensation is based on the level of education in the discipline in which the appointment is made: BA, \$600; MA, \$700; DR, \$800 per equated hour.

**Proposed Policy or Procedure:**

P. 132

Payment for overload teaching for the academic year as defined by the teaching load policy of Missouri Western State University will be made in the spring semester after the regular teaching load has been reached in a given year. Compensation is based on the level of education in the discipline in which the appointment is made: ~~BA, \$600; MA, \$700; DR, \$800~~ **for those possessing a terminal degree in the field of study, \$800; for those not possessing a terminal degree in the field of study, \$700** per equitable hour.

P. 102

Part-time faculty are issued a letter of appointment. Compensation is based on the level of education in the discipline in which the appointment is made: ~~BA, \$600; MA, \$700; DR, \$800~~ **for those possessing a terminal degree in the field of study, \$800; for those not possessing a terminal degree in the field of study, \$700** per equated hour.

**GAC Summary:** This proposal was returned by the Provost because of the increased expense and current budget status.

**Presidential Action:** No action required.

**GAC #08-16 – Amend the Academic Honesty Policy Due Process Procedure**

**Source of Proposal:** Faculty Senate

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** 2008-2009 Student Handbook, p. 24

**Student Due Process Procedure**

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 10 days to the department chairperson and request a meeting with the department chairperson. In the event there is no assigned chairperson, the request should be made to the college dean. The chairperson's decision shall be provided in writing to the student and the appeal may be made within 10 days to the provost or designated representative to present the case to the Academic Honesty Committee. 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 30 days, is final. 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.

Any student who has been found guilty of violating the academic honesty policy a second time will be reported by the provost to the Associate Dean of Student Development for disciplinary action.

### **Proposed Policy or Procedure:**

#### **Student Due Process Procedure**

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 10 **working** days to the department chairperson and request a meeting with the department chairperson. **The department chairperson 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 chairperson, the request should be made to the college **or school** dean. The chairperson's decision shall be provided in writing to the student **and to the faculty member within 30 calendar days of the chairperson's receipt of the written appeal.** ~~and~~ **If the student chooses to continue the appeal process,** the appeal may be made within 10 **working** days to the provost or designated representative to present the case to the Academic Honesty Committee. **The provost or designated representative will present the case to the Academic Honesty Committee within 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 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 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.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on April 24, 2009.

## **GAC #08-17 – Changes to Faculty Sabbatical Policy**

**Source of Proposal:** Faculty Senate

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** 2008-2009 Policy Guide, page 52-54 and 149-151

### **P. SABBATICAL LEAVE – p. 52-54**

The purpose of sabbatical leave is for the professional development of the employee and for increased effectiveness of the individual to the institution and higher education. Sabbatical leave is open to any full-time tenure track/tenured faculty who: (a) will have served six years at Missouri Western State University in a tenure track/tenured position; (b) has submitted detailed plans for the period of sabbatical leave in advance for the approval of appropriate authorities; (c) has a proper and satisfactory record of performance. For faculty who apply for tenure and sabbatical during the same year, any sabbatical leave awarded will be contingent upon receiving tenure

Leaves should seldom be for more than one academic year plus contiguous summers. Normally, faculty who receive sabbatical leave should serve at least five years full-time (or ten years half-time) before their next sabbatical. However, faculty with special circumstances may be considered. A faculty member may have the option of one academic year at one-half salary or one-half of an academic year at 100% salary. Sick leave does not accumulate. If funds are available, grants for support during the summer months will be offered. Time spent on sabbatical will be counted towards tenure, promotion, or faculty awards. Leaves for a period of one year will not interfere with scheduled salary increases. Group insurance will be continued by the University.

The individual is obliged to return to teaching or administering at MWSU for at least two years or remit all salary paid while on leave plus fringe benefits paid. Additionally, during the first semester upon his or her return, the awardee is obligated to file a report on how the original aims of the sabbatical request were fulfilled. The report is to be sent to the appropriate supervisor/supervisors and vice president. Each faculty awardee is also required to provide a copy of the leave report to the Faculty Senate.

**Application Procedures for Faculty.** A faculty applicant for sabbatical leave must submit one copy of the leave proposal to the department Chairperson by September 1. The Chairperson shall submit the proposal and the chair's recommendation to the appropriate Dean of the College and the chair of the Professional Leave Committee by September 15. The Dean of the College will submit his or her recommendation to the chair of the Professional Leave Committee by October 1.

**Approval Procedures for Faculty.** In considering proposals for sabbatical leave, the Professional Leave Committee requires the candidate to provide the following specific items: (a) name, educational status, and present academic rank; (b) eligibility (years in service at MWSU); (c)

type and length of leave being requested; (d) outline of proposed course of study or professional activity to be undertaken during leave; (e) certification of acceptance in above program (recommendation is contingent on acceptance or validity of program); (f) major goal to be achieved as a result of leave; (g) justification for leave; (h) benefit to be accrued to the department and/or institution; (i) departmental arrangements to cover leave; (j) a brief resume/vita which shows evidence of the candidate's professional development and overall performance at MWSU; (k) other pertinent information an applicant may wish to submit (i.e. student evaluations, testimonials, previous academic record, etc.). In addition, any faculty member who was granted a sabbatical prior to the current application should provide a copy of the leave report from any previous sabbatical. The proposal will provide sufficient detail concerning the product and process of the proposed leave and will be limited to fifteen (15) pages, exclusive of the candidate's resume/vita and any previous leave reports.

All candidates for leave will be interviewed by the Professional Leave Committee. The committee Chairperson will make the necessary arrangements to schedule same.

The Professional Leave Committee will base its decision to recommend or not recommend the request on the following criteria: (a) merit of the scholarly and/or other professional development of proposed activity; (b) benefit of project to students, department and/or institution; (c) merit of candidate's overall performance at MWSU. After considering all leave requests the Professional Leave Committee will determine, via secret ballot, which candidates will be recommended for leave and a priority ranking of these candidates will be established. Final committee recommendations with a ranking of candidates and the rationale for the rankings will be forwarded to the Provost and Vice President for Academic and Student Affairs and the Faculty Senate for consideration by October 25. The committee will also forward to the Provost and Vice President for Academic and Student Affairs copies of the proposals and recommendations from the chairs and Deans of the College. The committee will forward to each applicant and the appropriate Dean of the College and chair the committee's recommendation and rationale (the rankings will not be included) by October 25. The Faculty Senate will review the committee's recommendations, including the rationale for its rankings, at its meetings in the first week of November, and may forward any comments which it may have concerning the committee's decision to the Provost and Vice President for Academic and Student Affairs no later than five (5) days after the Senate meeting at which the committee submits its recommendations. The rankings of candidates shall not be included in the minutes of the meeting at which the committee's recommendations are reviewed, but the names of the candidates approved by the Senate for sabbatical leave shall be reported, in alphabetical order, along with a description of their projects and departmental affiliation. The Provost and Vice President for Academic and Student Affairs will forward his/her recommendations to each applicant and the appropriate Dean of the College and chair when the recommendations are sent to the President.

Current Policy or Procedure: AY 2009-09 Policy Guide, pp. 149-151

**7. Sabbatical Leave:** The purpose of sabbatical leave is for the professional development of the employee and for the increased effectiveness of the individual to the institution and higher education. Sabbatical leave is open to any full-time employee who: (a) will have served five

years on the staff; (b) has appropriate authorities; (c) has a proper and satisfactory record of performance as a teacher or administrator, as a counselor, and as a citizen in the University community.

Leaves should seldom be for more than one academic year plus contiguous summers. A faculty member may have the option of one academic year at one-half salary or one-half an academic year at 100% of salary. Sick leave does not accumulate. An administrator or exempt staff member may have the option of one full year at one-half salary or one-half year at the three-fourths salary. If funds are available, grants for support during the summer months will be offered.

Leaves for a period of one year will not interfere with scheduled salary increases. Group insurance will be continued by the University.

The individual is obligated to return to teaching or administrating at Missouri Western State University for at least two years or remit all salary paid while on leave plus benefits paid. Additionally, during the first semester upon his or her return, the awardee is obligated to file a report sent to the appropriate supervisor/supervisors and vice president. Each faculty awardee is also required to provide a copy of the leave report to the Faculty Senate and to the members of her or his department. (May 2000)

Application Procedures for Faculty: A faculty applicant for sabbatical leave must submit one copy of the leave proposal to the department Chairperson by September 1. The proposal and the chair's recommendation must be submitted to the appropriate Dean of the College and the Chair of the Professional Leave Committee by September 15. The recommendation of the appropriate Dean of the College shall be forwarded to the Chair of the Professional Leave Committee by October 1. (June 2001)

Approval Procedures for Faculty: In considering proposals for sabbatical leave, the Professional Leave Committee requires the candidate to provide the following specific items: (a) name, educational status, and present academic rank; (b) eligibility (years in service at MWSU); (c) type and length of leave being requested; (d) outline of proposed course of study or professional activity to be undertaken during leave; (e) certification of acceptance in above program (recommendation is contingent on acceptance or validity of program); (f) major goal to be achieved as a result of leave; (g) justification for leave; (h) benefit to be accrued to the department and/or institution; (i) departmental arrangements to cover leave; (j) a brief resume/vita which shows evidence of the candidate's professional development and overall performance at MWSU; (k) other testimonials, previous academic record, etc. The proposal will provide sufficient detail concerning the product and process of the proposed leave and will be limited to fifteen (15) pages, exclusive of the candidate's resume/vita. (May 2000)

All candidates for leave will be interviewed by the Professional Leave Committee. The committee Chairperson will make the necessary arrangements to schedule same.

The Professional Leave Committee will base its decision to recommend or not recommend the request on the following criteria; (a) merit of the scholarly and/or other professional

development of proposed activity; (b) benefit of project to students, department and/or institution; © merit of candidate's overall performance at MWSU

After considering all leave requests the Professional Leave Committee will determine, via secret ballot, which candidates will be recommended for leave and a priority ranking of these candidate will be established. Final committee recommendations with a ranking of candidates and the rationale for the ranking will be forwarded to the Provost and Vice President for Academic and Student Affairs and the Faculty Senate for consideration by October 25. The committee will also forward to the Provost and Vice President for Academic and Student Affairs copies of the proposals and recommendations from the chairs and Dean of the College. The committee will forward to each applicant and the appropriate Dean of the College and chair the committee's recommendation and rationale (the rankings will not be included) by October 25. The Faculty Senate will review the committee's recommendations, including the rationale for its rankings, at its meeting in the first week of November and may forward any comments which it may have concerning the committee's decision to the Provost and Vice President for Academic and Student Affairs no later than five days after the Senate meeting at which the committee submits its recommendations. The rankings of candidates shall not be included in the minutes of the meeting at which the committee's recommendations are reviewed, but the names of the candidates approved by the Senate for Sabbatical leave shall be reported, in alphabetical order, along with a description of their projects and departmental affiliation. The Provost and Vice President for Academic and Student Affairs will forward his/her recommendations to each applicant and the appropriate Dean of the College and chair when the recommendations are sent to the President. (June 2001)

Approval Procedures for Administrators and Exempt Staff: Copies of the leave proposal should be submitted to the administrator's and exempt staff's immediate supervisor. Formal approval of the proposal for sabbatical leave will be made by the applicant's immediate supervisor and the President, with final action taken by the Board of Governors. The President will base the decision on the following: (a) eligibility, (b) type of leave, © how the individual plans to make use of time, and (d) future effectiveness. Preference will be given to the applicant's request for a leave, either for financial or educational reasons, even if the administrative member is eligible and the purpose of the leave is valid.

### **Proposed Policy or Procedure:**

#### P. Sabbatical Leave

The purpose of sabbatical leave is for the professional development of the employee and for increased effectiveness of the individual to the institution and higher education. Sabbatical leave is open to any full-time tenure track/tenured faculty who: (a) will have served six years at Missouri Western State University in a tenure track/tenured position; (b) has submitted detailed plans for the period of sabbatical leave in advance for the approval of appropriate authorities; (c) has a proper and satisfactory record of performance. For faculty who apply for tenure and sabbatical during the same year, any sabbatical leave awarded will be contingent upon receiving tenure.

**Application is made in the fall semester for the following academic year.**

Leaves should seldom be for more than one academic year plus contiguous summers. Normally, faculty who receive sabbatical leave should serve at least five years full-time (~~or ten years half-time~~) before their next sabbatical. However, faculty with special circumstances may be considered. A faculty member may have the option of one academic year at one-half salary or one-half of an academic year at 100% salary. Sick leave does not accumulate. If

funds are available, grants for support during the summer months will be offered. Time spent on sabbatical will be counted towards tenure, promotion, or faculty awards. Leaves for a period of one year will not interfere with scheduled salary increases. Group insurance will be continued by the University.

The individual is obliged to return to teaching or administrating at MWSU for at least two years or remit all salary **and fringe benefits received paid** while on leave ~~plus fringe benefits paid~~. Additionally, during the first semester upon his or her return, the awardee is obligated to file a report on how the original aims of the sabbatical request were fulfilled. The report is to be sent to the appropriate supervisor/supervisors and vice president. Each faculty awardee is also required to provide a copy of the leave report to the **current President of the Faculty Senate and the current chairperson of the Professional Leave Committee.**

**Application Procedures for Faculty.** A faculty applicant for sabbatical leave must submit one copy of the leave proposal to the department Chairperson by September 1. The Chairperson shall submit the proposal and the chair's recommendation to the appropriate Dean ~~of the College~~ and the chair of the Professional Leave Committee by September 15. The Dean ~~of the College~~ will submit his or her recommendation to the chair of the Professional Leave Committee by October 1.

**Approval Procedures for Faculty.** In considering proposals for sabbatical leave, the Professional Leave Committee requires the candidate to provide the following specific items: (a) name, education status, and present academic rank; (b) eligibility (years in service at MWSU); (c) type of leave being requested; (d) outline of proposed course of study or professional activity to be undertaken during leave; (e) certification of acceptance in above program (recommendation is contingent on acceptance or validity of program; (f) major goal to be achieved as a result of leave; (g) justification for leave; (h) benefit to be accrued to the department and/or institution; (i) departmental arrangements to cover leave; (j) a brief resume/vita which shows evidence of the candidate's professional development and overall performance at MWSU; (k) other pertinent information an applicant may wish to submit, **for example, (i.e. student evaluations, testimonials, previous academic record, etc.) and others.** In addition, any faculty member who was granted a sabbatical prior to the current application should provide a copy of the leave report from any previous sabbatical. The proposal will provide sufficient detail concerning the product and process of the proposed leave and will be limited to fifteen (15) pages, **exclusive of excluding** the candidate's resume/vita and any previous leave reports.

All candidates for leave will be interviewed by the Professional Leave Committee. The committee Chairperson will make the necessary arrangements to schedule same.

The Professional Leave Committee will base its decision to recommend or not recommend the request on the following criteria: (a) merit of the scholarly and/or other professional development of proposed activity; (b) benefit of project to students, department and/or institution; (c) merit of candidate's overall performance at MWSU. After considering all eave requests the Professional Leave Committee will determine, via secret ballot, which candidates will be recommended for leave and a priority ranking of these candidates will be established. Final committee recommendations with a ranking of candidates and the rationale for the rankings will be forwarded to the Provost and Vice President for Academic and Student Affairs and the Faculty Senate for consideration by October 25. The committee will also forward to the Provost and Vice President for Academic and Student Affairs copies of the proposals and recommendations from the chairs and Dean ~~s of the College~~. The committee will forward to each applicant and the appropriate Dean ~~of the College~~ and ~~chair, chair~~ the committee's recommendation and rationale (the rankings will not be included) by October 25. The Faculty Senate will review the committee's recommendations, including the rationale for its rankings, at its meetings in the first week of November, and may forward any comments which it may have concerning the committee's decision to the Provost and Vice President for Academic and Student Affairs no later than five (5) days after the Senate meeting at which the committee submits **its** ~~it~~ recommendations. The rankings of candidates shall not be included in the minutes of the meeting at which the committee's recommendations are reviewed, but the names of the candidates approved by the Senate for sabbatical leave shall be reported, in alphabetical order, along with a description of their projects and departmental affiliation. The Provost and Vice President for Academic and Student Affairs will forward his/her recommendations to each applicant and the appropriate Dean ~~of the College~~ and chair when the recommendations are sent to the President.

**Summary of Sabbatical Application Timeline**

|                           | <u>From</u>      | <u>To</u>                     | <u>Date</u>    |
|---------------------------|------------------|-------------------------------|----------------|
| <u>Application Packet</u> | <u>Candidate</u> | <u>Department Chairperson</u> | <u>Sept. 1</u> |

|                                                                        |                                                                      |                                                                                                                |                                 |
|------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------|
| <u>Application Packet</u><br><u>Letter of</u><br><u>Recommendation</u> | <u>Department Chairperson</u>                                        | <u>Dean of College</u><br><u>Chair of Professional</u><br><u>Leave Committee</u>                               | <u>Sept. 15</u>                 |
| <u>Letter of</u><br><u>Recommendation</u>                              | <u>Dean of College</u>                                               | <u>Chair of Professional</u><br><u>Leave Committee</u>                                                         | <u>Oct. 1</u>                   |
| <u>Interviews of Candidates</u>                                        | <u>Conducted by</u><br><u>Professional Leave</u><br><u>Committee</u> |                                                                                                                | <u>Oct. 2-20</u>                |
| <u>Recommendations and</u><br><u>Rankings</u>                          | <u>Professional Leave</u><br><u>Committee</u>                        | <u>Faculty Senate</u><br><u>Provost and Vice</u><br><u>President of Academic</u><br><u>and Student Affairs</u> | <u>Oct. 25</u>                  |
| <u>Recommendations and</u><br><u>Comments</u>                          | <u>Faculty Senate</u>                                                | <u>Provost</u>                                                                                                 | <u>Within 5 days of meeting</u> |
| <u>Recommendations</u>                                                 | <u>Provost</u>                                                       | <u>President</u>                                                                                               |                                 |
| <u>Recommendations</u>                                                 | <u>President</u>                                                     | <u>Board of Governors</u>                                                                                      |                                 |

AY 2008-09 Policy Guide, pp. 149-151

Suggested changes are **bold and underlined**. Suggested deletions are ~~**bold and struckthrough**~~.

## 7. Sabbatical Leave

The purpose of sabbatical leave is for the professional development of the employee and for increased effectiveness of the individual to the institution and higher education. Sabbatical leave is open to any full-time employee who: (a) will have served five years on the staff; (b) has appropriate authorities; (c) has a proper and satisfactory record of performance as a teacher or administrator, as a counselor, and as a citizen in the University community.

Leaves should seldom be for more than one academic year plus contiguous summers. A faculty member may have the option of one academic year at one-half salary or one-half of an academic year at 100% salary. Sick leave does not accumulate. An administrator or exempt staff member may have the option of one full year at one-half salary or one-half year at the three-fourths salary. If funds are available, grants for support during the summer months will be offered.

Leaves for a period of one year will not interfere with scheduled salary increases. Group insurance will be continued by the University.

The individual is obliged to return to teaching or administrating at Missouri Western State University for at least two years or remit all salary paid while on leave plus fringe benefits paid. Additionally, during the first semester upon his or her return, the awardee is obligated to file a report on how the original aims of the sabbatical request were fulfilled. The report is to be sent to the appropriate supervisor/supervisors and vice president. Each faculty awardee is also required to provide a copy of the leave to the Faculty Senate. (May 2000)

Application Procedures for Faculty. **Refer to:**  
**Section Two. Academic and Instructional Policies**  
**III. Instructional Policies**  
**P. Sabbatical Leave.**

~~A faculty applicant for sabbatical leave must submit one copy of the leave proposal to the department Chairperson by September 1. The proposal and the chair's recommendation must be submitted to the appropriate Dean of the College and the Chair of the Professional Leave Committee by September 15. The recommendation of the appropriate Dean of the College shall be forwarded to the Chair of the Professional Leave Committee by October 1. (June 2001)~~

Approval Procedures for Faculty. **Refer to:**  
**Section Two. Academic and Instructional Policies**  
**III. Instructional Policies**  
**P. Sabbatical Leave.**



~~In considering proposals for sabbatical leave, the Professional Leave Committee requires the candidate to provide the following specific items: (a) name, education status, and present academic rank; (b) eligibility (years in service at MWSU); (c) type of leave being requested; (d) outline of proposed course of study or professional activity to be undertaken during leave; (e) certification of acceptance in above program (recommendation is contingent on acceptance or validity of program); (f) major goal to be achieved as a result of leave; (g) justification for leave; (h) benefit to be accrued to the department and/or institution; (i) departmental arrangements to cover leave; (j) a brief resume/vita which shows evidence of the candidate's professional development and overall performance at MWSU; (k) other testimonials, previous academic record, etc.—The proposal will provide sufficient detail concerning the product and process of the proposed leave and will be limited to fifteen (15) pages, exclusive of the candidate's resume/vita and any previous leave reports. (May 2000)~~

~~All candidates for leave will be interviewed by the Professional Leave Committee. The committee Chairperson will make the necessary arrangements to schedule same.~~

~~The Professional Leave Committee will base its decision to recommend or not recommend the request on the following criteria: (a) merit of the scholarly and/or other professional development of proposed activity; (b) benefit of project to students, department and/or institution; (c) merit of candidate's overall performance at MWSU.~~

~~After considering all leave requests the Professional Leave Committee will determine, via secret ballot, which candidates will be recommended for leave and a priority ranking of these candidates will be established. Final committee recommendations with a ranking of candidates and the rationale for the rankings will be forwarded to the Provost and Vice President for Academic and Student Affairs and the Faculty Senate for consideration by October 25. The committee will also forward to the Provost and Vice President for Academic and Student Affairs copies of the proposals and recommendations from the chairs and Dean of the College. The committee will forward to each applicant and the appropriate Dean of the College and chair the committee's recommendation and rationale (the rankings will not be included) by October 25. The Faculty Senate will review the committee's recommendations, including the rationale for its rankings, at its meetings in the first week of November, and may forward any comments which it may have concerning the committee's decision to the Provost and Vice President for Academic and Student Affairs no later than five days after the Senate meeting at which the committee submits its recommendations. The rankings of candidates shall not be included in the minutes of the meeting at which the committee's recommendations are reviewed, but the names of the candidates approved by the Senate for sabbatical leave shall be reported, in alphabetical order, along with a description of their projects and departmental affiliation. The Provost and Vice President for Academic and Student Affairs will forward his/her recommendations to each applicant and the appropriate Dean of the College and chair when the recommendations are sent to the President. (June 2001)~~

Approval Procedures for Administrators and Exempt Staff: Copies of the leave proposal should be submitted to the administrator's and exempt staff's immediate supervisor. Formal approval of the proposal for sabbatical leave will be made by the applicant's immediate supervisor and the President, with final action taken by the Board of Governors. The President will base the decision on the following: (a) eligibility, (b) type of leave, (c) how the individual plans to make use of time, and (d) future effectiveness. Preference will be given to the applicant's request for a leave, either for financial or educational reasons, even if the administrative member is eligible and the purpose of the leave is valid.

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on April 24, 2009.

**GAC #08-18 – Community Expectations, Code of Conduct and Student Conduct Procedures Revision**

**Source of Proposal:** Student Development

**Purpose of Proposal:** Policy Revision, Procedure Revision, New Policy/Procedure

**Current Policy or Procedure:** 2008-2009 Student Handbook, pages 30-40

**Proposed Policy or Procedure:**

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on March 30, 2009.

**GAC #08-18 – Community Expectations, Code of Conduct and Student Conduct Procedures Revision**

**Source of Proposal:** Student Development

**Purpose of Proposal:** Policy Revision, Procedure Revision, New Policy/Procedure

**Current Policy or Procedure:** 2008-2009 Student Handbook, pages 30-40

**Proposed Policy or Procedure:**

**GAC Summary:** This proposal will be forwarded to the President for his approval.

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**GAC #08-18 – Community Expectations, Code of Conduct and Student Conduct Procedures Revision**

**Source of Proposal:** Student Development

**Purpose of Proposal:** Policy Revision, Procedure Revision, New Policy/Procedure

**Current Policy or Procedure:** 2008-2009 Student Handbook, pages 30-40

**COMMUNITY EXPECTATIONS**

When students choose to accept admission to Missouri Western State University, they accept the rights

and responsibilities of membership in the university's academic and social community. As members of the university community, students are expected to uphold its values 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 our shared community.

*We expect all members of the Western community to exhibit:*

***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 toward 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 such as buildings, library books, equipment and green spaces responsibly.

This principle requires students to respect personal and institutional property, inside and outside the Missouri Western State University 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.

**CODE OF CONDUCT**

Missouri Western State University believes that students enrolling at this university have as their goal the pursuit of an outstanding higher educational experience. It is recognized, however, that occasionally a student or students will violate the rules and regulations of the institution and that disciplinary action will be needed. Upon enrolling in this university, each student assumes an obligation to conduct herself or himself 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 the campus or while 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. Inappropriate or unlawful conduct interferes with, impairs, or obstructs the mission and functions of the university, or adversely affects the interests of the university community.

It should be stressed that the university is not responsible for enforcing state and/or federal laws and that the following regulations and procedures concern university rules and policies. The university will take action, however, if it is informed of a student's violation of state and/or federal laws. Missouri Western State University is fortunate to have the benefit of the widely recognized "General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education." This document, written by the Western District Court of Missouri en banc, endeavors to set forth the due process which must be accorded students in public college and university discipline

and judiciary cases. The university has sought to fully comply.

### **Temporary Dismissal**

Any conduct which violates university policies or regulations may subject a student to disciplinary action. 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, disciplinary hearings and resulting sanctions may take place even if the alleged victim chooses to no longer participate. So that the student involved in a disciplinary hearing will be given every opportunity to present her or his case to the proper hearing agency, the following rules and regulations establishing judicial channels and authority are described.

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 dismissal until review has occurred.

1. Physical assault or the threat of physical assault or verbal abuse of another student or students, faculty, or staff contributing to concerns about individual safety both on and off campus or potentially affecting the general safety of the campus. The instructions of Missouri Western State University Police Department staff are to be complied with immediately and with no argument or disrespectfulness.
2. The brandishing or use of anything which can reasonably be construed as a weapon.
3. Efforts to intimidate individuals by groups of people.
4. The abuse of property including grossly negligent or irresponsible use of property whether it belongs to other individuals or Missouri Western State University.
5. Be in possession of enough illegal substances such as drugs including so-called party drugs or alcohol so as to warrant suspicion of intent to distribute.
6. Failure to appear to a requested meeting by a university official. It is the responsibility of the Associate Dean of Student Development acting on behalf of the best interests of the university to implement through an informal disposition the judicial 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.

### **GENERAL UNIVERSITY RULES AND REGULATIONS**

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 it will be addressed by the university using established conduct procedures.

*The following actions are deemed unacceptable behavior and shall constitute a rule violation:*

1. Disrupting classes, seminars, research projects, or activities of the university.
2. Assaulting or threatening to assault any person, to engage in any unwelcome physical contact (which

includes, but is not limited to, unwanted touching, even between acquaintances) with any person, to make unwelcome advances, or to engage in conduct which threatens or endangers the health or safety of any person.

3. Engaging in lewd, indecent or obscene conduct or expression or to repeat, propose or request such conduct or expression, after being asked to stop.

4. 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. This also covers harassment or intimidation of university officials while they are discharging their official duties and responsibilities.)

5. Harassing or intimidating university officials while they are discharging their official duties and responsibilities.

6. Engaging in disorderly conduct or expression, a breach of the peace or aid or incite another to a breach of the peace.

7. 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.

8. Exhibiting such behavior or engage in activities, which endanger the safety of oneself or others.

9. 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.

10. Using or possessing alcoholic beverages on campus. 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.

11. 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.

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

13. Stealing or attempt to steal university property or property of any person and/or to be in possession of stolen property.

14. Forging, altering, transferring, infringing on the copyright of, or misuse university documents, including identification cards.

15. Entering and using university facilities without authorization by appropriate university officials.

16. Engaging in hazing, which is defined as an 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.
17. 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.
18. 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.
19. Engaging in computer abuse, which includes but is not limited to, plagiarism of programs, misuse of computer accounts, unauthorized destruction of files, creation of illegal accounts, possession of authorized passwords, the viewing or distribution of pornographic material, and disruptive or annoying behavior toward the university's computer system.
20. Providing false information in the application for admission, petitions, requests, disciplinary hearings, or other matters of record, and transactions with officials of the university.
21. Falsely report information of an emergency nature (i.e., false report of a bomb, fire, or other emergency) in any building, structure of facility.
22. 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.
23. Using or possessing any university key without proper authorization. No student is allowed, under any condition, to have a university key duplicated.
24. Sell a textbook that does not belong to oneself without prior authorization by the book's owner.
25. Misuse or use university property without proper authorization.
26. Committing any act, which is a violation of a criminal law of the United States, the State of Missouri or a municipal ordinance.
27. Failing to obey a reasonable order or request by a university official.
28. 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 are permitted with their masters anywhere on campus.
29. Failing to obey Housing Complex rules and regulations, whether or not one is a resident.
30. Conduct oneself in such a manner so as to reflect unfavorably upon the individual student or the university community.

## **STUDENT CONDUCT PROCEDURES**

### *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 dispositions are the Associate Dean of Student Development or his/her designee, the Director of Residential Life or his/her designee, the Director of Recreation Services or his/her designee, and the Director of Student Engagement 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, signed complaint against a student with the Associate Dean of Student Development.

(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 of an accused student.

(9) The “**Hearing Panel**” is the body which is authorized to conduct hearings and to make determinations *after the informal disposition*. Appointed by the Dean of Student Affairs, it will normally be concerned with cases which are serious enough to result in dismissal or expulsion. Students may appeal less serious sanctions than dismissal or expulsion. The Hearing Panel has the options of upholding the original sanction or recommending lesser or greater sanctions. There are four hearing panels to hear appeals based on which University official conducts the informal disposition:

1. Associate Dean of Student Development Hearing Panel
2. Recreation Service Hearing Panel
3. Residential Life Hearing Panel
4. Student Organizations and Activities Hearing Panel

(10) The “**Associate Dean of Student Development**” or his/her authorized designee is the person designated by the University President to be responsible for the administration of the Student Disciplinary Code 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 “**Appellate Panel**” is the body appointed by the University President to consider appeals of determination made by the Hearing Panels. The Appellate Panel has the options of upholding the decision of the Hearing Panel or imposing lesser or even greater sanctions. The Appellate Panel is the final appeal body available to students upon whom disciplinary sanctions have been imposed.

(13) The term “**Student Code**” pertains to the rules, regulations and policies of the university, which apply to students and/or student organizations.

(14) The term “**Informal Disposition**” refers to the process by which the Associate Dean of Student Development or his/her designee may offer a student appropriate discipline, which the student has the right to accept or reject, for a rule infraction. The judicial sanction of immediate temporary dismissal from the University or university facilities takes place immediately subject to further review of the incident and may be appealed to the appropriate Hearing Panel.

## **Procedures**

### ***Section 1. Associate Dean of Student Development***

The Associate Dean of Student Development or his/her designated representative, who shall not be an attorney, is the primary officer for administration of discipline for the violation of university rules and regulations. The Associate Dean of Student Development may invoke such discipline or sanctions for violation of a university rule or regulation as set forth in Section 2 below. 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 Associate Dean of Student Development in writing setting forth the time, date, place and details giving rise to the complaint. 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 a university rule or regulations.

Disciplinary action begins with an informal disposition where the facts surrounding the alleged violation are described and initial sanctions are imposed. It is during the informal disposition that the incident is reviewed in order to determine what happened; 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, interviewed, and may be questioned by the accused. All of this information is recorded and becomes the University Evidence should an appeal be requested. These informal dispositions are conducted by the Associate Dean of Student Development or his/her designee.

Usually the informal disposition will be conducted by 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.

Customarily the Director of Recreation Services or his/her designee, the Director of Residential Life or his/her designee or the Director of Student Engagement or his/her designee will conduct these informal dispositions. The Associate Dean of Student Development will conduct all other informal dispositions and all informal dispositions serious enough to result in dismissal or expulsion from the university.

Students have the right to appeal the sanctions imposed during the *informal disposition*. These appeals will go to the appropriate *hearing panel*. Each *hearing panel* will consist of seven members, two of whom are students. After receiving the decision of the hearing panel, the final opportunity for a student to appeal is to the *appellate panel*.

The appellate panel consists of two faculty members and one staff member.

### ***Section 2. Sanctions***

***A. The following sanctions or a combination thereof may be imposed upon any student found to have violated the Student Disciplinary Code. Sanctions will be administered by the Associate Dean of Student Development or his/her designee:***

(1)Warning - a notice in writing to the student that the student is violating or has violated institutional



regulations.

(2) 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 student is found to be violating any institutional regulation(s) during the probationary period. Probation may include an assignment of community service and may include one or more of the discretionary sanctions listed below. The Associate Dean of Student Development or his/her designee may determine the length of community service. Failure to comply with any or all components of probation may be considered cause for immediate dismissal from the university pending a hearing.

(3) Loss of Privileges - denial of specified privileges for a designated period of time.

(4) Restitution - compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(5) Discretionary Sanctions - work assignments, service to the university, service to the community, an oral or written apology, counseling or other related discretionary assignments. Failure to complete a discretionary sanction(s) will result in additional sanctioning.

(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 readmission may be specified.

(7) Residence Hall Expulsion – permanent separation of the student from the residence halls.

(8) University Suspension - separation of the student from the university for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(9) 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.

***B. The following sanctions or a combination thereof may be imposed upon groups or organizations found to have violated the Student Disciplinary Code:***

(1) Warning - a notice in writing to the organization that students comprising such organization are violating or have violated institutional regulations.

(2) 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.

Probation may include an assignment of community service and may include one or more of the discretionary sanctions listed below. The Associate Dean of Student Development or his/her designee may determine the length of community service.

Failure to comply with any or all components of probation may be considered cause for immediate suspension from the university pending a hearing.

(3) Loss of Privileges - denial of specified privileges for a designated period of time.

(4) Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

(5) Discretionary Sanctions - work assignments, service to the university, service to the community, an oral or written apology, counseling, or other related discretionary assignments.

(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.

### ***Section 3. Investigation***

As part of the informal disposition, the Associate Dean of Student Development or his/her designee 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 Associate Dean of Student Development or his/her designee may discuss, consult and advise with any student whose conduct is called in question, and the student shall attend such consultations as requested.

The Associate Dean of Student Development or his/her designee, 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.

### ***Section 4. Notice and Imposition of Sanctions/Right to Hearing***

The Associate Dean of Student Development or his/her designee, after investigation, shall have the authority to impose appropriate discipline. This is known as *informal disposition*. The student shall have five (5) business days to elect, in writing, to appeal the sanctions imposed or the sanction shall stand. Students requested to attend an informal disposition hearing may be accompanied by a family member or friend whose role is solely that of providing emotional support to the student.

### ***Section 5. Temporary Suspension***

The Associate Dean of Student Development or his/her designee may dismiss a student from university facilities, including dormitories, 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 (The above mentioned suspension does not include academic suspension.)

Only the Associate Dean of Student Development may suspend a student from the campus. Although the temporary suspension will be imposed at the informal disposition, the student has the right to appeal in writing suspension from facilities or campus within five (5) business days. The appropriate Hearing Panel will be convened within 15 business days upon receipt of the student's appeal of the temporary suspension.

After a student has been temporarily suspended, the Associate Dean of Student Development may conduct an investigation lasting no more than six (6) weeks before imposing another sanction replacing the temporary suspension. The President, or his/her representative, as authorized by the Board of Governors, may at any time suspend, expel, or deny readmission to a student from the university pending formal procedures when he/she finds and believes from information coming to his/her attention that the presence of a student on the campus would seriously disrupt the university or constitutes a danger to the health, safety or welfare of the university. The appropriate disciplinary procedures shall be initiated, at a minimum, within five calendar days of such action; that is, the Associate Dean of Student Development shall begin the official notification proceedings as described in Section 6.C.

## *Section 6. Formal Procedures and Disposition*

### A. Hearing Panels:

Each Hearing Panel shall be comprised of up to seven (7) voting members of which two (2) must be students and shall be appointed by the Dean of Student Affairs or his/her designee. When a board hearing is called, the Dean of Student Affairs or his/her designee shall designate a Chairperson and a substitute Chairperson in the event the original designee is disqualified or unable to serve. The Chairperson of the Hearing Panel will count as one member and will have, in addition to his/her authority as Chairperson, the same voting and other rights as the rest of the panel. If neither the Chairperson nor the substitute Chairperson is available for the hearing, the Associate Dean of Student Development shall appoint a temporary Chairperson from the existing panel for that particular hearing. The Chairperson's responsibility will be to organize the board hearing, manage the proceedings, and author the written statement of the board's findings and recommended actions.

The Hearing Panel quorum shall consist of five (5) voting board members of whom one (1) must be a student. Neither the President, any member of the President's Cabinet, the Dean of Student Affairs, nor members of the Dean of Student Affairs staff may be appointed to serve as voting Conduct Board members.

B. General Statement of Procedures: A student charged with a breach of university rules or regulations or with conduct in violation of the university rules is entitled to an informal disposition and a written notice summarizing the contents and the sanctions imposed during the informal disposition.

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 judicial trials, but care shall be taken to comply as fully as possible with the spirit and intent of the procedural safeguards set forth herein.

### C. Appeal Notice:

Prior to initiating formal appeal proceedings with the Panel, the Associate Dean of Student Development shall review the sanctions which have been imposed but are being appealed with the university attorney. The Associate Dean of Student Development shall initiate formal appeal of the imposed sanctions by arranging with the Chairperson to call a meeting of the Panel by giving written notice, by certified mail or personal delivery, to the student accused of misconduct. This notice shall set forth the specific ground or grounds and the nature of the evidence on which proceedings are to be based, list of witnesses, and the date, time and place of hearing. Failure by the student to have his/her current, correct local address on record with the university shall not be construed to invalidate such notice. The notice shall be given at least ten (10) consecutive calendar days prior to the hearing.

The Associate Dean of Student Development may give a shorter or longer time of the notice for good cause. Any request for continuance shall be made in writing to the Chairperson of the Panel, who shall have the authority, at her/his discretion, to continue the hearing if she/he determines the request is timely and made for good cause. The request shall be submitted to the Chairperson at least 24 hours in advance of the hearing and shall state the reason for the request. The Chairperson shall notify the Associate Dean of Student Development and the student of the new date for the hearing, if any. If the student fails to appear at the scheduled time, the Panel may hear and determine the matter in her/his absence.

### D. Conduct of: The appeal hearing shall proceed as follows:

Preliminary: All hearings shall be conducted in private. Admission of any person to the hearing shall be at the discretion of the Chairperson of the Panel. The Chairperson of the Panel shall preside at the meeting, call the hearing to order, call the roll of the panel in attendance and ascertain the presence of a

quorum, establish for the record the presence of all persons present, read the Executive Summary of the informal disposition with the Associate Dean of Student Development or his/her designee and report any updates pertaining to the matter since the informal disposition. The Chairperson shall call to the attention of the student and her/his adviser any special or extraordinary procedures to be employed during the, and permit the student to make suggestions or objections to any procedures for the panel to consider. The student will be asked whether she or he agrees with the events described in the Executive Summary and her/his role. The student will then be given the opportunity to describe why she/he is appealing the disciplinary sanctions imposed during the informal disposition. All statements shall be taken under oath or affirmation.

The hearing will then proceed as follows:

(1) Presentation of Evidence: Each party shall have the right to make an opening statement outlining their case and the evidence they intend to present. The accused student has the prerogative to defer her/his opening statement to just before presenting her/his evidence.

(a) University Evidence: The Associate Dean of Student Development shall then present his/her evidence.

(b) Student's Evidence: The accused student shall then present her/his new evidence.

(c) Rebuttal Evidence: The Associate Dean of Student Development may then offer any rebuttal evidence.

(2) Rules of Evidence: No formal rules of evidence shall apply. However, each party, as well as members of the Panel, shall be permitted to examine or ask questions of pertaining to the record submitted from the informal disposition. Only new witnesses or evidence can be submitted. Each party shall have the right to examine and inquire about any documentary evidence that is presented. All evidentiary and procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Chairperson, whose ruling shall be final unless the Chairperson shall present the question to the panel, or unless a panel member requests that the question be put to the panel, in which event the ruling of the panel by a majority vote shall be final. The Chairperson and/or the Panel may consult with the Panel's legal adviser as necessary in rendering all such rulings.

In the event a student has been found guilty of a law violation in a federal, state or city court and such violation also constitutes a violation of a university rule and/or regulation, evidence of such conviction shall be admissible and the accused violation based solely thereon.

(3) Presumption of Innocence: The accused student shall be presumed innocent until it is proven that the student more likely than not violated the rule, regulation or policy for which the student is charged.

(4) General Rules of Decorum: The following general rules of decorum shall be adhered to:

(1) All requests to address the panel shall be addressed to the Chairperson.

(2) The Chairperson will rule on all requests and points of order and may consult with the panel's legal adviser prior to any ruling. The Chairperson's ruling shall be final and all participants shall abide thereby, unless the Chairperson shall present the question to the panel at the request of a panel member. In that event, the ruling of the panel by majority vote shall be final.

(3) Rules of common courtesy and decency shall be observed at all times by all parties present.

E. Legal Adviser to the Panel:

The University shall provide the Panel with its own legal adviser upon the request of the Panel. Such legal advisor shall not be the university's attorney or a member of any firm representing the university.

The legal adviser may advise the Panel in connection with the hearing and in all other aspects of their responsibilities, but shall not participate directly in the hearing by examining witnesses or in their decision-making deliberations.

#### F. Rights of Panel:

The Panel shall have the right:

- (1) in cases involving more than one student which arise out of the same transaction or occurrence, to hear such cases together, but in that event shall make separate findings and determinations for each student;
- (2) to permit a stipulation of facts by the Associate Dean of Student Development and student(s) involved;
- (3) to permit the incorporation in the record by a reference of any document, affidavit or other thing produced and desired to be incorporated in the record by the Associate Dean of Student Development or the accused student;
- (4) to question witnesses on other evidence introduced by either the Associate Dean of Student Development or the student at any time;
- (5) to call additional witnesses or require additional investigation;
- (6) to dismiss any action at any time or permit informal disposition as otherwise provided;
- (7) to at any time permit or require amendments of the Notice of Hearing to include new or additional matters which may come to the attention of the panel before final determination of the case, provided however, that in such event the panel shall grant to the student or Associate Dean of Student Development such time as the panel may determine reasonable under the circumstance to answer or explain such additional matters;
- (8) to dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chairperson on request; and
- (9) to hear from the Associate Dean of Student Development about dispositions made in similar cases and any dispositions offered to the student appearing before the panel.
- (10) to conduct disciplinary hearings and resulting sanctions even if the alleged victim chooses to no longer participate.
- (11) to be informed of previous disciplinary action and/or investigations.

#### G. Student Rights at Hearing:

A student appearing before the Hearing Panel pursuant to formal notice of rule violations and disciplinary hearing shall have the right:

- (1) to be present at the hearing;
- (2) to be assisted by an adviser of her/his choice and at her/his expense (the accused advisor is not permitted to address or participate directly in the hearing);
- (3) to hear or examine evidence presented to the panel against her/him;
- (4) to question witnesses present and testifying against her/him at the hearing;
- (5) to present evidence by witnesses or affidavit of any defense the student desires;
- (6) to make any statement to the panel in mitigation or explanation of her/his conduct in question that she/he desires;
- (7) to challenge any panel member if the student feels there is a conflict of interest or if bias is shown by a panel member and ask that the panel member be stricken or replaced by another panel member (the Chairperson will rule on such a challenge);
- (8) to be informed in writing of the findings of the Hearing Panel and any discipline it determines; and
- (9) to appeal as herein provided.

Notwithstanding the foregoing, the accused student may forfeit some of her/his rights, including the right to present during the hearing, if the accused student's conduct or actions during the hearing are unduly obstructive, disruptive or threatening.

#### H. Complainant's Rights at Hearing:

A complainant shall have the following rights:

- (1) to be present at the hearing;
- (2) to be assisted by an adviser of her/his choice and at her/his expense (the adviser is not permitted to address witnesses or participate directly in the hearing);
- (3) to question witnesses present;
- (4) to make any statement to the panel on behalf of her/his complaint;
- (5) to challenge any panel member if the student feels there is a conflict of interest or if bias is shown by a panel member and ask that the panel member be replaced (the Chairperson will rule on such a challenge); and
- (6) to be notified of the ruling.

Notwithstanding the foregoing, the complainant may forfeit some of her/his rights, including the right to be present during the hearing, if the complainant's conduct or actions during the hearing are unduly obstructive, disruptive or threatening.

#### I. Determination of the Panel:

The Panel in executive session shall determine by a majority vote of the panel members whether the student has violated each section of the Student Code with which she/he is accused of violation. Prior to these deliberations, each panel member shall be advised in writing that:

- (1) the student is presumed not to have committed the violation with which she/he is being charged;
- (2) the panel's determination must be based solely on the evidence presented at the hearing; and
- (3) the evidence must overcome the presumption of innocence and cause each panel member to believe that it is more likely than not that the accused student committed the violation with which she/he is charged.

If the student is found to have violated any section of the Student Code, the panel will then determine by a majority vote the discipline to be imposed.

#### J. Official Report of Findings and Determination:

The Panel shall promptly consider the case on its merits and make its written findings and determination and transmit them to the University President and Associate Dean of Student Development, who will transmit them to the accused student and complainant forthwith.

This will contain the specific findings and determinations of the panel's decision. The Hearing panel may utilize its legal adviser as the panel deems necessary in preparing and submitting its written findings and determination.

#### K. Record of Hearing:

There shall be a simple verbatim record, such as a tape recording, of all hearings before the Panel. The record shall be the property of the University. The notice, exhibits, hearing, record, and the findings and determination of the panel shall become the "Record of the Case" and shall be filed in the office of the

University President.

### ***Section 7. Right of Final Appeal***

#### **A. Appellate Panel:**

A decision by the Panel may be appealed to the Appellate Panel. The Appellate Panel, appointed by the University President, shall consist of three members; two faculty members and one staff member (i.e., no member of the university administration, as defined previously, may serve on the Appellate Panel). The University President shall designate the Chairperson of the Appellate Panel.

#### **B. Appellate Process:**

An appeal may be made by the student found in violation of a university regulations and policies. An appeal must be implemented by filing written notice of the appeal to the Appellate Panel in the University President's office within five (5) consecutive calendar days after notification of the decision by the Panel. A copy of the Notice of Appeal will be given to the other party initially filing the complaint if appropriate. The Chairperson of the Appellate Panel will arrange with the Appellate Panel to convene a meeting within five (5) consecutive calendar days of receipt of the Notice of Appeal. Provided however, the time for each meeting may be extended at the sole discretion of the Chair.

#### **C. Appellate Review:**

Except as required to receive new evidence, the Appellate Panel shall review the verbatim record of the hearing and supporting documents to make its decision.

**D. Appellate Action:** The Appellate Panel, upon review of the case, may affirm the decision and sanctions imposed by the Hearing Panel; remand the case back to the Hearing Panel for further proceedings; reverse the decision; or reduce, but not increase, the sanctions imposed by the Hearing Panel. If the Appellate Panel remands the case, reverses the decision or reduces the sanction, it shall base that decision on one or more of the following reasons:

- (1) the student was not given due process;
- (2) new or additional evidence became available;
- (3) the discipline was inappropriate for the violation;
- (4) the decision of the Panel was not based on competent and substantial evidence;
- (5) for other good cause.

#### **E. Finality of Decision:**

The decision of the Appellate Panel shall be final. The decision of the Appellate Panel shall be in writing and a copy thereof shall be delivered or mailed to the student.

#### **F. Legal Adviser to the Appellate Panel:**

The Appellate Panel may request of the President that the university provided the Appellate Panel with a legal adviser. Such legal adviser shall not be the university's attorney or a member of any firm representing the university. The legal adviser may advise the Appellate Panel in connection with its review and in all other aspects of their responsibilities.

### **Proposed Policy or Procedure:**

## **2009 – 2010 Community Expectations and Code of Conduct**

### **Community Expectations**

When students choose to accept admission to Missouri Western State University, 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, 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:

**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 be applied to conduct occurring off campus, on a case-by-case basis. The listing of code of conduct violations is meant to serve as a guide and is not exhaustive. Behavior that conflict with the community expectations, although not specifically included below, may be deemed violations of the code of conduct and adjudicated using these student conduct procedures.



The following actions are deemed unacceptable behavior and thus violations of the 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.
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.
4. Using or possessing alcoholic beverages on campus. 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. This also covers harassment or intimidation of university officials while they are discharging their official duties and responsibilities.)
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 an 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.

### **Disrespect for Property**

12. 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.
13. Entering and using university facilities without authorization by appropriate university officials.
14. 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.
15. 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.
16. Using or possessing any university key without proper authorization. No student is allowed, under any condition, to have a university key duplicated.
17. 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 are permitted with their masters anywhere on campus.

### **Disrespect for Authority**

18. Harassing or intimidating university officials while they are discharging their official duties and responsibilities.
19. 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.
20. 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.
21. Committing any act, which is a violation of a criminal law of the United States, the State of Missouri or a municipal ordinance.
22. Failing to obey Housing Complex rules and regulations, whether or not one is a resident.
23. Failing to obey a reasonable order or request by a university official.

### **Dishonesty**

24. Engaging in acts of academic dishonesty, which include but are not limited to, cheating and plagiarizing.
25. Stealing or attempting to steal university property or property of any person and/or to be in possession of stolen property.
26. Forging, altering, transferring, infringing on the copyright of, or misusing university documents, including identification cards.

27. Providing false information in the application for admission, petitions, requests, disciplinary hearings, or other matters of record, and transactions with officials of the university.
28. Falsely reporting information of an emergency nature (i.e., false report of a bomb, fire, or other emergency) in any building, structure of facility.
29. Selling a textbook that does not belong to oneself without prior authorization by the book's owner.
30. Misusing or using university property without proper authorization.

## **Code of Conduct Sanctioning Levels**

### **Level One Violations**

Level one violations are the most serious violations of the 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.
- 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.

Incident reports and statements with alleged level one violations will be immediately submitted to the Student Development 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 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:

- Multiple 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, intentionally to 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 Development office in a timely fashion for review. Level two violations may be adjudicated using formal or informal conduct procedures.

### **Level Three Violations**

Level three violations include any or all violations of the code of conduct in which students will be more than likely given a warning 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)

Incident reports and statements with alleged level three violations may be adjudicated through either the Residential Life or Student Development offices. Level three violations will be adjudicated using informal conduct procedures.

## **2009 – 2010 Student Conduct Procedures**

### ***Section 1: Philosophy***

Missouri Western State University believes that the goal of students enrolling at this university is the pursuit of an outstanding higher educational experience. It is recognized, however, that occasionally a student or students will violate the rules and regulations of the institution and that disciplinary action will be needed.

Upon enrolling in this university, each student assumes an obligation to conduct her or himself 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 the 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. Inappropriate or unlawful conduct interferes with, impairs, or obstructs the mission and functions of the university, or adversely affects the interests of the university community.

Any conduct that violates university policies or regulations may subject a student to the student conduct process. It should be noted that the burden of proof concerning the 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, disciplinary 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 her or his case to the proper hearing agency, the following rules and regulations establishing conduct channels and authority are described.

### ***Section 2: 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 described below will be followed. In most cases a University Police officer, another university staff member or a student, will file an incident report. After an incident report is filed, it will be referred to the Student Development office. The Associate Dean for Student Development will review the case and decide whether the case

will be handled as an informal or formal disposition.

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 or formal disposition. 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 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 disposition.

### *Section 3: 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 and formal dispositions are the Associate Dean of Student Development 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 Development 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 accused student.
- (9) The "*Appellate Board*" is the body which is authorized to conduct appeal hearings. Appointed by the University President, 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 "*Associate Dean of Student Development*" or his/her authorized 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 Associate Dean of Student Development 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 disposition. The conduct sanction of immediate temporary dismissal from the university or university facilities takes place immediately, subject to further review of the incident, and may be appealed to the appropriate Hearing Board.

(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 conduct hearing 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 must be scheduled.

(15) A “*formal disposition*” 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 Dispositions are tape recorded and follow an outline that includes the reading of student rights, reading verbatim of the incident report, reading of charges and an opportunity for the student to present a rebuttal to the incident report or formal complaint and to any alleged charges. Formal dispositions 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 must be presented to the charged student(s) within five (5) working days of the hearing.

#### ***Section 4: 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 Development office in writing setting forth the time, date, place and details giving rise to the complaint. The Associate Dean of Student Development or his/her designee, who shall not be an attorney, is the primary officer for administration of discipline for the violation of Student Code of Conduct. The Associate Dean of Student Development 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 or Formal Disposition) 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 or formal disposition), 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 administrator at least three (3) working days before the hearing of the date, time, location and nature of the hearing, including a description of the specific Code of Conduct 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. All communications to the student may be verbal, but must subsequently be confirmed in writing.

#### ***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 Development office. Once an incident report is submitted, it will be the charge of the Associate Dean for Student Development 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 two weeks.

All complaints shall be presented to the charged student in written form. A time shall be set for an informal or formal disposition, not less than five and no more than fifteen working days after the student has been notified. Maximum time limits for scheduling of an informal or formal disposition may be extended at the discretion of the Student Conduct Administrator.

#### ***D. Conduct Hearings (Informal and Formal Dispositions)***

Disciplinary action begins with a Conduct Hearing (Informal or Formal Disposition) 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 the university evidence, should an appeal be requested. These conduct hearings are conducted by the Associate Dean of Student Development or his/her designee. A family member or friend whose role is solely that of providing emotional support to the student may accompany students requested to attend a conduct hearing.

As part of a conduct hearing, the Associate Dean of Student Development or his/her designee 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 Associate Dean of Student Development or his/her designee 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 Associate Dean of Student Development or his/her designee, 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 Associate Dean of Student Development will designate professional staff members throughout the Division of Academic and Student Affairs who may be called upon to be Student Conduct Administrators. The Associate Dean of Student Development along with another Student Conduct Administrator 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.

#### ***E. Organizational Hearing***

An organizational hearing is a formal hearing conducted by one or more student conduct administrators. This type of hearing is conducted when there is a violation of the 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) will review all of the evidence and decide responsibility or non-responsibility. If there is a decision of responsibility, the conduct administrator(s) will then assign or recommend a disciplinary action for the organization and/or individual member(s), as appropriate.

An organizational hearing differs from a formal disposition in that:

1. The organization's adviser (faculty, administrative, staff, alumni, or other) is invited 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; and
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 in below the formal disposition procedures.

#### ***F. Outcomes***

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

1. ***University Warning*** - a notice in writing to the student that the student is violating or has violated the 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*** - 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 readmission 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 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 readmission 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** - 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.

### *Section 5: Special Circumstances*

#### **Immediate Temporary Suspension**

The Dean of Student Affairs or his/her designee may 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 Dean of Student Affairs that a student may be 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. The Vice President of Academic and Student Affairs/Provost or his/her designee will hear appeals of a Temporary Dismissal decision. The process is fully described in Section 7.

After temporarily suspending a student, the Dean of Student Affairs or his/her designee will have up to (5) 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. Physical assault or the threat of physical assault or verbal abuse of another student or students, faculty, or staff contributing to concerns about individual safety both on and off campus or potentially affecting the general safety of the campus. The instructions of University Police staff are to be complied with immediately and with no argument or disrespectfulness.
2. The brandishing or use of anything that can reasonably be construed as a weapon.
3. Efforts to intimidate individuals by groups of people.
4. The abuse of property including grossly negligent or irresponsible use of property whether it belongs to other individuals or Missouri Western State University.
5. 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 Associate Dean for Student Development 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 for a formal disposition. When possible, these cases will be chaired by two student conduct 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(s) may issue a “stay away” 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(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 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 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 Student Affairs 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**

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 chairperson and request a meeting with the department chairperson. The department chairperson 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 chairperson, the request should be made to the college or school dean. The chairperson's decision shall be provided in writing to the student and to the faculty member within thirty (30) calendar days of the chairperson'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 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 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.

Any student who has been found guilty of violating the academic honesty policy a second time will be reported by the Provost to the Associate Dean of Student Development for disciplinary action.

### ***Section 6: Formal Disposition 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 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, when the electronic record shall be retained with the student's record.
2. At the beginning of the hearing the charged student will be introduced to others who are present. 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 conduct administrator will read the incident report and ask the charged student to respond.
4. 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.
5. 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 the student conduct administrator/board chairperson. The student conduct administrator will decide which questions to ask of each person. The student conduct administrator 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 will decide the order of witnesses and when the victim and witnesses will be in the hearing room.
6. The student conduct administrator may ask questions of any charged student, victim or witness during the hearing.
7. The formal disposition 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 a student conduct administrator or conduct board.

## **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 Office of Student Development. 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.
- 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 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 (5) working day of the date of notification of that decision. University disciplinary actions are appealed to the Dean of Student Affairs.

## **C. Attendance**

All formal dispositions 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.

A student who cannot attend the disposition scheduled for consideration of his/her case must submit a written statement to the student conduct administrator stating the reasons for the conflict and requesting a new disposition date. This statement must be presented to the student conduct administrator not less than two (2) working days before the beginning of the hearing. At the discretion of the student conduct administrator the hearing may be rescheduled. Only one 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 or more cases involving common occurrences or the same student(s) are pending simultaneously, the student conduct administrator may decide to consolidate the disposition 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 disposition. Victims, complainants and the student conduct administrator may also invite witnesses to appear at the disposition. 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 before the scheduled hearing.

The student conduct administrator is to be notified by the charged student, victims, complainants or witnesses not less than one (1) working day before the disposition of those persons intending to provide testimony, whether in person or in writing. The student conduct administrator 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 may reasonably limit the scope of evidence considered in the disposition.

### **F. Adviser**

The charged student, a victim in a sexual assault case, or any victim who has received permission from the student conduct administrator, may have one adviser present at the hearing. If the student wants to have an adviser present, the student must notify the student conduct administrator of this fact in writing no later than two (2) working days before the beginning of the disposition.

Advisers are normally members of the Missouri Western community (i.e., current full-time students, faculty, staff). This adviser serves as a support person and is intended to be of direct assistance to the student before and during the disposition. The adviser may not speak for the student nor address the student conduct administrator or the conduct board. If the adviser is an attorney, the case will be heard as a formal disposition and the conduct administrator 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, 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 and communicated to the charged student in writing within five (5) working days of the conclusion of the hearing.

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

- The Director of Residential Life must approve disciplinary actions of limitation on activities in the Residence Halls.
- The Director of Residential Life in consultation with the Dean of Student Affairs or his/her designee must approve disciplinary action of termination of the housing contract.
- Disciplinary actions of limitation on activities on campus (outside of those in the Residence Halls) must be approved by the Associate Dean of Student Development.
- The Associate Dean of Student Development will approve disciplinary actions of university probation.
- The Dean of Student Affairs will approve disciplinary actions of suspension or expulsion.

The official receiving the recommendation may accept or lower the recommended disciplinary action. The student conduct administrator 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.

## ***Section 7: Appealing a Conduct Outcome***

### **A. Dean of Student Affairs**

#### **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 Student Affairs or his/her designee will determine if there are grounds to warrant an appeal. \*(Note — For cases in which the Dean of Student Affairs makes the disciplinary decision, the Provost 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. *Time Line***

A student has five (5) working days after receipt of the written notification of a disciplinary decision to file an appeal with the Student Development office. Failure to appeal within the five (5) working day period waives the right to appeal. Disciplinary actions will not be implemented while an appeal is under consideration.

#### **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 Student Development office, Blum Union, 228.
- 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 Student Affairs or his/her designee will notify the student in writing of his/her decision to deny the request for an appeal, 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, this administrator will notify the student of the delay within five (5) working days of the appeal filing date.

### **B. Appellate Board**

#### **1. *Overview***

A decision by the Dean of Student Affairs may be appealed to the Appellate Board. The Appellate Board, appointed by the University President or his/her designee, shall consist of three members; two faculty members and one staff member (i.e., no member of the university administration, as defined previously, may serve on the Appellate Board). The University

President or his/her designee shall designate the Chairperson of the Appellate Board.

**2. *Timeline***

An appeal must be implemented by filing written notice of the appeal to the Appellate Board in the University President's office within five (5) working days after notification of the decision by the Dean of Student Affairs or his/her designee. The Chairperson of the Appellate Board 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 of the board 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; remand the case back to the Hearing Board for further proceedings; reverse the decision; or reduce, or increase, the sanctions imposed by the Hearing Board. If the Appellate Board remands the case, 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 discipline was inappropriate for the violation;
- the decision of the Board 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 of the board 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 of the Appellate Board shall be in writing and a copy thereof shall be delivered or mailed to the student.

**6. *Legal Advisor to the Appellate Board***

The Appellate Board may request of the President that the university provide the Appellate Board with a legal adviser. Such legal adviser shall 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.

**GAC Summary:** One correction was noted under "Level Three Violation." The final paragraph, first sentence should read "Incident reports and statements with alleged level three violations may be adjudicated through either the Residential Life or Student Development offices." There was also a recommendation made to add a timeframe for the student appeal and for the Appellate Board decision. With these revisions, this proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on April 24, 2009.



## **GAC #08-19 – Tuition Fee Waiver**

**Source of Proposal:** Faculty Senate and Staff Senate

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** 2008-2009 Student Handbook, Section 3 IV. Benefits, C., Undergraduate Tuition and General Fee Waiver, p. 162

### **Courses Not Eligible for Tuition Waiver**

Some programs provide by MWSU may not be eligible for the Undergraduate Tuition and General Fee Waiver. Applied Learning classes in the Music program, for example, are private music instructions and are not eligible for the Undergraduate Tuition and General Waiver Program. If you have a question as to whether a class is eligible for the Undergraduate Tuition and General Fee Waiver Program, please contact the Human Resources Department for clarification.

### **Proposed Policy or Procedure:**

### **Courses Not Eligible for Tuition Waiver**

Some programs provide by MWSU may not be eligible for the Undergraduate Tuition and General Fee Waiver. Applied Learning classes in the Music program, for example, are private music instructions and are not eligible for the Fee Waiver Program. If you have a question as to whether a class is eligible for the Undergraduate Tuition and General Fee Waiver Program, please contact the Human Resources Department for clarification.

**GAC Summary:** This proposal was sent back for further discussion and clarified wording.

**Presidential Action:** No action needed at this time.

## **GAC #08-20 – Two Plus Two Program for International Students**

**Source of Proposal:** Faculty Senate

**Purpose of Proposal:** For Information

**Current Policy or Procedure:** None

**Proposed Policy or Procedure:** Undergraduate Catalog, p. 39

### **General Studies Program for Two plus Two International Students**

Students from certain international universities will be admitted to Western contingent upon having satisfied the General Studies requirements for mathematics, natural sciences, and physical health. To complete the General Studies program, these students must take nine credit

hours from each of the following categories:

**Category One – Basic Skills**

1. ENG 104 College Writing and Rhetoric (3) **AND** ENG 108 College Writing and Research (3)  
**OR** ENG 112 Honors Composition and Rhetoric (3)
2. COM 104 Oral Communication (3)

**Category Three – Social Sciences**

Select 9 hours with at least one course from each of the two following groups:

1. PSY 101 General Psychology (3) **OR** SOC 110 Introduction to Sociology (3) **OR** SOC 120 General Anthropology (3) **OR** GEO 100 World Geography (3) **OR** ECO 101 Current Issues in the Economy (3)  
**OR** ECO 260 Principles of Macroeconomics (3) **OR** ECO 261 Principles of Microeconomics (3)
2. HIS 140 American History to 1865 (3) **OR** HIS 150 American History since 1865 (3) **OR** GOV 101 American National Government (3)

**Category Four – Humanities**

Select one course each from three of the following groups:

1. HIS 200 Ancient and Medieval Civilization (3) **OR** HIS 210 Early Modern Civilization (3) **OR** HIS 230 Modern Europe: 1789 to the Present (3) **OR** HUM 203 Humanities: Ancient and Medieval (3) **OR** HUM 204 Humanities: Middle Ages to the French Revolution (3) **OR** HUM 205 Humanities: American Revolution to the Present (3)
2. ENG 210 Approaches to Literature (3) **OR** ENG 220 Introduction to Reading Texts (3) **OR** PHL 210 Introduction to Philosophy (3) **OR** PHL 230 Ethics (3) **OR** HUM 250 Comparative Religious (3)
3. ART 100 Introduction to Art (3) **OR** MUS 101 Perspectives in Music (3) **OR** THR 113 Introduction to Theatre (3)

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on April 24, 2009.

**GAC #08-21 – BIO and MAT General Studies Proposals**

**Source of Proposal:** Faculty Senate

**Purpose of Proposal:** Policy Revision

**Current Policy or Procedure:** Undergraduate Catalog

AY 2008-09 Undergraduate Catalog, page 183

BIO 105 Principles of Organismal Biology (5) F, Sp. Examines basic concepts and principles related to organismal morphology and homeostasis of representative organisms. Three hours lecture and three hours lab per week. LAS Writing.

AY 2008-09 Undergraduate Catalog, page 38

Category One – Basic Skills

1. MAT 110 OR any higher level mathematics course of 3 or more credits (excluding MAT 127 and 132)

AY 2008-09 Undergraduate Catalog, page 103

Category One – Basic Skills

1. MAT 110 Contemporary Problem Solving (3) (or any other higher level mathematics course of at least three credits, excluding MAT 127 or MAT 132)

**Proposed Policy or Procedure:**

Proposed additions are **bold**, and underlined.

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BIO 105 Principles of Organismal Biology (5) F, Sp. Examines basic concepts and principles related to organismal morphology and homeostasis of representative organisms. Three hours lecture and three hours lab per week. **Prerequisites: ACT scores in Math of 20 or higher, English of 19 or higher, Reading of 19 or higher, or the equivalent of each.** LAS Writing.

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Category One – Basic Skills

1. MAT 110 **Contemporary Problem Solving (3), MAT 112 Finite Mathematics (3), MAT 116 College Algebra (3), MAT 130 Pre-calculus (5), MAT 137 Calculus in Business and the Non-Physical Sciences (4), MAT 147 Applied Calculus (5), or MAT 167 Calculus with Analytical Geometry (5).** ~~OR any higher level mathematics course of 3 or more credits (excluding MAT 127 and 132)~~

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Category One – Basic Skills

1. MAT 110 Contemporary Problem Solving (3), **MAT 112 Finite Mathematics (3), MAT 116 College Algebra (3), MAT 130 Pre-calculus (5), MAT 137 Calculus in Business and the Non-Physical Sciences (4), MAT 147 Applied Calculus (5), or MAT 167 Calculus**

with Analytical Geometry (5). (or any other higher level mathematics course of at least three credits, excluding MAT 127 or MAT 132)

**GAC Summary:** This proposal will be forwarded to the President for his approval.

**Presidential Action:** This proposal was signed by the President on April 24, 2009.

Respectfully submitted,

Jennie McDonald  
Secretary