

Missouri Western State University

Student Code of Conduct | Rights and Responsibilities



2024-2025



A Message from the Vice President for Student Affairs - Dean of Students

Welcome to Missouri Western State University, Home of the Griffons! The Vice President for Student Affairs - Dean of Students Office at MWSU has a long and rich history and tradition, for decades the office has provided support and advocacy on behalf of our student body. MWSU's Division for Student Affairs advances the University's mission, vision and six core values: service, quality, enthusiasm, freedom, respect, and courage.

The purpose of the Student Code of Conduct | Rights and Responsibilities is to establish specific student expectations and responsibilities with the purpose of maintaining an environment conducive to the University's educational mission. Student Conduct processes are not to be construed as legal proceedings.

More information is available at our website: (<https://www.missouriwestern.edu/saem/dean-of-students/>). Your success is our priority and we hope you will take advantage of the many resources our university has to offer to our student body.

Griff Up!

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Missouri Western State University reserves the right to repeal, change or amend rules, regulations, and may withdraw, add to or modify the information in this handbook.

Missouri Western State University
Student Code of Conduct | Rights and Responsibilities
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NOTE: 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 athletic 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 his or her educational endeavors at other institutions of higher education.

GRIFFON

GOLD COMMUNITY STANDARDS

Respect for self, others, property, authority and honesty

I. Griffon Gold Community Standards

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. Students, faculty, staff, and administrators all have a responsibility to take care of the intellectual, social, emotional, psychological, and physical condition of the community we share. The Student Code of Conduct | Rights and Responsibilities (“Student Code of Conduct” or “Code”) is based on the standards of respect for self, respect for others, respect for property, respect for authority, and honesty and were developed to ensure students adhere to high ethical standards.

It is expected all members of the Missouri Western State University community will exhibit the following standards. These qualities, which are congruent with our community values, are integral parts of daily life on campus.

Respect for Self

Missouri 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

Missouri 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

Missouri 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 Missouri Western community.

Respect for Authority

Missouri 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

Missouri 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.

II. Student Code of Conduct

A. Overview

The Student Code of Conduct exists to support the mission of the Missouri Western State University as an educational institution. Students are expected to follow and uphold the standards of conduct as set forth in all University rules and regulations.

As members of an academic community, students must observe rules that benefit their classmates, their community, and their university. Students must practice personal integrity. By doing so, they respect the dignity, rights, and property of others. Missouri Western has a vital interest in the character of its students and, therefore, regards behavior at any location as a reflection of a student's character and fitness to be a member of the student body. The Student Code of Conduct thus creates an expectation of behavior that the University deems acceptable. By fulfilling these expectations, students can enjoy their own rights, while also respecting the rights of others and furthering the University's goals.

The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change, and respect for the rights of all individuals. Self-discipline and a respect for the rights of others in the university community are necessary for the fulfillment of such goals.

The Student Code of Conduct is designed to promote this environment at Missouri Western State University and sets forth the standards of conduct expected of students who choose to join the university community. Students who violate these standards will be subject to disciplinary sanctions in order to promote their own personal development, to protect the university community, and to maintain order and stability on campus.

The university reserves the right to deny admission to any person because of previous misconduct that may substantially affect the interest of the university, or to admit such a person on an appropriate disciplinary status. The university also reserves the right to withhold authority to register from any student or former student because of previous misconduct that may substantially affect the interests of the university or to assign appropriate disciplinary status to the student or former student.

The Vice President for Student Affairs (VPSA-DOS), in consultation with the Office of General Counsel, is authorized to amend this Code as may be required for compliance with applicable federal, state, local law, applicable regulations, or university policy. The university reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community, notwithstanding the provisions in this Code.

B. Applicability

Each student shall be responsible for their conduct from the time of enrollment through the actual awarding of a degree, including the academic year and periods between terms of actual enrollment. Discoveries of alleged Student Code of Conduct violations after a degree is awarded or the student has left MWSU may still be considered. Pending student conduct matters will continue through the process, even if the student withdraws from the University.

The requirements outlined in this Code apply to all Missouri Western registered student organizations (RSOs) and all students – both undergraduate and graduate – regardless of whether the student is taking classes online or on the campus.

The Code applies to off-campus conduct of students, student groups, and RSOs in direct connection with: academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad, or student teaching; any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment; any activity sponsored, conducted, or authorized by the university or RSOs; any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or any activity which could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceedings. This Code may be applied to behavior conducted online, via e-mail, text, or other electronic medium.

C. Authority and Jurisdiction

The State of Missouri has delegated, by statute, authority for the governance of Missouri Western State University to the Board of Governors. This includes “full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all Students while enrolled as such” and the authority to enforce obedience to those rules and regulations. It also has the power to delegate student conduct authority.

Disciplinary authority and the latitude necessary to ensure the intellectual, social, emotional, psychological, and physical condition of the university community have been delegated to the Vice President for Student Affairs-Dean of Students (VPSA-DOS) by the MWSU Board of Governors and the President of MWSU. The VPSA-DOS or designee has day-to-day responsibility for student conduct matters and maintenance of records of all actions taken.

Jurisdiction of Missouri Western State University generally shall be limited to conduct which occurs on the university’s premises or at university-sponsored or university-supervised functions. However, the university’s authority extends to off-campus conduct that violates the Code and adversely and directly affects the health, safety, or property of any member of the University community. However, the university’s authority extends to off-campus conduct that violates the Code and the university may take appropriate action, including, but not limited to the imposition of sanctions against students and student organizations in order to protect the health, safety, welfare, and well-being of students, employees, and other members of the University community, or if there are effects of the conduct that materially interfere with or limit any person’s or entity’s ability to participate in or benefit from the university’s educational programs, activities, or employment. Jurisdiction of conduct occurring in other settings, including off campus, may be exercised at the discretion of the university for these stated purposes, but shall not be exercised in any way that would interfere with a student’s protected constitutional rights.

D. Scope

The adoption of the Student Code of Conduct does not prohibit the university or the Board of Governors from adopting or maintaining additional rules to govern the conduct of students. Allegations of misconduct brought under the Student Code of Conduct may be combined with allegations arising under other university or Board policies or rules.

Students and student organizations are also subject to the following rules:

- Rules adopted by each university to govern the control of vehicles and other modes of transportation on university property,
- Rules relating to student classroom conduct, academic dishonesty, and academic eligibility, performance, and evaluation,
- Rules governing student housing,

- Rules governing the maintenance of public order,
- Rules governing the conduct of student athletes,
- Rules governing the use of university communication and computing resources, and
- Such other rules as may be adopted by the board, or the universities in furtherance of university and educational goals.

IV. Rights of Students

The students of Missouri Western State University are guaranteed certain rights by the Constitutions of the United States of America and the State of Missouri. In respect of those rights and in keeping with the values underlying them, Missouri Western State University recognizes students have the right to:

1. Pursue an education as long as the university's applicable academic standards, policies, regulations and applicable laws are followed;
2. Be free from discrimination on the basis of race, color, gender, sexual orientation, religion, national or ethnic origin, age, disability, or status as a disabled or Vietnam Era veteran.
3. Certain procedural due processes, including notice and an opportunity to be heard;
4. Request appropriate action from the administration for any violation of a right guaranteed by this Code;
6. Establish or disseminate publications free from any censorship or other official action controlling editorial policy or content in accordance with applicable regulations and university policy;
7. Invite and hear any speaker of choice on any subject, in accordance with applicable regulations and university policy;
8. Use campus facilities in accordance with applicable regulations and university policy;
9. Peaceably assemble, demonstrate, inform, or protest in accordance with applicable regulations and university policy;
10. Be secure in his/her possessions, against invasion of privacy, and unreasonable search and seizure; and
11. Form, join, and participate in any student organization or group without regard to race, color, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, age, religion, disability, political beliefs or status as a veteran. Provided, in accordance with Missouri state law, a religious student association may choose to limit its membership or leadership based on the sincerely held religious beliefs, observances, or practices of the group. Consistent with Title IX of the Education Amendments Act of 1972 (Title IX), certain tax-exempt nonprofessional, social fraternities and sororities may be permitted to restrict membership based on sex. Professional fraternities and sororities and service and honor societies are subject to the requirements of Title IX.
12. Not to be charged more than once for one incident through the Student Code of Conduct.

Missouri Western State University believes that all students should have the opportunity to learn and live in an educational environment free from unlawful discrimination and harassment. To this end, Missouri Western maintains comprehensive policies, procedures and practices consistent with the university's obligations under Title IX. Sexual harassment of students, including sexual violence and other forms of sexual misconduct, will not be tolerated. MWSU takes Title IX and the Violence Against Women Act (VAWA) seriously and reports incidents of violence or discrimination appropriately. It is important to know that Residential Life Staff cannot promise confidentiality and are mandatory reporters of such incidents. For more information on Title IX or VAWA, visit Title IX (<https://sites.ed.gov/titleix/>) and VAWA (<https://www.justice.gov/ovw/about-office>).

V. Responsibilities of Students

Missouri Western State University students are responsible for complying with all local, state, and federal laws. As members of the university community, students are also responsible for familiarizing themselves with university policies and regulations when applicable. Any violation of the available written policies, rules or regulations of the university or any of its units applicable to the student under the circumstances or of material conduct standards identified in contracts or agreements the student has entered into with the university, including, but not limited to, those governing residence in the university-provided housing, or the use of university facilities, or student organizations, or the time, place or manner of public expression is prohibited. Further, violations of applicable federal, state, foreign or local law or ordinance, that directly impacts the university's activities, programs, property, students, employees, or volunteers or indicates that the individual poses a risk to the safety, welfare, or well-being of the university's students, employees, or volunteers is prohibited.

In addition, students involved in Student Conduct Processes initiated under the Student Code of Conduct, whether as parties, witnesses, or panelists, have a duty to cooperate and discuss the incident with appropriate university officials, adhere to stated deadlines, attend scheduled meetings, provide documentation as requested and participate in all university processes. Failure to fulfill these responsibilities may result in a decision being made without the benefit of the student's participation or may result in a student being charged with failing to comply with the direction of a university official. Nothing herein shall be interpreted as abridging one's right to be free from self-incrimination.

VI. Definitions

Action Plan: The written plan developed and imposed on the student(s) when the student(s) (1) accepts responsibility or (2) is found in violation of the Code. Action Plans are intended to promote reflection and growth, repair any harm caused, and help the student(s) recommit to institutional values.

Advisor: Any person who accompanies a respondent, a complainant, or a victim for the limited purpose of providing support and guidance. An advisor may be an advocate, parent, friend, staff, faculty member, attorney (at their own expense), or a person of their choosing not involved in the incident. The role of an advisor is passive; they may not ask questions or make arguments during a meeting or Student Conduct Process. They may confer quietly with their advisee, exchange notes, and suggest questions to their advisee. An advisor may be an advocate, parent, friend, staff, faculty member, attorney (at their own expense), or a person of their choosing not involved in the incident. When facing criminal charges concurrently, a student may have an attorney present, in addition to an advisor, at their own expense. Any attorney present is subject to the same limitations of an advisor.

Appeal: A university student appeal is a way to challenge a disciplinary decision made by a university if a student or student organization is found to have violated the Student Code of Conduct. The appeal is not intended to re-argue the case, but rather to focus on specific grounds.

Complaint: A University Police Department Report, Residence Life Incident Report, or any other report, Formal or Administrative, alleging a violation of the Student Code of Conduct.

Complainant: The person who files a written complaint to initiate a Student Code of Conduct violation claim or a person that has been the subject of the student's alleged misconduct. The Complainant need not be a person who was the target or victim of the alleged violation.

Conduct Officer: The trained and impartial person designated by the VPSA-DOS or designee to meet with the Respondent to discuss the allegations and the conduct process, investigate reported behaviors, and/or

manage alleged violations through resolution, as determined by written procedure.

Day: Any business day in which the university is open. It does not include weekends, federal and state holidays, or days in which the university is not open for business.

Decision Letter: The student is notified of the determination made by the Conduct Officer in writing via their university email account within seven business days of the Mandatory Meeting.

Due Process: A set of university rules and procedures that ensure fair and just treatment of students, especially when facing disciplinary actions that could significantly impact their academic progress.

Faculty: University faculty, also known as academic staff, are the teaching and administrative staff at a university who have academic rank. Faculty members can include professors, instructors, researchers, scholars, lecturers, and athletic coaches.

FERPA: Family Educational Rights and Privacy Act of 1974. FERPA is a Federal law that protects the privacy of student education records. For more information on FERPA, visit: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

Guest: A non-student who is an associate of a student. Missouri Western students will be held responsible for the actions of their guests while on campus property, at campus events, and/or while representing the university. In regards to residential spaces, guests may be students or non-students.

In Violation: A finding after a student conduct process, meaning the respondent is found to have violated the Student Code of Conduct or university policy. Sanctions will be assigned.

Mandatory Meeting: The meeting with a Conduct Officer who asks for the student(s) perspective on the specific incident, reviews the incident report and discusses any other relevant information. Conduct meetings and decisions take place whether the student is present or not. If a student is unable to attend your conduct meeting, it is the student's responsibility to notify the Conduct Officer to request rescheduling.

Mediation: A meeting facilitated by the VPSO-DOS or designee between the two parties in dispute in an attempt to come to an agreement. Both parties must agree to this type of case resolution.

Not in Violation: A finding after a student conduct process, meaning there is not enough evidence to find the respondent has violated the Student Code of Conduct or university policy.

Organizational Mandatory Meeting: A mandatory meeting conducted scheduled by the VPSA-DOS or designee. The meeting is conducted when there is a violation of the Student Code of Conduct on premises owned, rented or operated by the organization; during an organization event in any situation sponsored or endorsed by the organization, or in any event an observer would associate with the organization

Organizational Student Conduct Process: A student conduct process that is conducted when an RSO is charged with alleged violations of the Student Conduct Code. The case is heard by the SCC and the student conduct process follows a prescribed format.

Policy: The written regulations of the university as found in, but not limited to, University Policy, the RSO Handbook, Student Code of Conduct, and the University Catalog.

Preponderance of Evidence: The standard of evidence used in determining if a respondent is found in

violation or not in violation. Preponderance of Evidence means that “it is more likely than not” that a violation occurred based on the information available.

Registered Student Organization (RSO): Groups that have complied with the formal requirements for university recognition, also known as a Registered Student Organization (RSO). Typically, the RSO President serves in the capacity of responding to complaints.

Respondent: A student, student group, or RSO charged with a violation of the Code.

Retaliation: Any intentional, adverse action taken by an individual or allied third party against or toward a participant, witness, or other party who is, or perceived to be, engaged in an investigation, a report, or a student conduct process or administrative process relating to behavior or conduct.

RSO: Registered Student Organization that is alleged to have violated the Student Code of Conduct or university policy;

Sanction: Students of Missouri Western State University who are found in violation of university policy are subject consequence for their actions based on the Student Code of Conduct. Sanctions may include university warnings, educational sanctions, university suspension, university expulsion, etc.

Student: A person who (i) has applied for admission, been accepted, and is enrolled in a schedule of undergraduate or graduate courses at the university, (ii) is attending classes at or through the university, or (iii) is participating in orientation programs on the University Premises. The term “Student” includes a person who is enrolled in courses on a full-time or part-time basis, at any of the University's locations. The term also includes a person enrolled in distance education programs, or who participates in Study Abroad programs or other university-sponsored trips.

Student Group: A number of persons associated with each other for a common purpose, and who have not completed the formal registration requirements to be recognized as a Registered Student Organization.

Student Code of Conduct: The rules, regulations, and policies of the university that apply to students and/or RSOs. Student Conduct processes are the university’s means of affording procedural due processes to students who may be sanctioned for engaging in prohibited conduct.

Student Conduct Committee (SCC): A student conduct committee which hears conduct cases that may result in university suspension or university expulsion and which may hear other conduct cases. The membership of the SCC shall be established upon the recommendations of the faculty senate chair, staff association chair, and student government association for a pool of at least nine (9) representatives (three from each listed group) approved by the VPSA-DOS or designee. All committee members must receive appropriate training.

Student Conduct Appeals Committee (SCAC) Committee: The body which is authorized to consider appeals. The membership of the SCAC shall be established upon the recommendations of the faculty senate chair, staff association chair, and student government association for a pool of at least nine (9) representatives (three from each listed group) approved by the VPSA-DOS or designee. Members of the SCC pool may also serve on the SCAC but in no instance may a person serve on both the SCC and the SCAC in the same student matter or case. All committee members must receive appropriate training.

Student Conduct Process: The university’s means of affording procedural due processes to students who may have violated the Student Code of Conduct. Individuals are not required to answer any questions that are asked; however, any information an individual chooses to provide must be true and correct to the best

of their knowledge. An individual who intentionally provides false or misleading information will be charged with falsifying information. Additionally, a pattern of lying or fabrication will be considered when imposing sanctions.

University Community: Any person who is a student, faculty member, staff, university official, or any other person who is employed by the university or is a guest of the university.

University Official: Persons employed by the university who perform assigned administrative, professional, support, service, or classroom responsibilities, to include student employees who act as agents of the university. This includes students who have been authorized to act on behalf of the university, such as resident assistants.

University Premises: All land, buildings, facilities, and other property in possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

University Sponsored Activity: Any activity, including all classes, programs, and events, that is directly initiated or supervised by the University, on or off University Premises.

Vice President for Student Affairs-Dean of Students (VPSA-DOS): 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.

Witness: Any person with knowledge pertaining to an alleged violation of the Student Code of Conduct.

Written Notification: Formal notification of certain facts, to be understood to mean notification via email, mail, or hand delivery.

VII. Prohibited Conduct

Students are responsible for meeting the university's standards of appropriate conduct and may be subject to Student Conduct processes for engaging in prohibited conduct. Students who anticipate or observe a potential violation of university policy are expected to remove themselves from participation and are encouraged to report the behavior.

A student or student group/organization may be charged with violating any student conduct standard. In cases where a violation is committed by a member of a student group/organization, the entire group/organization may be held responsible, in addition to the student, when those members of the group/organization not directly involved participate in the activity by encouraging, witnessing, or condoning the act in any manner. Nothing in this section shall be interpreted to deny the rights of individuals protected by the U.S. Constitution, including their protected rights to freedom of expression and association.

The following prohibited conduct is inclusive, but not exhaustive:

1. Academic, Ethical, or Professional Codes
 - a. Any violation of the Academic Honesty Code. Complaints alleging prohibited academic misconduct must be directed to Academic Policies & Procedures.
 - b. Any violation of other college, graduate, professional, ethical, or other applicable academic codes or licensure board.

2. Alcohol
 - a. Any violation of the university's Alcohol Policy;
 - b. Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages in violation of law or university policy;
 - c. Use or possession of alcoholic beverage(s) by an individual under the age of twenty-one (21).
 - d. Driving while under the influence of alcohol;
 - e. Intoxication to the point of endangering oneself or another person's health or safety, regardless of age;
 - f. Possessing or presenting false identification to a university official or local, state, federal law enforcement;
 - g. Providing alcohol to individual(s) under the age of twenty-one (21); and/or,
 - h. Using or being in possession of alcohol paraphernalia or empty containers where alcohol is not allowed.
3. Arson
 - a. Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
4. Complicity
 - a. Attempting to encourage, assist, incite, or supporting another person to engage in conduct prohibited by this Code or knowingly permitting or being an accessory by knowingly aiding, conspiring, or assisting others with any act prohibited by this Code.
5. Disorderly Conduct, Unwanted Behaviors, Substantially Disrupting, or Inciting Others to Substantially Disrupt
 - a. University operations, functions or activities including, but not limited to classes or other teaching, research, study, lectures, performances, meetings, interviews, living or learning communities, administrative business, or ceremonies or other public events, regardless of whether such operations, functions or activities are conducted in-person or through information technology resources; Authorized or permissible non-university activities that occur at a location owned or controlled by the university or through information technology resources provided by the university.
 - b. Unreasonable and material behavior that is disruptive, lewd, or a breach of peace, including inciting others to do so.
 - c. Stalking another by engaging in a course of conduct directed at a specific person knowing or consciously disregarding a substantial and unjustifiable risk that the course of conduct would cause a reasonable person to: (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.
 - d. Harassment: Behavior that is severe, pervasive, or persistent to a degree that a reasonable person would not tolerate and effectively denies or interferes with equal access to university education, employment, benefits or privileges. This includes verbal abuse, threats,* intimidation, stalking, and coercion. In addition, harassment may be conducted by a variety of mediums including physical, vocal, written, or electronic.
 - *Threats, defined as communication of a serious expression of intent to commit an act of unlawful violence against an individual or identifiable group, such that the individual or group would reasonably fear violence, regardless of whether the communicating individual actually intends to carry out the threat, and in which the person engaging in the communication knew or consciously disregarded a substantial and unjustifiable risk that it would have such an effect on the individual or identifiable group.
 - e. Physical assault: Physical abuse or other physical conduct which threatens or endangers the health or safety of any person. Any physical force, causing, or that could reasonably cause, bodily harm

- upon any person including assault, fighting, brawling, or restraining someone against their will.
- f. Threatening behavior: A serious expression of intent to commit an act of unlawful violence against a particular individual, identifiable group, or damage to property. Threatening violence, including intimidation, causes reasonable fear of injury to the health or safety of any person, group, or property.

6. Drugs

- a. Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance under state or federal law, including operating a vehicle on university property, or on streets or roadways adjacent to and abutting a campus, under the influence of alcohol or a controlled substance as prohibited by law of the state of Missouri. This includes a prohibition of any marijuana use or possession, including medical or recreational marijuana, on university premises or while participating in university-sponsored activities. To the extent there is any inconsistency between state and federal law as to circumstances in which manufacture, use, possession, sale or distribution of a substance is expressly permitted, federal law will govern to the extent appropriate to facilitate the university's compliance with the Drug Free Schools and Communities Act and any other applicable federal law.
- b. Driving while under the influence of drugs.
- c. Misuse of legal substances such as using general products as intoxicants or "means to get high" and inhaling or ingesting a substance other than in connection with its intended purpose.
- d. Possessing, using, providing, distributing, or selling prescription drugs by persons other than the person to whom the drug is prescribed or used not in accordance with the prescription.

7. Failure to Comply

- a. Failure to comply or complete a university sanction in a satisfactory manner. This includes but is not limited to failure to adhere to sanctions, safety and interim measures, or engaging in other prohibited conduct while on disciplinary probation or suspension.
- b. Failure to comply with a university official's directive or request. This includes but is not limited to disobeying instructions or directions by a university official who is acting in good faith of their duties including failing to identify oneself, respond to university correspondence, or attend university scheduled meetings.
- c. Failure to comply with and complete all sanctions and remedial actions.
- d. Failure to maintain required records, including but not limited to a failure to keep the university notified of contact information, including phone numbers, emergency contacts, and email.
- e. Failure to comply with and complete all sanctions and remedial actions

8. False and Misleading Information

- a. Acts of dishonesty, including as part of processes under this Code.
- b. Bribery or acceptance of bribes.
- c. Forging or altering another person's signature.
- d. Forging, altering, tampering, falsifying, or misusing a university record or document, submitting false information, omitting requested information from a university record or document, or possessing any of these records or documents.
- e. Knowingly initiating a false report to the university.
- f. Manufacturing, possessing, or presenting false identification to a university official or local, state, or federal law enforcement or using the identity of another person.

9. Hazing

- a. Defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the university community, or that destroys or removes, damages, defaces, or tampers with 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. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failure by a group's or organization's executive officers to intervene to prevent, discourage, and/or report hazing of which they are aware or reasonably should be aware also will be deemed a violation of this policy.
- b. Physical harm such as paddling, whipping, branding, electric shock, placing harmful substances on the body, sleep deprivation, exposure to extreme conditions, calisthenics, forced consumption of food, liquor, drug, or other substances.
- c. Degrading behavior that causes ridicule, humiliation, embarrassment, or adversely affects the dignity of an individual.
- d. Interfering with an individual's ability to participate in or benefit from the services or activities of the university, employment, or religious observances.
- e. Activity resulting in the destruction, misuse, or removal of another's property.
- f. Activity that causes an individual to engage in behavior that may violate the Code, university policy, or local, state, or federal law.

10. Law, Ordinance, Regulation, Rule, Procedure, or Policy

- a. Law Violations: Violation of local, state, or federal law.
- b. University Policy Violations: Violations of rules, regulations, and policies.

11. Misuse, Defacement, Damage of Facilities and Property/ Vandalism

- a. Participating in attempted or actual taking of, damage to, or possession without permission of property of the university or of a member of the university community or a campus visitor.
- b. Failure to adhere to any university Information Technology* policies or standards, including unauthorized use, access, or entry of an information technology resource owned or managed by the university such as computer systems, networks, databases, software, accounts, data, or facilities. Using university information technology resources for illegal or prohibited activities.
- c. University property: Intentional or reckless destruction, defacement, or damage to university equipment, property, furniture, facilities, and buildings or using in a manner inconsistent with its intended use.
- d. Property of another: Intentional or reckless destruction, defacement, or damage to another's property, or using that property in a manner inconsistent with its intended use.
- e. Misuse of university or personal property in a manner that creates a safety hazard or unauthorized use of safety equipment. Misuse of information technology resources in accordance with university policy, including but not limited to:
 - Actual or attempted theft or other abuse;
 - Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
 - Unauthorized transfer of a file;
 - Unauthorized use of another individual's identification and password;
 - Use of information technology facilities to interfere with the work of another student, faculty member, or university official;
 - Use of information technology facilities to interfere with normal operation of any university information technology system;
 - Knowingly causing a virus, malware, or other means designed to disrupt, damage or gain unauthorized access to become installed in any information technology system or file; or
 - Violation of other university policy governing use of computing resources.

12. Retaliation, False Reporting, Witness Intimidation or Harassment, and Interference

- a. Retaliation is any adverse action taken against a person because of that person's participation or refusal to participate in the student conduct process, provided that the exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to notify university administration. The University will promptly respond to all claims of retaliation in accordance with this policy.
- b. False reporting is making an intentional false report or accusation in relation to this policy as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is prohibited.
- c. No individual, directly or through others, may take any action which attempts to or actually intimidates any potential party or witness in the student conduct process, or which may interfere with the student conduct process.
- d. All university employees and students must be truthful and candid when making any statement or providing any information or evidence to the university throughout the student conduct process, and all documentary evidence must be genuine and accurate. The fact that a determination has been made that a student has or has not engaged in prohibited conduct is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.
- e. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of any student conduct process under this policy does not constitute retaliation provided, however that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

13. Safety, Security, and Emergency Response

- a. Activities that jeopardize university-related property, building security and safety.
- b. Arson: Attempting to ignite or the action of igniting university or personal property on fire by intent, reckless behavior, or failure to exercise reasonable care that results or could result in personal injury, property damage, or damage to premises.
- c. Endangerment of others: Unlawfully endangering the health, safety, or privacy of oneself, others, or animals.
- d. Explosive materials: Unauthorized possession or use of fireworks, dangerous chemicals, and explosive materials, ignition, or detonation of anything which could cause damage to persons or property, or disruption by fire, smoke, explosion, noxious odors, stain, or corrosion.
- e. False reporting or misuse of emergency response: Falsely reporting an incident or emergency of any type including setting off a false fire alarm. Deliberately setting off a fire or other emergency alarm without justified reason.
- f. Flammable materials: Unauthorized possession or use of candles, torches, incense or incense burners, other open flame apparatus, extension cords, gasoline, propane tanks, or lighter fluid on university premises.
- g. Interfering with, obstructing, or disrupting emergency responses: Failing to evacuate during an emergency or drill, impairing an orderly evacuation, resisting arrest, blocking, or barring an exit; failing to abide by the directions of police, fire, emergency medical personnel, or university officials.
- h. Interfering with, obstructing, or disrupting the free flow of pedestrians or other traffic.
- i. Manipulating safety equipment: Tampering with, impairing, disabling, relocating, or misusing fire or safety protection systems such as smoke detectors, fire extinguishers, sprinklers, cameras, doors, signs, or alarms.
- j. Traffic and parking: Any violation of university traffic and parking regulations, tampering with, removal, or theft of wheel locks, barricades, traffic cones, or traffic control signs or devices.

14. Tobacco and Smoke Free Campus

The Missouri Western State University campus is smoke and tobacco free. Any use or evidence of use on our campuses is prohibited. For more information please see the campus policy at: <https://www.missouriwestern.edu/hr/> (MWSU Campus Policy Guide).

15. Sexual Misconduct/ Violation of the University's Sexual Harassment Policy Under Title IX Policy

Any violation of the Sexual Misconduct, Discrimination, and Harassment Policy. Under the authority of the Office of Title IX, complaints alleging Prohibited Sexual Misconduct must be directed to the Title IX Coordinator. (816) 271-4557 | titleix@missouriwestern.edu

16. Theft

- a. Using, depriving, removing, or possessing the property or services without entitlement or authorization through engagement of theft or attempted theft.
- b. Unauthorized possession, duplication or use of keys or other means of access to any university facilities or unauthorized entry to or use of university facilities, property or resources.

17. Unauthorized or Attempted Entry or Exit

- a. Unauthorized entering, exiting, occupying, or use of any university owned or managed facilities, property, or property belonging to another.
- b. Unauthorized possession, duplication, or use of keys or access cards, lock combinations, codes, or passwords to any university owned or controlled premises or other public or private property.
- c. Damaging or tampering with doors, locks, or lock boxes; propping open of exterior residence halls or other campus building doors.
- d. Misuse of access privileges to university premises.

18. Weapons

- a. The possession or use of firearms, explosives, other weapons, or hazardous chemicals that violates federal or state law or applicable foreign law or university rules.
- b. Actual or constructive use, possession, or control of any weapon and munitions of all types, defined as any object used or designed to inflict or attempt to inflict harm or injury or fear of harm or injury including instruments designed to look like any weapon.
- b. Any violation of the MWSU Prohibited Activities Policy

19. Discrimination and Harassment

Violation of the university's Equal Employment/Education Opportunity and Nondiscrimination Policy. Unwelcome or unreasonable behavior that harasses or intimidates people, either as individuals or as a group, and is sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint. Bullying and harassing behavior is often persistent and part of a pattern, but it can also occur as a single incident.

VIII. Student Conduct Process

A. Reporting

Any member of the university community may file complaints of suspected misconduct by a student or student organization for review. Any alleged violation should be submitted as soon as possible after the event takes place, preferably within thirty (30) calendar days of the knowledge of occurrence. While preferred, a formal, written complaint from a member of the university community is not required to initiate the conduct process. Although anonymous complaints are permitted, doing so may limit the university's ability to investigate and respond to the complaint.

Within a reasonable time, the VPSA-DOS or designee will determine whether a report alleges a potential violation of the Code, and whether the matter requires further response. If the VPSA-DOS or designee determines that, even if true, the alleged conduct would not constitute a violation of the Student Code of Conduct, the Student Conduct Process will not be initiated; however, the university may respond in other ways to facilitate dialogue or education. If the VPSA-DOS or designee determines that the alleged conduct, if true, constitutes a violation of the Student Code of Conduct, he or she shall notify the student or RSO (Respondent) of the allegations and afford the student due process. The VPSA-DOS or designee will delegate an individual to serve as a “Conduct Officer” or may elect to serve in this capacity.

The University Police Department (UPD) reports, as well as reports from other law enforcement agencies, may be used in order to invoke the Student Conduct Process and/or as a basis for violations of the Student Code of Conduct.

Students may be accountable to both civil and criminal authorities and to the university for acts of misconduct that constitute violations of the Student Code of Conduct. At the discretion of university officials, educational interventions or disciplinary action at the university may proceed before, during, or after other proceedings. Actions taken under the Student Code of Conduct are administrative and not criminal in nature. Therefore, a student can be found responsible under the Student Code of Conduct even if the underlying conduct would not also constitute a criminal offense, and even if a prosecutor has determined not to prosecute as a criminal matter or the student has been found not guilty in a criminal proceeding.

In cases where resident students are alleged to have violated the Residential Life Handbook and the Student Code of Conduct, the VPSA-DOS or designee will work with the Director of Residential Life to determine which student conduct process governs.

Student Conduct processes are not to be construed as legal proceedings.

Reporting Sexual Misconduct

All matters involving allegations covered by the university’s [Sexual Harassment Policy & Grievance Resolution Procedures](#) will be handled under the Code of Student Conduct in a manner consistent with the requirements, accommodations, procedures, and processes outlined in the Sexual Harassment Policy & Grievance Resolution Procedures. To the extent there is an inconsistency between the substance of the Sexual Harassment Policy & Grievance Resolution Procedures and the Code of Student Conduct related to the process for handling such allegations, the terms of the Sexual Harassment Policy & Grievance Resolution Procedures will control. If a matter involves allegations of both Prohibited Conduct, as defined in the Sexual Harassment Policy & Grievance Resolution Procedures, and potential violations of the Code of Student Conduct, the process to be followed will depend on whether the Prohibited Conduct and potential violations of the Code are intertwined. If the allegations of Prohibited Conduct are intertwined with the potential violations of the Code of Student Conduct, both violations may proceed under the processes outlined in the Sexual Harassment Policy & Grievance Resolution Procedures. If the allegations of Prohibited Conduct are not intertwined with the potential violations of the Code of Student Conduct, the Title IX Office will process the allegations of Sexual Harassment Policy & Grievance Resolution Procedures, and the Office of Student Affairs will process the potential violations of the Code of Student Conduct. The determination of whether the allegations will be addressed under one or separate processes lies with the VPSA-DOS or designee.

B. Student Conduct Notice

A Student Conduct Notice shall be delivered to the Respondent who is the subject of the allegations via the Respondent's university email address. Notice to the Respondent will be considered furnished once a Student Conduct Notice is delivered to the Respondent's university email account. The Student Conduct Notice shall include:

1. A description of the alleged misconduct and the specific charges pending against the Respondent;
2. Information about the Respondent's rights and responsibilities, including a statement that the Respondent is presumed not responsible until proven responsible by a preponderance of the evidence;
4. A requirement the Respondent set up an administrative review meeting ("Mandatory Meeting") with the designated Conduct Officer designee within three (3) days, or such shorter time as may be specified; and
5. If applicable, a statement notifying the Respondent that the alleged conduct is significant enough that they may face suspension or expulsion if the charge is substantiated.

The Student Conduct Notice may require the Respondent to bring or submit documentation or relevant evidence to the Mandatory Meeting.

When the Conduct Officer determines that prompt action is essential, the Conduct Officer may require that the charged Respondent meet within one (1) day of receipt of the Student Conduct Notice if the student resides on campus or two (2) days if the Respondent resides off campus. The university may give notice in these cases by the telephone number provided in official university records or by the Respondent's university email address.

C. No Contact Orders

A "no contact" order may be issued in the Student Conduct Notice or at any point in the Student Conduct Process or as part of a Direct Administrative Action. A "no contact" order is a non-disciplinary directive to avoid contact with one or more members of the university community during an investigation or Student Conduct Process. The terms of "no contact" order will be reasonably tailored to the particular risks of harm and should identify the period of time for which it is in effect.

"No contact" order cannot ensure that students will not see one another on the campus nor be in close proximity to one another. Rather, they serve to limit potential interactions between the parties. All "no contact" orders provide that one student may not have contact with the other. Contact includes physical contact as well as communication, including but not limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies and all contact whether on or off campus.

If a "no contact" order is issued, it is the responsibility of the student not to have any contact with the individual(s) named, directly or through third parties, as specified in the order. Failure to comply with this order may result in disciplinary action.

Contact can be defined as, but is not limited to, any or all of the following carried out by yourself or an intermediary/third party (with the exception of an attorney):

- Written: Via mail, letter, text message, etc.
- Verbal: Via telephone, voicemail, in person etc.
- Electronic: Via email, social media, Skype, etc.
- Non-Verbal: Via other means including pictures, videos, music, etc.

D. Mandatory Meeting

1. Any student, student group, or student organization who has been charged with an alleged violation of the Student Code of Conduct (Respondent) will first be required to schedule and attend a Mandatory Meeting with the Conduct Officer assigned to review the allegation. The Mandatory Meeting is the first step in the Student Conduct Process and serves to provide the Respondent with the opportunity to discuss the allegations that led to the referral/complaint. After a discussion regarding the incident and review of relevant information, and if the case does not warrant suspension or expulsion, the Respondent will have an opportunity to accept or deny responsibility for the charge(s).

The Mandatory Meeting is an administrative proceeding not comparable to a criminal or civil trial.

- If the Respondent, after receiving notice of the Mandatory Meeting, does not appear, the conference may proceed without the Respondent. In such cases, the Respondent, by failing to respond or participate, shall be in default and will have waived any right to further due process. Reasonable efforts shall be undertaken to provide a Respondent whose conduct is sanctionable by suspension or expulsion the opportunity for a hearing.
- Following the Mandatory Meeting, the Conduct Officer, applying a preponderance of the evidence standard, will determine if any violation of the Code occurred. An Action Plan will also be assigned, if applicable.

When a student accepts responsibility or is found in violation of the Code, they are assigned an Action Plan. The Action Plan is intended to promote reflection and growth, repair any harm caused, and help the student recommit to institutional values.

Where appropriate or upon request of the parties, the Conduct Office may also recommend mediation between the Complainant and Respondent or others alleged to have been harmed by the Respondent's actions. All parties must agree to participate in this voluntary facilitated resolution process. Upon successful mediation, the Conduct Office or other shall communicate the successful outcome to the involved parties and the matter is considered resolved.

2. If during the Mandatory Meeting, the Respondent accepts responsibility for the charge(s) and agrees to the imposition of the identified sanctions, the Conduct Officer shall make a finding of In Violation and the Respondent will be asked to enter into an Action Plan which will outline all of the sanctions imposed upon the Respondent. Once the Action Plan is signed, the decision is final and there is no appeal process. The matter shall be concluded, subject to the Respondent's timely completion of designated sanctions.
3. If during the Mandatory Meeting, the Respondent denies responsibility for one or more of the charges, or denies the sanction(s), the Conduct Officer will refer the case for a hearing before the Student Conduct Committee. If the case warrants suspension/expulsion, the case will automatically be referred for a hearing before the Student Conduct Committee.
4. Complainants, or harmed parties in a case, may be scheduled for a conference with the Conduct Officer assigned to review the allegation. This meeting occurs prior to the Mandatory Meeting with the Respondent alleged to have violated the Code and serves to provide the Complainant with the opportunity to discuss the allegations that led to the referral and information reviewing that individual's rights and options. The Complainant will be notified in writing via their official university email address, of the date, time, and location of the conference.

If the Respondent alleged to have violated the Code denies responsibility for one or more of the charges, denies the sanction(s), or if the case warrants suspension/expulsion, the Complainant, or harmed parties in a case, will be invited to participate in a Student Conduct Committee Hearing.

E. Investigations

The VPSA-DOS or designee shall review the facts and circumstances associated with the alleged conduct. This review may frequently consist of a mere informal inquiry into the source of the complaint, together with the Respondent's response. In other cases, particularly where there is potential for sanctions of suspension or expulsion, where there are multiple accounts of the facts from witnesses, or where the facts may not be readily discerned, the VPSA-DOS or designee may determine that further investigation is required. Such investigation may take place before or after the Mandatory Meeting, or in some combination of the two. Where appropriate in light of the unique facts and circumstances of the case, the VPSA-DOS or designee shall modify the Student Conduct Notice or recommend disciplinary sanction based on the evidence discovered in the investigation.

Allegations that a student has engaged in conduct that, if true, would constitute a violation of the university's Sexual Harassment Policy & Grievance Resolution Procedures shall be promptly referred to the university's Title IX Coordinator. The Title IX Coordinator may be reached at (816) 271-4557 or by email at titleix@missouriwestern.edu.

F. Conduct Hearings

When a Respondent is suspected to have engaged in behavior, which violates the Code, and which could result in expulsion or suspension, denies responsibility for one or more of the charges, and/or denies the sanction(s) imposed by the Conduct Officer, the VPSA-DOS or designee, will assemble a three (3)-member hearing panel from the Student Conduct Committee.

The SCC chair will work closely with the VPSA-DOS or designee to follow appropriate procedures for the Student Conduct Process. If the SCC does not have sufficient numbers to staff an SCC (one each of three areas), the VPSA-DOS or designee may fill vacant positions after consultation with the faculty senate, staff senate, or student government association, as appropriate.

Within five (5) days of referral to the SCC, the VPSA-DOS or designee shall schedule and appoint a SCC Hearing Panel. Specific representatives may also be appointed from professional programs where a violation of an ethical or professional code is alleged. Each SCC Hearing Panel shall consist of three (3) members; one (1) of whom must be a student. If an appointed member cannot serve on the SCC Hearing Panel in a timely fashion, the VPS-DOS or designee may fill the vacant position with another member.

1. Student Conduct Committee (SCC) Hearing Panel Procedures

The chair of the SCC Hearing Panel will state that the hearing is closed to the public. The chair will also remind everyone present that the hearing proceedings are confidential. The chair will facilitate the introductions of those present and will explain the hearing procedures to the parties.

The chair will state the charge(s) against the Respondent, advise the Respondent of his/her rights and ask the Respondent whether or not he/she agrees or disagrees with the charges.

The Conduct Officer or designee will present the university's case in the form of documentary evidence and witnesses. The SCC Hearing Panel and the Respondent will be provided with copies of any documentary evidence introduced during the hearing. The Respondent may respond to the charges and

may also present evidence in the form of documents and witnesses. Written statements by either party may be permissible. The SCC panel members and the Conduct Officer will be provided with copies of any documentary evidence introduced during the hearing.

The Conduct Officer will be permitted to question the Respondent's witnesses and the Respondent will be permitted to question the Conduct Officer or his/her designee's witnesses. The Conduct Officer and the Respondent will be permitted to present rebuttal evidence following the conclusion of the other party's presentation of evidence.

The SCC Hearing Panel will be permitted to question the Conduct Officer, the student, and witnesses for both parties.

The Conduct Officer and Respondent will be provided with the opportunity to make a closing statement.

The chair of the SCC Hearing Panel will conclude the evidentiary portion of the hearing and will excuse the parties. The SCC Hearing Panel will then deliberate and determine an appropriate sanction. The SCC Hearing Panel will engage in deliberations about responsibility in a closed session. The decision of the SCC Hearing Panel shall be determined by majority vote.

2. SCC Hearing Outcomes

The SCC Hearing Panel shall render a written decision as to whether they find the Respondent responsible (In Violation) or not responsible (Not in Violation) for the charges within three (3) business days of the conclusion of the hearing. The decision shall state the sanction(s), if any, and the procedures for an appeal.

Decisions of the SCC Hearing Panel and sanctions rendered by the hearing panel, except in cases involving suspension or expulsion, are considered to be in full force and effect unless a notice of appeal is received by the VPSA-DOS within three (3) business days of the date of the outcome letter from the SCC Hearing Panel.

A Respondent who fails to attend his or her scheduled hearing shall have the case adjudicated by the appropriate SCC Hearing Panel in the Respondent's absence. Note: An Advisor without the presence of the Respondent in question cannot fulfill the student's attendance obligation.

The VPSA-DOS or designee will communicate the decision to the Respondent. Failure of the Respondent to attend the student conduct process will render the recommendation of the VPSA-DOS or designee for university suspension or university expulsion to be final.

G. **Appeals**

1. Petition for Appeal

A Respondent found in violation has three (3) university business days after the letter date of the written notification of a disciplinary decision to file an appeal. All petitions for appeals must be filed by 4:30 p.m. CST of the third (3rd) day after the decision was rendered. Failure to appeal within the three (3) day period waives the right to appeal. An appeal is not a new hearing, but a review of the record of the original hearing. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level. Sanctions will not be implemented while an appeal is under consideration unless

special circumstances apply.

The petitioner must follow all instructions on the appeal form (Appendix A). The appeal shall be in writing and submitted to VPSA-DOS or designee through the VPSA-DOS office (Blum Union 208).

Upon request for an appeal, The VPSA-DOS or designee shall notify the Student Conduct Appeals Committee (SCAC) within three (3) university business days of the request to review the appeal.

2. Grounds for Appeal

Grounds for Appeal are as follows:

- Procedural error that resulted in material harm or prejudice to the RSO (i.e. by preventing a fair, impartial, or proper student conduct process). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
- Discovery of substantial new evidence that was unavailable at the time of the student conduct process and which reasonably could have affected the decision of the student conduct process body; or
- Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors. Mere dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

The petitioner must specify in writing the grounds which form the basis of his/her appeal. The petitioner has the burden of proving the stated grounds for appeal in the petition. The petitioner must provide factual information to support his/her claim and explain the outcome that he/she is seeking. *The appeal should include the following:*

- A statement of the grounds for appeal, which at a minimum should contain a list of alleged procedural errors in the decision or procedure and statement of why the decision or sanctions are in error;
- Documentation which supports the grounds for appeal, to include specific dates if newly available information is the grounds for appeal; and
- A requested remedy.

An official summary of previous action in the case being appealed will be submitted to the SCAC reviewing the appeal. The official summary shall contain a statement of the charges brought against the petitioner, a summary of the evidence, and a statement of the sanction imposed. When appropriate, the summary shall also contain a statement of procedural rulings made and of interpretations of the rules and regulations given during the proceedings. A transcript of the hearing or verbatim record of the hearing (but not the deliberations), if any, shall also be submitted to the individual hearing the appeal.

3. Appeal Decision and Notice

After the appeal has been received and reviewed by the appointed SCAC, the SCAC shall take one of the following actions:

- Affirm the initial/underlying decision.
- Find that improper procedures were used that significantly prejudiced the university or student. In this case, the SCAC can refer the case back to the original decision maker, with a recommendation on how to correct the procedures.
- Reduce or increase the sanction, if the SCAC determines that the sanction imposed was too

severe or too lenient, given the nature of the violation and/or the circumstances. A sanction should not be increased or decreased unless there is compelling justification to do so. Merely disagreeing with the decision issued by the original decision-maker will not be upheld as a compelling justification.

- Find that the student or the parties have presented information that would have been material to the outcome of the case and which was not known and could not reasonably have been known to the person at the time of the original meeting. In this event, the SCAC will remand the case back to the original decision-maker for reconsideration in light of the new information

The SCAC shall review the Respondent appeal and notify the VPSA-DOS or designee of the decision within three (3) days of receipt of the request for appeal. In some cases, the SCAC may require more time to reach a decision, and in such cases the parties will be notified that a decision will be reached as soon as reasonably practicable. The VPSA-DOS or designee will review the committee's decision and may consult with the members on the reasoning behind their reaching a final decision. The VPSA-DOS or designee will communicate the decision to the student. The SCAC's decision is final. If the SCAC does not act or otherwise notify the parties of the need for more time to reach a decision, within three (3) days of the request for appeal and receipt of the record, the decision of the VPSA-DOS or designee will be final.

The SCAC shall render a decision within ten (10) business days of the submission of the appeal. Notice of the decision must be delivered in writing to the student within three (3) days of the decision. A copy of the decision shall be maintained in the student's disciplinary file.

H. Direct Administrative Action (DAA)

A Direct Administrative Action (DAA) is an action that places immediate restrictions upon a student's or RSO's rights within the university community, up to and including a temporary removal from the university community. A DAA is not a final sanction; it is a temporary measure that may be undertaken during the pendency of appropriate due process. A DAA may be imposed only by the VPSA-DOS or designee vested with such authority when necessary for the welfare or safety of the university community; to maintain order on the campus and preserve the orderly functioning of the university; to stop or prevent interference with the public or private rights of others on university premises; to stop or prevent actions that threaten the health or safety of any person; or to stop or prevent actions that destroy or damage property of the university, its students, faculty, staff, or guests.

The VPSA-DOS or designee shall determine the level of interim measures appropriate to address the specific situation even if a formal complaint or charges has not been filed. Interim measures may include, but are not limited to, a full interim suspension, removal from university housing, removal from university-sponsored events, and/or restriction on access to university facilities and programs.

When a DAA is imposed, the VPSA-DOS or designee shall review the facts and circumstances to determine whether the Student Conduct Process should be initiated or whether some other university action is appropriate and shall communicate such decision in writing to the student.

I. Potential Conflict of Interest/Bias

Matters related to the Code of Student Conduct should be handled by people free of any actual or reasonably perceived conflicts of interest and biases for or against any party. Any person exercising investigative or decision-making authority under this Code, who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority, shall disclose the

potential conflict/bias to the VPSA-DOS or designee as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative decision-maker in the case at issue. Furthermore, if the accused student or organization believes a person exercising investigative or decision-making authority under this Code has a conflict of interest or bias relating to the matter that would prevent the person from exercising their authority impartially, the student or organization may make a prompt objection to the VPSA-DOS or designee within five (5) calendar days of becoming aware of the potential conflict. Regardless of the time period, such objection must occur before a determination as to responsibility is made under the Code. If the objection as to a conflict or bias is made with respect to a member of a hearing panel, such objection must occur no later than at least forty-eight (48) hours before the scheduled hearing. If the VPSA-DOS or designee determines that the objection is reasonable, the challenged person will be replaced. The decision of the VPSA-DOS or designee regarding a challenge will be final.

J. Reasonable Accommodation for Students with Disabilities

Any student with a disability involved in the Student Conduct Process has the right to request reasonable accommodation to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to the VPSA-DOS who will coordinate with the Accessibility Resource Center (ACR) to ensure students with disabilities are afforded an equal opportunity to participate in the process. Students do not have to disclose information about their disability to the VPSA-DOS but will be required to share information with the ARC to the extent that it may assist in the determination of reasonable accommodations.

Accommodations are determined on an individual basis by accessibility services staff and implemented in consultation with the VPSA-DOS. Examples of reasonable accommodation include sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.

K. Additional Information for RSOs

An organizational Mandatory Meeting may be conducted by the VPSA-DOS or designee. The Mandatory Meeting is conducted when there is a violation of the Student Code of Conduct on premises owned, rented or operated by the organization; during an organization event in any situation sponsored or endorsed by the organization, or in any event an observer would associate with the organization.

1. The organization's adviser (faculty, administrative, staff, alumni, or other) is required to attend the meeting.
2. The organization's president and executive officers will represent the organization at the student conduct process.
3. When appropriate or necessary, the organization's national chapter may be contacted and included in the meeting.
4. The organization will be asked to submit a written statement about the incident and its members' involvement that will be used during the student conduct process. Otherwise, the organizational meeting will follow the procedures outlined below in the formal disposition procedures.

Factors weighing in favor of RSO responsibility:

- The student organization, through its officers or practices or customs, by any means approved, condoned, allowed, encouraged, assisted or promoted such prohibited conduct;
- The prohibited conduct was committed, permitted, encouraged, aided, or assisted by one or more student organization executive officers or by one or more members while acting with authority on behalf of the student organization;

- Student organization resources, such as funds, group communications, information technology resources, or organization property or venues, were used for the prohibited conduct;
- The student organization, through its officers or advisers, materially interferes or interfered with any investigation or conduct processes related to the prohibited conduct;
- A policy, protocol, or official practice of the student organization caused or materially contributed to the prohibited conduct; and/or
- In the absence of any evidence of the factors listed above, the prohibited conduct was committed, participated in, encouraged, aided, or assisted by twenty-five percent or more of the student organization's members.

Factors weighing against RSO responsibility:

- The student organization had policies, protocols, or official practices in place to prevent or deter the prohibited conduct;
- The student organization had provided guidance, education, or training to the individual members involved to prevent or deter the prohibited conduct;
- The student organization took prompt and effective action to prevent or stop the prohibited conduct or mitigate its effects once the organization or its officers became aware or reasonably should have become aware of the prohibited conduct;
- The student organization or its officers promptly reported the prohibited conduct to an appropriate university official and any other appropriate authorities; and/or
- The student organization addressed any prohibited conduct of its members through an organizational sanction or punishment.

IX. Student Code of Conduct Sanctions

Students of Missouri Western State University who engage in prohibited conduct are subject to the following sanctions:

1. **University Warning:** A written statement to the student that the student or student organization is violating or has violated the Student Code of Conduct which will remain on the student's university Student Code of Conduct record.
2. **Loss of Privileges:** Denial of specified privileges of the student or student organization for a designated period of time.
3. **Disciplinary Probation:** A written statement that the behavior was inappropriate, and should subsequent violations occur, the University will take more serious conduct action up to and including suspension or expulsion. This can include exclusion from university affiliated entities, including student organization activities, for a period of time or until the student meets certain conditions. For example, any student on disciplinary probation or subject to a harsher disciplinary sanction shall be ineligible to hold or be elected to an office of any student organization recognized by the university. Similarly, a student on disciplinary probation or subject to a harsher disciplinary sanction may not represent the university in any special honorary role (e.g., debate tournament, athletic competition, etc.). Disciplinary probation must be imposed for a definite term.
4. **Educational Sanctions:** A specific number of hours of community/university service, completion of a reflection or research paper, attending educational programs, meetings with appropriate officials or completing educational training, or other actions as assigned. Failure to complete a discretionary sanction(s) will result in additional sanctioning.
5. **Restitution:** Compensation by the student or student organization for loss, damage, or injury to the

university or university property. This may take the form of appropriate service and/or monetary or material replacement.

6. Housing and Residence Hall Warning: A student conduct sanction in writing notifying a student that the student's behavior did not meet residence hall standards. All student conduct warnings will be taken into consideration if further violations occur.
7. Housing and Residence Life 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.
8. Housing and Residence Life Suspension: Separation of the student or student organization from University owned or operated housing for a definite period of time, after which the student is eligible to return only upon approval from the Director of Housing and Residence Life. Conditions for readmission may be specified. The cost of room and board will be determined by the university and paid in full by the student.
9. Housing and Residence Life Expulsion: Permanent separation of the student or student organization from university owned or operated housing. The cost of room and board will be determined by the university and paid in full by the student.
10. University-Owned Housing Reassignment or Contract Termination: Reassignment to another university owned housing unit, exclusion from certain university-owned properties, housing probation, housing disciplinary point(s), or termination of the student's housing agreement.
11. Administrative Trespass: Denial of access to all or a portion of campus, except for limited periods and specific activities with the permission of the appropriate university official, as designated by the VPSA-DOS or other appropriate administrative official vested with such authority. Should the student enter campus without written permission, the appropriate university official or campus police will act to remove the individual and may pursue criminal trespass charges.
12. Restriction or Denial of University Services: Restricted from use or denial of specified university services, including participation in athletics or other university activities.
13. University Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of additional and/or more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period. Failure to comply with any or all components of probation may be considered cause for immediate temporary suspension from the university pending a student conduct process.
14. Campus Suspension: A student is suspended from being allowed on a specific university campus or areas for a definite period of time. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the VPSA-DOS or designee. The student may remain enrolled in courses but will not be allowed to attend classes in person. Modification to classroom delivery to satisfy academic requirements are up to each instructors' discretion. Conditions for returning to campus may be specified.
15. Immediate Temporary University Suspension: The VPSA-DOS or designee may temporarily dismiss a student from university facilities, including the residence halls, pending formal procedures when they

find or believe from information coming to their 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 or at said activities, to include the student refusing to attend a mandatory meeting.

16. University Suspension: Exclusion from the university and all campuses governed by the Board of Governors of Missouri Western State University for a specific period of time or until the student meets certain conditions, following which the student may be permitted to re-enroll or apply for readmission to the university, as applicable.
17. Immediate Temporary University Expulsion: The VPSA-DOS or designee may temporarily dismiss a student from university facilities, including the residence halls, pending formal procedures when they find or believe from information coming to their 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 or at said activities, to include the student refusing to attend a mandatory meeting.
18. University Expulsion: Exclusion from the university and all campus(es) governed by the Board of Governors of Missouri Western State University for an indefinite period of time, a record of which remains on file permanently. The student may not remain enrolled in courses. Conditions for returning to campus may be specified.
19. Holds, Records, and Registration: The university may place a student conduct hold on a student's records during the pendency of student conduct processes. A student conduct hold prohibits a student from registering for classes until the student conduct processes, including any review procedure, are complete. Upon conclusion of student conduct processes, the university may continue a student conduct hold on a student's records until the student satisfactorily completes all sanctions and has reapplied and been readmitted.
20. Revocation of Admission and/or Degree: Revocation of admission to or awarding of a degree from the university for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
20. RSO Withdrawal of Recognition: Student organization loses its official approval as a recognized student organization. May be either temporary or permanent. Conditions for future approval may be specified.
21. Withholding Degree: Withholding the awarding of a degree otherwise earned until the completion of the process set forth in the Student Code of Conduct, including the completion of all sanctions imposed, if any.

NOTE: 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 athletic 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 his or her educational endeavors at other institutions of higher education.

X. Coordination of Conduct Matters and Sanctions

To ensure consistency in approach and effective implementation, conduct actions/sanctions should be made in consultation with the administrators indicated below:

- The Director of Residential Life or his/her designee with regard to disciplinary actions that limit a student's residential life activities or terminate the student's housing contract in the Residence Halls.
- The VPSA-DOS or designee with regard to disciplinary actions that limit on activities on campus (outside of those in the Residence Halls).
- The VPSA-DOS or designee with regard to disciplinary actions involving university and/or residence hall probation, suspension, or expulsion from the residence hall.
- The VPSA-DOS or designee with regard to disciplinary actions involving university suspension, or expulsion.
- The official receiving the recommendation may accept or lower the recommended disciplinary action.

XI. Procedural Flexibility

The VPSA-DOS or designee may extend or accelerate existing timelines, as well as establish and enforce additional deadlines for prompt and effective case resolution. The VPSA-DOS or designee, in consultation with legal counsel, may modify these procedures at any time, as a whole or on a case-by-case basis, where necessary to comply with applicable law, regulation, guidance, or as deemed appropriate.

Technical departures from these procedures will not invalidate a decision, recommendation, or student conduct process unless they have prevented a fair determination of the issues

XII. Disciplinary Records

Disciplinary sanctions, with the exception of University expulsion, shall not be made part of the student's permanent academic record (official transcript), but shall become part of the student's confidential disciplinary record, subject to the Family Educational Rights and Privacy Act (FERPA). Pending cases will be retained as long as is administratively necessary as determined by the VPSA-DOS. Cases involving expulsion or suspension will be retained indefinitely. Other student conduct files will be retained for seven (7) years following the incident or until the student leaves the university, whichever is longer. If a student under the age of twenty-one (21) is found responsible for a violation of university policy involving alcohol and/or other drugs, the university may notify the student's parent(s) or guardian(s).

The university's policies and procedures are available on the [Policy Guide](#). Additional Housing and Residence Life policies and procedures are available in the [Housing and Residence Life Handbook, Policies and Procedures](#).

Appendix A

DISCIPLINARY ACTION APPEAL REQUEST FORM

Any outcome decided in a student conduct process may be appealed to the Vice President for Student Affairs-Dean of Students by the respondent or the complainant if their reason for the appeal meets at least one of three (3) criteria (below). A student/RSO has three (3) business days after the date of the written notification of a disciplinary decision to file an appeal.

Failure to do so waives the right to appeal. Sanctions will not be implemented while an appeal is under consideration, unless special circumstances apply. **Please check your reason for appeal (check all that apply):**

- Procedural error that resulted in material harm or prejudice to the student or RSO (i.e. by preventing a fair, impartial, or proper student conduct process). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
- Discovery of substantial new evidence that was unavailable at the time of the student conduct process and which reasonably could have affected the decision of the student conduct process body; or
- Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors. Mere dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

The information you provide and your case file will be used as the basis for all appeal action, including the decision whether to grant this appeal. Please include the following with your appeal:

- On a separate page, please provide a justification for your appeal, including the alleged violations and/or disciplinary actions you are appealing. You must address each of the points you checked above as specifically and comprehensively as possible.
- You may also include copies of any documents that will substantiate or clarify the appeal request.

Name: _____ G#: _____

RSO Name (if applicable): _____

Campus/Local Address: _____

Local Phone Number: _____

Cell: _____

Student Signature: _____ Date: _____

Please complete and return to: Vice President for Student Affairs-Dean of Students Office, Blum Student Union, Room 228. Your appeal MUST be received within three (3) business days after receipt of the written notification of a disciplinary decision in order to be heard.