

Missouri Western State University

Student Code of Conduct and Housing
and Residential Life Policies



2021-2022

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PREAMBLE

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 of service, quality, freedom, enthusiasm, respect, and courage by maintaining a high standard of conduct.

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 so doing, they respect the dignity, rights, and property of others. The University 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. Accordingly, the Missouri Western State University Student Code of Conduct applies to conduct that occurs on University premises or in University facilities, at University-sponsored activities, and off-campus conduct that adversely affects the University community and/or the pursuit of its objectives.

The University has the inherent right to promulgate rules and regulations for the safe and orderly conduct of University business. All students are expected to comply with all published and stated rules and regulations.

It is the responsibility of each University student to become and stay familiar with the Student Code of Conduct.

The University must have a system to deal with those instances when a member fails to adhere to the expectations of the community system. The Student Code of Conduct describes actions or conduct that fail to meet expectations, the process for determining when a failure has occurred, and the sanctions that may be imposed for such failure. Unless ultimately proven otherwise pursuant to the standards and processes contained herein, individuals accused of violating the Student Code of Conduct are presumed to be not responsible for any alleged violation.

Each student shall be responsible for their conduct from the time of enrollment through the actual awarding of a degree, to include the academic year and periods between terms of actual enrollment.

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.

Discoveries of alleged Student Code of Conduct violations after a degree is awarded or the student has left Missouri Western State University may still be considered. Pending student conduct processes will continue, even if the student withdraws from the University while a conduct matter is pending.

Additionally, Missouri Western State University Police Department reports, as well as reports from other law enforcement agencies may be used in order to invoke discipline or sanctions for violations of the Student Code of Conduct.

I. GENERAL PRINCIPLES

Student Conduct Philosophy

The goal of students enrolling at Missouri Western State University is the pursuit of an outstanding higher education experience. Inappropriate conduct that obstructs the mission and functions of the University may adversely affect the interests of the University community and/or may endanger members of the University community. As such, any student who violates the Student Code of Conduct may be subject to the student conduct process. Students found in violation of the Student Code of Conduct are subject to sanctions.

The goal of the Student Conduct process is to:

- Make sure the student sanctioned has learned from the experience;
- Educate the student so they do not commit the violation again;
- Offer the student the opportunity to make good on a mistake;
- Ensure that the University expectations regarding appropriate behavior are clear;
- Hold students accountable to expectations and present opportunities for growth;
- Educate the student concerning how their behavior impacts others in the University community; and
- Protect the University community from people who may harm others in the University community or who may substantially interfere with the educational mission of the University or other institutions.

Communication

The University's official mode of communication is through Missouri Western email accounts provided to all students. All communications to students will be transmitted by Missouri Western email, or in rare cases, registered mail or hand delivery. **It is the responsibility of all Missouri Western students to check and communicate with the University through the Missouri Western email account provided to all students.** Following reasonable efforts to deliver any communication to a student, an indirect or substituted mode of delivery may be attempted. Any delay or failure to reach the student shall not delay the procedure.

Drug and Alcohol Violation Disclosure

The Family Educational Rights and Privacy Act (FERPA) allows an institution of higher education to disclose to a parent or legal guardian of a student information regarding any violation of federal, state, or local law, or any rule or policy of the institution, regarding the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if the student is under the age of 21, and the institution determines that the student committed a disciplinary violation with respect to such use or possession. Missouri Western will review each case on individual circumstances prior to disclosure.

Good Samaritan Policy

The Missouri Western State University community recognizes that the health and wellness of students is of the utmost priority. When alcohol and/or drug abuse creates medical or safety emergencies, potential for University disciplinary action may deter students from seeking assistance for themselves or others. The Good Samaritan policy was developed to support students to act with their own and others' health and safety as the primary concern. This applies only to the University policy and does not prevent action by local or state authorities. This Good Samaritan policy grants immunity from disciplinary action to students who seek medical attention for themselves and/or other students in alcohol or drug-related incidents. This policy does not grant immunities for other violations such as disorderly conduct, vandalism, assault, evidence of drug distribution, paraphernalia, sexual assault, or other violations. The University does not condone underage drinking, the over-consumption of alcohol, or the abuse of drugs. The policy exists to encourage students who find themselves in life-threatening situations with alcohol and/or drugs to call for help.

Students who are granted immunity under the policy may be required to attend educational training or session(s) to prevent similar situations in the future. Not only does this provision serve to protect students, it also serves as a format to educate students on the abuse of alcohol and other drugs. Failure to meet these requirements could result in application of disciplinary actions.

Students should always seek medical attention in a drug or alcohol-related emergency. However, egregious alcohol/drug violations, violations having a significant individual or community impact, and prior violations that demonstrate an actual, potential, or perceived pattern of behavior are not likely to have outcomes that are mitigated and are not likely to be protected under this policy.

Any alcohol visible in the room or at the scene of the emergency will be disposed of by the student or University staff. Any controlled substances visible at the scene of the emergency will result in University Police Department (UPD) involvement. Missouri Western State University does not have the authority to dispose of and/or grant legal immunity for controlled substances, and will contact UPD whenever necessary.

Inherent Authority

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 Student Code of Conduct.

Jurisdiction and Authority of Sanctioning

Alleged violations of the Student Code of Conduct are typically heard by Student Conduct Officers. For alleged violations that occur within Housing and Residence Life, authority may be delegated to the Director of Housing and Residence Life or designee. Alleged violations that have occurred in the classroom are first addressed within Academic Affairs, with the potential to be heard by the Dean of Students or designee. Alleged violations by Registered Student Organizations (RSOs) or by students who live off-campus are heard by the Dean of Students or designee, as are cases that may result in suspension or expulsion.

Retaliation

Any member of the University Community who reports or assists in making a complaint, exercises a legal right (such as obtaining a reasonable accommodation), and/or participates in any University processes has the right to do so without fear of retaliation. A finding of retaliation will result in appropriate sanctions or other disciplinary action.

Timelines

All dates listed within this document are business days. Students may waive stated timelines to expedite the process. All reasonable efforts will be made to maintain the timelines set forth within this document. When timelines cannot be met for reasons beyond the Student Conduct Officer's control, reasonable communications must be made to the complainant and respondent, outlining the reasons for the delay. Egregious variances from these timelines may be the basis of appeal.

Title IX and Sexual Harassment

Missouri Western State University is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. Missouri Western considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of Missouri Western policy, is unacceptable, and will not be tolerated. It includes discrimination on the basis of sex, sex stereotypes, sexual orientation, gender, gender identity or expression, marital status, pregnancy or parental status. Missouri Western pledges continued compliance with all relevant state and federal laws and cooperation with governmental organizations in ensuring equal employment and educational opportunity. More specifically, as a recipient of federal financial assistance for education activities, Missouri Western is required by Title IX of the Education Amendments of 1972 to ensure

that all of its education programs and activities do not discriminate on the basis of sex/gender.

Sexual harassment, whether verbal, physical, or visual, that is based on sex, is a form of prohibited sex discrimination. Sexual harassment is an umbrella term that including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. The specific definitions of sexual harassment, including examples of such conduct, are available in the Missouri Western State University Sexual Harassment Policy and Grievance Resolution Procedures, found at: <https://www.missouriwestern.edu/titleix>.

Any person may report sex discrimination (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, telephone, or email, using the contact information listed for the Title IX Coordinator (below) or electronically through the MWSU Title IX website (<https://www.missouriwestern.edu/titleix>). A report may be made at any time (including during non-business hours). Any other questions regarding Title IX, and concerns about noncompliance should be directed to the Title IX Coordinator, or the Assistant Secretary of Education with the Office for Civil Rights (OCR). Additional information about OCR is available at <https://www2.ed.gov/about/offices/list/ocr/index.html>.

Title IX Coordinator
Blum Union 231
(816)-271-4557
titleix@missouriwestern.edu

False or Frivolous Complaints

While the University encourages all good faith complaints of University policy violations including sexual misconduct, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false or frivolous, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline. No complaint will be considered false or frivolous solely because it cannot be corroborated.

Violations of Federal, State, or Local Laws

Missouri Western State University proceedings may be instituted against a student charged with conduct that potentially violates both criminal law and the Student Code of Conduct (that is, if both possible violations result from the same factual situation).

Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus, at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under the 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 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 considerations for the individual because of their 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.

Campus Conduct vs. Criminal Justice System

There are significant differences between the campus conduct process and criminal justice procedures. Students

can:

- File a report with both the University and the criminal justice system at the same time;
- File a report with the University but not with the criminal justice system, or vice versa;
- OR File a report with the University or the criminal justice system, and later decide to file a report with the other system.

This means a case may be processed through both the University’s conduct process and the criminal justice system. If a case is going through the criminal justice system, and a report has also been made to the University, the University may or may not wait until the criminal justice case is completed before conducting its own investigation and remedy/sanction process.

The following compares and contrasts the typical similarities and differences in campus conduct and criminal justice systems:

| | Campus Conduct | Criminal Justice System |
|------------------------------------|---|--------------------------------|
| Alleged Victim | Complainant | Plaintiff |
| Alleged Perpetrator | Respondent | Defendant |
| Confidentiality | Confidential, FERPA applies | Public records |
| Standard of Evidence | Preponderance of evidence (more likely than not) | Beyond a reasonable doubt |
| Speaking Rights | Students speak for themselves | Attorney speaks for client |
| Representation (if desired) | Advisor (Friend, attorney, or person of choosing) | Attorney |
| If Found Responsible | In Violation | Guilty |
| If Found Not Responsible | Not In Violation | Not Guilty |

II. POLICIES AND PROCEDURES

All members of the Missouri Western community are expected to familiarize themselves with all policies, rules, and regulations associated with the University. Selected policies excerpts are included in this handbook as they are pertinent to the success and safety of students. The full text of these policies may be found at <https://www.missouriwestern.edu/policy-guide/>.

A. Academic Policies and Procedures

- [Academic Advisement System](#)
- [Academic Honesty Policy](#)
- [Academic Renewal Policy](#)
- [Classroom Food and Drink Policy](#)
- [Classroom Recording Policy](#)
- [Copyright Policy](#)
- [Family Education Rights and Privacy Act / Student Records Policy](#)
- [Grades / Grading Policy](#)
- [Grade Appeal Process](#)
- [Incomplete Grades](#)
- [Instructional Policies](#): Absences, Make-Up Work, Class Rosters, Course Syllabi, Field Trips, Final Exam Policy, Final Grade Reports, Grade Change, Meeting Classes, Midterm Deficiency Grade Reports, and Office Hours
- [Preferred Name Policy](#)
- [Student Credit Hour Policy](#)
- [Student Evaluation of Faculty](#)
- [Academic Probation and Suspension](#)

B. University Policies and Procedures

- [Advertising](#)
- [Access to Buildings / Key Distribution Policy](#)
- [Addition or Elevation of Sports](#)
- [Animals on Campus Guidelines](#)
- [Board of Governors - Alcohol Policy](#)
- [Bulletin Board Notices](#)
- [Communicable Disease Policy](#)
- [Computing Guidelines](#) and [Email/Portal Use Policy](#)
- [Facilities and Outdoor Areas Scheduling](#)
- [Free Expression Policy](#)
- [Hazing Policy](#)
- [Identity Theft Policy](#)
- [Meningitis Immunization Policy](#)
- [Mission, Values, and Diversity Statement](#)
- [Nondiscrimination/Equal Opportunity Policy](#) and [Procedures for Reporting and Investigating Complaints](#)
- [Pregnant and Parenting Students Accommodation Policy](#)
- [Registered Student Organization Handbook](#): Event Admissions Policies, Late Night Events / Dance Policy, Non-Admittance to University
- [School Cancellation Policy](#)
- [Sexual Harassment Policy and Grievance Resolution Procedures](#)

- [Solicitation Policy](#)

- [Suicide Awareness and Prevention Policy](#)
- [Tailgating Policy](#)
- [Tobacco Use Policy](#)
- [Tuberculosis Screening Policy](#)
- Other University Policies

III. DEFINITIONS

The following are brief definitions. Complete processes can be found throughout this Student Code of Conduct.

Administrative Hearing: A conduct hearing where there is an uncontested allegation and/or where the alleged violation if found to be true would typically result in a University or housing warning or probation.

Administrative Hearings may be scheduled at any time, including during the summer and during University breaks.

Advisor: Any person who accompanies a respondent, a complainant, or a victim for the limited purpose of providing support and guidance. The advisor may be a friend, attorney, or person of choosing.

Appellate Board: The body which is authorized to consider appeals.

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. The Complainant need not be a person who was the target or victim of the alleged violation.

Conduct Hearing: The process by which a complaint is heard. This may be Administrative or Formal and may also be called a “hearing,” to mean either type of process.

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.

Dean of Students: 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.

Due Process: Fair treatment through the student conduct process. A hearing conducted in conformity with prescribed procedures.

Faculty: Any person hired by the University to conduct classroom activities.

Formal Hearing: A conduct hearing that is recorded and follows a prescribed format. Formal hearings are typically conducted when a student is charged with alleged violations of the Student Code of Conduct that are serious enough to possibly reach the level of University suspension or expulsion. Formal Hearings may be scheduled at any time, including during the summer and during University breaks.

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 hearing, meaning the respondent is found to have violated the Student Code of

Conduct or University policy. Sanctions will be assigned.

Mediation: A meeting facilitated by the Dean of Students 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.

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

Not In Violation: A finding after a hearing, meaning there is not enough evidence to find the respondent has violated the Student Code of Conduct or University policy.

Organization (RSO): Groups that have complied with the formal requirements for University recognition, also known as a Registered Student Organization (RSO).

Organizational Hearing: A conduct hearing that is conducted when an RSO is charged with alleged violations of the Student Conduct Code. The case is heard by two Student Conduct Officers, the hearing is recorded, and the hearing follows a prescribed format.

Policy: The written regulations of the University as found in, but not limited to, the University Policy Guide, 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 it is more likely than not that a conduct violation occurred.

Respondent: The member of the University community who is alleged to have violated the Student Code of Conduct or University policy.

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 hearing or administrative process relating to behavior or conduct.

RSO Respondent: Registered Student Organization that is alleged to have violated the Student Code of Conduct or University policy; typically, the RSO President serves in the capacity of responding to the charges.

RSO Advisor: Registered Student Organization's officially listed campus advisor.

Sanction: A consequence of actions based on a finding of In Violation that is binding. Sanctions may include counseling, financial restitution, campus community service hours, probation, and suspension or expulsion.

Student: 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.

Student Code of Conduct: The rules, regulations, and policies of the University that apply to students and/or RSOs.

Student Conduct Officer (SCO): The person assigned to review and adjudicate the incident by the Dean of Students or designee.

University: Missouri Western State 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.

University Premises: All land, buildings, facilities, and other property in possession of or owned, used, or controlled by the University.

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

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

IV. PROSCRIBED CONDUCT

The University has a duty to establish rules and policies that all students are required to follow for the good of the community. Students have a right to expect enforcement of these rules and policies. The University also has a right to expect students to abide by them as responsible members of the learning community. In addition to the Student Code of Conduct, Missouri Western State University students are responsible for upholding all official University and Housing and Residence Life policies while a member of the Missouri Western State University community. Students are also responsible for the actions of their guests/visitors. Students who instigate any policy violation or are complicit with any policy violation, may be subject to disciplinary action. Engaging in the following behaviors may be a violation of the Student Code of Conduct:

1. **Academic Dishonesty** -

a. **Falsifying** documents or academic records.

b. **Violation of [University Academic Honesty Policy](#):** Violations of academic honesty include, but are not limited to, the following activities: 1. Copying another person's work and claiming it as your own; 2. Using the work of a group of students when the assignment requires individual work; 3. Looking at or attempting to look at an examination before it is administered; 4. Using materials during an examination that are not permitted; 5. Allowing another student to take your exam for you; 6. Intentionally impeding the academic work of others; 7. Using any electronic device to transmit portions of questions or answers on an examination to other students; 8. Using any electronic device to improperly store information for an exam; 9. Knowingly furnishing false information to the University or its representatives. 10. Assisting other students in any of the acts listed above.

2. **Alcohol** - Alcohol is not permitted on Missouri Western's campus with exceptions pursuant to the tailgating policy and the Board of Governor's alcohol policy. Violations of the alcohol policy may include:

a. **Underage/Minor:** Using or possessing alcoholic beverages if one is underage.

b. **On campus:** Using, possessing, or distributing alcoholic beverages on campus or at University-sanctioned activities where alcohol is not allowed.

c. **Paraphernalia:** Using or being in possession of alcohol paraphernalia or empty containers where alcohol is not allowed.

d. **Tailgating:** Failure to comply with the [Tailgating Policy](#)

3. **Animals** - State and local health regulations preclude animals and pets from being in University

buildings with the exception of the following in Residence Halls: fish living under water and in aquariums no larger than 10 gallons in size. Assistance animals for individuals with disabilities (Service and Emotional Support Animals) as approved or recognized through the Accessibility Resource Center for students with disabilities as an accommodation and are permitted on campus as permitted by law. Assistance animal owners must self-identify as a student with a disability with the Accessibility Resource Center and must comply with the University's policies and procedures when requesting use of an assistance animal and must also abide by all required when housing and caring for the animal.

4. **Arson** - 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.
5. **Assault** -
 - a. **Harm to Persons:** Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including self.
 - b. **Unwelcome Contact:** Engaging in unwelcome physical contact with any person which includes (but is not limited to) physical harassment, unwanted touching, even between acquaintances, making unwelcome advances.
 - c. **Hazing:** Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
6. **Bicycle, Scooter, Wheeled Devices** - Skateboards, rollerblades, bicycles, hoverboards, scooters, and other wheeled device activity shall be conducted with courtesy toward all students, faculty, staff and visitors using the sidewalks, parking lots, and other public areas of campus. Such activity should be conducted away from University buildings and high traffic areas. Wheeled devices are not to be ridden inside University buildings, Residence Halls, common areas, or breezeways. Note: The term scooter does not include wheeled devices used for medical or health reasons.
7. **Disruptive Behavior/Disorderly Conduct** -
 - a. **Disruptive Behavior:** Disrupting classes, seminars, research projects, or other educational or employment activities of the University.
 - b. **Disorderly Conduct:** Engaging in disorderly conduct or expression, a breach of the peace, or aiding or inciting another to a breach of the peace. Such conduct includes, but is not limited to, throwing objects to create a danger, making excessive noise, any other type of interference with the normal operations of the University or its activities, or any type of conduct that interferes with the ability of those who attend, visit, or work at the University to enjoy the benefits of the purposes for which the University exists.
8. **Drugs** -
 - a. **Possession:** The unlawful possession or use of any drug or controlled substance.
 - b. **Distribution:** Manufacturing, growing, selling, distributing, or offering for sale narcotic drugs, depressants, or stimulant substances, hallucinogens, cannabis, and/or derivatives (including synthetic derivatives).
 - c. **Pharmaceutical Medication:** Abuse, misuse, sale, or distribution of prescription or over the counter medication.
 - d. **Drug Paraphernalia:** The presence of drug paraphernalia.
 - e. **Drug Odor:** Evidence of drugs, such as smell, or the presence of items used to mask

drug odors.

9. **Election Tampering** - Tampering with the election of any University student organization.
10. **Fire Alarms and Fire Equipment** -
 - a. **Fire Alarm:** Making or causing a fire alarm intentionally or unintentionally.
 - b. **Fire System Tampering:** Tampering with, damaging, disabling, and/or misusing fire safety equipment.
11. **Firearms and Weapons; Flammable Materials and Fireworks** - Possessing, using, or participating in an activity involving firearms, fireworks, chemicals which are explosive and/or hazardous, other implements used as weapons which includes, but is not limited to, airsoft guns, bb guns, bows, crossbows, and swords; and other types of arms classified as weapons in Missouri Revised Statutes, on University property or at University sanctioned activities; or the use or display of any object or instrument in a dangerous and/or threatening manner.
12. **Fraud/Forgery/False Information** -
 - a. **Fraud/Forgery:** Forgery, fraudulent misrepresentation, altering, transferring, infringing on the copyright of, and/or misusing University documents. Providing false information in the application for admission, petitions, requests, disciplinary hearings, or all other matters of record, and/or transactions with officials of the University.
 - b. **False Report:** Falsely reporting information of an emergency nature (such as a false report of a bomb, fire, or other emergency).
 - c. **False Identification:** Using fake identification, falsely identifying oneself, or using the identification of another person.
13. **Gambling** - Gambling as prohibited by the laws of the State of Missouri.
14. **Harassment** -
 - a. **Harassment:** Repeated, persistent, severe, or pervasive actions directed toward a specific individual or toward a group with the intent or effect to harass, harm, or terrorize, including attempting or threatening physical contact, or acts that create the reasonable apprehension of unwanted contact. Such acts may include, but are not limited to, face-to-face interactions, phone calls, text messages, and/or use of social media.
 - b. **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 hearing or administrative process relating to behavior or conduct.
15. **Health and Safety** -
 - a. **Hazards:** Creation of health and/or safety hazards (blocking egress; dangerous pranks; hanging out of or climbing from/on/in windows, balconies, or roofs; hygiene and sanitation; uncleanliness of residential and University spaces; overloading of electrical outlets; pest concerns; etc.). This includes but is not limited to failing to follow the University's COVID-19 safety and health protocols.
 - b. **Immunizations:** Inability to obtain required immunizations, unless a signed statement of medical or religious exemption is on file with the Esry Student Health Center.
16. **Indecent Behavior** - Engaging in lewd, indecent, and/or obscene conduct or expression.

17. **Misuse of Technology** - Making or assisting in unauthorized, obscene, or annoying phone calls, text messages, or computer messages, or otherwise misusing or abusing phone and/or computer equipment. 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 or using passwords without proper authorization, viewing or distributing pornographic material, and/or disruptive or inappropriate behavior that affects the University's computer system.
18. **Policies, Laws, and Requests** -
- a. **Non-compliance:** Failing to comply with the reasonable and lawful requests of University officials acting in the performance of their duties.
 - b. **Obstruction:** Obstructing or intimidating University officials while they are discharging their official duties and responsibilities.
 - c. **Incomplete Sanction:** Failure to properly comply with or complete a sanction or obligation resulting from a disciplinary hearing or adjudication.
 - d. **Criminal Law:** Committing any act which is a violation of criminal law of the United States, the State of Missouri, or a municipal ordinance.
 - e. **Housing and Residence Life Policy:** Failing to obey policies and procedures, whether or not one is a resident.
 - i. Guest Policy, Escort, Registration, Room Capacity, Visitation
 - ii. Noise, Courtesy Hours, Quiet Hours
 - iii. Appliances, Candles & Incense, Extension Cords, Microwaves, Miscellaneous, Refrigerators, Waterbeds
 - iv. Sports & Horseplay
 - v. Grounds & Facilities, Balconies, Draperies, Furniture, Grills, Lofts, Screens, Trash, Windows
 - f. **University Policy:** Failing to obey any University policy.
 - g. **Failure to Identify:** Refusing to show identification to the University or to any University employee or agent, including campus law enforcement or security officers acting in good faith and in the performance of their duties.
19. **Sexual Misconduct** - To include sexual harassment, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, relationship violence, sexual exploitation, and/or stalking.
20. **Theft or Misappropriation** - Stealing or attempting to steal University property or the property of any person and/or to be in possession of stolen property, or embezzlement.
21. **Threat** - Written, oral, or physical conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
22. **Tobacco and Vaping** - Smoking, the use of smokeless tobacco products, vaping, and nicotine delivery devices in facilities and on grounds and property owned, leased, or controlled by the University is prohibited. The sale, give away, or advertisement of tobacco products is not allowed on university property. Tobacco and vaping products include, but are not limited to: cigarettes (traditional and electronic), vaping devices, cigars, pipes, hookah, smokeless tobacco (chewing tobacco, snuff, snus, etc.), other tobacco administering products, or products including nicotine (excluding Nicotine Replacement Therapy).
23. **Unlawful Entry/Presence in and use of University Facilities/Misuse of Keys**

- a. **Unlawful Entry/Presence in and use of University Facilities:** Entering in and/or using University facilities or property without authorization by the appropriate University officials.
- b. **Misuse of Keys:** Lending University keys, key cards, and Student Identification Cards to another person is prohibited. Duplication of University keys and key cards is prohibited. Unauthorized use or possession of University keys and key cards is prohibited.

24. **Vandalism/Damage to Property** - Damaging, destroying, or defacing University property or property of any person as a result of deliberate action and/or as the result of reckless or imprudent behavior.

V. COMPLAINT PROCESS

Purpose

The University's conduct process is an educational tool with two major objectives: to hold students and student groups/organizations accountable for unacceptable behavior and to modify those behaviors deemed unacceptable by the University. The conduct process strives to address unacceptable behavior in an effort to guide students toward a greater sense of both individual and shared responsibility and toward more ethical decision making.

Participation

While the University encourages the parties to participate fully in the conduct process with regard to their case, the complainant and/or respondent may decline to participate in the conduct process. The University may however continue the process without the complainant's and/or respondent's participation, including without limitation cases in which a party has withdrawn, transferred or graduated from the University. A respondent must comply with any disciplinary measures or sanctions/corrective actions issued pursuant to the conduct process, even if the respondent has declined to participate in the process.

Overview of Process

Any person may file a complaint against a student or Registered Student Organization for alleged violations of the Student Code of Conduct. Complaints are preferably filed by submitting an incident report to the Department of Housing and Residence Life or the Dean of Students. Criminal complaints may be reported to the University Police Department.

Once an incident report has been submitted, it will be the charge of the Dean of Students or designee to determine which, if any, violations of the Student Code of Conduct have allegedly occurred and how the case will be adjudicated. Any report submitted 10 business days or more after discovery of the alleged incident will be reviewed at the discretion of the Dean of Students or designee for action or dismissal. At the end of the semester, the Student Conduct Officer may choose to hold the hearing during the break period (either in person, online, or via teleconference), or hold the hearing over to the next semester.

Types of Conduct Hearings: Administrative and Formal

Administrative Hearing: The majority of conduct hearings are completed with an Administrative Hearing Officer. During Administrative Hearings, the Hearing Officer meets with the accused student to discuss the alleged incident and corresponding alleged conduct violation. If the accused student accepts responsibility for the violation, then the Hearing Officer assigns appropriate sanctions. If the accused student does not take responsibility for the violation, then the Hearing Office has the discretion to refer the case for a Formal

Hearing.

Formal Hearing: A conduct hearing that is recorded and follows a prescribed format. Formal hearings are typically conducted when a student is charged with alleged violations of the Student Code of Conduct that are serious enough to possibly reach the level of University suspension or expulsion.

Procedures for these types of hearings are explained below.

Simplified Timeline

Please read the complete Code of Conduct for complete details regarding timelines.

| Action | Result | General Timeline for Process |
|---|---|--|
| A complaint is filed. | Dean of Students or designee routes case (referral, mediation, Formal/Administrative hearing; filed for documentation only) to the appropriate Student Conduct Officer. | Upon receipt of the complaint or as soon as practicable thereafter. |
| Complaint is presented to the respondent via email; time is set for an Administrative or Formal hearing OR student(s) are immediately temporarily suspended in a severe case. | Respondent receives notification of charge and hearing date. | Administrative or Formal hearing must occur no sooner than 3 business days after student notification unless the student signs a hearing waiver. |
| Respondent may submit written response to the charge(s) and/or witness to the Student Conduct Officer. | Respondent(s) must notify the Student Conduct Officer of any written response or witness statement the student wishes to provide. | Should occur at least 1 day prior to the hearing but may be presented on date of hearing. |
| Complainant would like to present testimony (in person or in writing) and /or witness statement to the Student Conduct Officer. | Student(s) must notify the Student Conduct Officer. | Must occur at least 1 day prior to the hearing. |
| Administrative/Formal hearing occurs. | Outcome letter sent: In Violation (and sanctioning) or Not In Violation. | Must occur within 5 business days of the conclusion of the final meeting of the hearing. |
| Student(s) wishes to appeal the decision made in an Administrative or Formal hearing. | Must submit an appeal form to the Dean of Students based on at least one of the grounds listed. | Must occur within 3 business days after the letter date of the written notification of a disciplinary decision. |
| The appeal form is received by the Dean of Students who will grant or deny the appeal. If granted the appeal will move forward to the Appellate Board. | The Dean of Students will determine if there are grounds for appeal. If denied, notification will be sent to the appellant. If granted, notification will be sent to the Appellate Board. | Must occur within 5 business days of the receipt of the material pertinent to the appeal. |
| The appeal is reviewed by the Appellate Board composed of a faculty member, a staff member, and a student. | The respondent is notified of the date and time of the board meeting. The respondent does not attend. | Must occur within 5 business days of the receipt of the material from the Dean of Students. |
| The Appellate Boards sends their recommendation to the Dean of Students. | The board may recommend affirming, reversing, or altering the decision and sanctions. | Must occur within 2 business days of the Appellate Board meeting. |
| The Dean of Students makes the final decision and sends it to the student(s). | Decision is final. | Must occur within 3 business days of the Appellate Board meeting. |

In the event that decisions/notifications are delayed, the respondent will be notified of the delay and informed when the decision will be communicated.

“Days” refers to business days.

Administrative Hearing Procedures

1. The student will be notified via email of the date, time, location, alleged violation(s)/charge(s), and identification of the Student Conduct Officer with whom the student will meet.
 - a. A respondent who cannot attend the Administrative hearing must notify the Student Conduct Officer stating the reasons for the conflict and requesting a new hearing date. This statement must be presented to the Student Conduct Officer no less than one (1) day before the beginning of the hearing. The hearing may be rescheduled, at the discretion of the Student Conduct Officer. Only one (1) change of hearing date and time may be granted.
 - b. If a respondent fails to attend a scheduled hearing, the hearing may proceed in the absence of the respondent. Such an absence will not be considered grounds for an appeal.
2. The respondent may have one (1) advisor present at the hearing.
 - a. If the student wants to have an advisor present, the student must notify the Student Conduct Officer no later than one (1) business day before the beginning of the hearing.
 - b. Advisors may be members of the Missouri Western community, such as current full-time students, faculty, and/or staff. This advisor serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The advisor may not speak for the student nor address the Student Conduct Officer. If the advisor is an attorney, the case will be heard as a Formal hearing and the Student Conduct Officer may reschedule the time and/or date of the hearing so that Missouri Western State University legal counsel may be present.
3. The respondent and the Student Conduct Officer will discuss the case. The respondent may present evidence and/or bring written witness statements (if possible, this information should be presented 24-hours prior to the scheduled hearing).
4. The Student Conduct Officer will determine if there was a Student Code of Conduct violation based upon a preponderance of evidence. The decision-maker must find in favor of the respondent unless the decision-maker is persuaded that it is more likely than not that the student committed the offense(s) charged. The respondent shall be afforded the benefit of the presumption of innocence.
5. The respondent will be informed of the outcome of the hearing, by email, within five (5) business days of the conclusion of the final meeting of the Administrative hearing, including any sanctions that may have been assigned.
6. A student has five (5) business days after the letter date of the written notification of a disciplinary decision to file an appeal. Any such appeal shall be made in writing to the appeal officer and shall be limited to grounds that a fair hearing was not provided or that the sanction imposed was insufficient or excessive. Failure to appeal within the five (5) day period waives the right to appeal.

Formal Hearing Procedures

All Formal hearings will be closed, except to those specifically provided for in the conduct procedures or persons whose presence at the hearing is authorized by the Student Conduct Officer. The hearing will be conducted by a minimum of two (2) hearing officers.

1. The respondent will be notified via email of the date, time, location, alleged violation(s)/charges, and identification of the Student Conduct Officers with whom they will meet.
 - a. A student who cannot attend the Formal hearing must notify the Student Conduct Officer stating the reasons for the conflict and requesting a new hearing date. This statement must be presented to the Student Conduct Officers no less than one (1) business day before the scheduled hearing. At the discretion of the Student Conduct Officers the hearing may be rescheduled. Only one (1) change of hearing date and time may be granted.
 - b. If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the respondent. Such an absence will not be considered grounds for an appeal.
2. The respondent may have one (1) advisor present at the hearing.
 - a. If the student wants to have an advisor present, the student must notify the Student Conduct Officers no later than one (1) day before the scheduled hearing.
 - b. Advisors may be members of the Missouri Western community, such as current full-time students, faculty, and/or staff. This advisor serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The Advisor may not speak for the student nor address the Student Conduct Officers. If the Advisor is an attorney, the Student Conduct Officers may reschedule the time and/or date of the hearing so that Missouri Western State University legal counsel may be present.
3. An electronic or other verbatim record will be made of the hearing and will be retained with the student's conduct file. At the beginning of the hearing, the recorder will be turned on.
4. All those present will identify themselves for the record. The respondent will be informed of the Code of Conduct and will be advised of their rights.
5. The student will be asked if they received notice of the hearing and the list of charges of the Student Code of Conduct violations. If the student did not receive the letter, the Student Conduct Officers will provide a copy. The list of student conduct violations will be read for the record.
6. The Student Conduct Officers will read the incident report(s) and ask the respondent to respond. Any additional statements given in the report may be entered into the record, with the respondent having the opportunity to respond.
7. Complainant testimony may be held at a separate time/place arranged by the Student Conduct Officers. Any written testimony from the complainant will be presented to the respondent during their hearing and the respondent will have the opportunity to respond.
8. Witnesses will be asked to describe what happened in written statements, and the respondent will have a chance to respond. All communication between the respondent, complainant, and witnesses will be directed to the Student Conduct Officers. The Student Conduct Officers may reasonably limit the scope and time devoted to each matter or item of discussion during the hearing, as well as the number of persons testifying. The Student Conduct Officers will decide the order of witnesses and when the complainant and witnesses will be in the hearing room.
 - a. The respondent is responsible for arranging for witnesses testifying on their behalf to appear at the hearing. Complainants and the Student Conduct Officers may also invite witnesses to present testimony, but the organization of this will be left to the discretion of the Student Conduct Officers. If a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the Student Conduct Officers before the scheduled hearing.
 - b. The Student Conduct Officers are to be notified in writing by the respondent and complainants no less than one (1) day before the hearing of those persons intending to provide testimony, whether in

- person or writing.
- c. The Student Conduct Officers 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 respondent(s).
9. The Student Conduct Officers may ask questions of any respondent, complainant, or witness during the hearing.
 - a. Evidence will consist of oral and written testimony, incident reports, and any other material directly related to the incident. The Student Conduct Officers may reasonably limit the scope of evidence considered in the hearing.
 10. The Formal hearing will conclude with a review of the outcome notification and appeal processes. At the conclusion of the hearing, the respondent, complainant, advisors, and witnesses will be asked to leave the room. These individuals will not be present during the deliberations of the Student Conduct Officers.
 11. The Student Conduct Officers will determine if there was a Code of Conduct violation based upon a preponderance of evidence.
 12. The respondent will be informed of the outcome of the hearing, by email, within five (5) business days of the conclusion of the final meeting of the Formal hearing, including any sanctions that may have been assigned. The complainant may be notified of the outcome as necessitated by VAWA and in compliance with FERPA.
 13. A student has three (3) business days after the letter date of the written notification of a disciplinary decision to file an appeal. Failure to appeal within the three (3) day period waives the right to appeal. Sanctions will not be implemented while an appeal is under consideration unless special circumstances apply.

Rights of the Student Respondent*

1. The right to be presumed not to be in violation until a preponderance of evidence indicates otherwise.
2. The right to have their case heard by an appropriate Student Conduct Officer.
3. The right to have the case processed without prejudicial delay.
4. The right to written notice of the charges no less than 3 business days before the hearing.
5. The right to written notice of the time, date, and place of the hearing.
6. The right to provide testimony on their behalf.
7. The right to be present at the hearing.
8. The right to rebut any witness statements or evidence presented, to produce eyewitnesses on their behalf, and to present evidence.
9. The right to have an advisor of their choosing present at the hearing. The advisor may not participate in the hearing but may only provide advice to the respondent.
10. The right to written notice of the decision.
11. The right to file an appeal for reasons outlined in the Student Code of Conduct.

*Please note that special procedures apply to Sexual Harassment Hearings. See the Sexual Harassment policy for procedural standards and rights which apply in these cases at: <https://www.missouriwestern.edu/titleix/>

Rights of the Complainant*

1. The right to have their case heard by an appropriate Student Conduct Officer.
2. The right to have their case processed without prejudicial delay.
3. The right to written notice of the charges no less than three (3) business days before a hearing.
4. The right to written notice of the time, date, and place of the hearing.
5. The right to provide testimony on their behalf.
6. The right to be present at the hearing.

7. The right to rebut any witness statements or evidence presented, to produce eyewitnesses on their behalf, and to present evidence.
8. The right to have an advisor of their choosing present at the hearing. The advisor may not participate in the hearing but may only provide advice to the respondent.
9. Complainants may obtain outcome information from the Student Conduct Officer on a need-to-know basis. The Student Conduct Officer retains the right to keep outcome information confidential. 10. The right to file an appeal for reasons outlined in the Student Code of Conduct.

*Please note that special procedures apply to Sexual Harassment hearings. See the Sexual Harassment policy for procedural standards and rights which apply in these cases at: <https://www.missouriwestern.edu/titleix/>.

Respondent Findings and Sanctioning

At the conclusion of a hearing, the respondent will be found In Violation or Not In Violation. A student found In Violation of the Student Code of Conduct shall be subject to sanctions proportionate to the offense, with consideration given to any aggravating and extenuating circumstances, including but not limited to, those included in the student's conduct record. More than one sanction may be imposed for any single violation.

Potential sanctions may include, but are not limited to:

Assessment & Recommended Treatment: Referral for assessment and treatment by the University Counseling Center or other agency at the student's expense.

Community/University Service: Required completion of a specified number of hours of service to campus or the general community.

Dean of Students Hold: A Dean of Students Hold is placed on a student's account to prohibit a student from enrolling in classes until the case is processed and the hold is lifted. This does not affect the ability to order transcripts.

Educational Activities: Required attendance at educational programs, meetings with appropriate officials, written research, online program completion, or other educational activities at the student's expense.

Fines: Violations that may result in loss of life or limb may result in a financial penalty.

Hold - Residence Life or Student Conduct: This hold is placed on a student's account when a sanction remains incomplete past the determined deadline, or needs additional revision. Residents will receive a "Residence Life Hold" and non-residents will receive a "Student Conduct Hold."

Residence Hall Expulsion: Permanent separation and eviction from the residence hall. The cost of room and board will be determined by the University and paid in full by the student.

Residence Hall Probation: A written reprimand for a violation of specified Residence Life policies and procedures that sets a designated period of time during which the student's behavior will be under scrutiny, and includes the probability of more severe disciplinary sanction if the student is found to be violating any institutional regulation(s) during the probationary period. Failure to comply with any and all components of the probation may be considered cause for immediate residence hall suspension.

Residence Hall Suspension: Separation of the student from the residence halls and eviction 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, if any, will be specified in the suspension. The cost of room and board will be determined by the University and paid in full by the student.

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.

Restitution: Payment made for damage or loss caused by the responsible student.

Restriction/Revocation/Loss of Privileges: Written notification that behavior is in violation of the University standards and restrictions may be placed on their activities. These include, but are not limited to, restriction of the privilege to participate in student activities or RSOs, represent the University on athletic teams, RSOs or in other leadership positions; access to residential buildings or other areas of campus; use of University facilities, resources, and/or equipment; or contact with a specified person(s). The sanction will specify the privileges being withheld in the particular case as well as the timeframe for the restriction or conditions to be met for their release.

Revocation of Admission/Degree: Admission to or a degree awarded by Missouri Western State University may be revoked for fraud, misrepresentation, or other violations of Missouri Western standards in obtaining the degree or for other serious violations committed by the student prior to graduation.

University Expulsion: Permanent separation of the student from the University.

University Probation: A written reprimand for a violation of regulations that sets a designated period of time during which the student's behavior will be under scrutiny, and includes the probability of more severe disciplinary sanction if the student is found to violate any institutional policies and procedures during the probationary period.

University Suspension: Separation of the student from the University for a definite period of time, after which the student is eligible to return upon approval by the Dean of Students. Conditions for readmission, if any, will be specified in the suspension.

University Warning: A student conduct sanction in writing notifying a student that the student's behavior did not meet University standards. All student conduct warnings will be taken into consideration if further violations occur.

Sanctions as Deemed Appropriate: Other or additional sanctions not listed here may be assigned as appropriate for the violation.

Immediate Temporary Suspension (Students)

The Dean of Students may immediately temporarily suspend a student from University facilities and activities, including the residence halls, pending Formal procedures when it is believed 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. The dismissal must be communicated in writing to the student, and may only be determined by the Dean of Students.

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:

- 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.
- The brandishing or use of anything that can reasonably be construed as a weapon.
- Efforts to intimidate individuals or groups of people.
- The abuse of property including grossly negligent or irresponsible use of property whether it belongs to other individuals or Missouri Western State University.
- Being in possession of enough illegal substances such as drugs including so-called party drugs or alcohol to warrant suspicions of intent to distribute.

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.

Student Appeal Process

An appeal of a disciplinary decision is limited to allegations that the decision violated the student's due process rights. Any hearing outcome may be appealed by the respondent or the complainant (known as the appellant), if their reason for the appeal meets at least one of the below criteria:

- Procedural error that resulted in material harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). 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 hearing and which reasonably could have affected the decision of the hearing 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.

A student has three (3) business days after the letter date of the written notification of a disciplinary decision to file an appeal. Failure to do so waives the right to appeal.

An appeal is a review of the record of the original hearing (except as necessary to gain insight into any new information), not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed criteria for appeal has merit.

The appeal must be in writing and include:

1. The completed ***Disciplinary Action Appeal Request*** form (see appendix), which can be obtained from Student Affairs in Blum Union 228, and is provided to the student via the electronic mail hearing outcome letter.

2. A statement explaining in detail why the student is contesting the findings or the action(s).
3. Copies of any documents that will substantiate or clarify the appeal request.

The Dean of Students or designee will review the materials to determine if there are grounds to warrant an appeal. Those involved as Student Conduct Officers cannot be involved in this review.

Within five (5) business days of the receipt of the appeal, the Dean of Students or designee will notify the student of the decision to grant or deny the request for an appeal. If the Dean of Students or designee grants the appeal, the case will be referred to the Appellate Board. The decision by the Dean of Students or designee to deny the appeal shall be final. Sanctions will not be implemented while an appeal is under consideration, unless special circumstances apply.

Appellate Board

Members of the Appellate Board are appointed by the Dean of Students or designee, and shall consist of three (3) members: one (1) faculty member, one (1) staff member, and one (1) student. The Dean of Students or designee shall designate the Appellate Board chairperson.

The appellant will be notified of the date and time of the board meeting; however, the appellant does not attend. The Appellate Board will review the record of the original hearing and related documents no later than five (5) business days after the appeal was granted. The appellant will be notified by the Dean of Students of any delay and provide the student with an anticipated date the decision will be finalized.

The Appellate Board, upon review of the case, may:

1. Affirm the decision and sanctions imposed by the Student Conduct Officer(s);
2. Recommend reversing the decision;
3. Recommend altering the sanctions imposed by the Student Conduct Officer(s).

Recommendations from the Appellate Board shall be returned to the Dean of Students within two (2) business days of the Appellate Board meeting. The Dean of Students will review the Appellate Board's recommendation and may consult with Appellate Board members in reaching a final decision.

The decision of the Dean of Students will be final and will be communicated via email by the Dean of Students to the appellant. Additional notifications may be made in situations related to the Sexual Harassment policy. The decision will be communicated within five (5) business days of the Dean of Students receiving the written recommendation.

Voluntary Assessment, Involuntary Assessment

In cases in which a student's actions may be a disruption or a danger to others, the University may request a voluntary, or involuntary, assessment. Such an assessment may be requested in the following circumstances:

1. Instances where a student engages, or threatens to engage, in behavior which poses a danger of causing physical harm to others; or
2. Instances which could cause significant property damage, or would directly and substantially impede the lawful activities of others; or
3. Instances where a student's behavior is sufficiently disruptive to normal University operations, consumes an inordinate amount of University staff time and/or resources, or may interfere with the educational process of the University.

Direct Threat

In determining whether an individual poses an imminent danger or a direct threat to the health or safety of others, the University's Campus Assessment Response and Evaluation (CARE) Team, will initially evaluate the threat and make a recommendation as to whether additional assessments should be made.

CARE will make a recommendation to the Dean of Students as to the need for the student to have an individualized assessment. This assessment would be based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Referral for Voluntary Assessment

When a student is referred to the Dean of Students or designee based on behaviors listed previously, the student is required to meet with the Dean of Students or designee as requested. The Dean of Students or designee may include in this meeting staff from the University Counseling Center and the Esry Student Health Center or other units as appropriate. If, based on the content of the discussion, the student agrees to have an assessment, the Dean of Students or designee shall designate/refer the student to qualified professionals (licensed psychologist, counselor, psychiatrist, and/or physician) for an assessment. The licensed professional is empowered by these regulations to share general information and the outcome of the assessment with the Dean of Students and the CARE Team. The minimum necessary information will be disclosed and will be held by the Dean of Students and/or CARE Team in confidence and will be shared only with those University employees with a legitimate need to know.

The licensed psychologist, counselor, psychiatrist, and/or physician shall evaluate the student to determine if there are serious concerns associated with the student's behavior. The licensed psychologist, counselor, psychiatrist, and/or physician shall advise the Dean of Students and the CARE Team of the outcome of their evaluation as a result of the assessment. The Dean of Students and the CARE Team may consult with other internal/external advisors.

The Dean of Students or designee shall be the sole decision maker as to the composition of the CARE Team.

The student may be requested to appear before the CARE Team in which case the Dean of Students or designee

will notify the student in writing. If the CARE Team determines that the student poses an imminent danger or a direct threat to the health or safety of others, the CARE Team may recommend an immediate temporary suspension.

If an immediate temporary suspension is not recommended, the Dean of Students or designee will determine (in consultation with the CARE Team) what, if any, follow up steps the student will be required to complete in order to remain at Missouri Western State University.

Referral for an Involuntary Assessment

The Dean of Students or CARE Team shall be empowered to make referrals for an involuntary assessment when students engage in behaviors listed previously. Students referred for an involuntary assessment shall be informed in writing and the student shall also be given a copy of these procedures. Delivery of these documents will be either by personal delivery or by certified mail with return receipt requested and delivery restricted to the student only. Any cost for the assessment is the responsibility of the student.

The Dean of Students or designee shall designate/refer the student to qualified licensed professionals (licensed psychologist, counselor, psychiatrist, and/or physician). The licensed psychologist, counselor, psychiatrist, and/or physician is empowered by these regulations to share general information and the outcome of the assessment with the Dean of Students and the CARE Team. The minimum necessary information will be disclosed and will be held by the Dean of Students or CARE Team in confidence and will be shared only with those University employees with a legitimate need to know. The assessment of the student must be initiated according to the deadline stipulated in the letter and completed within three (3) business days unless an extension is granted by the Dean of Students or CARE Team.

Return Requirements

Following a determination that a student poses a direct threat to the health or safety of themselves or others, Missouri Western State University may require as a precondition to a student's return that the student provide documentation, such as a Licensed Provider Medical Update, demonstrating that the student has taken steps to mitigate the previous behavior (such as following a treatment plan, submitted periodic reports, granted permission for the institution to talk to the treating professional).

Housing and Residence Life Policies

- **Alcohol**: Alcohol is prohibited in our communities due to its contributions to the disruption of the academic environment. Housing and Residence Life supports alcohol-free environments to help ensure comfortable, safe, and successful communities. No student residents or their guests may use, distribute, or possess alcohol in the residence halls. Alcoholic paraphernalia (empty bottles, cans, cases, etc.) is not permitted on campus. Any person under the age of 21 years who purchases or attempts to purchase, or has in their possession, any intoxicating liquor or who is visibly intoxicated or has a detectable blood alcohol content is guilty of a misdemeanor and subject to discipline by the University.
- **Compliance & Civility**: To ensure safety at all times, residents and guests must follow the directions of University staff members, provide accurate information, and provide identification upon request. Interfering with staff while they are performing their duties, being uncooperative, uncivil, or verbally abusive to staff will not be tolerated. The Department of Housing and Residence Life may interpret the use of profanity, vulgar language, and derogatory comments as disorderly and disruptive conduct. It is expected that students and student residents communicate with civility in all circumstances.
- **Drug Abuse**: The use, possession, manufacture, dispensation or distribution of illicit drugs violates state and federal laws and University policies. Students found in possession or under the influence of illicit drugs will be subject to discipline and removal from the residence halls, and may be subject to criminal penalties under state and federal laws.
- **Fire Safety**
 - **Fire Alarm Instructions and Recommendations**: In the event of a fire alarm during inclement weather, it is recommended to wear a coat and shoes and carry a towel (to avoid smoke inhalation). Close windows and leave lights on in the room. Take the room key, leave the door closed and walk to the nearest exit. If smoke is encountered, stay low. Do not use an elevator. For physical assistance for evacuation call 911. If unable to leave the room, place a towel under the door if smoke is visible or smelled.
 - **Fire Drills**: For the protection and safety of our community, announced and unannounced fire drills will be held each semester during the academic year. To become familiar with evacuation routes, resident evacuation is mandatory anytime the alarm sounds. Participation in fire evacuations are required by state law.
 - **Smoke Detector & Sprinkler System**: It is a violation of state law and Missouri Western Residence Life policy to tamper with any fire safety equipment. This includes, but is not limited to smoke detectors, sprinkler heads, fire alarms, and fire extinguishers. The first offense of tampering will result in the student(s) being assessed a fine of \$100 (if tampering occurred in a common area or double occupancy room, all occupants will receive the fine). The student(s) will also be placed on Residence Life Probation and receive an educational sanction. Second offenses will result in a \$250 fine for all violators, the student(s) may be removed from housing, and the contract(s) must be paid in full. Fire detection and suppression systems are inspected regularly by Residence Life staff. To make the sprinkler system are as effective as possible, nothing may be hung from the sprinkler piping or sprinkler heads. Sprinkler heads may never be obstructed or altered. Nothing may be stored within 18 inches from the sprinkler head. Smoke detectors may not be covered, removed, or disabled. Report any damages to the sprinkler system to the Housing and Residence Life main office immediately.
- **Guest Policy**: For the safety and security of our residents, Residence Life regulates access to residential buildings on campus. In support of privacy and the academic environment, it is important that members of the community feel comfortable with guests in their living space. **The hosting of guests is a privilege and by inviting a guest or visitor into their room or residence hall, the host accepts full responsibility for the actions of the guest.** Therefore, the host is responsible for ensuring that their guest(s) are informed of and adhere to all University policies. Failure to abide by University policy

may lead to loss of guest privileges. Guests not accompanied by their host, found in violation of policy and/or creating a disturbance in the residence hall community may be asked to leave the building by University staff. Residents found to be allowing a non-resident to reside with them could be subject to immediate housing contract termination and be responsible for paying the remainder of the contract balance.

- **Escort:** Guests must be escorted by their resident host at all times.
- **Registration:** If agreed upon by roommates/suitemates, residents are allowed to have overnight guests in Vartabedian, Juda, and Beshears Halls. All guests must register to remain in the halls from midnight to 8 AM. Guest registration can be completed through the Guest Registration form on [My Housing Information](#). The resident host is responsible for registering their guest. A resident may not register another resident from the same hall as a guest.
- Guests who are found to be unregistered or violating campus policy may be asked to leave campus. A host may not have more than one guest registered at a time.
- Guests may not be registered more than two consecutive nights per week, nor may they stay more than a total of 4 nights per month.
- All guests 18 years of age or older may be required to provide an acceptable form of picture identification. No guests under the age of 18 will be allowed to register unless they are immediate family members and can provide signed written permission from a parent or legal guardian. Immediate family members under the age of 14 must receive prior permission from the Director of Housing and Residence Life to stay overnight.
- Acceptable forms of picture identification include Driver's License, State ID card, US Military ID Card, Passport, US Citizen's ID Card, and current School ID.
- **Room Capacity:** Due to fire code and noise considerations, no more than the number of assigned occupants plus one guest per the number of occupants present are allowed in the entire suite/apartment.
- **Visitation:** No guests are allowed to be present beyond 12 AM Sunday through Thursday, or 2 AM Friday and Saturday in a resident room or suite in Scanlon, Leaverton, and Vaselakos Halls. Overnight guests are allowed in Juda, Beshears, and Vartabedian Halls when registered and abiding by the per month maximums (2 consecutive nights per week; 4 nights per month).
- **Keys, Key Cards, and Student IDs:** For the safety of our community, keys and key cards are only issued to a resident for access to their assigned room/area only. Lending keys or key cards to another person is prohibited. Duplication of University keys or key cards is prohibited. Unauthorized use or possession of keys or key cards is prohibited. University students are assigned a Missouri Western identification card with a Griffon (G) number. For the safety of our community, lending ID cards to another person is prohibited. If an ID card is lost, contact the University Police Department (Blum Union 201) immediately.
 - **Hard Key/Key Cards/Core Change:** For the purposes of resident safety, lost keys or key cards should be reported to Housing and Residence Life staff immediately. A replacement key, key card, or core change can be requested by filling out a "Key Request and Lockout Form" at your residence hall front desk. The charge for a hard key core change is \$40. The charge for a key card replacement is \$10. If a resident believes their key or key card has been stolen, they should report it to Housing and Residence Life staff and University Police to provide a police report so a lock change can be ordered immediately.
 - **Lockout:** If a resident is locked out of their room/suite, they can contact their front desk or the Commons Building front desk when other desks are closed. Residents are allowed two lockouts without a charge. On the third lockout and every lockout thereafter, a \$10 lockout charge will be placed on the student's account. Residents requesting a lockout must be able to provide identification and show their key at the time of lockout or after entry into their room.
 - **Mail Key:** When a resident checks into their room they are issued a mailbox key. If a mailbox

key is misplaced, stolen, or lost, they may request a replacement mailbox key. Requests for replacement mailbox keys can be made at a front desk by filling out a “Key Request and Lockout Form”. The resident’s account will be billed \$10 for a key replacement. Desk staff and resident assistants cannot pull mail from the mailroom or mail boxes. Exceptions to this policy will only be granted to those residents who are waiting for a replacement mail key to arrive or other extenuating circumstances approved by the Director of Housing and Residence Life.

- **Limited Access Policy:** From 10 PM to 8 AM each evening, Scanlon, Leaverton, and Vaselakos Halls are limited access buildings (only accessible to residents of the building). During limited access hours all residents may be requested to show proof of their residency (i.e. valid university ID) in order to enter their hall. Hall staff have the right to ask anyone (resident or guest) entering the lobby and/or already in the hall to show proof of identification at any time. As the University ID cardholder agreement on the back of the ID card and the Student Code of Conduct expresses, IDs must be carried at all times and presented upon request by University staff. Residents who are not in possession of their ID when entering their building after limited access hours begin may be documented for violating the Limited Access Policy and must verify their residency to gain entry to the building. All individuals who do not reside in the hall in which entry is desired must follow the guest registration guidelines outlined in the Guest Policy section.
- **Noise:** At all times residence halls should be sufficiently quiet so students who wish to study or sleep may do so without interference. Residents asked to reduce noise have a responsibility to comply with the request and are expected to be courteous to others in their community at all times. Compliance is necessary to ensure an environment for academic success. The University reserves the right to relocate or remove students after continued violations of this policy.
 - **Courtesy Hours:** 24 hours a day, 7 days a week. Noise should not be disruptively audible inside and/or outside of the building, including speakers playing out of a residence hall window. During courtesy hours a resident or staff member may ask residents to reduce noise. 13
 - **Quiet Hours:** As a standard, noise from one room should not travel farther than two doors away in the hallway.
 - **Weekday Quiet Hours:** Sunday through Thursday, 10 PM - 10 AM
 - **Weekend Quiet Hours:** Friday and Saturday, 11:59 PM-10 AM.
 - **Finals 24 Hours Quiet Hours:** Residence Life adheres to 24-hour quiet hours during finals for the benefit of those studying for exams. The 24-hour quiet hour period begins at 10 PM the night before finals and ends the last day of finals week at 5 PM.
- **Animals on Campus:** Animals and pets are not allowed on campus or in any Residence Life facility due to concerns for the health and safety of the campus community and due to issues related to sanitation, noise, and the humane treatment of the animals. Unapproved animals must be immediately removed and students may face disciplinary action as well as immediate cleaning fees, or cancellation of the housing contract. Visiting pets are also not allowed. Residents are not allowed to have pets in any Residence Life facility except fish in aquariums no larger than 10 gallons in size. Extra aquariums are permitted provided the total gallon per resident does not exceed 10 gallons. Residents are expected to ensure aquariums are clean and well maintained and do not negatively impact other residents.
 - Assistance Animals are welcome on campus and in the Residence Life facilities once approved by the Accessibility Resource Center and University. Students with disabilities should visit the Accessibility Resource Center webpage or office for additional information on requesting an assistance animal on campus and information regarding required supporting documentation and owner responsibilities.
 - **Service Animals** - A service animal is individually trained to do work or perform tasks for a person with a disability. Students with disabilities should register their Service Animal with the Accessibility Resource Center and Department of Housing and Residence Life (if the student being served lives on campus). Registration allows for

additional support to the student and service animal in the event of emergencies.

- **Emotional Support Animals (ESA)** are also allowed in Residence Life facilities and designated areas after students with disabilities receive approval from the Accessibility Resource Center.

- **Prohibited Items & Appliance Regulations:** Some appliances, furnishings, and electronic devices have a higher likelihood of contributing to an unsafe or disruptive environment for community living. Residence Life regulates the use of these items to ensure the safety, security, and comfort of the community.
 - **Appliances:** Prohibited appliances include open coil cooking appliances, electric griddles, George Foreman type grills, hot plates, oil fryers, and skillet hot plates. A student residing in Vartabedian Hall may request other appliances to be approved by the Residence Life Coordinator.
 - **Candles & Incense:** Burning candles, incense, kerosene lamps, or other flammable liquid fueled devices, are prohibited in all Residence Life buildings. Decorative candles must have non-burned, clipped wicks, or be wickless. The number one cause of residence hall and apartment fires is an open flame. Incense, as well as being a fire hazard, can be an eye and respiratory irritant. To ensure the safety and comfort of our community, Residence Life prohibits these items.
 - **Extension Cords:** Any electrical extension cord that is used must be 14 gauge or heavier. Do not nail extension cords to walls, place them under rugs or beds, string them on pipes, etc. It is recommended to periodically inspect all cords and appliances for cracks or other defects. Please be aware that overloading an electric circuit with too many appliances can cause problems. UL approved power strips must be used for extending appliance cords.
 - **Fireworks and Explosives:** Under state and federal law, fireworks and explosives are prohibited in Residence Life buildings and areas.
 - **Flammable Liquids:** Flammable liquids including gasoline, propane, etc. are prohibited in Residence Life buildings and areas.
 - **Microwaves:** Students may have one microwave in any residence hall room. Microwaves must be rated 900 watts or less at the highest setting.
 - **Miscellaneous:** Prohibited items include portable heaters, air conditioners, sun lamps, large amplified electronics (public address systems, oversized stereos, subwoofers, and musical instruments), and halogen lamps.
 - **Motor Vehicles:** Motor vehicles, including recreational vehicles, are prohibited in Residence Life buildings. These items must be kept in the parking lots.
 - **Refrigerators:** Refrigerators are permitted with a limit of 5 cubic feet per room. The University is not responsible for loss of items due to power outages.
 - **Waterbeds:** Waterbeds are not allowed.
- **Severe Weather:** In the event of severe weather, residents should stay tuned to a local radio or TV station for the latest report on conditions. Weather sirens are tested on the first Monday of every month at 9:30 AM, weather permitting.
 - **Shelter Procedures:** Residents are responsible for finding shelter in the event of a tornado. When the sirens sound, residents should take cover. Immediately proceed to the shelter in place location described below or a room without windows, such as an interior hallway or personal bathroom on the lowest level of the building and follow further instructions if possible.
 - **Juda/Beshears:** Seek shelter in the bathroom of the suite with the door closed.
 - **Vartabedian:** Seek shelter in the middle of internal lower floor hallways or in the stairwell above the entrance landing.
 - **Leaverton/Vaselakos:** Move to an interior hallway (as far as possible from the end of the

hallway). If leaving your room is not possible, move into your unit's bathroom.

- **Scanlon:** Seek shelter in the middle of internal lower floor hallways or in the bathroom with doors closed.
- **Smoke Free Halls:** The Missouri Western State University campus is smoke and tobacco free. Any use or evidence of use in or around the residence halls is prohibited. For more information please see the campus policy at: https://www.missouriwestern.edu/policy-guide/wp-content/uploads/sites/173/2020/08/Tobacco_Use_Policy_468_1.pdf
- **Sports & Horseplay:** Sports, throwing objects, roughhousing, shooting projectiles, water fights, and practical jokes are not allowed in Residence Life buildings and areas. Riding bicycles, roller blades, scooters, and skateboarding are not allowed in the halls, common areas, or breezeways. Housing and Residence Life prohibits these behaviors due to possible damage, injury, and disruption to members of the community.
- **Use of Grounds & Facilities**
 - **Balconies:** Balconies should be kept clean and clear of garbage and debris. Hanging of banners, signs or other marketing materials is prohibited unless participating in a scheduled University activity. Only personal furniture manufactured as indoor/outdoor furniture may be moved out on the balcony. Climbing on the rails is prohibited. Violation of this policy will result in restricted access to the balcony. Only approved signs/Greek letters/decorations are permitted on the balconies with the approval of Residence Life.
 - **Draperies:** Only curtains or draperies that are designed for windows may be used in student rooms and suite/apartment common areas. Blankets, towels, or other materials not classified as draperies are prohibited.
 - **Furniture:** All University owned furniture is designated for use in the space to which it is assigned. The removal of furniture from its designated location is prohibited. At no time may furniture be removed from the room/suite/apartment or left outside the unit on a balcony or porch. Residence Life strongly discourages residents from purchasing used furniture and placing it in a hall, suite, or apartment. Residents who bring to campus furniture that contains pests will pay remediation costs.
 - **Grills:** The use of grills is not allowed in the residence halls or on balconies. Grills are provided in each courtyard for residence hall student use only. Lighter fluid or combustible fluid is prohibited in student rooms, common areas, and balconies.
 - **Lofts and Bed Raisers:** Although not needed in Residential Life rooms due to adjustable height beds, lofts are permitted. Lofts must be constructed so that they are not permanently attached to the wall or floor (free standing), utilize the floor for support, allow 36 inches of clearance from the ceiling to the top of the loft, and do not cause damage to the room. Wood lofts must be made from fire resistant wood. Lofts must be inspected by the Residence Life Coordinator and a Physical Plant staff member after they are built. All occupants of the room must agree to the presence of a loft. Residential Life assumes no responsibility for damage or injury from lofts. Bed raisers that elevate a bed frame no more than 6 inches may be used without approval.
 - **Screens:** Screens are not to be removed from the window due to potential pest control issues and resident safety.
 - **Trash:** It is the responsibility of residents to keep the living space in the community clean and free from waste. Trash, food containers, and unsanitary bathrooms can attract pests as well as create unpleasant living situations for the community. Residents and their guests are required to keep trash inside their apartments, suites, or rooms. Any trash in the breezeway, stairwells, hallway, or thrown out windows is prohibited. Residents are required to regularly transport personal trash to the nearest dumpster. Students found in violation of creating an unsafe or unsanitary living environment, or littering, could be adjudicated through the Student Conduct

process. Payment of restitution or common area cleaning charges could be assessed to residents in the building.

- **Windows:** Climbing in or out of room or suite windows is prohibited. In order to protect those individuals who may be walking outside the residence hall, no object of any kind may be thrown, dropped, pushed out of, placed outside of, and/or allowed to fall from any residence hall window. Due to fire safety considerations and the significant amount of damage done to residence hall room/suite windows, Residence Life prohibits the posting or hanging of material on either side of residence hall windows. Drawing, painting, and or writing on windows is prohibited except for approved University celebrations (i.e., Homecoming).

- **Health & Safety Checks:** Periodic inspections will be conducted by members of the Housing and Residence Life staff to ensure the safety and sanitation of each room. Inspections will be announced, and it is not necessary for residents to be present during the inspection. Additional inspections may occur based on resident complaints or safety concerns observed or reported to the Department of Housing and Residence Life. (See Room Entry). Areas found to be in unacceptable condition must be addressed to correct the deficiency within 48 hours or face conduct sanctions and cleaning charges. When performing Health and Safety checks, staff will:

- Notify the community at least 24-hours in advance, knock and announce themselves before entering, and enter rooms in pairs and wear nametags; and
- Look for unsafe cord placement (over doors, across door jams), unclean environment (rotting food, mold, offensive odor), doorway or egress obstruction, overloading of electrical outlets, maintenance concerns, pests/vermin, and document any policy violations.

- The outcome of health & safety checks may result in confiscated items, a conduct meeting, and/or sanctions to address the health & safety environment of the room.

- **Confiscation:** Housing and Residence Life staff may confiscate items that are deemed illegal, in violation of Housing and Residence Life or Missouri Western State University policy, or deemed unsafe. In instances when items have been confiscated, a notice will be left in the room and the residents of that room should expect to receive further notification from their Residence Life Coordinator.
- **Room/Suite/Common Area Cleanliness:** All students are responsible for the cleanliness of their assigned bedrooms and bathrooms and are collectively responsible for the cleanliness of the common area of the suite/apartment and balcony, where applicable. Failure to maintain cleanliness may result in the assessment of a cleaning fee. Cleaning fees can vary based on assessment by the Housing and Residence Life, Custodial, and Maintenance staff. Should there be a bug and/or rodent infestation because of uncleanliness, residents may be charged for pest control service.
- **Room Entry:** It is sometimes necessary for a Housing and Residence Life staff member to enter a student's room. Staff are required to show ID or wear a University issued nametag when entering a room. This may occur under one of the following circumstances:
 - In the interest of the welfare, health, and safety of the resident;
 - To conduct periodic general room inspection for health and safety reasons;
 - To provide maintenance or other related activities; and/or
 - To address a policy violation or law that has or is being broken; and emergency events.
- **Room Searches:** As is stated in the Terms and Conditions of the housing contract, the University reserves the right to search student rooms and property for reasons of health, safety, or potential violation of campus policy. When possible, but not required, the student will be present for the search of their room.

Registered Student Organization (RSO) Procedures

Organizational Hearings

Registered Student Organizations (RSOs) are held to the same University standards and policies as individual students. Organizational hearings serve as conduct hearings for RSOs. This type of hearing is conducted when there is a violation of the Student Code of Conduct on University property or the premises owned, rented, or operated by the RSO; during an RSO or University event or activity; in any situation sponsored or endorsed by the RSO or University; or in any event or action an observer would associate with the RSO.

Members of the RSO serve as representatives of the RSO membership and if the RSO is found In Violation, sanctions are applied to the RSO as a whole. Individual members are not sanctioned through this process. Individual members may be held accountable for their actions through a separate student hearing with a Student Conduct Officer(s).

Organizational Hearing Procedures

An organizational hearing is a hearing conducted by the Dean of Students or designee and one additional Student Conduct Officer.

1. The RSO representatives will be notified via email of the date/time/location, alleged violation(s), and identification of the Student Conduct Officers with whom they will meet.
 - a. The RSO will be asked to submit a written statement about the incident and its members' involvement that will be used during the hearing. This statement should be submitted to the Student Conduct Officers at least 48 hours prior to the hearing.
2. The RSO's president and/or executive officers will usually officially represent the RSO at the hearing, although additional officers and/or members of the RSO may be invited to the hearing. a. The RSO may have one (1) advisor present at the hearing. Typically, this is the RSO's stated campus RSO advisor. The RSO advisor serves as a support person and is intended to be of direct assistance to the RSO before and during the hearing. The RSO advisor may not speak for the RSO nor address the Student Conduct Officers. If the RSO advisor is an attorney serving in a legal capacity, the Student Conduct Officers may reschedule the time and/or date of the hearing so that Missouri Western State University legal counsel may be present.
3. An electronic or other verbatim record will be made of the hearing and will be retained with the RSO conduct file. At the beginning of the hearing, the recorder will be turned on.
4. All those present will identify themselves for the record. The RSO respondent will be informed of the Code of Conduct and will be advised of the RSO's rights.
5. The RSO respondent will be asked if they received notice of the hearing and the list of alleged violations of the Student Code of Conduct. If the RSO respondent did not receive the letter, the Student Conduct Officers will provide a copy. The list of RSO conduct violations will be read for the record.
 - a. The Student Conduct Officer(s) will read the incident report(s) and ask the RSO respondent to respond. Any additional statements given in the report may be entered into the record, with the RSO respondent having the opportunity to respond.
6. Complainant testimony may be held at a separate time/place arranged by the Student Conduct Officers. Written testimony from the complainant will be presented to the RSO respondent during their hearing and the RSO respondent will have the opportunity to respond.
7. Witnesses will be asked to describe what happened in written statements, and the RSO respondent will have a chance to respond. All communication between the RSO respondent, complainant, and witnesses will be directed to the Student Conduct Officers. The Student Conduct Officers will decide the order of witnesses and when the complainant and witnesses will be in the hearing room.

- a. The RSO respondent is responsible for arranging for witnesses testifying on the RSO's behalf to appear at the hearing. Complainants and the Student Conduct Officers may also invite witnesses to present testimony, but the organization of this will be left to the discretion of the Student Conduct Officers. If a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the Student Conduct Officers before the scheduled hearing.
 - b. The Student Conduct Officers are to be notified by the RSO respondent and complainants no less than one (1) day before the hearing of those persons intending to provide testimony, whether in person or writing.
 - c. The Student Conduct Officers 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.
8. The Student Conduct Officers may ask questions of any RSO respondent, complainant, or witness during the hearing.
 - a. Evidence will consist of oral and written testimony, incident reports and any other material directly related to the incident. The Student Conduct Officers may reasonably limit the scope of evidence considered in the hearing.
 9. The RSO hearing will conclude with a review of the outcome notification and appeal processes. At the conclusion of the hearing, the RSO respondent, RSO advisor, complainant, and witnesses will be asked to leave the room. These individuals will not be present during the deliberations of the Student Conduct Officers.
 10. The Student Conduct Officers will determine if there was a Code of Conduct violation based upon a preponderance of evidence.
 11. The respondent will be informed of the outcome of the hearing, by email, within five (5) business days of the conclusion of the final meeting of the hearing, including any sanctions that may have been assigned.
 12. An RSO respondent has three (3) business days after the letter date of the written notification of a disciplinary decision to file an appeal. Failure to appeal within the three (3) day period waives the right to appeal. Sanctions will not be implemented while an appeal is under consideration unless special circumstances apply.

Rights of the Organization

1. The right to be presumed not to be in violation until a preponderance of evidence indicates otherwise.
3. The right to have the case processed without prejudicial delay.
4. The right to written notice of the charges no less than three (3) business days before the hearing.
5. The right to written notice of the time, date, and place of the hearing.
6. The right to provide testimony on their behalf.
7. The right to be represented at the hearing.
8. The right to rebut any witness statements or evidence presented, to produce eyewitnesses on their behalf, and to present evidence.
9. The right to have an advisor of their choosing present at the hearing. Typically for RSOs, the advisor is the RSO's campus RSO advisor. The advisor may not participate in the hearing but may only provide advice to the respondent.
10. The right to written notice of the decision.
11. The right to file an appeal for reasons outlined in the Student Code of Conduct.

Organizational Findings and Sanctioning

Sanctions for RSOs may be imposed when the Student Code of Conduct has been violated. More than one sanction may be imposed for any single violation. Examples of potential RSO sanctions are:

Deactivation/Suspension: Loss of privileges, including University recognition, for a specified time period.

Community/University Service: Required completion of a specified number of hours of service to campus or general community.

Educational Activities: Required attendance at educational programs, meetings with appropriate officials, written research, online program completion, or other educational activities at the RSO's expense.

Fines: Violations that may result in loss of life or limb may result in a financial penalty.

Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Restriction/Revocation/Loss of Privileges: Temporary or permanent loss of privileges, including, but not limited to: the use of a particular University facility, resource, or equipment; restriction of participation in specified University activities; or other privileges.

University Probation: A written reprimand for a violation of regulations that sets a designated period of time during which the RSO will be under scrutiny and includes the probability of more severe disciplinary sanction if the RSO is found to be violating any institutional policies or procedures during the probationary period. Failure to comply with any and all components of the probation may be considered cause for immediate suspension or deactivation from the University pending a hearing.

University Warning: A notice in writing to the RSO that it has been found to have violated institutional policies or procedures. All RSO conduct warnings will be taken into consideration if the RSO is found In Violation for additional incidents.

Sanctions as Deemed Appropriate: Other or additional sanctions not listed here may be assigned as appropriate for the violation.

Immediate Temporary Suspension (Organizations)

The Dean of Students may immediately temporarily suspend an RSO from University facilities or activities, including the residence halls, pending an Organizational hearing when it is believed that the presence of the RSO 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. This suspension would temporarily revoke all campus membership privileges and the RSO may not operate as an RSO while under suspension. The suspension must be communicated in writing to the RSO representatives, and may only be determined by the Dean of Students.

Because they are considered to be particularly disruptive to the mission of the University, the following actions and similar actions could result in an RSO's immediate temporary suspension until review has occurred:

- Violating federal, state, or local laws resulting in multiple members of the RSO being charged with or found guilty of a felony crime.
- As a group, 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.

- The brandishing or use of anything that can reasonably be construed as a weapon, such as paddling or other means of hazing.
- Efforts by the RSO to intimidate individuals or groups of people.
- The abuse of property including grossly negligent or irresponsible use of property whether it belongs to other individuals or Missouri Western State University.
- Being in possession of enough illegal substances such as drugs or alcohol to warrant suspicions of intent to distribute.

The University assumes no responsibility for any of the potential ramifications resulting from temporary or permanent disciplinary sanctions for the RSO, such as inability to participate in regularly scheduled co-curricular activities such as fundraisers, recruitment, or athletic events; loss of RSO opportunities or finances; how an RSO is perceived by peers or others on- and off-campus; or whether members are able to continue their membership in the RSO. If appropriate, national organizations will be notified of RSO actions and findings.

Organizational Appeal Process

Any hearing outcome may be appealed by the RSO respondent or the complainant, if their reason for the appeal meets at least one of four criteria:

- Procedural error that resulted in material harm or prejudice to the RSO (i.e. by preventing a fair, impartial, or proper hearing). 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 hearing and which reasonably could have affected the decision of the hearing 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.

An RSO respondent has three (3) business days after the letter date of the written notification of a disciplinary decision to file an appeal. Failure to do so waives the right to appeal.

An appeal is a review of the record of the original hearing (except as necessary to gain insight into any new information), not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed grounds for appeal has merit.

The appeal must be in writing and include:

1. The completed ***Disciplinary Action Appeal Request*** form (see appendix), which can be obtained from Student Affairs in Blum Union 228, and is provided to the RSO respondent via the electronic mail hearing outcome letter.
2. A statement explaining in detail why the RSO respondent is contesting the findings or the action(s).
3. Copies of any documents that will substantiate or clarify the appeal request.

The Dean of Students or designee will review the materials to determine if there are grounds to warrant an appeal. Those involved as Student Conduct Officers cannot be involved in this review.

Within five (5) business days of the receipt of the appeal, the Dean of Students or designee will notify the RSO respondent of the decision to grant or deny the request for an appeal. If the Dean of Students or designee grants the appeal, the case will be referred to the Appellate Board. The decision by the Dean of Students or designee to deny the appeal shall be final. Sanctions will not be implemented while an appeal is under consideration, unless

special circumstances apply.

Appellate Board

Members of the Appellate Board are appointed by the Dean of Students or designee, and shall consist of three (3) members: one (1) faculty member, one (1) staff member, and one (1) student. The Dean of Students or designee shall designate the Appellate Board chairperson.

The appellant will be notified of the date and time of the board meeting; however, the appellant does not attend. The Appellate Board will review the record of the original hearing and related documents no later than five (5) business days after the appeal was granted. The appellant will be notified by the Dean of Students of any delay and provide the student with an anticipated date the decision will be finalized.

The Appellate Board, upon review of the case, may:

1. Affirm the decision and sanctions imposed by the Student Conduct Officers;
2. Recommend reversing the decision;
3. Recommend altering the sanctions imposed by the Student Conduct Officers.

Recommendations from the Appellate Board shall be returned to the Dean of Students within two (2) business days. The Dean of Students will review the Appellate Board's recommendation and may consult with Appellate Board members in reaching a final decision.

The decision of the Dean of Students will be final and will be communicated via email by the Dean of Students to the appellant. The decision will be communicated within five (5) business days of the Dean of Students receiving the written recommendation.

Missouri Western State University Division of Student Affairs

DISCIPLINARY ACTION APPEAL REQUEST FORM

Any outcome decided in a hearing may be appealed to the 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 RSO (i.e. by preventing a fair, impartial, or proper hearing). 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 hearing and which reasonably could have affected the decision of the hearing 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: Student Affairs, 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.

| FOR OFFICE USE ONLY | | | |
|---------------------|-------|-----------------|----------------|
| Date Received | By: | Appeal Granted: | Appeal Denied: |
| Signature: | Date: | | |

Missouri Western State University Division of Student Affairs

HEARING NOTIFICATION WAIVER

Student/RSO respondents have the right to written notice of disciplinary charges no less than three (3) business days before an Administrative, Formal, or Organizational hearing. When a student/RSO would prefer to expedite a hearing or when faced with the end of a semester, the student/RSO may waive their right to three (3) business days' notification to accelerate the timely conclusion of a pending hearing. Both the complainant and respondent/RSO respondent must agree to waive this right in the cases of Formal and Organizational hearings.

Name: _____ G#: _____

RSO Name (if applicable): _____

Campus / Local Address: _____

Local Phone Number: _____ Cell: _____

Incident Report #: _____ Date: _____

I, the undersigned, hereby waive my right to a three (3) business day notification of conduct proceedings, which is to include an outline of the conduct code violations that were allegedly violated in the aforementioned incident. In signing this waiver, I understand that I am forgoing my/my RSO's right to three (3) business days' notification for Administrative, Formal, or Organizational hearing proceedings.

Student Signature: _____ Date: _____

FOR OFFICE USE ONLY

By:

Complainant: RSO / Respondent: Signature: Date: