# TABLE OF CONTENTS

## STUDENT CODE OF CONDUCT

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Message from the Vice President for Student Affairs</td>
<td>i</td>
</tr>
<tr>
<td>Community Expectations</td>
<td>ii</td>
</tr>
<tr>
<td>Student Conduct</td>
<td>1</td>
</tr>
<tr>
<td>Student Code of Conduct Violations</td>
<td>1</td>
</tr>
<tr>
<td>Student Conduct Philosophy</td>
<td>4</td>
</tr>
<tr>
<td>Communications</td>
<td>4</td>
</tr>
<tr>
<td>Drug and Alcohol Violation Disclosures</td>
<td>4</td>
</tr>
<tr>
<td>Good Samaritan Policy</td>
<td>5</td>
</tr>
<tr>
<td>Jurisdiction and Authority of Sanctioning</td>
<td>5</td>
</tr>
<tr>
<td>Retaliation</td>
<td>6</td>
</tr>
<tr>
<td>Timelines</td>
<td>6</td>
</tr>
<tr>
<td>Title IX and Sexual Misconduct</td>
<td>6</td>
</tr>
<tr>
<td>False or Frivolous Complaints</td>
<td>6</td>
</tr>
<tr>
<td>Campus Conduct vs. Criminal Justice System</td>
<td>7</td>
</tr>
<tr>
<td>Violations of Federal, State or Local Laws</td>
<td>8</td>
</tr>
<tr>
<td>Definitions</td>
<td>9</td>
</tr>
<tr>
<td>Filing a Complaint</td>
<td>13</td>
</tr>
<tr>
<td>Simplified Timeline</td>
<td>14</td>
</tr>
<tr>
<td>Types of Conduct Hearings</td>
<td>15</td>
</tr>
<tr>
<td>Administrative Hearing Procedures</td>
<td>16</td>
</tr>
<tr>
<td>Formal Hearing Procedures</td>
<td>17</td>
</tr>
<tr>
<td>Rights of the Student Respondent</td>
<td>19</td>
</tr>
<tr>
<td>Rights of the Complainant</td>
<td>20</td>
</tr>
<tr>
<td>Respondent Findings and Sanctioning</td>
<td>21</td>
</tr>
<tr>
<td>Immediate Temporary Suspension (Students)</td>
<td>24</td>
</tr>
<tr>
<td>Student Appeal Process</td>
<td>25</td>
</tr>
<tr>
<td>Appellate Board</td>
<td>26</td>
</tr>
<tr>
<td>Voluntary/Involuntary Assessment</td>
<td>27</td>
</tr>
<tr>
<td>Direct Threat</td>
<td>27</td>
</tr>
<tr>
<td>Referral for Voluntary Assessment</td>
<td>27</td>
</tr>
<tr>
<td>Referral for Involuntary Assessment</td>
<td>28</td>
</tr>
<tr>
<td>Return Requirements</td>
<td>28</td>
</tr>
<tr>
<td>Recognized Student Organization (RSO) Procedures</td>
<td>29</td>
</tr>
<tr>
<td>Organizational Hearing</td>
<td>30</td>
</tr>
<tr>
<td>Organizational Hearing Procedures</td>
<td>30</td>
</tr>
<tr>
<td>Rights of the Organization</td>
<td>32</td>
</tr>
<tr>
<td>Organizational Findings and Sanctioning</td>
<td>33</td>
</tr>
<tr>
<td>Immediate Temporary Suspension (Organizations)</td>
<td>34</td>
</tr>
<tr>
<td>Organizational Appeal Process</td>
<td>35</td>
</tr>
<tr>
<td>Appellate Board</td>
<td>36</td>
</tr>
<tr>
<td>Appendices</td>
<td>37</td>
</tr>
<tr>
<td>Disciplinary Action Appeal Request Form</td>
<td>38</td>
</tr>
<tr>
<td>Hearing Notification Waiver</td>
<td>39</td>
</tr>
<tr>
<td>Student Conduct Student Rights</td>
<td>40</td>
</tr>
<tr>
<td>Student Conduct Organization Rights</td>
<td>41</td>
</tr>
</tbody>
</table>
Welcome to Missouri Western State University!

I am excited to welcome you to Missouri Western State University for the 2019-2020 academic year. As a Griffon, you know that from here, everything is possible. I’m excited that you chose Missouri Western to continue your education!

The Student Code of Conduct is intended to familiarize new and returning students with Missouri Western State University. In these pages, you will find our rules governing University life. All members of the Griffon community share a personal responsibility to model respectful behavior of others at all times—please review these rules and abide by them.

Enjoy your experience at Missouri Western State University, and take the time to become immersed in campus life, from classroom experiences, to internships, study groups, and co-curricular activities. I maintain an open-door policy and enjoy hearing from our students. When you see me on campus, please say hello and share your Griffon pride with me.

Thank you for choosing Missouri Western. I hope your year ahead is a successful one. Go Griffs!

Shana L. Warkentine Meyer
Vice President for Student Affairs
Missouri Western State University

slmeyer@missouriwestern.edu
Phone: 816-271-4433
MISSOURI WESTERN STATE UNIVERSITY COMMUNITY EXPECTATIONS

When students choose to accept admission to Missouri Western, they accept the rights and responsibilities of the University’s academic and social community. As members of the University community, students are expected to uphold the University’s values of service, quality, freedom, enthusiasm, respect and courage by maintaining a high standard of conduct. Faculty, administrators, staff and students all have responsibility to take care of the intellectual, social, emotional, psychological, and physical conditions of this community we share.

The State of Missouri has delegated, by statute, authority of the governance of Missouri Western State University to the Board of Governors. This includes “full power and authority to approve and enforce all policies and rules for guidance and supervision of the conduct of all students while enrolled at Missouri Western State University.”

The Missouri Western State University Student Code of Conduct shall apply to conduct that occurs on University premises, at University-sponsored activities, and off-campus conduct that adversely affects the University community and/or the pursuit of its objectives.

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

Each student shall be responsible for their conduct from the time of matriculation (application for admission to Missouri Western State University) through the actual awarding of a degree, to include the academic year and periods between terms of actual enrollment.

Discoveries of alleged code of conduct violations after a degree is awarded or the student has left Missouri Western 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 or reports from other law enforcement agencies may be used in order to invoke discipline or sanctions for violations of the Student Code of Conduct.
STUDENT CODE OF 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 Residential Life policies while a member of the Missouri Western community. Students are also responsible for the actions of their guests/visitors. Students who instigate any policy violation or who are in the presence of, or complicit with any policy violation, may be subject to disciplinary action. Engaging in the following prohibited behaviors may be a violation of the Student Code of Conduct:

1. **Academic Dishonesty**--Engaging in acts of academic dishonesty which includes (but is not limited to):
   a) Falsifying documents or academic records;
   b) Any activity that violates the University’s Academic Honesty Policy including (but not limited to) any instance of plagiarism, cheating, seeking credit for another’s work, using any electronic device to either improperly store information for an exam or to transmit portions of questions or answers to other students, or allowing another student to take your exam for you.

2. **Alcohol**--
   a) **Underage/Minor**: Using or possessing alcoholic beverages if one is underage.
   b) **On campus**: Using, possessing, 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.

3. **Arson**--Starting a fire that causes or may cause damages or injury on University property without University authorization.

4. **Assault**--
   a) **Physical Attack**: Assaulting or threatening to assault any person.
   b) **Endangering Self and/or Others**: Threats to the personal safety of one’s self or others.
   c) **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.
   d) **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.

5. **Disruptive Behavior/Disorderly Conduct**--
   a) **Disruptive Behavior**: Disrupting classes, seminars, research projects, or 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, and 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.

6. **Drugs--**
   a) **Possession:** The unlawful possession or use of any drug or controlled substance
   b) **Distribution:** Manufacturing, growing, distributing, selling, 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 items used to mask drug odors.

7. **Fire Alarms and Fire Equipment--**
   a) **False Report:** Making or causing a false fire alarm or emergency report of any kind.
   b) **Fire System Tampering:** Tampering with, damaging, disabling, and/or misusing fire safety equipment.

8. **Firearms and Weapons; Flammable Materials and Fireworks--**Possessing, using, or participating in an activity involving firearms, fireworks, chemicals which are explosive, hazardous chemicals, other implements used as weapons which includes (but is not limited to) air soft guns, bb guns, bows, crossbows, and swords; and other types of arms classified as weapons in the 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.

9. **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 other matters of record, and/or transactions with officials of the University.
   b) **False Report:** Falsely reporting information of an emergency nature (i.e., false report of a bomb, fire, or other emergency) in any building structure or facility.
   c) **False Identification:** Using fake identification, falsely identifying oneself, or using the identification of another person.

10. **Sexual Misconduct--**To include sexual harassment, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, relationship violence, sexual exploitation, and/or stalking.

11. **Indecent Behavior--**Engaging in lewd, indecent, and/or obscene conduct or expression.

12. **Misuse of Technology--**Making or assisting in the making of 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.

13. 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) **Residential Life Policy**: Failing to obey Residential Life rules and regulations, whether or not one is a resident.
   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.

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) **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.
   c) **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. 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.

16. 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**: Using or possessing any University key without proper authorization and/or duplicating a University key.

17. 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.
Student Conduct Philosophy

The goal of students enrolling at Missouri Western State University is the pursuit of an outstanding higher education experience. Inappropriate conduct 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. These sanctions may include restitution or fines, but generally are considered to be educational in nature, promoting learning opportunities for individuals and organizations while preserving a safe learning environment for the University community.

Student Conduct Sanctioning is intended 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
- Educate the student concerning how their behavior impacts others in the University community
- 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.

Communications

The University's official mode of communication is through Missouri Western email account 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

FERPA (Family Educational Rights and Privacy Act) 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 use 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 policy 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 use 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 counseling 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 the disciplinary actions.

Students should always seek medical attention in a drug or alcohol-related emergency. However, egregious alcohol/illegitimate 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 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.

Jurisdiction and Authority of Sanctioning

Alleged violations of the Student Code of Conduct are typically heard by the Student Conduct Officer of the facility in which the alleged violation occurred. For alleged violations that occur within Residential Life, authority is given to the Director of Residential Life or designee. Alleged violations that have occurred in the classroom are first addressed within Academic Affairs, with the later potential to be heard by the Vice President for Student Affairs or designee.

Alleged violations incurred by Registered Student Organizations (RSOs) or by students who live off-campus are heard by the Vice President for Student Affairs 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 may 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 Misconduct

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 this policy, is unacceptable, and will not be tolerated. It includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

Sexual harassment, whether verbal, physical, or visual, that is based on sex, is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence. The specific definitions of sexual harassment and sexual violence, including examples of such conduct, are available in the Missouri Western State University Sexual Misconduct Policy and Complaint Resolution Procedures, found at: https://www.missouriwestern.edu/titleix/

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.
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:

<table>
<thead>
<tr>
<th></th>
<th>Campus Conduct</th>
<th>Criminal Justice System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alleged Victim</td>
<td>Complainant</td>
<td>Plaintiff</td>
</tr>
<tr>
<td>Alleged Perpetrator</td>
<td>Respondent</td>
<td>Defendant</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>Confidential, FERPA applies</td>
<td>Public records</td>
</tr>
<tr>
<td>Standard of Evidence</td>
<td>Preponderance of evidence (more likely than not)</td>
<td>Beyond a reasonable doubt</td>
</tr>
<tr>
<td>Speaking Rights</td>
<td>Students speak for themselves</td>
<td>Attorney speaks for client</td>
</tr>
<tr>
<td>Representation (if desired)</td>
<td>Advisor (Friend, attorney, or person of choosing)</td>
<td>Attorney</td>
</tr>
<tr>
<td>If Found Responsible</td>
<td>In Violation</td>
<td>Guilty</td>
</tr>
<tr>
<td>If Found Not Responsible</td>
<td>Not In Violation</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>Findings</td>
<td>Will result in a confidential educational record</td>
<td>Will result in a public criminal record</td>
</tr>
<tr>
<td>Philosophy</td>
<td>Educational, learning from mistakes</td>
<td>Punitive/Rehabilitative</td>
</tr>
<tr>
<td>Outcome of Violation</td>
<td>Sanctions</td>
<td>Sentencing</td>
</tr>
<tr>
<td>Rules</td>
<td>Code of Conduct, University Policies, Local/State/Federal Law</td>
<td>Local/State/Federal Law</td>
</tr>
</tbody>
</table>
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 Vice President for Student Affairs 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.
Definitions

The following are brief definitions; complete processes can be found throughout the 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.

**Advisor**
Any person who accompanies a respondent, a complainant, or a victim for the limited purpose of providing support and guidance. 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 member of the University community 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. May be Administrative or Formal. 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.

**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.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Guest</td>
<td>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.</td>
</tr>
<tr>
<td>In Violation</td>
<td>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.</td>
</tr>
<tr>
<td>Mediation</td>
<td>A meeting facilitated by the Vice President for Student Affairs 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.</td>
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<tr>
<td>Member, University Community</td>
<td>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.</td>
</tr>
<tr>
<td>Not In Violation</td>
<td>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.</td>
</tr>
<tr>
<td>Organization (RSO)</td>
<td>Groups that have complied with the formal requirements for University recognition, also known as a Recognized Student Organization (RSO).</td>
</tr>
<tr>
<td>Organizational Hearing</td>
<td>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.</td>
</tr>
<tr>
<td>Policy</td>
<td>The written regulations of the University as found in, but not limited to, the University Policy Guide, the Student Handbook, Residential Life Handbook,</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Preponderance of Evidence</td>
<td>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.</td>
</tr>
<tr>
<td>Respondent</td>
<td>The member of the University community who is alleged to have violated the Student Code of Conduct or University policy.</td>
</tr>
<tr>
<td>Retaliation</td>
<td>Any intentional, adverse actions taken by a respondent or allied third party, absent legitimate, nondiscriminatory purposes, against a complainant (or supporter of a complainant).</td>
</tr>
<tr>
<td>RSO Respondent</td>
<td>Recognized Student Organization that is alleged to have violated the Student Code of Conduct or University policy; typically the President serves in the capacity of responding to the charges.</td>
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<tr>
<td>RSO Advisor</td>
<td>Recognized Student Organization's officially listed campus advisor.</td>
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<tr>
<td>Sanction</td>
<td>A consequence of actions based on a finding of In Violation that is binding; typically educational.</td>
</tr>
<tr>
<td>Student</td>
<td>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.</td>
</tr>
<tr>
<td>Student Code of Conduct</td>
<td>The rules, regulations and policies of the University that apply to students and/or RSOs.</td>
</tr>
<tr>
<td>Student Conduct Officer (SCO)</td>
<td>The student conduct officer assigned to review an incident by the Vice President for Student Affairs.</td>
</tr>
<tr>
<td>University</td>
<td>Missouri Western State University</td>
</tr>
<tr>
<td>University Official</td>
<td>Persons employed by the University who perform assigned Administrative, professional, support</td>
</tr>
</tbody>
</table>
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.

**Vice President for Student Affairs**

The person designated by the University President to be responsible for the administration of the Student Code of Conduct and for ensuring that all students are afforded due process.

**Witness**

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

**Written Notice**

Formal notification of certain facts, to be understood to mean notification via email, mail, or hand delivery.
Filing a Complaint

Any member of the Missouri Western State University Community may file a complaint against a student or RSO for alleged violations of the Student Code of Conduct. Complaints are usually filed by submitting an incident report to Residential Life or Student Affairs. Criminal complaints may be reported to the University Police Department.

Once an incident report has been submitted, it will be the charge of the Vice President for Student Affairs 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 Vice President for Student Affairs or designee for action or dismissal. At semester end, the Student Conduct Officer may choose to have the hearing take place during the break period, be held via teleconference, or held over to the next semester.
**Simplified Timeline**

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

<table>
<thead>
<tr>
<th>Action</th>
<th>Result</th>
<th>Timeline*</th>
</tr>
</thead>
<tbody>
<tr>
<td>A complaint is filed.</td>
<td>VPSA or designee routes case (referral, mediation, Formal/Administrative hearing; filed for documentation only) to the appropriate Student Conduct Officer.</td>
<td>Must occur within 5 business days of complaint receipt.</td>
</tr>
<tr>
<td>Complaint is presented to the respondent via email; time is set for an Administrative or Formal hearing. OR Student is immediately temporarily suspended in a severe case.</td>
<td>Student notification of hearing.</td>
<td>Administrative or Formal hearing must occur no sooner than 3 business days after student notification unless student signs a hearing waiver.</td>
</tr>
<tr>
<td>Respondent cannot attend the scheduled Administrative hearing date OR would like to bring an advisor.</td>
<td>Student must notify the Student Conduct Officer.</td>
<td>Must occur at least 1 day prior to the hearing.</td>
</tr>
<tr>
<td>Complainant would like to present testimony (in person or in writing).</td>
<td>Student must notify the Student Conduct Officer.</td>
<td>Must occur at least 1 day prior to the hearing.</td>
</tr>
<tr>
<td>Administrative/Formal hearing occurs.</td>
<td>Outcome letter sent—In Violation (and sanctioning) or Not In Violation.</td>
<td>Must occur within 5 business days of the conclusion of the hearing.</td>
</tr>
<tr>
<td>Student wishes to appeal the decision made in an Administrative or Formal hearing.</td>
<td>Must submit an appeal form to the Vice President for Student Affairs based on at least one of the grounds listed.</td>
<td>Must occur within 3 business days after the letter date of the written notification of a disciplinary decision.</td>
</tr>
<tr>
<td>The appeal form is received by the VPSA who will grant or deny the appeal. If granted the appeal will move forward to the Appellate Board.</td>
<td>The VPSA will determine if there are grounds for appeal. If denied, notification will be sent to the respondent. If granted, notification will be sent to the Appellate Board.</td>
<td>Must occur within 5 business days of the receipt of the material pertinent to the appeal.</td>
</tr>
<tr>
<td>The appeal is reviewed by the Appellate Board comprised of a faculty member, a staff member and a student.</td>
<td>The respondent is notified of the date and time of the board meeting. The respondent does not attend.</td>
<td>Must occur within 5 business days of the receipt of the material from the VPSA.</td>
</tr>
<tr>
<td>The Appellate Boards sends their recommendation to the VPSA.</td>
<td>The board may recommend affirming, reversing or altering the decision and sanctions.</td>
<td>Must occur within 2 business days of the Appellate Board meeting.</td>
</tr>
<tr>
<td>The VPSA makes the final decision and sends to student.</td>
<td>Decision is final.</td>
<td>Must occur within 5 business days of the Appellate Board recommendation.</td>
</tr>
</tbody>
</table>

*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.
Types of Conduct Hearings: Administrative and Formal

**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.

**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 in the following pages.
Administrative Hearing Procedures

1. The student will be notified via email the date/time/location, alleged violation(s) and identification of the Student Conduct Officer with whom they will meet.
   a. A student 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 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 Officer no later than one (1) day before the beginning of the hearing.
   b. Advisors are normally 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 student and the Student Conduct Officer will discuss the case. The student may present evidence and/or bring written witness statements.

4. The Student Conduct Officer will determine if there was a Code of Conduct violation based upon a preponderance of evidence.

5. The respondent will be informed by email within five (5) business days of the conclusion of the Administrative hearing of the outcome of the hearing, including any sanctions that may have been assigned.

6. A student has three (3) business days after 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.
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 student will be notified via email of the date/time/location, alleged violation(s) and identification of the Student Conduct Officer(s) 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 Officer no less than one (1) business day before scheduled hearing. At the discretion of the Student Conduct Officer 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 Officer no later than one (1) day before the scheduled hearing.
   b) Advisors are normally 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 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. 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 Officer will provide a copy. The list of student conduct violations will be read for the record.
   a) The Student Conduct Officer will read the incident report(s) and ask the respondent to respond. In addition, any additional statements given in the report may be entered into the record, with the respondent having the opportunity to respond.

6. Complainant testimony may be held at a separate time/place arranged by the conduct officer. Any written testimony from the complainant will be presented to the respondent during their hearing and the respondent will have the opportunity to respond.
7. 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 Officer. The Student Conduct Officer 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 Officer 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 Officer may also invite witnesses to present testimony, but the organization of this will be left to the discretion of the Student Conduct Officer. 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 Officer before the scheduled hearing.
   b) The Student Conduct Officer is to be notified in writing by the respondent, victims, complainants, or witnesses 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 Officer may reasonably limit the scope and time devoted to witness statements. Witnesses are typically asked to comment only on the event(s) pertinent to the charges, not the character of the respondent(s).

8. The Student Conduct Officer 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 Officer may reasonably limit the scope of evidence considered in the hearing.

9. The Formal hearing will conclude with a review of the outcome notification and appeal processes. At the conclusion of the hearing, the respondent, advisors, and witnesses will be asked to leave the room. These individuals will not be present during the deliberations of the Student Conduct Officer and the hearing officers.

10. The Student Conduct Officer will determine if there was a Code of Conduct violation based upon a preponderance of evidence.

11. The respondent will be informed in writing of the outcome of the hearing within five (5) business days of the conclusion of the hearing, including any sanctions that may have been assigned.

12. A student has three (3) business days after 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 In Violation until a preponderance of evidence indicates otherwise.

2. The right to have the case processed without prejudicial delay.

3. The right to written notice of the charges no less than 3 business days before the hearing.

4. The right to written notice of the time, date, and place of the hearing.

5. The right to testify on their own behalf.

6. The right to be present at the hearing.

7. The right to rebut any witness statements or evidence presented against them, 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. The right to written notice of the decision.

10. The right to file an appeal for reasons outlined in the Student Code of Conduct.

*Please note that special procedures apply to Sexual Misconduct Hearings. See the Sexual Misconduct 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 a Formal hearing.

5. The right to provide testimony on their behalf.

6. The right to participate in the Formal hearing, if so desired.

7. The right to rebut any witness statements or evidence presented, or to produce eyewitnesses on their behalf.

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 complainant.

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 if there is insufficient reason for disclosure.

10. The right to file an appeal for reasons outlined in the Student Code of Conduct.

*Please note that special procedures apply to Sexual Misconduct Hearings. See the Sexual Misconduct policy for procedural standards and rights which apply in these cases at: https://www.missouriwestern.edu/student-services/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 the consideration given to any aggravating and extenuating circumstances, including but not limited to, the student’s conduct record. More than one sanction may be imposed for any single violation.

By way of example, if found In Violation, potential sanctions may include, but are not limited to, one or more of the following:

**Assessment & Recommended Treatment**
- Referral for assessment and treatment to 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 general community.

**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.

**Loss of Privileges**
- Written notification that behavior is in serious 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 University Residential Life buildings or other areas of campus; use of University resources and/or equipment; or contact with a specified person(s).

**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. Residence
Hall probation is for a designated period of time 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 upon approval from the Director of Residential Life. Conditions for readmission may be specified. The cost of room and board will be determined by the University and paid in full by the student.

**Restitution**

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

**Restriction/Revocation**

Temporary or permanent loss of privileges, including, but not limited to the use of a particular University facility, resource, equipment, participating in specified University activities, or other privileges.

**Revocation of Admission/Degree**

Admission to or a degree awarded from 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. Probation is for a designated period of time and includes the probability of more severe disciplinary sanction if the student is found to violate any institutional regulation(s) 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 may be specified.

**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 Vice President for Student Affairs may immediately temporarily suspend a student from University facilities, 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. The dismissal must be communicated in writing to the student, and may only be determined by the Vice President for Student Affairs.

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.

After temporarily suspending a student, the VPSA or designee will have up to three (3) business days to contact the student and arrange for a student conduct hearing.
Student Appeal Process

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

1. **The student was not given due process;** the hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted;
2. **New or additional evidence became available;** new information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;
3. **The conduct sanction was inappropriate for the violation;** a determined sanction is inherently inconsistent with University procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision;
4. **The decision was not based on competent and substantial evidence;** or the information presented at the hearing does not support the finding. An appeal is not a reevaluation of the credibility of the information but is a determination as to whether the information presented, if believed, is sufficient to support the findings.

A student has three (3) business days after 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 Respondent 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 Vice President for Student Affairs 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 Vice President for Student Affairs or designee will notify the student of the decision to grant or deny the request for an appeal. If the Vice President for Student Affairs or designee grants the appeal, the case will be referred to the Appellate Board. The decision by the Vice President for Student Affairs 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 Vice President for Student Affairs or designee, and shall consist of three (3) members: one (1) faculty member, one (1) staff member, and one (1) student. The Vice President for Student Affairs or designee shall designate the Appellate Board chairperson.

The respondent will be notified of the date and time of the board meeting; however, the respondent 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 respondent and complainant (in Title IX cases) will be notified by the Vice President for Student Affairs 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;
2. Recommend reversing the decision;
3. Recommend altering the sanctions imposed by the Student Conduct Officer.

Recommendations from the Appellate Board shall be returned to the Vice President for Student Affairs within two (2) business days of the Appellate Board meeting. The Vice President for Student Affairs will review the Appellate Board’s recommendation and may consult with Appellate Board members in reaching a final decision.

The decision of the Vice President for Student Affairs will be final and will be communicated via email by the Vice President for Student Affairs to the respondent and complainant (subject to FERPA protections). The decision will be communicated within five (5) business days of the Vice President for Student Affairs receiving the written recommendation.
Voluntary Assessment, Involuntary Assessment

In cases in which a student’s actions may be a disruption or 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 Behavior Intervention Team (BIT), will initially evaluate the threat and make a recommendation as to whether additional assessments should be made.

BIT will make a recommendation to the Vice President for Student Affairs 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 Vice President for Student Affairs or designee based on behaviors listed previously, the student is required to meet with the Vice President for Student Affairs or designee as requested. The Vice President for Student Affairs 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 Vice President for Student Affairs 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 Vice President for Student Affairs and the Behavior Intervention Team (BIT). The minimum necessary information will be disclosed and will be held by the Vice President for Student Affairs and/or BIT 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 Vice President for
Student Affairs and the BIT of the outcome of their evaluation as a result of the assessment. The Vice President for Student Affairs and the BIT may consult with other internal/external advisors.

The Vice President for Student Affairs or designee shall be the sole decision maker as to the composition of the BIT. The student may be requested to appear before the BIT in which case the Vice President for Student Affairs or designee will notify the student in writing. If the BIT determines that the student poses an imminent danger or a direct threat to the health or safety of others, the BIT may recommend an immediate temporary suspension.

If an immediate temporary suspension is not recommended, the Vice President for Student Affairs or designee will determine (in consultation with BIT) 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 Vice President for Student Affairs or BIT 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 Vice President for Student Affairs 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 Vice President for Student Affairs and BIT. The minimum necessary information will be disclosed and will be held by the Vice President for Student Affairs or BIT 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) working business days unless an extension is granted by the Vice President for Student Affairs or BIT.

**Return Requirements**

Following a determination that a student poses a direct threat to the health or safety of others, Missouri Western State University may require as a precondition to a student’s return that the student provide documentation that the student has taken steps to mitigate the previous behavior (e.g., followed a treatment plan, submitted periodic reports, granted permission for the institution to talk to the treating professional).
Recognized Student Organization (RSO) Procedures
Organizational Hearings
Recognized 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 event or activity; in any situation sponsored or endorsed by the RSO; 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 the Student Conduct Officer.

Organizational Hearing Procedures
An organizational hearing is a hearing conducted by the Vice President for Student Affairs or designee and one additional 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 conduct officers 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 (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 will read the incident report(s) and ask the RSO respondent to respond. In addition, 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, victims, complainants, or witnesses 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, 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 in writing of the outcome of the hearing within five (5) business days of the conclusion of the hearing, including any sanctions that may have been assigned.

12. An RSO respondent has three (3) business days after 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 In Violation until a preponderance of evidence indicates otherwise.

2. The right to have the RSO case processed without prejudicial delay.

3. The right to written notice of the charges no less than 3 business days before the hearing.

4. The right to written notice of the time, date, and place of the hearing.

5. The right to testify on behalf of the RSO’s membership.

6. The right to have RSO representatives present at the hearing.

7. The right to rebut any witness statements or evidence presented against the RSO, to produce eyewitnesses on the RSO’s behalf, and to present evidence.

8. 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.

9. The right to written notice of the decision.

10. 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:

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deactivation</td>
<td>Loss of privileges, including University recognition, for a specified time period.</td>
</tr>
<tr>
<td>Community/University Service</td>
<td>Required completion of a specified number of hours of service to campus or general community.</td>
</tr>
<tr>
<td>Educational Activities</td>
<td>Required attendance at educational programs, meetings with appropriate officials, written research, online program completion, or other educational activities at the RSO’s expense.</td>
</tr>
<tr>
<td>Fines</td>
<td>Violations that may result in loss of life or limb may result in a financial penalty.</td>
</tr>
<tr>
<td>Loss of Privileges</td>
<td>Denial of specified privileges for a designated period of time.</td>
</tr>
<tr>
<td>Restitution</td>
<td>Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.</td>
</tr>
<tr>
<td>Restriction/Revocation of Privileges</td>
<td>Temporary or permanent loss of privileges, including, but not limited to: the use of a particular University facility, resource, equipment; restriction of participation in specified University activities; or other privileges.</td>
</tr>
<tr>
<td>University Probation</td>
<td>A written reprimand for a violation of regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanction if the RSO 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 suspension from the University pending a hearing.</td>
</tr>
<tr>
<td>University Warning</td>
<td>A notice in writing to the RSO that it has been found to have violated institutional regulations. All RSO conduct warnings will be taken into consideration if the RSO is found In Violation for additional incidents.</td>
</tr>
</tbody>
</table>
Sanctions as Deemed Appropriate

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

Immediate Temporary Suspension (Organizations)

The Vice President for Student Affairs may immediately temporarily suspend an RSO from University facilities, 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. 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 Vice President for Student Affairs.

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 a members are able to continue their membership in the RSO. If appropriate, national organizations will be notified of RSO actions and findings.

The RSO will have the right to appeal, in writing, the immediate temporary suspension within three (3) business days from the date of notification. After temporarily suspending a RSO, the Vice President for Student Affairs or designee will have up to three (3) business days to contact the RSO respondent(s) and arrange for an organizational conduct hearing.
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:

1. **The RSO was not given due process;** the hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted;

2. **New or additional evidence became available;** new information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;

3. **The conduct sanction was inappropriate for the violation;** a determined sanction is inherently inconsistent with University procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision;

4. **The decision was not based on competent and substantial evidence;** or the information presented at the hearing does not support the finding. An appeal is not a reevaluation of the credibility of the information but is a determination as to whether the information presented, if believed, is sufficient to support the findings.

An RSO respondent has three (3) business days after 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 Vice President for Student Affairs 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 Vice President for Student Affairs or designee will notify the RSO respondent of the decision to grant or deny the request for an appeal. If the Vice President for Student Affairs or designee grants the appeal, the case will be referred to the Appellate Board. The decision by the Vice President for Student Affairs 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 Vice President for Student Affairs or designee, and shall consist of three (3) members: one (1) faculty member, one (1) staff member, and one (1) student. The Vice President for Student Affairs or designee shall designate the Appellate Board chairperson.

The Appellate Board chairperson is to notify the RSO respondent of the date and time of the board meeting; however, the RSO respondent 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 RSO respondent will be notified by the Vice President for Student Affairs of any delay and provide the RSO respondent 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 Vice President for Student Affairs within two (2) business days. The Vice President for Student Affairs will review the Appellate Board’s recommendation and may consult with Appellate Board members in reaching a final decision.

The decision of the Vice President for Student Affairs will be final and will be communicated via email by the Vice President for Student Affairs to the RSO respondent and complainant (subject to FERPA protections). The decision will be communicated within five (5) business days of the Vice President for Student Affairs receiving the written recommendation.
Appendices
DISCIPLINARY ACTION APPEAL REQUEST FORM

Any outcome decided in a hearing may be appealed to the Vice President for Student Affairs by the respondent or the complainant if their reason for the appeal meets at least one of four (4) criteria (below). A student/RSO has three (3) business days after 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):

- **The student/RSO was not given due process**: the hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted;

- **New or additional evidence became available**: new information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal;

- **The conduct sanction was inappropriate for the violation**: a determined sanction is inherently inconsistent with University procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision;

- **The decision was not based on competent and substantial evidence**: or the information presented at the hearing does not support the finding. An appeal is not a reevaluation of the credibility of the information but is a determination as to whether the information presented, if believed, is sufficient to support the findings.

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.

Student 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 complainants and 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:________________________
STUDENT CONDUCT
STUDENT RIGHTS

1. The right to be presumed Not In Violation until a preponderance of evidence indicates otherwise.

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 the hearing.

4. The right to written notice of the time, date, and place of the hearing.

5. The right to testify on their own behalf.

6. The right to be present at the hearing.

7. The right to rebut any witness statements or evidence presented against them, 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. The right to written notice of the decision.

10. The right to file an appeal for reasons outlined in the Student Code of Conduct.

I have read and understand the rights described above.

Student Name_________________________________________ G# ________________

Student Signature____________________________________ Date ________________
STUDENT CONDUCT
ORGANIZATION RIGHTS

1. The right to be presumed Not In Violation until a preponderance of evidence indicates otherwise.

2. The right to have the RSO case processed without prejudicial delay.

3. The right to written notice of the charges no less than three (3) business days before the hearing.

4. The right to written notice of the time, date, and place of the hearing.

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9. The right to written notice of the decision.

10. The right to file an appeal for reasons outlined in the Student Code of Conduct.

I have read and understand the rights described above.

RSO Name: ____________________________________________

Student Representative Name ________________________ G# __________________

Student Signature ________________________ Date _______________