

Missouri Western State University

Student Handbook and Code of Conduct



2020 - 2021

Table of Contents

- [Welcome](#)
- [Community Expectations](#)
- [Academic Policies and Procedures](#)
- [University Policies and Procedures](#)
- [Residential Life Policies](#)
- [Residential Life Procedures](#)
- [Student Code of Conduct](#)
 - [Academic Dishonesty](#)
 - [Alcohol](#)
 - [Animals](#)
 - [Arson](#)
 - [Assault](#)
 - [Bicycle, Scooter, Wheeled Devices](#)
 - [Disruptive Behavior/Disorderly Conduct](#)
 - [Drugs](#)
 - [Election Tampering](#)
 - [Fire Alarms and Fire Equipment](#)
 - [Firearms and Weapons; Flammable Materials and Fireworks](#)
 - [Fraud/Forgery/False Information](#)
 - [Gambling](#)
 - [Harassment](#)
 - [Health and Safety](#)
 - [Indecent Behavior](#)
 - [Misuse of Technology](#)
 - [Policies, Laws, and Requests](#)
 - [Residential Life Policy](#)
 - [Sexual Misconduct](#)
 - [Theft or Misappropriation](#)
 - [Threat](#)
 - [Tobacco and Vaping](#)
 - [Unlawful Entry/Presence In and Use of University Facilities/Misuse of Keys](#)
 - [Vandalism/Damage to Property](#)
- [Student Conduct Philosophy](#)
- [Communications](#)
- [Drug and Alcohol Violation Disclosure](#)
- [Good Samaritan Policy](#)
- [Jurisdiction and Authority of Sanctioning](#)
- [Retaliation](#)
- [Timelines](#)
- [Title IX and Sexual Misconduct](#)
- [False or Frivolous Complaints](#)
- [Campus Conduct vs. Criminal Justice System](#)
- [Violation of Federal, State, or Local Laws](#)
- [Definitions](#)
- [Filing a Complaint](#)
- [Types of Conduct Hearings: Administrative and Formal](#)
- [Simplified Timeline](#)

[Administrative Hearing Procedures](#)
[Formal Hearing Procedures](#)
[Rights of the Student Respondent](#)
[Rights of the Complainant](#)
[Respondent Findings and Sanctioning](#)
[Immediate Temporary Suspension \(Students\)](#)
[Student Appeal Process](#)
[Appellate Board](#)
[Voluntary Assessment, Involuntary Assessment](#)
[Direct Threat](#)
[Referral for Voluntary Assessment](#)
[Referral for an Involuntary Assessment](#)
[Return Requirements](#)
Registered Student Organization (RSO) Procedures

[Organizational Hearings](#)
[Organizational Hearing Procedures](#)
[Rights of the Organization](#)
[Organizational Findings and Sanctioning](#)
[Immediate Temporary Suspension \(Organizations\)](#)
[Organizational Appeal Process](#)
[Appellate Board](#)

Forms

[Disciplinary Action Appeal Request Form](#)
[Hearing Notification Waiver](#)
[Student Conduct Student Rights](#)
[Student Conduct Organization Rights](#)

Welcome to Missouri Western State University!



We are very excited to welcome you to Missouri Western State University for the 2020-2021 academic year!

The Student Handbook and Code of Conduct is intended to familiarize new and returning students with Missouri Western State University, especially with the rules governing campus life. All members of the Griffon community share a personal responsibility to model respectful behavior of others at all times.

Enjoy your experience at Missouri Western State University, and take the time to become immersed in campus life through classroom and virtual experiences, internships, study groups, and co-curricular activities. I maintain an open-door policy and enjoy hearing from our students.

I am so very glad you chose Missouri Western, and I wish you a successful year! Go Griffs!

A handwritten signature in black ink that reads "Hannah L. Piechowski". The signature is written in a cursive, flowing style.

Dr. Hannah Rushe Piechowski
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COMMUNITY EXPECTATIONS

When students choose to accept admission to Missouri Western State University, they accept the rights and responsibilities of the University's academic and social community. As members of the University community, students are expected to uphold the University's values 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 State University students are responsible to adhere to the Code of Conduct at all times, not just while on the Missouri Western State University 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 enrollment 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 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.

POLICIES AND PROCEDURES

All policies for Missouri Western should be found online. Selected policies are linked in this handbook as they are pertinent to the success and safety of students. All members of the MWSU community are encouraged to familiarize themselves with all policies associated with the University.

Academic Policies and Procedures

- [Academic Advisement System](#)
- [Academic Honesty Policy and Due Process](#)
- [Classroom Recording Policy](#)
- [Copyright Policy](#)
- [Family Education Rights and Privacy Act](#)
- [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](#)
- [Student Records Policy](#)
- [Academic Probation and Suspension](#)
 - Appealing an Academic Suspension, Readmission After Suspension
- [Graduate Academic probation and Suspension](#)
 - Appealing an Academic Suspension, Readmission After Suspension
- [Grades / Grading Policy](#)
- [Academic Renewal Policy](#)
- Transfer Student Credit Appeal
- [Classroom Rood and Drink Policy](#)

University Policies and Procedures

- [Advertising](#)
- [Access to Buildings / Key Distribution Policy](#)
- [Addition or Elevation of Sports](#)
- [Alcohol Policy](#)
- [Animals on Campus Guidelines](#)
- [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](#)
- Policy on Non-Admittance to University Sponsored Activities:

- Students who attempt to attend university sponsored activities while under the influence of alcohol will not be granted admission. Under the influence can be described as those who are visibly intoxicated. Examples include, but are not limited to, stumbling, using loud or vulgar language, slurred speech or other disruptive behavior. The determination of under the influence will be in the judgment of the advisor in attendance.
- [Pregnant and Parenting Students Accommodation Policy](#)
- [Recognized Student Organization Handbook](#): Event Admissions Policies, Late Night Events / Dance Policy, Non-Admittance to University
- [School Cancellation Policy](#)
- [Sexual Misconduct Policy & Complaint Resolution Process](#)
- [Solicitation Policy](#)
- [Suicide Awareness and Prevention Policy](#)
- [Tobacco Use Policy](#)
- [Tailgating Policy](#)
- [Tuberculosis Screening Policy](#)

Residential Life Policies

- **Alcohol:** Please see Student Code of Conduct. Alcohol is prohibited in our communities due to its contributions to the disruption of the academic environment. Residential Life supports alcohol-free environments to help ensure comfortable, safe, and successful communities.
- **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 Office of Residential Life interprets the use of profanity, vulgar language, and derogatory comments as verbal abuse and uncivil discourse. It is expected that residents and Residential Life staff communicate with civility in all circumstances.
- **Drug Abuse:** Please see Student Code of Conduct. Violation of this policy may result in dismissal from the residence halls as well as other Student Conduct or University Police action. Depending on the amount of illegal substance involved, the students may be suspended or expelled from the University, as well as prosecuted.
- **Fire Safety**
 - **Fire Alarm Instructions:** In inclement weather, wear a coat and shoes and carry a towel (to avoid smoke inhalation). Close windows and leave lights on in room. Take room key, leave door closed and walk to exit. If smoke is encountered, stay low for air. Do not use an elevator.
 - For physical assistance for evacuation call 911. If unable to leave 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 at the direction of the MWSU Safety Coordinator 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 MWSU Residential 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 Residential 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 Residential Life, and the

contract(s) must be paid in full. Fire detection and suppression systems are inspected regularly by Residential Life staff. To make the sprinkler system 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 front desk immediately.

- **Guest Policy:** For the safety and security of our residents, Residential 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 the following 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 residence complex 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. Resident hosts are expected to escort their guests at all times throughout the residence hall and grounds.
 - **Registration:** If agreed upon by roommates/suitemates, residents are allowed to have overnight guests in Griffon, Juda, & Beshears Halls. All guests must register from midnight to 8am. Guest Registration Forms (Guest Passes) can be approved at any residence hall front desk beginning at 12pm (noon) each day. The resident host must be present when their guest registers. 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 the campus. A host may not have more than one guest registered at a time.
 - Guests may not be registered more than two nights per week, nor may stay more than a total of 4 nights per month.
 - All guests 18 years of age or older will 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 guardian. Immediate family members under the age of 14 must receive prior permission from the Residence Hall Director to stay overnight.
 - Acceptable forms of picture identification: Driver's License, State ID card, US Military ID Card, Passport, US Citizen's ID Card, School ID (current validation).
 - **Room Capacity:** Due to fire code and noise considerations, no more than the number of assigned occupants plus one guest per occupant are allowed in the entire suite/apartment.
 - **Visitation:** No guests are allowed to be present beyond 12am Sunday through Thursday, or 2am Friday and Saturday in a resident room or suite in Scanlon, Leaverton & Vaselakos Halls. Overnight guests are allowed in Juda, Beshears, & Griffon Halls when registered and abiding by the per month maximums (2 nights per week; 4 nights per month).

- **Keys/Card Access:** For the safety of our community, keys are only issued to a resident for access to their assigned room/unit only. Lending keys to another person is prohibited. Duplication of University keys is prohibited. Unauthorized use or possession of keys is prohibited. University students are assigned an MWSU identification card with a Griffon number. For the safety of our community, lending ID cards to another person is prohibited. If an ID card is lost, contact ID Services (Blum Union 100) immediately.
 - **Hard Key/Core Change:** For the purposes of resident safety, lost keys should be reported to Residential Life staff immediately. A core change can be requested from your residence hall front desk. The charge for a key core change is \$40 during general business hours Monday-Friday, 8am-430pm. Additional overtime charges will be assessed for emergency requests after hours.
 - **Temporary Keys:** If a hard room key is misplaced, the student may request a temporary hard key. Temporary hard keys can be signed out at the Commons front desk (suites area) or Scanlon Hall, Griffon Hall, Leaverton and Vaselakos front desks by filling out a Key Request and Lockout Form. By filling out the form, the resident agrees to return the key within 24 hours. The student is billed a \$40 core change charge should the key not be returned within this timeframe. If a resident believes their room key has been stolen, they should report it to Residential Life staff and provide a police report so a lock change can be ordered immediately.
 - **Key Card Replacement:** Lost key cards can be replaced by filling out a “Key Request and Lockout Form” at your residence hall front desk. A \$10 charge will be placed on the resident’s account for card replacement. Replacement key cards are not made after 5pm the day they are requested (Monday-Friday). Residents who believe their card has been stolen should contact Residential Life staff immediately so their card can be deactivated, and UPD to complete a police report.
 - **Lockout:** If a resident is locked out of their room/suite, they can contact their front desk or the Commons front desk when other desks are closed. Residents are allowed two lockouts without a charge per housing assignment. 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 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 your 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.
- **Limited Access Policy:** Scanlon, Leaverton, and Vaselakos Halls are limited access buildings (only accessible to residents of the building). During limited access hours (10pm-8am), all residents must 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 and the Student Code of Conduct expresses, IDs must be carried at all times and presented upon request by a University official. 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 indicated in the “Guest Policy.”

- **Noise:** Residence halls should be sufficiently quiet so students who wish to study or sleep may do so without interference at all times. 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. During courtesy hours a resident or staff member may ask residents to reduce the noise. Noise should not be disruptively audible inside and/or outside of the building, including speakers playing out of a residence hall window.
 - **Quiet hours:** Sunday through Thursday, 10pm - 10am and Friday and Saturday, 11:59 pm-10am. As a standard, noise from one room should not travel farther than two doors away in the hallway.
 - Residential Life adheres to 24 hour quiet hours for the benefit of those studying for final exams. The 24 hour quiet hour period begins at 10pm the night before finals and ends the last day of finals week at 5pm.
- **Pets & Service Animals:** Unapproved pets are not allowed in any Residential Life facility due to concerns for health, safety, sanitation, noise, and humane treatment. Residents are not allowed to have pets in any Residential Life facility except fish, small crustaceans, mollusks, and small amphibians, all living under water and in aquariums no larger than 10 gallons in size. Extra aquariums are permitted provided the total gallon per resident does not exceed 10 gallons. Pets must remain in their aquariums at all times. Pets found to cause a community disturbance will require rectification or removal. Unapproved pets must be removed within 24 hours. Failure to remove an unapproved animal could result in further student conduct, immediate cleaning fees, or cancellation of the housing contract. Visiting pets are not allowed.
 - **Service Animals** are welcome on Residential Life grounds. A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability. All necessary paperwork, evaluation, and authorization from the Accessibility Resource Center, and notice to Residential Life must be completed prior to the arrival of the animal in the residence halls.
 - **Emotional Support Animals** are also allowed on Residential Life grounds after approval from the ESA Committee and proper forms/medical clearance is received.
(<https://www.missouriwestern.edu/reslife/wp-content/uploads/sites/38/2018/06/MWSU-ESA-18.pdf>)
- **Prohibited Items & Appliance Regulations:** Some appliances, furnishings, and electronic devices have a higher likelihood of contributing to unsafe or disruptive environments for community living. Residential Life regulates the use of these items to ensure the safety, security, and comfort of the community.
 - **Appliances:** Prohibited appliances are: open coil cooking appliances, electric griddles, and George Foreman Grills, hot plates, oil fryers, and skillet hot plates. *Note-Due to the kitchen in Griffon Hall, all other appliances must be approved by the Residence Hall Director.
 - **Candles & Incense:** Burning candles, incense, kerosene lamps, and other flammable liquid fueled devices, are prohibited in all University owned housing. Decorative candles must have non-burned, clipped wicks, or be wickless.
 - The number one cause of residence hall and apartment fires is 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, Residential 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. 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 Residential Life buildings and on grounds.
- **Flammable Liquids:** Flammable liquids including gasoline, propane, etc. are prohibited in Residential Life buildings and on grounds.
- **Microwaves:** Students may have one microwave oven 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 system, oversize stereos, woofers, and musical instruments), and halogen lamps.
- **Motor Vehicles:** Motor vehicles, including recreational vehicles, are prohibited in Residential Life buildings and on grounds. 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 due to the number of pounds per square foot exerted on floor structure.
- **Severe Weather:** In the event of severe weather, residents should stay tuned to a local radio station or any TV station for the latest report on conditions. Weather sirens are tested on the first Monday of every month at 930am, weather permitting. <http://ci.st-joseph.mo.us/fire/WeatherSirenInfo.pdf>
 - **Shelter Procedures:** Residents are responsible for finding shelter in the event of a tornado. When the sirens sound you are to take cover, immediately proceed to a room without windows – an interior hallway or personal bathroom. When assembled in a shelter area, sit on the floor with your back to the wall or in a central portion of the room. Stay away from windows and doors. If a storm strikes, you should duck your head between your knees and cover the back of your head with your hands for protection. Get as low as possible. Shelter at the lowest level possible inside the building you are in. Put as many walls between you and the outside as possible. Get under a piece of sturdy furniture, such as a table or desk and hold onto it. If possible, avoid large open rooms. Even in an interior room, you should cover yourself with some sort of thick padding (mattress, blankets, pillow) to protect against falling debris and flying objects in case the roof and ceiling fail.
 - **Juda/Beshears:** Seek shelter in the bathroom of the unit with the door closed.
 - **Griffon:** Seek shelter in the middle of internal lower floor hallways or in the stairwell above the entrance landing.
 - Crouch as low as possible to the floor, facing down; and cover your head with your hands.
 - **Leaverton/Vaselakos:** Move to an interior hallway (as far as possible from end of hallway). If leaving your room is not possible, move into your unit's bathroom.
 - Crouch as low as possible to the floor, facing down and cover your head with your hands.
 - **Scanlon:** Seek shelter in the middle of internal lower floor hallways or in the bathroom with doors closed.
 - Stay close to the walls furthest from the building's exterior.
 - Crouch as low as possible to the floor, facing down and cover your head with your hands.

- **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/hr/> (MWSU Campus Policy Guide).
- **Sports & Horseplay**: Sports, throwing objects, roughhousing, shooting projectiles, water fights, and practical jokes are not allowed in Residential Life buildings, stairwells, courtyards, and other public areas. Riding bicycles, roller blades, scooters, and skateboarding are not allowed in the halls, common areas, or breezeways. Housing and Residential Life prohibits these behaviors due to possible damage, injury, and disruption to members of the community. These activities are allowed on and around the basketball courts, grassy area behind Beshears or on the balcony side of the suites and in between Vaselakos and Leaverton Halls.
- **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 Residential Life activity. Only personal furniture manufactured as indoor/outdoor furniture may be moved out on the balcony. Climbing on the rails to gain access to the second and third floor balcony 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 Residential 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. The Office of Residential 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 bear remediation costs to rid residential space of the pests.
 - **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**: 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 (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 RHD and/or Physical Plant after they are built and all occupants of the room must agree to the presence of a loft. Residential Life assumes no responsibility for damage or injury from lofts.
 - **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 transport personal trash to nearest dumpster regularly. Students found in violation of creating an unsafe sanitary living environment or littering could be adjudicated through the Residential Life judicial process and

face possible restitution, or common area cleaning changes could be assessed to all residents in the building.

- **Windows:** Climbing in or out of a 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. All screens, if so equipped, must be kept on the windows. Due to fire safety considerations and the significant amount of damage done to residence hall room/suite windows, Residential Life prohibits the posting or hanging of material on either side of the residence hall windows. Drawing, painting, and or writing on windows are prohibited except for approved University celebrations (i.e., Homecoming).

Residential Life Procedures

- **Check-In:** Students will be instructed what day(s) they are allowed to check-in via email or letter from the Office of Residential Life. When arriving for check-in, go to the assigned building to check-in with the Hall Staff. After arriving at the room, students will fill out check-in paperwork. This paperwork verifies reception of keys, documents the condition of the room upon check-in, and gathers emergency contact information. If a student arrives outside the scheduled check-in day/time, an improper check-in fee of \$50 will be assessed in addition to the daily room rate up to the date of the approved move-in day. Please note that rooms may not be available, clean, or have been maintenance-checked if students arrive before their regularly scheduled move-in. Students must have filled out all required vaccination paperwork and provided proof of vaccinations or an approved exemption form before being allowed to check-in.
- **Check-Out:** Non-graduating residents must check-out of their room 24 hours after their last academic requirement, but no later than 5pm of the Friday before Commencement. Graduating seniors must check out no later than 5pm the day of Commencement. Residents must schedule an appointment with their RA or another RA in the building 24 hours in advance of their departure. The RA will then go to the room with the resident, assess the condition of the room, and collect the room and mailbox keys. The RA will then instruct the student on any further procedures regarding room conditions, charges, and forwarding mail. The room must be clean to the standard it was at check-in, furniture arranged as at check-in, and all personal belongings removed. A detailed assessment of cleaning and damage charges will be made by the Office of Residential Life, and applied to the student account. Please note that failure to obtain approved release from the Residential Life contract will result in charges continuing after the date of check-out, up to and including the remaining balance of the housing contract. Residents have 30 days from the time MWSU Residential Life assesses charges to contest the charges. Charge appeals must be submitted via the reslife@missouriwestern.edu email address.
- **Improper Check-Out:** If upon check-out a resident does not clean the room to specifications, leaves the room in disorder, fails to check-out in the appropriate timeframe (see Check-Out), fails to follow posted/emailed check-out procedures, or chooses to abandon items in the room (see Abandoned Property) a minimum of \$50 will be charged for improper check-out.

- **Transfers/Room Changes**: A transfer is a requested room change to another space in Residential Life. Transfers may be requested starting the first day of classes each semester. However, transfers will be approved after the 10th day of classes and until the Friday before Thanksgiving break in the fall semester, and the 10th day of spring classes until the Friday before spring break in the spring semester. Transfers will be accommodated on a first come, first served basis and may not be available immediately. Transfer fees are \$25 for first transfer and \$50 for each thereafter. Students may request a room change by filling out the Room Change Request Form available on My Housing Information accessed via Goldlink. Students requesting a transfer will be contacted when their request becomes available. Please note that residents must check in to their new room and check out of their old room within 48 hours of accepting the transfer assignment. If this process is not completed in 48 hours duplicate room charges and improper check-out charges will occur.
- **Shared Living Space/Illegal Occupancy**: Residents are not permitted to occupy, use, or allow the use of any space in their or any other unit to which they are not assigned. This includes vacant beds, bedrooms and/or a bathroom on an unoccupied side of room, suite, or apartment. Residents found in violation of this policy will be responsible for any and all charges necessary to return the room(s) to a move-in ready state and charged for occupying the additional space.
- **Abandoned Property**: Residents are required to remove all of their personal belongings from their room at the conclusion of their contract (see Check-Out). In the event this does not take place, residence hall staff will remove and store the student belongings. The student will be charged a minimum \$25 packing and handling fee above and beyond the \$50 improper check-out fee. Belongings will be stored for 30 days. After 30 days the belongings will be disposed of by Residential Life. Residential Life is not responsible for damage to or loss of abandoned items.
- **Common Area Damage**: If the members of the community and Residential Life staff are unable to determine the individual(s) responsible for damages to common areas (bathrooms, living rooms, kitchens, lounges, hallways, lobbies, building exterior, etc.), all residents in that area will be billed for common area damages upon checkout from the halls. For this reason, we encourage you to report vandalism.
- **Hall Closings/Break Housing**: The residence halls remain open for Fall Break (November), and Spring Break (March). Students willing to pay an additional fee of \$100 per week, may also stay for Winter Break (December/January). Students wishing to stay for breaks must fill out a Vacation Housing Form which can be acquired at the Commons Front Desk or Contracts Office. Vacation Housing Forms will be accepted no later than noon on the last business day prior to the beginning of break. Forms received after the deadline or students found to be occupying rooms without approval to stay during Winter Break will be subject to the \$100 weekly break fee and an additional \$100 penalty regardless of the duration of stay. During these breaks, staff will check each room for safety reasons. Garbage not properly discarded will be billed at \$25 per bag per person. Students who have not applied for Vacation Housing are required to vacate the halls during Winter Break, but do not need to remove all personal belongings. For specific closing dates, please see the Residential Life website (missouriwestern.edu/reslife).
- **Returning Student Room Selection**: Returning residents will be able to select on campus housing for the next academic year during the Returning Student Sign-up process. It is just one of the many advantages of living on campus. This process takes place in the spring semester. Students will receive more information via MWSU email and details will be posted at www.missouriwestern.edu/reslife, and social media.
- **Summer Housing**: Students wishing to remain on campus over the summer months must apply electronically for “Summer Housing” through MyHousing, once Residential Life notifies students that sign-up is available. In order to qualify for summer housing, residents must be registered for the fall

term (or be completing graduation requirements during the summer). In addition to fall registration, you must fulfill one of the following requirements:

- Be enrolled in summer session 1, 2, or the full 8 week session, or an approved academic requirement
- Be employed on-campus and have provided the form verifying that you will be working 20 or more hours per week
- Be a student athlete in a supervised off-season workout program verified by the Athletic Director
- All requirements and verification must be received and approved before students will be allowed to move into summer housing.
- **Health & Safety Checks:** Periodic bedroom/ bathroom/ common area inspections will be conducted by members of the Residential 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 Residential Life Staff. See “Room Entry.” Resident rooms or common areas found to be in unacceptable condition will have 48 hours to correct the deficiency 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; enter rooms in pairs and wear nametags;
 - 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 upgrade the health & safety environment of the room.
 - **Confiscation:** Residential Life staff may confiscate items that are deemed illegal, in violation of Residential Life or Missouri Western State University policy, or deemed unsafe. In instances when Residential Life has confiscated an item, a notice will be left in the room and the residents of that room should expect to receive further notification from their Residence Hall Director.
 - **Room/Suite/Common Area Cleanliness:** All students are responsible for the cleanliness of their individual 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 Residential 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 Residential Life staff member to enter a student’s room. Staff is 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; 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.

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 State University community. Students are also responsible for the actions of their guests/visitors. Students who instigate any policy violation or 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:** 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, falsifying documents or academic records, using any electronic device to either improperly store information for an exam or to transmit portions of questions or answers to other students, allowing another student to take your exam for you, or any other fraudulent classroom activity.
2. **Alcohol** -
 - 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 ([LINK POLICY](#))
3. **Animals** - Per state and local health regulations pets are not permitted in university buildings with the exception of the following in Residence Halls: fish, small crustaceans, mollusks, and small amphibians, all living under water and in aquariums no larger than 10 gallons in size. Animal owners must comply with the University's Animals on Campus Guidelines policy.
 - a. Service and Support Animals (as approved through Residential Life) are permitted on campus as permitted by law.
 - b. Therapy Animals are permitted on campus with approval from the Division of Student Affairs.
4. **Arson** - Starting a fire that causes or may cause damages or injury on University property, without University authorization.
5. **Assault** -
 - a. **Physical Attack:** Physically attacking another individual or group.
 - b. **Endangering Self and/or Others:** Causing potential for physical harm 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.

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 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, 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.
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 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. **Unintentional Fire Alarm:** Making or causing a fire alarm 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 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.
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 (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.
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.)
 - 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 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.
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. **Residential 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.
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 and nicotine delivery devices in facilities, 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 products include, but are not limited to: cigarettes – traditional and electronic (e.g., vaping, juuling, etc.), 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.

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. 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 process 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.

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 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 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 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/illegal 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 a Student Conduct Officers. For alleged violations that occur within Residential Life, authority is given 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 later 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 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 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 MWSU 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. MWSU 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, MWSU 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, and 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, by telephone, or by email, using the contact information listed for the Title IX Coordinator (below). A report may be made at any time (including during non-business hours) by email, telephone, or electronically through the MWSU Title IX website (<https://www.missouriwestern.edu/student-services/titleix>). 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). [<https://www2.ed.gov/about/offices/list/ocr/index.html>]

Title IX Coordinator

Office of Student Affairs
Room 228--Blum Union
(816)-271-4432
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.

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
Findings	Will result in a confidential educational record	Will result in a public criminal record
Philosophy	Educational, learning from mistakes	Punitive/Rehabilitative
Outcome of Violation	Sanctions	Sentencing
Rules	Code of Conduct, University Policies, Local/State/Federal Law	Local/State/Federal Law

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.

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.

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.

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 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 Recognized 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 Student Handbook, Residential Life Handbook, 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 actions taken by a respondent or allied third party, absent legitimate, nondiscriminatory purposes, against a complainant (or supporter of a complainant).

RSO Respondent: 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.

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

Sanction: A consequence of actions based on a finding of In Violation that is binding; typically educational.

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 student conduct officer assigned to review an 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.

Filing a Complaint

Any member of the Missouri Western State University Community may file a complaint against a student or Registered Student Organization 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 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 semester end, the Student Conduct Officer may choose to hold the hearing during the break period (either in person or via teleconference), or hold the hearing over to the next semester.

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.

Simplified Timeline

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

Action	Result	Timeline*
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.	Must occur within 5 business days of complaint receipt.
Complaint is presented to the respondent via email; time is set for an Administrative or Formal hearing. OR Students are immediately temporarily suspended in a severe case.	Student notification of hearing.	Administrative or Formal hearing must occur no sooner than 3 business days after student notification unless the student signs a hearing waiver.
Respondent cannot attend the scheduled Administrative hearing date OR would like to bring an advisor.	Student(s) must notify the Student Conduct Officer.	Must occur at least 1 day prior to the hearing.
Complainant would like to present testimony (in person or in writing).	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 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 respondent. 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), 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 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.

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(s) no less than one (1) business day before the scheduled hearing. At the discretion of the Student Conduct Officer(s) 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.
6. 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.
7. 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.
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 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).
9. 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.
 10. 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.
 11. The Student Conduct Officer will determine if there was a Code of Conduct violation based upon a preponderance of evidence.
 12. 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.
 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 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 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 an incident / case 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 - Residential Life or Student Conduct: This hold is placed on a case / student when a sanction remains incomplete past the determined deadline, or needs additional revision. Residents will receive a "Residential Life Hold" and non-residents will receive a "Student Conduct Hold."

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). 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.

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: Temporary or permanent loss of privileges, including, but not limited to the use of a particular University facility, resource, or piece of equipment; participation in specified University activities, or other privileges. The specific privilege(s) revoked or restricted as well as the conditions and timeline for return to use/access will be specified in the sanction.

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 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, 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, 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 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.

After temporarily suspending a student, the Dean of Students 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 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 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 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 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 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;
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 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 respondent and complainant (subject to FERPA protections). 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 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 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 Behavior Intervention Team (BIT). The minimum necessary information will be disclosed and will be held by the Dean of Students 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 Dean of Students and the BIT of the outcome of their evaluation as a result of the assessment. The Dean of Students and the BIT 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 BIT. The student

may be requested to appear before the BIT in which case the Dean of Students 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 Dean of Students 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 Dean of Students 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 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 BIT. The minimum necessary information will be disclosed and will be held by the Dean of Students 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 Dean of Students 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).

Registered 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 Dean of Students 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 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 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 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 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:

Deactivation: 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.

Loss of Privileges: Denial of specified privileges for a designated period of time.

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

Restriction/Revocation 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 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.

University Warning: 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.

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, 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 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 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 Dean of Students 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 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 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 Dean of Students 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 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 RSO respondent and complainant (subject to FERPA protections). 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 four (4) 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):**

- 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.
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.

I have read and understand the rights described above.

RSO Name: _____

Student Representative Name: _____ G# _____

Student Signature: _____ Date: _____