

The Code of Student Rights and Responsibilities of Missouri State University

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The Code of Student Rights and Responsibilities of Missouri State University

Article I: Student Rights

- 1.1 The following enumeration of rights shall not be construed to deny or disparage other rights not in conflict with this Code of Student Rights and retained by students in their capacity as members of the University Community or as citizens of the State or of the United States. This Code shall not be construed in any manner which might run counter to a reasonable construction of the Charter and Bylaws of the University and the direction of the Board of Governors, nor of the Constitution and Bylaws of the Faculty, nor of the Constitution of the Student Government Association; nor shall it be construed, interpreted, or applied in any manner which would seem detrimental to the privileges, purposes, aims, and goals of Missouri State University as a public institution of higher learning with a statewide mission in Public Affairs.
- 1.2 Federal and State constitutional guarantees of free inquiry, expression, and assembly are specifically restated as guarantees on this campus.
- 1.3 Students are free to pursue their educational goals and to have appropriate opportunities for learning in the classroom and on the campus as shall be provided by the University.
- 1.4 No conduct consequences may be imposed upon any student without following minimal procedural due process, as described in Article VI of this code.
- 1.5 Within the limits of its facilities, the University shall be open to all applicants who are qualified according to the admission requirements, which may be adopted and established from time to time. The University does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, disability, or veteran status in employment or in any program or activity offered or sponsored by the University. Prohibited sex discrimination encompasses sexual harassment, which includes sexual violence. In addition, the University does not discriminate on any basis (including, but not limited to, political affiliation and sexual orientation) not related to the applicable educational requirements for students or the applicable job requirements for employees.
- 1.6 Discussion and expression of all views relevant to the subject matter are permitted in the classroom subject only to the responsibility of the instructor to maintain order and a climate conducive to learning, within the stated goals and purposes of the University.
- 1.7 All students shall have the right to be protected from prejudiced academic evaluations unrelated to academic performance based on the student's views, opinions, political associations, organizational memberships, or the instructor's biases based on the character of the student. Furthermore, all students shall have the right to appeal a grade to

the instructor, the department head, the college dean, and the Provost. All grade remedies under other existing policies shall be protected under this Code.

- 1.8 Discussion and expression not inconsistent with the laws of the State and the United States, and in the manner, time, and place prescribed by University policy, are permitted within the institution. Support of any cause by orderly means is permitted, subject to the paramount rights of the University, the safety and rights of individuals, the protection of property, and the continuity of the educational process.
- 1.9 The University encourages expression of informative and differing viewpoints on issues and will support the presence on the campus of responsible persons representing various views. The University reserves the right to specify the conditions of time, place, and manner of speakers through the Expressive Activity Policy.
- 1.10 Organizations and groups may be established within the University for any lawful purpose. Affiliation with an extramural organization shall not, in itself, qualify or disqualify the University branch or chapter from institutional privileges. A group shall become an organization when formally recognized by the University according to the procedures and regulations established by the Office of Student Engagement. No group may be so recognized or continue to be recognized if its purposes or programs are in conflict with this Code of Student Rights or with the laws of the State or of the United States.
- 1.11 A student group or organization may distribute written material on campus without prior approval provided that such distribution is consistent with the University's Advertising, Distribution, Solicitation, and Facilities Usage Policy and the laws of the State or of the United States, and provided that it does not disrupt the operation of the University.
- 1.12 The student press is to be free of censorship. The editors and managers shall not arbitrarily be suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content.
- 1.13 All students shall have the right to be represented in the Student Senate of the Student Government Association, and they further shall have all rights that constituents in democratic societies have including, but not limited to, the right of petition and recall of their representatives.
- 1.14 Students have limited rights of privacy, which extend to living quarters in residence halls. The following activities shall not be considered to impinge upon such rights of privacy: the entry of a room to provide maintenance inspections or repair services; entry when there is reasonable cause to believe that a health or safety issue exists; entry when there is reasonable evidence of a disruption of peace that substantially interrupts the daily operations of the residence hall and/or floor community; entry of a room when a student

permanently vacates the room; entry of a room when a student vacates a room for a break period; the search of student rooms by civil authorities in accordance with local, state, or federal laws; the removal of substances or property in violation of University policy or law during a routine health or safety inspection; the removal of substances or property in violation of University policy or law when in plain view; and the removal of substances or property in violation of University policy or law during a situation when a University Official, in the course of his/her duties, believes an emergency situation exists which poses threat of harm to a member of the campus community or to University property. Students should not expect these limited rights of privacy to extend to computer accounts and electronic mail. The University reserves the right to access student files and accounts as a part of normal routine tasks and for the purposes of investigating alleged wrongdoing.

- 1.15 All students shall have the right to have their academic and conduct records protected from unauthorized access by any person without the written consent of the student involved, except under compulsion by a University hearing panel or court of law, the University Board of Governors, or as otherwise allowed by state and federal law.
- 1.16 All students shall have the right to access, according to published University regulations and/or procedures, all University structures where student fees or fines directly contribute to the upkeep of said buildings, except private offices and other areas where student access could compromise privacy. These buildings shall include, but are not limited to, Plaster Student Union, Hammons Student Center, McDonald Arena, Meyer Library, Plaster Sports Complex, Student Art Gallery, and Taylor Health and Wellness Center.
- 1.17 All students shall have the right to be secure from having their rights infringed upon by University administrators, faculty, support staff, or fellow students.
- 1.18 All students have a right to be offered reasonable protection from retaliation, intimidation and/or harassment. Students who believe they have experienced retaliation, intimidation, and/or harassment are encouraged to seek assistance from one of a number of campus resources. The Dean of Students Office, the Office of Student Conduct, and the Office of Institutional Equity and Compliance have staff and resources available to assist students who believe they may be the victim of retaliation, intimidation, and/or harassment. Students can find assistance on filing complaint charges or campus resources at www.missouristate.edu/studentconduct.

Article II: Responsibilities

Missouri State University has a single purpose: to develop educated persons. It is thus committed to the search for knowledge. It recognizes that human curiosity explores unknown intellectual worlds as well as unknown physical worlds. In a world where knowledge can become outdated in less than a decade, the University is committed to the discovery and dissemination of knowledge that serves the future.

Educated persons are developed through the interaction of competent, caring faculty and capable, motivated students, supported by dedicated professional staff. It is assumed that the three components of the University, faculty, students, and staff, come together as a community in pursuit of the single purpose of the University. In joining this community, students voluntarily assume certain responsibilities that are necessary for promoting the welfare of the community. Although no definitive list of responsibilities can ever truly be developed, the following represent the main responsibilities students assume by becoming members of the University community.

- 2.1 Academic integrity and honesty are the foundation of the University community. Students are expected to practice academic integrity in all assigned work. Students are expected to be honest in all interactions with other students, faculty, and staff.
- 2.2 The University has the inherent right to promulgate appropriate rules and regulations for the orderly conduct of University business and the protection of the health and safety of the University community. Students are expected to comply with all published and stated rules and regulations.
- 2.3 Members of the faculty and staff have the authority to properly direct student conduct in concert with the authority stated above. Students are expected to comply with directives of University officials who are acting in performance of their duties. Students must comply with directives even when they disagree with the directives. A student retains the right to appeal an issued directive through the administrative structure that exists for the faculty or staff member who issued the directive, through established policies.
- 2.4 The search for knowledge can only take place within an atmosphere of open exchange. Open exchange can only take place in an environment of respect and civility. The University has an economically, culturally, and ethnically diverse population. Students are expected to respect differences of culture, lifestyles, and religions as well as to respect freedom of expression. Additionally, students are expected to behave in a manner that is both respectful and civil.
- 2.5 The campus and its grounds, facilities, and equipment are provided largely by the people of the State of Missouri for the students of the University. Students are expected to protect and guard these resources.

- 2.6 Individual compliance with University rules and regulations can only partially insure a safe and orderly environment. Being a responsible member of the community also implies encouraging behaviors in others which are consistent with these rights and responsibilities, discouraging behaviors which are inconsistent, and taking positive action in the face of violations. Minimally, students are expected to participate in the process of adjudicating violations of University expectations, rules, and/or regulations. This implies that students will report violations for which they have knowledge and participate in the conduct process as necessary.
- 2.7 Good Citizen Policy. The welfare of our students is of the highest importance to Missouri State University. There will be times when individual students, both on and off campus, may be in critical need of assistance from medical or other professional personnel. Missouri State University hopes that these students will seek help, and that other students will respond to obtain the help that their fellow student needs. To that end, Missouri State University intends to minimize any hesitation that students might have in obtaining help due to concern that their own behavior might be a violation of University policy.

While policy violations cannot be overlooked, Student Conduct staff members will consider the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequences for the reporter of the problem should be weighed against the possible negative consequences for the student who needs intervention. At a minimum, Missouri State University suggests that a student anonymously report any situation that would put the student in need in touch with professional help.

Examples where the Good Citizen Policy may influence educational consequences are:

A student is reluctant to report that she/he has been sexually assaulted because she/he was smoking marijuana just prior to the assault.

A student is reluctant to call an ambulance when a friend becomes unconscious following an excessive consumption of alcohol because the reporting student is under the age of 21 and also was consuming alcohol.

A member of a student organization is reluctant to report a possible suicide attempt by a prospective member because prospective members have been required to perform activities that may be considered hazing.

In all three of these examples, a student's physical and/or psychological well-being is in serious jeopardy.

- 2.8 Attending classes becomes a responsibility of students when they are admitted to the University and for as long as they are in good standing. Students are expected to attend

class in accordance with the rights and responsibilities afforded them by the University's Attendance Policy.

- 2.9 The primary interaction between faculty and students, which produces educated persons, is in the classroom in the individual course setting. Requirements of participation in classroom discussion and submission of written exercises are consistent with this document.
- 2.10 The course instructor has original jurisdiction over his/her class and may deny a student who is unduly disruptive the right to attend the class. Students are expected to master the course content in compliance with the syllabus of the course instructor. The student is expected to comply with all reasonable directives of the course instructor. The course instructor may have a student administratively withdrawn from a course upon showing good cause and with the concurrence of the department head. The appeals process in case of such administrative withdrawal shall be as stated in the undergraduate catalogue in the academic regulations under "Grade Re-Evaluation Based on Performance."
- 2.11 Students may be held responsible for the behavioral acts of their guests and secondary lessees (applies to married and family housing) when such acts are in violation of the Code and occur on University premises or in conjunction with University-sponsored or supervised activities.

Article III: Authority and Jurisdiction

- 3.1 The State of Missouri has delegated, by statute, authority for the governance of Missouri State University to the Board of Governors. This includes "full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students while enrolled as such" and the authority to enforce obedience to those rules and regulations. It also has the power to delegate student conduct authority.
- 3.2 Generally, jurisdiction and the conduct process shall be limited to behavior which occurs on University premises or at University-sponsored activities, or off campus when it adversely affects the University Community and/or the pursuit of its objectives.
- 3.3 Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's behavior even if the student withdraws from school while a conduct matter is pending.

Article IV: Proscribed Conduct

Any student found to have committed any of the following misconduct is subject to the consequences outlined in Article VII. The University cannot develop a list of acts of misconduct that can accurately describe or anticipate every possible act of a student. The authority to determine if a specific act is subject to consequences shall be left with the hearing authority working with the specific case.

- 4.1 Acts of dishonesty that are related to a student's academic performance, and any incident of alleged academic dishonesty committed by any student at Missouri State University outside of the context of enrollment in any particular course, are governed by the Student Academic Integrity Policies and Procedures. This document is available in the Office of the Provost, at <http://www.missouristate.edu/assets/policy/academicintegritypolicyrev-1-08.pdf> and in the Office of Academic Affairs. Any one of the following acts constitutes academic dishonesty: cheating, fabrication, plagiarism, or facilitating academic dishonesty. Definitions of these acts are included in Article X: Definition of Terms. When an act of dishonesty is of a non-academic nature, the policies of this Code are in effect. Acts of dishonesty may include, but are not limited to, the following:
 - a. Furnishing false information to any University official, faculty member, or office.
 - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
 - c. Tampering with the election of any student organization.
- 4.2 Disruption or obstruction of teaching, research, administration, conduct proceedings, other University activities, including its public-service functions on or off campus, or other authorized non-University activities.
- 4.3 Harassment, which is unwelcome conduct toward another person or an identifiable group of persons which is severe or pervasive and has the purpose or effect of creating an intimidating, hostile, or offensive learning, working, or living environment (see section 4.19 for sexual harassment).
- 4.4 Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property.
- 4.5 Hazing, an act that 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 of continued membership in a group or organization. The express or implied consent of the student will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; they are violations of this policy.

- 4.6 Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 4.7 Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises that have restricted access.
- 4.8 Violation of University policies, rules, or regulations published in University documents: "The University Catalogue", "Policy and Ethics for Student Computer Use and Computer Network Use", "The Guide to Residence Hall Living", "The Guide to University Apartment Living", The Policy Library (specifically Chapter 5 regarding Student Policies) at <http://www.missouristate.edu/policy/studentpolicies.htm>, or in other sources with which a student could reasonably be expected to be familiar.
- 4.9 Violation of federal, state, or local laws and ordinances on University premises or at University-sponsored or -supervised activities. Violations that occur off campus when the conduct adversely affects the University community and/or the pursuit of its objectives.
- 4.10 Use, possession, or distribution of narcotics or other controlled substances, or drug paraphernalia except as expressly permitted by law. Also prohibited are prescription medications used outside the directions of a valid prescription as well as other substances used to gain a similar effect as illegal drugs. Recommended minimum consequences for the possession of drug paraphernalia and use or possession of marijuana or other controlled substances are outlined in 7.13.
- 4.11 Use, possession, or distribution of alcoholic beverages, or alcohol paraphernalia except as expressly permitted by the law and University regulations, or public intoxication. Alcohol paraphernalia may include such items as empty cans, bottles, or any kind of alcohol bong. Recommended minimum consequences for violations of the alcohol policy are outlined in 7.13.
- 4.12 Unauthorized fireworks and unauthorized possession and/or use of firearms, explosive weapons, and other weapons, as defined by Missouri Revised Statutes, on University premises. Authorization to possess such items on University property may be granted by the President and delegated to the Director of Safety and Transportation or his\her designee.
- 4.13 Tampering with fire alarms, extinguishers, and/or other safety equipment.
- 4.14 Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area;

intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

- 4.15 Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or -supervised functions.
- 4.16 Conduct, which is
- a. Unduly disruptive to the University community, lewd, or obscene. Obscene conduct may include conduct that appeals only to a prurient interest and/or depicts/describes sexual acts in a patently offensive way.
 - b. A breach of peace
 - c. Aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored, or participated in, by the University
 - d. Unauthorized Surveillance: making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, including, but not limited to, shower/locker rooms, residence hall rooms, and men's or women's restrooms. Also prohibited is the storing, sharing, and/or other distribution of such unauthorized images by any means.
- 4.17 Abuse of computing resources, including but not limited to:
- a. Sharing a University account password with others, allowing anyone else to use your account, or use someone else's account.
 - b. Copying, sharing, uploading, downloading, sending, or knowingly receive copyrighted or trade/service marked materials without authorization.
 - c. Fraudulently accessing and interfering with computer systems, resources, data or other users.
 - d. Examining, altering or attempting to examine or alter another computer user's private files or electronic communications without authorization.
 - e. Using or altering electronic communications to hide identity or impersonate another party.
 - f. Disrupting, attempting to disrupt, or supporting the disruption of University or external information technology services, systems, or users.
 - g. Violating Missouri State University's Acceptable Use and/or Computers/Networks Policies (for more information on these policies visit www.missouristate.edu/policy/Op12_02_1_AcceptableUse.htm and www.missouristate.edu/policy/Op12_02_3_ComputersNetworks.htm)
- 4.18 Physical Misconduct, including but not limited to:
- a. Inflicting bodily harm or unwanted physical contact upon any person.
 - b. Taking any action for the purpose of inflicting harm upon any person.

- 4.19 Sexual harassment, including sexual violence and other forms of sexual misconduct. Missouri State University is committed to creating and maintaining an environment free from sexual harassment and misconduct. **The University will take immediate action to eliminate harassment, prevent its recurrence, and address its effects.** This sexual misconduct policy explains types of sexual offenses and recommended consequences for violations of this policy. This policy also prohibits retaliation against an individual who has brought forward a complaint of sexual harassment and/or taken part in a conduct process as a result of a sexual harassment complaint.
- Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment is a policy violation in and of itself, but it is also considered an umbrella term that encompasses a variety of different sexual misconduct violations. Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to a person's use of drugs or alcohol. Sexual violence may include, but is not limited to rape, sexual assault, and sexual coercion, and all are considered especially severe forms of sexual harassment.
- The following acts that occur without consent of another person are considered violations of this policy:
- a. Forcible Sexual Offense: the involvement in any sexual act with another person, without the consent of the other person, in which there is force which overcomes reasonable resistance; or the threat of force, expressed or implied; or the use of duress or deception. The recommended minimum consequence shall be dismissal.
 - b. Nonforcible Sexual Offense: involvement in any sexual act with another person, without the consent of the other person, particularly when the other person is incapacitated by drugs, alcohol, mental deficiency, or other disability. The recommended minimum consequence shall be suspension for one year.
 - c. Nonconsensual Sexual Contact: any intentional touching, without the consent of the other person, of the genitals or anus of any person, or the breast of any female person. The recommended minimum consequence shall be suspension for one semester (a summer semester does not satisfy this requirement).
 - d. Sexual Related Offenses: obscene or indecent behavior that is sexually motivated, including but not limited to indecent exposure and voyeurism. The recommended minimum consequence shall be Denial of Privilege to Re-enroll for a minimum of one semester (a summer semester does not satisfy this requirement). In addition, before readmission will be granted, the individual must meet with the Dean of Students (or designee) to discuss and assess their readiness to be re-enrolled. The Dean of Students (or designee) may ask that the student submit evidence that clearly demonstrates the student is no longer likely to repeat a sexually related offense.

- e. Sexual Harassment: which includes sexual violence and any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical contact of a sexual nature when:
- submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a University program or activity
 - submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting that individual's academic standing, employment status, or participation in a University program or activity
 - such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a University program or activity. (This third situation is commonly known as hostile environment sexual harassment.)

The recommended minimum consequence shall be Level 2 probation for one semester (a summer semester does not satisfy this requirement). In addition, other consequences enacted, as needed-e.g., moving from one residence hall to another or a required change of academic schedule.

- 4.20 Abuse of the Conduct System, including but not limited to:
- a. Failure to obey the summons of a Conduct Officer or University official.
 - b. Falsification, distortion, or misrepresentation of information before a Conduct Officer, University official, Conduct Advisor, and/or Hearing Panel
 - c. Disruption or interference with the orderly conduct of a conduct proceeding.
 - d. Institution of a conduct proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
 - f. Attempting to influence the impartiality of any member of a conduct proceeding prior to, during, and/or after a conduct meeting and/or hearing.
 - g. Harassment (verbal or physical), intimidation, and/or retaliation against any person participating in the conduct process.
 - h. Failure to comply with consequences imposed under the Code of Rights and Responsibilities.
 - i. Influencing or attempting to influence another person to commit an abuse of the conduct system.
- 4.21 Violations of Missouri State University's Tobacco Use/Smoking Policy. This policy can be found online http://www.missouristate.edu/policy/op11_18_tobaccouse.htm
- 4.22 Assisting or encouraging, through act or omission, any person or group with committing or attempting to commit a violation of this Code or Federal/State laws and regulations.

Failure to leave or report a situation where any person is committing or attempting to commit a violation of this Code.

Article V: Violation of Law and University Conduct

- 5.1 University conduct proceedings may be instituted against a student charged with conduct that potentially is a violation of criminal law and this Code. For example, if both violations result from the same factual situation, without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceeding off-campus at the discretion of the Dean of Students or his/her designee. Determinations made or consequences imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant. In cases involving potential criminal conduct the Dean of Students, in conjunction with other appropriate University officials, will determine whether law enforcement shall be notified.
- 5.2 When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Code, however, the University may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the University community. The University will cooperate fully 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. Individual students, staff members, and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article VI: Conduct Policies

- 6.1 Any member of the University community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Students Office, which is responsible for the administration of the University conduct system. Any charge should be submitted as soon as is reasonably possible after the event takes place, but in any case, no longer than one calendar year from the date the person knew or should have known the facts. In most cases students will not undergo more than one conduct process within the University for the same incident. For example, if a student is assigned

consequences from their academic department for an incident, the student will not typically face conduct charges for the same incident.

- 6.2 The Conduct Advisor will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. In the event of an informal resolution, such disposition shall be final and there shall be no subsequent proceedings. However, in allegations of sexual assault, mediation is not appropriate even on a voluntary basis. In most circumstances, cases shall be concluded within 60 days of filing charges.
- 6.3 All charges shall be presented to the accused student in written form. The written notice of charges will contain the following:
 - a. The sections of the Code or other University policies allegedly violated
 - b. Date, time, and place the alleged violation occurred
 - c. A concise summary of the alleged violation
 - d. A list of witnesses (to be supplemented later if necessary)
 - e. A date, time, and location for the student to meet with the Conduct Advisor. The student's class schedule shall be consulted; the student may ask the Conduct Advisor for an alternate date and time to meet within the deadline listed in the letter. The decision to alter the meeting time and date is at the discretion of the Conduct Advisor.
- 6.4 The student accused of violating the Code will meet with the Conduct Advisor by the deadline assigned in the letter of charges. At this meeting the following matters will be decided:
 - a. The Conduct Advisor will go over the charges and give a summary of the information to be presented as to allow preparation of refutation
 - b. The Conduct Advisor will answer any questions and provide any necessary clarification of the Code and/or its procedures
 - c. The student accused of violating the Code may provide any information they find to be relevant in determining responsibility. They have the opportunity to present their story, ask questions, give information, present records or documentation pertaining to the incident, present witnesses, and provide explanations to the Conduct Advisor.
 - d. The Conduct Advisor and the student will discuss the student's level of responsibility in the conduct situation and attempt to come to an agreement regarding responsibility (or no responsibility) and consequences as necessary. If an agreement is reached, an outcomes form will be filled out by the staff member acting as the conduct advisor.
 - e. In cases where the Conduct Advisor and the student accused of violating policies are unable to come to an agreement on responsibility for a violation or an appropriate consequence, the student shall have the right to request a hearing in front of a hearing authority. If the student's Conduct Advisor is a Residence Life staff member then the student may choose as the hearing authority either the Assistant Director for the opposite side of campus (if unavailable, the Associate Director, another Assistant Director who

does not have direct supervisory capacity over the complainant, or the Director may serve as the hearing authority) or a hearing panel.

f. Except as set forth in subsection (g) below, if a student fails to attend their scheduled conduct meeting, the Conduct Advisor may, at his or her discretion, conduct the meeting in the student's absence and render a finding of responsibility or no responsibility. In these cases the Conduct Advisor will fill out a finding and outcomes form and send it to the student to notify them of the decision; the student is responsible for fulfilling or upholding the outcomes listed on the form. If the student wishes to appeal that conduct decision they may do so by following the appeals processes outlined in Article VIII of this document.

g. In cases where the student fails to appear for an initial conduct meeting and the recommended outcome would be Residence Hall suspension/expulsion, University suspension, or University dismissal, the Conduct Advisor will assume a plea of not responsible and set up a hearing with the Dean of Students (or his designee) as the hearing authority.

h. In matters concerning hearings and where the Coordinator of Student Conduct is not serving in a hearing authority capacity, the Coordinator will assist both the student accused of violating policies and the member of the University community who is filing charges for the purposes of facilitating and understanding the hearing process.

- 6.5 When a student enrolls at the University, s/he does so voluntarily and in so doing implicitly accepts certain obligations of performance and behavior established by the University, as defined in this Code and other official University publications. The development of self-discipline is a goal of education, and the conduct process is intended to be educational in nature. The conduct system described herein is designed to further the educational process; therefore, it is not comparable to, or a substitute for, jurisprudence under a criminal code. Therefore, formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings. The procedures outlined below are designed to balance the rights and responsibilities of the student accused of wrong doing with the rights of the accuser, other students, members of the academic community, and the public. Hearings shall be conducted in order to provide a fair opportunity for hearing of the student's position, explanations, and information according to the following guidelines:
- a. Hearings normally will be conducted in private. At the request of the student accused of violating policies, and subject to the agreement of the accusing party and the discretion of the hearing authority, a hearing can be open to the public. When a hearing is opened, persons in the audience are not permitted to participate.
 - b. Admission of any person to the hearing shall be at the discretion of the hearing authority. The complainant and the accused student must each inform the Conduct

Advisor of witnesses who they intend to have provide information at the hearing at least 24 hours in advance of the hearing. The Conduct Advisor may determine that there are other relevant persons who know information about the situation and invite them to participate in the hearing to share their information.

c. The hearing authority may cause to be removed from the hearing any person, including the accused student or an advisor, who disrupts or impedes the investigation, or who fails to adhere to the rulings of the hearing authority. The hearing authority may direct that persons, other than the accused student or the complainant, who are to be called upon to provide information, be excluded from the hearing except for that purpose. The members of the hearing authority may conduct private deliberations at such times and places as they deem proper.

d. The complainant must appear in support of the charge(s) before the hearing authority designated. If the complainant fails to appear, charges may be dropped at the discretion of the Conduct Advisor.

e. If the accused student has been properly notified of the hearing, but fails to appear, the hearing may take place in his/her absence and will be binding on the accused student. Only upon showing of exceptional circumstances (to be determined by the chairperson of the hearing authority) will the accused student be granted a new hearing on the basis of absence. In conduct hearings and/or meetings, it shall be presumed that the notice of a hearing/meeting has been received if the notice is furnished in one of the following ways: notice is sent by campus, regular, registered, or electronic mail to the address provided by the student to the Office of Student Conduct or that is on record in the Registrar's Office, or, if undeliverable, to the permanent address of record.

f. In hearings involving more than one accused student, the Conduct advisor, at his or her discretion, may recommend the hearings concerning each student be conducted separately. The decision to conduct the hearings separately is at the sole discretion of the hearing authority.

g. The complainant and the accused have the right to be assisted by any advisor they choose at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing. It is the responsibility of the complainant and the accused to notify the Conduct Advisor of the identity of the advisor secured no later than three (3) days in advance of the hearing date.

h. In consideration of the limited role of advisors and of the compelling interest of the university to expeditiously resolve allegations of violations of the Code, the work of a hearing authority will not, as a general practice, be delayed due to the unavailability of an advisor.

i. Presenting information and challenging presented information at a hearing are rights available to both the accused and the complainant. However, direct questioning by the complainant or the accused student is not an inherent right and in certain cases may be

denied by the hearing authority. Moreover, the complainant and the accused student shall be afforded similar and timely access to any information presented by the University consistent with FERPA and other privacy laws.

j. It is the responsibility of the person desiring the presence of a witness before a hearing to ensure that the witness appears. Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the latter is discouraged and should not be used unless the individual cannot reasonably be expected to appear. Any written statement must be dated, signed by the person making it, and witnessed by a University employee. The work of a hearing authority will not, as a general practice, be delayed due to the unavailability of a witness.

k. The hearing authority will accept for consideration all information which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious, irrelevant, or personally abusive information should be excluded.

l. Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the hearing authority.

m. All procedural questions are subject to the final decision of the hearing authority.

n. After the hearing, the hearing authority shall determine (by majority vote if the hearing body consists of more than one person) whether the student has violated each section of the Code, which the student is charged with violating.

o. The hearing authority's determination shall be made on the preponderance of evidence, on the basis of (whether it is more likely than not) that the accused student violated the Code.

p. If a disability prevents a student from speaking, a non-attorney advisor may speak on behalf of that student. This does not preclude the student from being directed to testify and to reply to questions directed to him/her.

q. There may be a circumstance in which the Complainant may request to be separated from the Accused student in a hearing situation. Accommodations for this will be considered on a case by case basis and granted at the discretion of the Conduct Advisor and the Dean of Students

6.6 There shall be a single verbatim record, such as a tape recording, of all hearings. The record shall be the property of the University. The complainant and the accused student shall not be allowed to make a separate recording of any type (see also 8.4).

6.7 Except in the case of a student charged with failing to obey the summons of a hearing authority or University official, no student may be found to have violated the Code solely because the student failed to appear for a hearing. In all cases, the information in support of the charges shall be presented and considered.

6.8 The records of a student may be placed on a hold under this Code when a student:

a. Is given sufficient notice to respond to a letter of conduct charges and fails to respond

- b. Does not fulfill a conduct consequence within the deadline established by a hearing authority or by agreement with a Conduct Advisor
- c. Has received a consequence that prohibits future enrollment
- d. Has indicated a criminal charge or conviction on the application for admission and must provide requested information to the Dean of Students that is relevant to reaching an admissions decision.
- e. Has been summoned by the Dean of Students or a designee for a meeting concerning the student's alleged misconduct and will not comply with the request.

The purpose of a hold is to compel a student to fulfill an obligation to the Dean of Students Office. A Student Life (SL) hold on records denies the student the right to register for future classes until cleared by the Conduct Advisor or Dean of Students. A hold on records will be removed by a Conduct Advisor when the student fulfills the required conditions. A student receiving a hold may seek relief from the Vice President for Student Affairs. The student shall request relief in writing. Upon review, the Vice President can amend the conditions of the hold or remove the hold.

Article VII: Consequences

- 7.1 Once a violation of the Code has been established as taking place, consequences may be determined by agreement with the Conduct Advisor or by a Hearing Authority. In determining the consequence(s), recommendations from the accused student and the complainant will be considered. A student's past violations and consequences may be relevant to determine action or appropriate consequences.
- 7.2 The following educational consequences may be imposed upon any student found to have violated this Code.
 - a. **Warning** – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. **Loss of Privileges** – Denial of specified privileges for a designated period of time.
 - c. **Fines** – Fines may be imposed.
 - d. **Restitution** – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - e. **Discretionary Consequences**– Work assignments, service to the University, or other related discretionary assignments which may include, but are not limited to, an apology, restriction upon privileges, a research paper or written statement, a referral for counseling, evaluation for alcohol/drug abuse, a psychiatric evaluation, or other consequences deemed appropriate.
 - f. **Level One Probation** – Serves as both a second chance and a final warning to the student. It is imposed for a specific period of time and affects the student's good standing in the University. While on level one probation, the student may be declared ineligible to

campaign for or hold office or other leadership roles in a student organization, or represent the University in any intercollegiate activity. If found responsible for a violation of the Code while on level one probation, this may result in suspension or dismissal.

g. **Level Two Probation** – The highest level of probation. It is imposed for a specific period of time and affects the student’s good standing in the University. While on level two probation the student shall be declared ineligible to campaign for or hold office or other leadership roles in a student organization. The student shall not represent the University in any intercollegiate activity. If found responsible for a violation of the Code while on level two probation, it shall result in suspension or dismissal.

h. **Denial of Privilege to Re-enroll** – This places the student on level two probation, permits the student to complete the current semester barring further violations, but prohibits the individual from enrolling for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. While prohibited from enrolling, the student is denied access to University owned or leased grounds, facilities, and vehicles, and all University planned, promoted, or sponsored activities. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization’s activities on or off-campus. A hold is placed on the student’s records.

i. **Residence Hall Probation** – Probation is for a specified period of time and includes the probability of suspension or expulsion from residence hall living if the student is found to be in violation of institutional policies during the probationary period.

j. **Parental Notification** – The Family Educational Rights and Privacy Act (FERPA) permits an institution of higher education to disclose to parents or legal guardians the results of conduct hearings if the student is less than 21 years of age and has been found responsible for violating campus rules regarding the use or possession of alcohol or a controlled substance. Parents or guardians of students under the age of 21 will be notified of all violations of University narcotic or other controlled substance policies (Section 4.10) and those alcohol violations (Section 4.11) that result in an assessment for chemical dependency, residence hall probation, or a more severe consequence, as allowed under FERPA regulations.

k. **Residence Hall Suspension** – Separation of the student from the residence halls for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student may be denied access to the residence halls during the suspension. A permanent conduct record is maintained.

l. **Residence Hall Expulsion** – Permanent separation of the student from the residence halls. The student shall be permanently denied access to the residence halls. A permanent conduct record is maintained.

m. **Suspension** – Separation of the student from the University for a defined period of time, after which the student is eligible to return. Conditions for readmission may be

specified. While on suspension, the student is denied access to University owned or leased grounds, facilities, equipment, computer networks, and vehicles, and all University planned, promoted, or sponsored activities. In the case where a student is a member of a student organization, the student is prohibited from attending the student organization's activities on or off campus. An SL (Student Life) hold is placed on the student's records. A permanent conduct record is maintained.

n. **Dismissal** – Permanent separation of a student from the University. When dismissed, a student is denied access to University owned, or leased grounds, facilities, and vehicles, and all University planned, promoted, or sponsored activities. In the case where a student is a member of a student organization, the student is prohibited from attending any student organization activity. There is a permanent SL hold on the student's records. A notation is made on the student's permanent academic record with removal resulting only from action by the President of the University. A permanent conduct record is maintained.

o. **Revocation of Admission and/or Degree** – Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.

p. **Withholding Degree** – The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this student conduct code, including the completion of all consequences assigned, if any.

7.3 More than one of the consequences listed above may be assigned for any single violation.

7.4 Other than dismissal, conduct consequences shall not be made part of the student's permanent academic record, but shall become part of the student's confidential conduct record, which will be maintained in a specified area of the Dean of Students Office and shall be subject to the restrictions of the Family Educational Right to Privacy Act (FERPA). Conduct records are maintained in the Office of Student Conduct for 5 years from imposition of the most recent consequence, except in cases where the consequence is residence hall expulsion, suspension, and dismissal. Residence hall expulsion and suspension cases will be kept as a permanent conduct record but will not be noted on the academic transcript. Cases of dismissal are permanent and, unlike other conduct records, appear as a notation on the academic transcript. The Conduct Records Policy is in compliance with the state's Records Retention Schedule.

7.5 Conduct cases that are incomplete, due to factors such as the student's not responding to conduct charges or not fulfilling an educational consequence, remain a conduct record until required actions are completed by the student. Registration for subsequent terms or the conferral of academic degrees may be withheld pending the resolution of allegations of student misconduct.

- 7.6 The following educational consequences may be imposed upon groups or organizations:
- a. Those consequences listed above in Sections 7.2.a through 7.2.g
 - b. Revocation of University Recognition – Loss of all privileges, including University recognition, for a specified period of time. Conditions for recognition may be imposed.
 - c. Dismissal – permanent revocation of University recognition.
 - d. All conduct records concerning student organizations are maintained permanently for archival purposes.
- 7.7 In each case in which a hearing body determines that a student or student organization has violated the Code, the consequences shall be determined and assigned by the hearing authority. The Dean of Students will review the consequences set forth by the hearing authority and may, at his or her discretion, alter the consequences assigned. The Dean is not limited to consequences recommended by the members participating in the conduct process. Following the hearing, the Conduct Advisor and the Dean shall advise the accused in writing of their determination and of the consequences enacted, if any. A decision by the Dean may be appealed as described in Article VIII. The Dean may designate the Director, Associate, or Assistant Director of Residence Life Housing and Dining Services to determine and assign consequences for students who live in the residence halls. In cases involving sexual violence, both the complainant and the accused will be informed, in writing, of the outcome of the complaint.
- 7.8 **Temporary or Provisional Orders** – In addition to the authority granted in section 2.3 of this Code, the Dean of Students is empowered to impose temporary or provisional orders ex parte to preserve the status quo or to prevent the potential endangerment of persons or property. Such temporary or provisional orders are not intended to replace a hearing before a hearing authority. Such an order is intended to place parameters on individual behavior in order to avoid the necessity of a conduct hearing and allow the status quo to be maintained. Generally, such orders should be limited to those circumstances where the Dean has good cause to believe that the student, or the student’s behavior, poses a threat to the status quo of the University community or member(s). A student shall receive a written copy of the order, which specifies the conditions of the order, the duration of the order, the consequence for violation of the order, and how the record of the order will be maintained. Conduct Advisors may issue no-contact directives or temporary bans from campus property when approved by the Dean of Students.
- 7.9 A student receiving a temporary or provisional order may seek relief from the Vice President for Student Affairs. The student shall request relief in writing. Upon review, the Vice President can amend the conditions of the order or remove the order.
- 7.10 **Interim Suspension** – In certain circumstances, the Dean of Students, or a designee, may impose a University or residence hall suspension prior to a hearing before a hearing authority.

- 7.11 Interim Suspension may be imposed only:
- a. To ensure the safety and well-being of members of the University community or preservation of University property
 - b. To ensure the student's own physical or emotional safety and well-being
 - c. If the student has violated a provisional order put into effect to ensure the safety and well-being of members of the University community or preservation of University property
 - d. If the student poses a threat of disruption of, or interference with, the normal operations of the University.
- 7.12 During the interim suspension, the student shall be denied access to the residence halls and/or to the campus (including classes) and/or computing and networking facilities and resources and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or Conduct Advisor may determine to be appropriate. The student should be notified in writing of this action and the reasons for the interim suspension. The notice should include the date, time, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat or may contest whether a campus policy was violated.
- 7.13 Violations of University drug and alcohol policies are cumulative over the duration of a student's tenure at the University and a schedule of minimum consequences will be assigned. All monetary fines for alcohol and other drug violations go into an alcohol education account that supports classes, assessments, and other educational efforts.
- a. **Use or Possession of Drug Paraphernalia and/or Marijuana:**
First Violation: Participation in the University's drug education class; a fine of \$80.00; Level Two Probation for a period of two years; assessment for chemical dependency; and parental notification, as allowed under FERPA regulations.
Second Violation: Suspension from the University for one semester and parental notification, as allowed under FERPA regulations.
 - b. **Use or Possession of a Controlled Substance Other Than Marijuana:**
First Violation: Participation in a four-hour drug education class; a fine of \$80.00; residence hall suspension; assessment for chemical dependency; Level Two Probation for a period of two years; and parental notification, as allowed under FERPA regulations.
Second Violation: Suspension from the University for one year and parental notification, as allowed under FERPA regulations.
 - c. **Possession of a Controlled Substance with Intent to Sell or Distribute:**
First Violation: Dismissal from the University.
 - d. **Use, Possession, or Distribution of Alcohol or Alcohol Paraphernalia:**
First Violation: Participation in a four-hour alcohol education class and a fine of \$45.00.

Second Violation: Referral to Student Conduct for an educational conference, other discretionary consequences, and a fine of \$90.00. Other discretionary consequences will most likely include participation in the CREAD (*Creating Responsible, Educated Academic Decision-makers*) program wherein the student works with a Career Services Specialist to examine their academic/career choices in combination with their choices regarding alcohol usage. Parental notification, as allowed under FERPA regulations.

Third Violation: Parental notification, as allowed under FERPA regulations; residence hall suspension; assessment for chemical dependency; Level Two Probation for a period of one year; and a fine of \$135.00.

Fourth Violation: Suspension for one semester. Prior to readmittance, the student will be required to meet with the Dean of Students (or designee) to discuss and demonstrate readiness to be at the University. The student may be asked to submit documentation of successful substance abuse treatment.

Article VIII: Appeals

8.1 Within five (5) University business days of the initial decision letter, the complainant or the accused student may appeal the conduct decision by submitting a written request for appeal to the Dean of Students that is signed by the appealing party, dated, and explains the reasons for appeal.

a. A decision reached at a conduct hearing in front of the Dean of Students designee, a University Hearing Panel, and all other conduct decision appeals will be delivered to the Dean of Students for his review. The Dean of Students may choose a designee (appeal authority) to review an appeal. In the event a conduct decision was made by the Dean of Students themselves, the appeal shall be delivered to the Vice President for Student Affairs who will designate an appeal authority to review the appeal.

b. In cases involving complaints of sexual harassment (including sexual violence), the complainant shall have the same appeal rights as the accused student. Appeals shall be in writing, signed and dated by the one appealing the decision, and shall be delivered to the Dean of Students for review of the appeal request.

8.2 Except as required to explain the basis of new information, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

a. **Procedural Error:** To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present information that the Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.

- b. **Unsupported Conclusion:** To determine whether the decision reached regarding the accused student was based upon a preponderance of evidence.
 - c. **Disproportionate Consequence:** To determine whether the consequences assigned were appropriate for the violation(s) of the Code which the student was found to have committed.
 - d. **New Information:** To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
- 8.3 In the event the student appealing a decision or a consequence wishes to review the verbatim record, s/he may make application to the Conduct Advisor to do so. The verbatim record will remain in the possession of the University during the review. Under no circumstances will a copy of the recording be released.
- 8.4 In the event a verbatim recording is not available due to mechanical failure or otherwise, the absence of the verbatim record shall not, in itself, be cause for appeal. In such cases the Conduct Advisor will contact the hearing authority. The hearing authority will issue a record, which will include the finding, what information was considered, and the basis for the finding. This record shall be considered sufficient for review by an appeal authority.
- 8.5 The appeal authority reviewing the appeal may do any of the following:
- a. Remand the matter to the original hearing authority for re-opening of the hearing to allow consideration of the original determination and/or consequence(s).
 - b. Affirm the finding of responsibility or no responsibility.
 - c. Reverse the finding of responsibility or no responsibility.
 - d. Modify the consequences that have been assigned.
 - e. Deny the appeal because it does not fall within the parameters of or comply with the requirements set forth in this Code.
 - f. If a finding of responsibility or no responsibility is reversed on appeal or if an appeal is dismissed, the matter shall be considered resolved and the decision by the person deciding the appeal shall be considered final and binding upon all involved unless the President of the University decides to review the decision.
- 8.6 The President of the University may, at his/her discretion, review the decision of an appellate authority and has the full range of responses outlined in 8.5.

Article IX: Interpretation & Revision

- 9.1 Any question of interpretation regarding the Code shall be referred to the Dean of Students or his or her designee for final determination, subject to appeal to the Vice President for Student Affairs.
- 9.2 The Code should be reviewed periodically under the direction of the Coordinator of Student Conduct. In all cases, review of this document should be done by bodies which include students appointed by the Student Government Association.
- 9.3 Changes in the Code which are editorial in nature and do not affect the fundamental nature of the document, or are required to insure the code is consistent with state or federal law, can be made by the Dean of Students and become effective upon approval by the President of the University.
- 9.4 Substantive changes recommended for the Code as a result of the review process shall be submitted to the Board of Governors for approval and adoption.

Article X: Definition of Terms

- 10.1 For purposes of "**Academic Dishonesty**": Any one of the following acts constitutes academic dishonesty:
 - a. **Cheating**: The term "cheating" refers to using or attempting to use unauthorized materials, information, or study aids in any academic exercise.
 - b. **Fabrication**: The term "fabrication" refers to unauthorized falsification or invention of any information (including research data) or any citation in any academic exercise.
 - c. **Facilitating academic dishonesty**: Assisting or attempting to assist another to violate any provision of the Academic Integrity Policy, whether or not that action is associated with any particular course, is considered academic dishonesty.
 - d. **Plagiarism**: The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or sections of a work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials, including material taken from or ordered through the Internet.
- 10.2 The term "**Appeal authority**" means any person or persons authorized by the Dean of Students to consider an appeal from a hearing authority's determination that a student has violated the Code or from the consequences assigned by the Conduct Advisor.
- 10.3 The term "**Code**" refers to the Code of Student Rights and Responsibilities.

- 10.4 The term “**Complainant**” refers to any member of the University community who files a complaint for charges against a student or student organization.
- 10.5 The term "**Conduct Advisor**" means a University official authorized by the Dean of Students to recommend consequences for students found to have violated the Code. The Dean may authorize a conduct advisor to serve simultaneously as a conduct advisor and the sole member or one of the members of a hearing authority. Nothing shall prevent the Dean from authorizing the same conduct advisor to recommend consequences in all cases.
- 10.6 The term "**consent**" is defined in the following manner: consent or lack of consent may be expressed or implied. Acquiescence does not necessarily constitute consent. Consent is voluntarily and knowingly given, and can be given for some acts but not others. The withdrawal of consent must be communicated in some way (either express or implied), and that may mean verbally, through actions, or through body language. If consent has been given for a particular act in a given instance and that act is completed, consent cannot be retracted after the fact. At the same time, ‘blanket consent’ is not a valid concept – if consent has been given for a particular act in a particular time frame that consent can be taken away before or during the act. Prior or current relationship status is not a determining factor in deciding if a sexual act was consensual. Further, consent cannot be construed if:
- a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor
 - b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense
 - c. It is induced by force, duress, or deception.
- 10.7 The term “**consequence**” or “**educational consequence**” refers to the outcomes or terms that a student must fulfill in the event they are found responsible for policy and/or code violations.
- 10.8 The "**Dean of Students**" is that person designated by the University to be responsible for the administration of the Code.
- 10.9 The term "**explosive weapons**" means any explosive, incendiary, or poison gas bomb or similar device designated or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage, or any device designed or adapted for delivering or shooting such a weapon.
- 10.10 The term "**faculty member**" means any person hired by the University to conduct classroom or other learning/teaching activities.

- 10.11 The term "**firearms**" means any weapon that is designed or adapted to expel a projectile by the action of an explosive.
- 10.12 The term "**hearing authority**" means any person or persons authorized to determine whether a student has violated the Code and to recommend educational consequences. The list of conduct bodies includes, but is not limited to, the Dean of Students, the Coordinator of Student Conduct, the Director of Residence Life Housing and Dining Services or his/her designee, the Residence Hall Conduct Board, the University Hearing Panel, and such other bodies as may from time to time be created under the authority of this document.
- 10.13 The terms "**may**" and "**should**" are used in the permissive sense.
- 10.14 The term "**member of the University community**" includes any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students.
- 10.15 The terms "**must**" and "**shall**" are used in the imperative sense.
- 10.16 The term "**organization**" means any number of persons who have complied with the formal requirements for University recognition/registration.
- 10.17 The term "**other weapons**" is to include, but not be limited to, a blackjack, switchblade knife, other than an ordinary pocketknife with no blade more than two inches in length, brass knuckles, and projectile weapon such as a bow, crossbow, pellet gun, or slingshot.
- 10.18 The term "**paraphernalia**" includes any object that contains the residue of alcohol or of an illegal drug and any object that is used in the consumption or distribution of an illegal drug. Examples of the former include, but are not limited to, a marijuana pipe or bong, blow tube, a beer bong, and empty alcoholic containers. An example of the latter is a scale used in measuring quantities of an illegal drug.
- 10.19 The term "**policy**" is defined as the written regulations of the University as found in, but not limited to, the "Code of Student Rights and Responsibilities," the Missouri State web pages, the "Guide to University Living," "Guide to Apartment Living," "Graduate/Undergraduate Catalogs," and "Policy Library".
- 10.20 The term "**sexual act**" means any penetration, however slight, of the female sex organ by the male sex organ, whether or not emission results; any act involving the genitals of one person and mouth, tongue, hand, or anus of another person; or any of the above acts induced by force, duress, or deception.

- 10.21 The term "**sexual contact**" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any one person.
- 10.22 For purposes of the Code the term "**student**" includes all persons who have been notified of their acceptance for admission, as are persons who are living in Missouri State University residence halls or apartments, although not enrolled in this institution. This Student Code applies to all students in the Missouri State University system. A student is further defined as "an individual with respect to whom the university maintains education records or personally identifiable information and who is or who has been in attendance at the University" (operating policy 5.11 *Notification of Student Rights*, Policy Library).
- 10.23 The term "**University**" means Missouri State University.
- 10.24 The term "**University premises**" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
- 10.25 The term "**University official**" includes any person employed by the University performing assigned administrative or professional responsibilities. This term specifically includes residence hall Resident Assistants and Graduate Assistants.