

Missouri State

Student Conduct

Code of Student Rights and Responsibilities

G5.01 Code of Student Rights and Responsibilities

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Article I: Student Rights

1.1

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 Policies of the University and the direction of the Board of Governors; 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 Educational Consequences may be imposed upon any Student without following minimal procedural due process, as described in [Article VI \(#Article6\)](#) 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, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), religion, sex (including marital status, family status, pregnancy, sexual orientation, gender identity, or gender expression), age, disability, veteran status, genetic information, or any other

basis protected by applicable law in employment or in any program or activity offered or sponsored by the University.

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 consistent 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 University's Expressive Activity Policy. See [G5.02 Expressive Activity Policy \(/Policy/Chapter5/G5_02_ExpressiveActivity.htm\)](/Policy/Chapter5/G5_02_ExpressiveActivity.htm).

1.10

Student Organizations 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 a Student 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 and Responsibilities or with the laws of the State or of the United States.

1.11

A Student Organization may distribute written material on campus without prior approval provided that such distribution is consistent with the policies of the University, including the University's [Advertising, Distribution, Solicitation, and Facilities Usage Policy](#) ([/Policy/Chapter1/Op1_01-commercial-advertising-sales-solicitation-facilities-usage-policy.htm](#)), and the applicable laws of the State and 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 while on University Premises, 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 the Official's 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 as 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, Robert W. Plaster Stadium, Betty and Bobby Allison North Stadium, Betty and Bobby Allison South Stadium, Betty and Bobby Allison Recreational Fields, Betty and Bobby Allison Sand Volleyball Courts, Student Art Gallery, and Magers Health and Wellness Center.

1.17

All Students shall have the right to be secure from having these 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, the Office of the Title IX Coordinator, and the Office for Institutional Compliance all have staff and resources available to assist Students who believe they may be the victim of retaliation, intimidation, and/or harassment.

1.19

The University Community is a community of people with respect for diversity. The University emphasizes the dignity and equality common to all persons and adheres to a strict non-discrimination policy regarding the treatment of individual Faculty, staff, and Students. In accord with federal law and applicable Missouri statutes, the University does not discriminate on the basis of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), religion, sex (including marital status, family status, pregnancy, sexual orientation, gender identity, gender expression, or any other subcategory of sex recognized by applicable law), age, disability, veteran status, genetic information, or any other basis protected by applicable law in employment or in any program or activity offered or sponsored by the University. Sex discrimination encompasses sexual harassment, which includes sexual violence, and is strictly prohibited by Title IX of the Education Amendments of 1972

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 encouraged to respect differences of culture, lifestyles, and religions as well as to respect freedom of expression. Additionally, Students are encouraged 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 ensure 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.

The University pursues a policy of limited immunity for Students who offer help to others in need. While policy violations cannot be overlooked, the University, to the extent possible, will consider the positive impact of reporting an incident on the welfare of Students when determining the appropriate response for University 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](https://publicdocs.maxient.com/incidentreport.php?MissouriStateUniv) (<https://publicdocs.maxient.com/incidentreport.php?MissouriStateUniv>) any situation that would put the Student in need in touch with professional help. To report an incident, contact the Office of Student Conduct, Plaster Student Union, Room 405 (417-836-5527). Incidents may also be reported through the [Office of Student Conduct website](/StudentConduct/default.htm) (</StudentConduct/default.htm>).

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](/Policy/Chapter3/Op3_04_7_Attendance.htm) (/Policy/Chapter3/Op3_04_7_Attendance.htm).

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

Pursuant to the University's [Class Disruption policy](/Policy/Chapter3/Op3_04_11_ClassDisruption.htm) (/Policy/Chapter3/Op3_04_11_ClassDisruption.htm), the course instructor has original jurisdiction over the 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 [Grade Appeals and Academic Grievances policy](#) ([/Policy/Chapter3/Op3_04_28_GradeAppeal.htm](#)).

2.11

Pursuant to the University's [Non-Discrimination Policy Statement](#) ([/Policy/Chapter1/G1_05_NonDiscriminationPolicy.htm](#)), Students are not permitted to discriminate on the basis of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), religion, sex (including marital status, family status, pregnancy, sexual orientation, gender identity, gender expression, or any other subcategory of sex recognized by applicable law), age, disability, veteran status, genetic information, or any other basis protected by applicable law in connection with their activities as members of the University Community.

2.12

Students will be held responsible, pursuant to this Code, for the behavioral acts of their guests 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 will be limited to behavior which occurs on University Premises or at University-sponsored activities. Jurisdiction and the conduct process will apply to the conduct of Students, Student groups, and Student Organizations which occurs off of University Premises when such conduct adversely affects the University, a member of the University Community or that reflects a clear disregard for the rights and responsibilities found herein.

3.3

Each Student will be responsible for complying with this Code from the time of application for admission through the actual awarding of a degree as well as during the academic year and during periods between terms of actual enrollment (even if their conduct is not discovered until after a degree is awarded). The Code shall apply to a Student's conduct violation even though the conduct violation may have occurred before classes begin or after classes end. The Conduct Officer may choose to pursue conduct charges even if the Student withdraws from school while a conduct matter is pending.

Article IV: Proscribed Conduct

Any Student found by the University to have committed any of the following misconduct is subject to the Educational Consequences outlined in [Article VII \(#Article7\)](#). The authority to determine if a specific act is subject to Educational Consequences shall be determined pursuant to the procedures set forth in this Code or University Policy, as applicable.

4.1

Non-Academic Acts of Dishonesty: Non-Academic Acts of Dishonesty are acts of dishonesty not related to the Student's academic performance. Non-Academic Acts of Dishonesty may include, but are not limited to, the following:

- a. Furnishing false information to any University Official, Faculty Member, or office, or the use or possession of any form of false identification.
- b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
- c. Tampering with the election of any Student Organization.

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 not governed by this Code, but are instead governed by the [Student Academic Integrity Policies and Procedures](#) ([/Policy/ Files/Op3-01-Academic-Integrity-Policies-and-Procedures-Students.pdf](#)). This document is available in the Office of the Provost and in the Office of Academic Affairs.

4.2

Disruption or obstruction of teaching, research, administration, conduct proceedings, other University activities, including its public-service functions on or off campus, or University-sponsored or supervised activities.

4.3

Discriminatory Harassment, which is unwelcome conduct directed toward another person or an identifiable group of persons on the basis of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), religion, sex (including marital status, family status, pregnancy, sexual orientation, gender identity, gender expression, or any other subcategory of sex recognized by applicable law), age, disability, veteran status, genetic information, or any other basis protected by applicable law, which is so severe, pervasive and objectionably offensive, and that so undermines and detracts from the person or

identifiable group's education experience such that the Student(s) are effectively denied equal access to the University's resources and opportunities. See [Op1.02-2 Discrimination Complaint and Investigation Procedures \(/Policy/Chapter1/Op1-02-2-discrimination-complaint-and-investigation-procedures.htm\)](#). For additional information regarding the Adjudication of allegations of discriminatory harassment, see [Article VI \(#Article6\)](#).

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 or admission into, affiliation with or as a condition of continued membership in a group or Student Organization. The express or implied consent of the Student will not be a defense to a violation of hazing. The willing participation or acquiescence of the Student subject to the hazing activity is no defense and is still a violation of this policy.

4.6

Failure to comply with directives of University Officials or law enforcement officers acting in performance of their duties (including, without limitation, failure to comply with a no-contact directive) and/or failure to identify oneself to these persons when requested to do so.

4.7

Unauthorized possession, duplication, or use of keys or access cards/devices– 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 including but not limited to: The University Catalog, Policy and

Ethics for Student Computer Use and Computer Network Use, The Guide to Residence Hall Living, and the [Transportation Policy and Regulations \(/Policy/default.htm\)](/Policy/default.htm).

4.9

Violation of federal, state, or local laws and ordinances on University Premises or at University-sponsored or -supervised activities. Violations of federal, state or local laws and ordinances that occur off campus when the conduct adversely affects a member of the University Community or the behavior reflects a clear disregard for this Code, State law, or Federal law.

4.10

Use, possession, or distribution of narcotics or other controlled substances, or related Paraphernalia, except as expressly permitted by Federal law, or public intoxication on University Premises. Including the use of prescription medications without proper prescription or used counter to the directions of a valid prescription. Additionally, the misuse of any products for the purposes of obtaining a similar effect as illegal drugs. Recommended minimum Educational Consequences for a violation of this, Section 4.10 are outlined in [Section 7.9 \(#Section7-9\)](#).

4.11

Use, possession, or distribution of alcoholic beverages or alcohol Paraphernalia (as defined in this Code) except as expressly permitted by the law and University regulations, or public intoxication on University Premises. Recommended minimum Consequences for violations of the alcohol policy are outlined in [Section 7.9 \(#Section7-9\)](#).

4.12

Possession and/or use of Firearms, fireworks, Explosive Weapons, and Other Weapons, as defined by University policy and Missouri law, on University Premises.

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 University Premises or at a University sponsored or sanctioned event.

4.15

Obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University-sponsored or -supervised functions.

4.16

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 restrooms. Also prohibited is the intentional or knowingly viewing, storing, sharing, and/or other distribution of such unauthorized images by any means.

4.17

Unauthorized distribution of sexually explicit images, sharing, displaying, or otherwise distributing nude or sexually explicit images of another individual without that individual's consent, even if the image was lawfully made or taken with consent. The knowing or intentionally viewing of an image by a third-party when the third party knows or has reason to know that the subject of the image has not consented to such viewing or distribution is likewise a violation of this section.

4.18

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.

4.19

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.

4.20

Sexual Harassment as defined in the University's [Title IX Sexual Harassment Grievance Procedure \(/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm\)](#) policy, Op1.02-11.

Note: Unlike other prohibited conduct outlined in this Article IV, allegations of Sexual Harassment are processed through Op1.02-11, the University's [Title IX Sexual Harassment Grievance Procedure \(/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm\)](#) policy. As discussed in more detail below in [Article VI \(#Article6\)](#), the Office of Student Conduct may address allegations of Sexual Harassment that do not meet the definition or jurisdictional requirements of the Title IX Sexual Harassment Grievance Procedure. Allegations of Sexual Harassment, as

defined by Op.1.02-11 should be filed with the Title IX Coordinator, 901 S. National Ave., Springfield, Missouri 65897, 417-836-4252, TitleIX@MissouriState.edu (<mailto:titleix@missouristate.edu>).

4.21

Abuse of the Conduct System, including but not limited to:

- a. Failure to obey the summons of a Conduct Officer or University Official.
- b. Providing false, distorted, or misrepresenting information before an adjudicator in a University process determining responsibility (e.g., Conduct Officer, University Official, Hearing Authority, and/or Decision Maker).
- 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. Retaliation against any person participating in the conduct process.
- h. Failure to comply with Educational Consequences imposed following a conduct proceeding.
- i. Influencing or attempting to influence another person to commit an abuse of the conduct system.

4.22

Violations of Missouri State University's [Tobacco Use/Smoking Policy](/Policy/Chapter11/Op11_18_TobaccoUse.htm) (/Policy/Chapter11/Op11_18_TobaccoUse.htm).

4.23

Assisting, facilitating, 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: Violations of Law and University Conduct

5.1

University Student conduct proceedings may be instituted against a Student charged with conduct that potentially is a violation of both criminal law and this Code. 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 Office of Student Conduct. Determinations made or Educational Consequences imposed under this Code shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of or against the criminal law defendant. In cases involving potential criminal conduct the Office of Student Conduct, in conjunction with the Dean of Students and 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, or other University policy, however, the University may advise off-campus authorities of the existence of University policy 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: Student Conduct Adjudication Process

The development of self-discipline is a goal of education, and the Student conduct process is intended to be educational in nature. The Student conduct Adjudication process 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 the Student conduct Adjudication process described in this Code. The Student conduct Adjudication process outlined below is designed to balance the rights and responsibilities of the Student or Student Organization accused of wrong doing with the rights of the University Community, including but not limited to, the complaining Student or Student Organization, other Students, Faculty, staff, and the public.

6.1

Subject to other University policy, any member of the University Community may file a complaint against any Student or Student Organization for alleged violations of this Code. The complaint may be prepared in writing or notice may be given in another manner and directed to the Office of Student Conduct, which has been given responsibility of the administration of the University conduct system. Any complaint should be submitted as soon as is reasonably possible after the event takes place, but in any case, no longer than twelve (12) months from the date the person knew or should have known of the alleged violation. In most cases Students and Student Organizations will not undergo more than one conduct process within the University for the same incident.

6.2

Violations of Code Policies (other than violations of [Op1.02-2 \(/Policy/Chapter1/Op1-02-2-discrimination-complaint-and-investigation-procedures.htm\)](#) and [Op1.02-11 \(/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm\)](#)): After receiving an incident report or other indication of Code violations, the Office of Student Conduct, or their designee, may proceed as follows:

- a. Assign appropriate Conduct Officer.
- b. Conduct Officer conducts an investigation of the allegations, or other validation of the allegations received.
- c. If appropriate, send a charge letter indicating:

1. The sections of the Code or other University policies allegedly violated.
2. Date, time, and place the alleged violation occurred (if available).
3. A concise summary of the alleged violation.
4. A list of witnesses (to be supplemented later if necessary).
5. A date, time, and location for the Respondent to meet with the Conduct Officer. The Respondent's class schedule shall be consulted; the Respondent may ask the Conduct Officer 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 Officer.

6.3

Alleged Violations of [Title IX Sexual Harassment Grievance Procedure](/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm) (/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm) policy: If the University receives an allegation of sex discrimination, including sexual harassment, the University will address such allegations through the Governing Policy and the Grievance Procedure Policy. The Conduct Officer will forward any allegations of sex discrimination to the appropriate Official as indicated in University policy. Allegations of Sexual Harassment that fall within the scope of the [Op1.02-11](/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm) (/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm) will be handled entirely through that Policy, unless dismissed pursuant to that Policy.

6.4

Allegations of Discrimination Based on a Protected Class: All allegations and complaints of discrimination based on a protected class that fall outside of Op 1.02-11 either due to the jurisdictional limitations or due to a dismissal pursuant to that Policy will be investigated pursuant to [Op1.02-2 Discrimination Complaint and Investigation Procedures policy](/Policy/Chapter1/Op1-02-2-discrimination-complaint-and-investigation-procedures.htm) (/Policy/Chapter1/Op1-02-2-discrimination-complaint-and-investigation-procedures.htm). After completing an investigation, the Investigator will prepare a document summarizing the investigation and the finding from the investigation. Such document will be provided to the Office of Student Conduct. After receiving the document from the Investigator, the Conduct Officer assigned to the complaint will proceed as follows:

- a. Prepare and send correspondence to the individual identified as the Respondent in the Investigative Report scheduling a Conduct Meeting where the assigned Conduct Officer will discuss situation described in the document, the proposed charges against the Respondent, the Educational Consequences proposed by the Conduct Officer, and the Respondent's position on responsibility. At this conduct meeting, the Respondent will be given the opportunity to review the document prepared by the Investigator, Conduct Officer charges and give a summary of information to be presented as to allow preparation of refutation. The Respondent will be given the opportunity to review any materials referenced by the Investigator in the document including but not limited to: audio recordings, and exhibits;
- b. Answer questions and provide any necessary clarification of the Code and/or its procedures;
- c. Discuss the Respondent's level of responsibility in the conduct situation. The Respondent may give additional information, present additional pertinent documents, or records pertaining to the incident, and present additional witnesses which were not provided during the investigative phase.

6.5

Unless otherwise required by other University Policy, the Office of Student Conduct will facilitate a conduct meeting, at which time the following matters may be discussed:

- a. The Conduct Officer will go over the charges and give a summary of the information to be presented.
- b. The Conduct Officer will answer any questions and provide any requested clarification of the Code and/or its procedures.
- c. The Respondent may respond to the charges and provide any information the Respondent believes to be relevant in determining responsibility. The Respondent has the opportunity to present information, ask questions, present records, or documentation pertaining to the incident, present witnesses, and provide explanations to the Conduct Officer.
- d. The Conduct Officer and the Respondent will discuss the Respondent's level of responsibility relating to the allegations and attempt to come to an agreement regarding responsibility (or lack of responsibility) and

Educational Consequences as necessary. A Case Resolution Form (CRF) will be filled out by the Conduct Officer.

- e. If the Respondent fails to attend the scheduled conduct meeting, the Conduct Officer may, at his or her discretion, conduct the meeting in the Respondent's absence and render a finding of responsibility or no responsibility. In these cases, the Conduct Officer will complete a CRF and send a findings letter to the Respondent; the Respondent is responsible for fulfilling or upholding the Educational Consequences listed within the letter. The Respondent may appeal the conduct decision but must follow the appeals processes outlined in [Article VIII](#) of this document.
- f. The Conduct Officer's determination will be made by a preponderance of evidence, on the basis of whether or not it is more likely than not that the Respondent violated the Code of Student Rights and Responsibilities.
- g. The Respondent may be accompanied by an Advisor. The advisor may be an attorney, but is not required to be an attorney. If the Respondent chooses to bring an Advisor, the Respondent must notify the Conduct Officer prior to the conduct meeting and identify the Advisor that will attend the conduct meeting. The Advisor will not be permitted to actively participate in any conduct meeting. 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 Conduct Officer will not, as a general practice, be delayed due to the unavailability of an Advisor. The responding Student or Student Organization is responsible for presenting his or her own information and, therefore, Advisors are not permitted to speak or to participate directly in any conduct meeting or hearing.

6.6

Where appropriate, following a conduct meeting, the parties may have a right to a hearing as set forth below:

- a. In cases where the Conduct Officer and the Respondent are unable to come to an agreement on responsibility and/or Consequence, or the Respondent fails to appear for the conduct meeting, and the Conduct Officer's chosen Consequence does not include any separation between the Student and the

University (e.g., 7.1h, 7.1k, 7.1l, 7.1m, 7.1n, 7.1o, or 7.1p), then the finding of the Conduct Officer will be applicable, unless the Respondent submits an appeal to the Dean of Students pursuant to [Article VIII](#) below.

- b. In cases where the Conduct Officer and the Respondent are unable to come to an agreement on responsibility and/or Consequence, and the Conduct Officer's chosen Consequence includes a Consequence separating the Student from the University (e.g., 7.1h, 7.1k, 7.1l, 7.1m, 7.1n, 7.1o, or 7.1p), the Respondent shall have the right to request a hearing in front of a Hearing Authority.
- c. In cases where the Respondent fails to appear for the conduct meeting and the recommended Consequence includes separation between the Student and the University (e.g., 7.1h, 7.1k, 7.1l, 7.1m, 7.1n, 7.1o, or 7.1p) the Conduct Officer will designate an entry of not responsible and set up a hearing with a Hearing Authority.

6.7

Any hearing conducted pursuant to the Code shall be conducted in order to provide a fair opportunity for hearing of every participant's position, explanations, and information according to the following guidelines:

- a. In matters concerning hearings and where the Director of Student Conduct is not serving in a Hearing Authority capacity, the Director of Student Conduct and/or Office of Student Conduct Staff will assist both the Respondent and the Complainant in understanding the hearing process.
- b. Hearings will be conducted in private. Only individuals serving a defined purpose or otherwise approved by the Hearing Authority will be allowed to participate (e.g., complaining and responding Students, identified witnesses, Advisors to participants, and/or Emotional Support Persons), and only to the extent necessary for that defined role.
- c. The parties to a hearing must each inform the Office of Student Conduct of witnesses who they intend to have provide information at the hearing at least five (5) Business Days in advance of the hearing. The Hearing Authority 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.

- d. The Hearing Authority may cause to be removed from the hearing any person who disrupts or impedes the hearing, or who fails to adhere to the rulings of the Hearing Authority.
- e. Unless prior arrangements have been approved by the Hearing Authority, the complaining party should appear as part of the Conduct Officer's presentation of charge(s) before the Hearing Authority.
- f. If the Respondent has been properly notified of the hearing, but fails to appear, the hearing may take place in the Respondent's absence and the findings and Educational Consequences will be binding on the Respondent, subject to the Respondent's right to appeal pursuant to [Article VIII](#).
- g. In hearings involving more than one (1) accused Student or Student Organization, the Hearing Authority, at his or her discretion, may decide to separately conduct the hearings concerning each Student or Student Organization.
- h. Both parties to a hearing have the right to be assisted by an Advisor of their choosing and at their own expense. A party is allowed only one (1) Advisor, unless otherwise approved by the Hearing Authority. The party's Advisor may be an attorney. Participants are each responsible for presenting their own information and, therefore, Advisors are not permitted to speak or to participate directly in any hearing. It is the responsibility of the participants to notify the Office of Student Conduct of the identity of their Advisor no later than five (5) Business Days in advance of the hearing date.
- i. In consideration of the limited role of Advisors and of the compelling interest of the University to efficiently 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 individual's Advisor.
- j. Presenting information and rebutting information presented at a hearing are rights available to both parties. However, certain circumstances may make it prudent to limit either party from submitting direct questions to a witness or participant. Therefore, at the discretion of the Hearing Authority, all questions may be submitted in writing to the Hearing Authority to ask the questions on the parties' behalf. Only those questions appropriate and relevant will be allowed by the Hearing Authority.
 - 1. There may be circumstances in which participants to a hearing may request that individuals are visually blocked from view during the hearing. Such a request will be evaluated on a case-by-case basis by the

hearing authority Hearing Authority. If such a request is granted, every effort will be made to ensure that all parties have the ability to present questions to any individual, regardless of that individual being physically present or visible.

- k. 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, and include verification that the individual submitting the statement is in fact the author of the statement (e.g., notarized, signed in front of a University Official). The work of the Hearing Authority will not, as a general practice, be delayed due to the unavailability of a witness.
- l. The Hearing Authority may accept for consideration all information which reasonable persons would accept as having relevance to the allegations. Unduly repetitious, personally abusive information, or evidence overly extraneous to the charges under consideration should be excluded.
- m. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the Hearing Authority. The Office of Student Conduct must receive such pertinent records, exhibits, and written statements at least five (5) Business Days prior to a hearing for a party to include such evidence in the hearing, unless as otherwise allowed by the Hearing Authority. All parties will be allowed similar and timely access to materials introduced during a hearing.
- n. All procedural questions during the hearing are subject to the final decision of the Hearing Authority.
- o. The Hearing Authority will conduct deliberations in private as to a Respondent's responsibility. The Hearing Authority shall determine whether the Respondent has violated each of the charged sections of the Code.
- p. 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 Respondent violated the Code.
- q. The Hearing Authority will conduct separate deliberations in private as to the appropriate Educational Consequences for those violations it has determined the Respondent has violated. The Hearing Authority will entertain recommendations from both parties as to appropriate Educational Consequence(s). A Respondent's

past violations and Educational Consequences (including past violations and Educational Consequences that occurred at any of the University's campuses or at another institution of higher education) may be relevant and considered when determining action or appropriate Educational Consequences.

- r. Any participant in a hearing who has a disability and requires accommodation in order to fully participate in the hearing should arrange accommodations from the Disability Resource Center in advance of the hearing.

6.8

A digital recording of all hearings will be recorded by the Office of Student Conduct and the Hearing Authority. The record shall be the property of the University. No other party will be allowed to make a separate recording of any type. Both parties to the proceeding will have access to inspect the digital recording, at the office and the discretion of the Office of Student Conduct, and pursuant to the restrictions applied by the Office of Student Conduct and this Code.

6.9

The Hearing Authority will provide the parties CRF which will outline the Hearing Authority's finding on responsibility and Educational Consequences. The CRF will also include a written summary of the Hearing Authority's rationale for its finding of responsibility and Educational Consequences. Following completion of a CRF, the Respondent will receive an Office of Student Conduct outcome letter, summarizing any charges and Educational Consequences resulting from the conduct Adjudication process.

6.10

Except in the case of a Student or Student Organization charged with failing to obey the summons of a Hearing Authority or University Official, no Student or Student Organization may be found to have violated the Code solely because the Student or Student Association failed to appear for a hearing. In all cases, the information in support of the charges shall be presented and considered.

6.11

The University 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 Officer.
- 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, Office of Student Conduct staff, or a designee for a meeting concerning the Student's alleged misconduct and will not comply with the request.

6.12

The purpose of a hold is to compel a Student to fulfill an obligation to the Dean of Students Office (including the Office of Student Conduct). A Student Life (SL) hold on records denies the Student the right to register for future classes or change class registration until cleared by the Office of Student Conduct Staff, Conduct Officer, or Dean of Students. A hold on records will be removed by the Office of Student Conduct when the Student fulfills the required conditions. A student may request the temporary removal of holds under this section for registration purposes only. Such request must be in writing and directed to the Office of Student Conduct.

6.13

Through the course of the conduct process, the University will maintain records relating to an individual's participation in the conduct process. This conduct file, including the outcome of a conduct meeting or a hearing and the Educational Consequences imposed, are educational records, and are protected from release under the Family Educational Rights and Privacy Act (FERPA), except as otherwise required or permitted by law.

- a. The Office of Student Conduct will facilitate the disclosure of the Student's conduct file upon written request. In order to request a copy of the conduct file an individual (or their next of kin) should submit a request to the Office of Student Conduct.
- b. Following receipt of an acceptable written request, the Office of Student Conduct will release a redacted version of the Student's conduct file. Such redaction will still include the name of the Respondent party, the charges pursued in the conduct process, and any Consequence imposed against the Respondent.
- c. Conduct records of Student Organizations may be requested through the University's Custodian of Records office.

Article VII: Educational Consequences

7.1

In the discretion of the Conduct Officer or Hearing Authority, the following Educational Consequences may be imposed upon any Student or Student Organization found to have violated any provision of this Code:

- a. **Warning** – A notice in writing to the Student or Student Organization that the Student or Student Organization 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 consistent with the schedule of fines adopted by the Board of Governors.
- 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, evaluation for alcohol/drug abuse, completion of University programming, or other Educational Consequences deemed appropriate.

- f. **Level One Probation** – Is imposed for a specific period of time and affects the Student or Student Organization’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** – Is imposed for a specific period of time and affects the Student or Student Organization’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 or Student Organization shall not represent the University in any University sponsored activity or position. While on Level Two Probation Students and Student Organizations are prohibited from participating in the Education Abroad program, attending conferences on behalf of the University, or representing the University at an official function, event, or intercollegiate competition as a player, manager, or Student coach. If found responsible for a violation of the Code while on Level Two Probation, it may result in separation from the University (e.g., denial of privilege to re-enroll, suspension, or dismissal) at the discretion of the Conduct Officer.
- 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. **University Housing Probation** – Probation is for a specified period of time and includes the probability of suspension or expulsion from University Housing if the Student is found to be in violation of University Policy 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 may 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. **University Housing Suspension** – Separation of the Student from occupancy in University Housing 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 dining facilities connected to University Housing during the suspension. A permanent conduct record is maintained.
- l. **University Housing Expulsion** – Permanent separation of the Student from University Housing. The Student shall be permanently denied access to occupancy in University Housing, and access to all University Housing (including dining facilities connected to University Housing). 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 (Student Life) 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 Code, including the completion of all Education Consequences assigned, if any.

7.2

More than one (1) of the Educational Consequences listed above may be assigned for any single violation.

7.3

Other than dismissal, 7.1n, conduct Educational 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 Rights and Privacy Act (FERPA). Conduct records are maintained in the Office of Student Conduct for seven (7) 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. All conduct records concerning Student Organizations are maintained permanently for archival purposes.

7.4

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.

7.5

In addition to the Educational Consequences set forth in [Section 7.1 \(#Section7-1\)](#), the following Educational Consequences may be imposed upon Student groups or Student Organizations following a finding of responsibility for a conduct violation:

- a. **Revocation of University Recognition** – Loss of all privileges, including University recognition, for a specified period of time. Conditions for recognition may be imposed.
- b. **Dismissal** – permanent revocation of University recognition.
- c. **Educational Program/Training** – Program facilitated by the chapter, regional/National/International Headquarters, or relevant campus partner designed to address specific topics as deemed appropriate by the Conduct Officer.

7.6

Temporary or Provisional Orders – In addition to the authority granted in [Section 2.3 \(#Section2-3\)](#) of this Code, the Dean of Students is empowered to impose temporary or provisional orders 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 the University's conduct Adjudication process. Generally, such orders should be limited to those circumstances where the Dean has good cause to believe that the Student or Student Organization, or the Student or Student Organization's behavior, poses a threat to the status quo of the University Community or member(s). A Student or Student Organization shall receive a written copy of the order, which specifies the conditions of the order, the duration of the order, the Educational Consequence for violation of the order and how the record of the order will be maintained.

- a. Student Organization Interim Suspension – In certain circumstances, The Dean of Students, or Conduct Officer, may impose a temporary order for an interim suspension for a Student Organization prior to a conduct meeting or hearing for the purpose of protecting University Community members, personnel, or University property, and/or the community at large. During the interim suspension, the Student Organization shall be denied access to University meeting spaces, intramural leagues, and social activities. The Student Organization may not hold elections, give bids to new members/pledges, or initiate members.
- b. A Student or Student Organization receiving a temporary or provisional order may seek relief from the Vice President for Student Affairs. The Student or Student Organization shall request relief in writing. Upon review, the Vice President can affirm the order, amend the conditions of the order, or remove the order.

7.7

Student Interim Suspension – In certain circumstances, the University may impose a University or residence hall suspension prior to a hearing before a Hearing Authority or other University Adjudication (e.g., Title IX Grievance Process).

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.
- e. Following an individualized safety and risk analysis in which the Dean of Students determines that based on the allegations of sexual harassment, there is an immediate threat to the physical health or safety of any Student or other individual.

7.8

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 Officer 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 interim suspension meeting at which the Student may show cause why their continued presence on the campus does not constitute a threat or may contest whether a campus policy was violated. Consistent with this Code, the Student may be accompanied by an Advisor.

7.9

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 Educational Consequences will be assigned. **A schedule of fines will be approved yearly by the Board of Governors and placed on the Office of Student Conduct website**

(</StudentConduct/common-consequences.htm>):

a. **Use or Possession of Marijuana:**

First Violation: Fine; participation in a University approved drug education program (including an online module); and two (2) reflection papers.

Second Violation: Participation in a University approved drug assessment and education program, University Housing probation for one (1) year; and/or Level One Probation for a period of one (1) year; and Parental notification, as allowed under FERPA regulations.

Third Violation: Separation from the University for one (1) semester (e.g., suspension, or denial of privileges to re-enroll) and Parental notification, as allowed under FERPA regulations. 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. Students readmitted after a Third violation will not be eligible for University Housing.

b. **Use or Possession of a Controlled Substance Other Than Marijuana:**

First Violation: Fine; Parental notification, as allowed under FERPA regulations, Level Two Probation for a period of two (2) years; and any additional Consequence as deemed appropriate by the Conduct Officer.

Second Violation: Separation from the University for one (1) year (e.g., suspension or denial of privileges to re-enroll) 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:**

First Violation: Fine; participation in a University approved alcohol education program (including an online module); and two (2) reflection papers.

Second Violation: Fine; participation in a University approved alcohol assessment and education program; at least fifteen (15) hours of approved community service; University Housing probation for one (1) year; and/or Level One Probation for a period of one (1) year; Parental notification, as allowed under FERPA regulations.

Third Violation: Parental notification, as allowed under FERPA regulations; University Housing suspension; a University approved assessment for chemical dependency; Level Two Probation for a period of one (1) year; and a fine.

Fourth Violation: Separation from the University (e.g., suspension or denial of privileges to re-enroll) for one (1) 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. Students readmitted after a Fourth Violation will not be eligible for University Housing.

e. **Possession of Alcohol/Drug Paraphernalia:**

First Violation: Warning and removal of Paraphernalia item.

Second Violation: Paper and removal of Paraphernalia item.

Third Violation: Parental notification, as allowed under FERPA regulations; University Housing probation; and removal of item.

Fourth Violation: University Housing suspension (e.g., suspension or denial of privileges to re-enroll) for one (1) 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.

Article VIII: Appeals

8.1

Within five (5) Business Days of issuing the Office of Student Conduct's outcome letter, the Complainant or the Respondent may appeal the decision of the Conduct Officer or Hearing Authority by submitting a request for appeal to the Dean of Students through the [Office of Student Conduct's website \(/StudentConduct/the-appeals-process.htm\)](#).

Subject to [Section 8.6 \(#Section8-6\)](#), the Dean of Students may choose a designee to review an appeal.

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 (1) or more of the following two (2) bases:

- 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 Complainant a reasonable opportunity to prepare and present information that the Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.

- b. 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 or Student Organization appealing a decision or a Consequence wishes to review the verbatim record of the hearing, they may make application to the Office of Student Conduct. 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. The period for appealing the decision of the Hearing Authority will not be extended for purposes of reviewing the verbatim record.

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 Office of Student Conduct staff will provide the hearing record, which will 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 reopening 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. Deny the appeal because it does not fall within the parameters of or comply with the requirements set forth in this Code.

8.6

In cases where the Consequence is Dismissal, the President of the University will be designated as the Appellate Authority.

8.7

Students' right to appeal ends at the Appellate Authority.

Article IX: Interpretation & Revision

9.1

Any question of interpretation regarding the Code shall be referred to the Dean of Students or their 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 Director 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

For purposes of this Code, the following terms have the following meaning:

10.1

"Academic Dishonesty": Any one (1) 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 "**Adjudication**" means the process of reaching a determination of responsibility and Educational Consequences under this Code.

10.3

The term "**Advisor**" refers to a person accompanying the Complainant or the Respondent to a conduct meeting or

hearing. The Advisor is there to provide advice and procedural support to the Student or Student Organization, not to participate in the conduct meeting or hearing. Parties are allowed one (1) Advisor in a conduct meeting or hearing.

10.4

The term "**Appeal Authority**" means any person authorized by the Dean of Students to consider an appeal from a Conduct Officer and/or a Hearing Authority's determination that a Student has violated the Code or from the Educational Consequences assigned by the Conduct Officer and/or Hearing Authority.

10.5

The term "**Business Day**" means any day in which University offices are open, regardless as to whether classes are in session.

10.6

The term "**Code**" refers to the Code of Student Rights and Responsibilities.

10.7

The term "**Complainant**" refers to any member of the University Community who files a complaint for charges against a student or Student Organization.

10.8

The term "**Conduct Advisor**" means a University Official authorized to serve in an advisory role in a hearing to the Conduct Officer.

10.9

The term "**Conduct Officer**" means a University Official authorized by the Dean of Students to recommend Educational Consequences for students found to have violated the Code. The Dean may authorize a Conduct

Officer to serve simultaneously as a Conduct Advisor and the sole member or one (1) of the members of a Hearing Authority. Nothing shall prevent the Dean from authorizing the same Conduct Officer to recommend Educational Consequences in all cases.

10.10

For the definition of "**Consent**" and other terms related to sexual violence, as well as further explanation of University policy, see [Op1.02-11 Title IX Sexual Harassment Grievance Procedure \(/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm\)](/Policy/Chapter1/Op1-02-11-title-ix-sexual-harassment-grievance-procedure.htm) policy.

10.11

The "**Dean of Students**" is that person designated by the University to be responsible for the administration of the Code.

10.12

The term "**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. Educational Consequences are designed to promote Student learning and behavioral change in future decision making.

10.13

The term "**Emotional Support Person**" refers to an individual accompanying a participant to a hearing. The Emotional Support Person is there to provide emotional support to the individual and may not participate in the hearing beyond while a participant is being questioned.

10.14

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.

10.15

The term "**Faculty Member**" or "**Faculty**" means any person hired by the University to conduct classroom or other learning/teaching activities.

10.16

The term "**Firearms**" means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

10.17

The term "**Hearing Authority**" means any person authorized to determine whether a Student has violated the Code and to recommend Educational Consequences. The Hearing Authority will uphold the order, process, policies, and procedures of a hearing.

10.18

The term "**Hearing Authority Advisor**" means a University Official authorized to serve in an advisory role to the Hearing Authority during a hearing. The Hearing Authority Advisor will advise the Hearing Authority as they uphold the order, process, policies, and procedures of a hearing.

10.19

The terms "**May**" and "**Should**" are used in the permissive sense.

10.20

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.

10.21

The terms "**Must**" and "**Shall**" are used in the imperative sense.

10.22

The term "**Student Organization**" means any number of persons who have complied with the formal requirements for official University recognition and registration. Including but not limited to social fraternities and sororities.

10.23

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, slingshot, or any other weapon as defined by Missouri law.

10.24

The term "**Paraphernalia**" includes any object that: i) contains the residue of alcohol or of an illegal drug, ii) is manufactured or sold for the consumption of alcoholic beverages or an illegal drug; or iii) is designed for the rapid consumption of alcohol. Examples of Paraphernalia under this definition include, but are not limited to, a marijuana pipe or bong, blow tube, a beer bong, and empty beer cans, liquor bottles, or empty case of beer.

10.25

The term "**Respondent**" refers to any student or Student Organization of the University Community who is alleged to have violated the Code or who is charged with violation of the Code.

10.26

For purposes of the Code the term "**Student**" includes all persons who have been notified of their acceptance for admission and for whom the University maintains education records or personally identifiable information and who is or who has been in attendance at the University.

10.27

The term "**University**" means Missouri State University.

10.28

The term "**University Community**" means Missouri State University Students, Faculty, and staff.

10.29

The term "**University Premises**" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.

10.30

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.

Effective date

Approved by Board of Governors: June 23, 2023



Missouri State

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