



**SOUTHEAST MISSOURI STATE UNIVERSITY  
STATEMENT OF STUDENT RIGHTS AND  
CODE OF STUDENT CONDUCT**

**Effective Fall 2017**

**Office of Institutional Equity and Diversity – Dean of Students  
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**SOUTHEAST MISSOURI STATE UNIVERSITY  
STATEMENT OF STUDENT RIGHTS  
AND CODE OF STUDENT CONDUCT**

**Preamble**

Southeast Missouri State University is committed to the advancement of the knowledge and values common to all educated persons. Excellence in instruction, research, public service, and student life is encouraged. The University strives to offer learning experiences and opportunities designed to help students think effectively, develop the capacity to communicate, discriminate among values, and make relevant judgments.

The responsibility for providing and maintaining an environment conducive to the educational development of the students at Southeast Missouri State University is shared by all members of the University community. The University, through its established governance process, creates policies and procedures that help maintain this environment. These policies and procedures are established under the authority granted by law to the Board of Regents to establish policies and procedures for the government and management of Southeast Missouri State University.

Every student at Southeast is obligated at all times to assume responsibility for the student's actions, to respect constituted authority, to be truthful, and to respect the rights of others, as well as to respect private and public property. In their academic activities, students are expected maintain high standards of honesty and integrity and abide by the University's Policy on Academic Honesty. Alleged violations of the Code of Student Conduct are adjudicated in accordance with the established procedures of the judicial system.

By formulating a general code of conduct, the University does not absolve students from accepting responsibility for their behavior. Rather, it reaffirms the principle of student freedom that is coupled with an acceptance of full responsibility for individual actions and the consequences of such actions.

**Mission Statement**

The mission of the Office of Student Conduct is to promote concepts of fairness and due process in judicial settings throughout the University community, while striking a balance between community standards and individual behavior through the educational development of students.

## Definitions

**Academic dishonesty** is defined to include those acts which would deceive, cheat, or defraud so as to promote or enhance one's scholastic record. Knowingly or actively assisting any person in the commission of the above-mentioned act is also academic dishonesty. For additional information, consult the Undergraduate or Graduate Bulletin.

**Cheating** includes using or relying on the work of someone else in an inappropriate manner. Please see the definition for plagiarism below.

**Distribution** means any form of exchange, gift, transfer or sale.

**Judicial body** means any person or persons authorized by the University to determine whether a student has violated the Code of Student Conduct, to recommend imposition of sanctions, and to hear appeals.

**May** is used in the permissive sense. It is used in place of *reserves the right* in places.

**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.

**More likely than not** is the standard by which an respondent is judged "in violation" or "not in violation" of a section of the Code of Student Conduct; the term describes a totality of evidence that persuades the hearing officer or panel to lean to one side as opposed to the other. Please note that this is a different standard from "beyond a reasonable doubt", which is used in criminal cases.

**Plagiarism** is the act of passing someone else's work off as one's own. In addition, plagiarism is defined as using the essential style and manner of expression of a source as if it were one's own.

**Policy** is defined as the written regulations of the University as found in, but not limited to, the Day Planner published by Student Government, the Office of Residence Life Handbook, Graduate/ Undergraduate Bulletins and other documents pertaining to student life.

**Respondent** is defined as a student who has been alleged to have violated the Code of Conduct. The term is used synonymously with *responding party* in the document.

**Reporting Party** is defined as the person or persons making an official statement to University officials about an alleged violation of the Code of Conduct. (The terms complainant or victim have been used previously.)

**Sexual harassment** is defined as any unwanted sexual exploitation, which may include but is not limited to, nonconsensual sexual intercourse, nonconsensual sexual contact and/or unwanted comments perceived to be sexual in nature by anyone involved or

observing the situation. Refer to the University's Anti-Harassment (Title IX) Policy Statement and the Office of Student Conduct's Procedures for Defining and Adjudicating Sexual Violence Cases Involving Students for more information.

**Sexual exploitation** is a form of sexual harassment, which may include but is not limited to, when a person takes nonconsensual, unjust or abusive advantage of another for the individual's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and/or when that behavior does not otherwise constitute nonconsensual sexual intercourse, sexual assault or sexual harassment.

**Shall** is used in the imperative sense.

**Student** includes all persons taking courses at the University, both full-time and part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students."

**Student organization** includes groups of students recognized as a student organization by Student Government; registered with Campus Life and Event Services as a student organization; or acting in a manner similar to such student organizations even if not formally recognized.

**University** means Southeast Missouri State University.

**University official** includes any persons employed by the University, performing assigned administrative or professional responsibilities.

**University premises** includes all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the University (including adjacent streets and sidewalks).

## STATEMENT OF STUDENT RIGHTS

Students retain those rights common to all U. S. citizens under our federal and state constitutions, and through pertinent laws. These rights include, but are not limited to, the following: privacy, equal opportunity, non-discrimination, and freedoms of speech, assembly, and association. Examples of the application of these rights in the University setting include the students' right to organize and join associations to promote their common interests; the right to engage in discussions to exchange thoughts and opinions; and the rights to speak, write, or publish on any subject in accordance with established law.

In addition to their citizenship rights, students gain certain rights through membership in the University community. Examples of these include:

- a. The right to accurate and plainly stated information, including that relating to the maintenance of acceptable academic standing, graduation requirements, and behavior expectations;
- b. The right to fair and impartial treatment;
- c. The right to participate in the formulation of policy directly affecting students through membership in appropriate committees as determined by the President and/or a designee;
- d. The right to protection afforded under specific policies authorizing inspections, searches, and seizures on University property such as in residence halls; and
- e. The right to use University facilities in accordance with the guidelines established for the use of those facilities.

To protect the rights of everyone, and to preserve common order, the University must reserve the right to determine the time, place, and manner in which individuals may exercise their rights. For example, in order to function on campus, all student organizations must be registered with the appropriate authority and are subject to University policies, regulations, and procedures that pertain to such organizations. The University has established areas where speech and posting are not restricted.

## **JUDICIAL PHILOSOPHY**

In all conduct proceedings it is recognized that Southeast Missouri State University is an educational institution and not a court of law. Therefore, the concept of fair play will take precedence in all settings and the judicial philosophy shall be one of an educational approach. It is hoped that most judicial incidents can be settled early in the process. If a student is found to be violating the behavioral expectations of the University, we work with the student to (a) assist the student in confronting value questions surrounding the behavior, (b) assist the student in understanding the causes for the behavior, and (c) help the student understand the importance of considering the consequences of the behavior, in advance, so that the student will make more sound decisions in the future.

In all conduct proceedings regarding a student's behavior, the student must be treated fairly. To assure this, the student has the following rights:

- To be notified of the charges;
- To know the identity of those who filed a complaint;
- To be heard (and/or to speak on the student's own behalf);
- To be notified of sanctions (if any) in writing; and
- To be notified of the appeals process.



## CODE OF STUDENT CONDUCT

All students and student organizations are expected to maintain a high standard of conduct both on and off-campus. Student behavior which adversely affects the University community and the pursuit of its objectives is subject to the student conduct process whether the behavior occurs on University premises or in the surrounding communities. The student is expected to be responsible for the student's actions/activities whether acting individually or in a group. The following behaviors represent violations of the responsibilities students have toward the community of scholars and may subject a student or a student organization to disciplinary action, up to and including dismissal from the University. This list is representative and not intended to be exhaustive.

### **Safety and Environmental Health**

**Section 1:** Initiation or circulation of report or warning of crime, emergency, impending disaster or catastrophe knowing that the report is false; or transmission of such a report to an official or official agency.

**Section 2:** Interference with or obstruction of any University sponsored function or activity, including sports events and the functions of registered organizations; or engaging in behavior which disrupts the educational process/learning environment in the classroom or in other areas on campus.

**Section 3:** Engaging in disorderly conduct on or off University premises or at University functions. This can include but is not limited to physical altercations, verbal altercations, threats, intimidation, harassment, coercion and/or other conduct which (a) submits any person to pain, discomfort or indignity or (b) threatens or endangers the physical or mental health or safety of any person. This can also include threats, harassment, and other forms of misconduct through electronic forms of communication and social media.

**Section 4:** Engaging in sexual harassment, sexual violence or other types of behavior prohibited by Title IX, which may include but is not limited to, nonconsensual sexual intercourse (sexual assault), nonconsensual sexual contact (sexual misconduct), unwanted comments perceived to be sexual in nature, and/or any other types of unwanted sexual exploitation. This also can include stalking, dating violence, domestic violence or similar behavior which (a) submits any person to pain, discomfort or indignity or (b) threatens or endangers the physical or mental health or safety of any person. Refer to the Office of Student Conduct's Procedures for Defining and Adjudicating Sexual Violence Cases Involving Students for more information in cases involving sexual assault and sexual misconduct (available on the Office of Student Conduct website).

**Section 5:** Hazing for the purpose of pledging, initiation, admission into, affiliation with, or as a condition for maintaining membership in a group, organization, or team. Hazing is defined as any intentional, knowing or reckless act, whether on or off campus, which

endangers the mental or physical health or safety of any person, regardless of consent, or which violates public law or University policy. Hazing includes, but is not limited to (a) any physical brutality such as whipping, beating, striking, paddling, branding, placing of a harmful substance on the body, or similar activity; (b) any physical activity such as sleep deprivation, exposure to the elements, confinement, calisthenics, or other activity that subjects a student to risk of harm, or that adversely affects the mental or physical health or safety of a student; (c) any activity involving consumption of food, liquid, alcoholic beverage, drug, or substance that subjects a student to risk of harm, or that adversely affects the mental or physical health or safety of a student; (d) any activity that intimidates or threatens a student with ostracism, subjects a student to extreme mental stress, shame or humiliation, or adversely affects the mental health or dignity of a student, or that may reasonably be expected to cause a student to leave the organization or institution rather than submit to acts described above; and (e) any activity in which a person solicits, plans, encourages, directs, aids, or attempts to aid another in hazing or intentionally, knowingly, or recklessly permits hazing to occur and/or knowingly fails to report the incident.

**Section 6:** Unauthorized possession and/or consumption of alcoholic beverages on University premises or at University functions. (Alcohol is not authorized on campus unless specifically authorized by the President, or designee).

**Section 7:** Disruptive behavior attributable to the use of alcohol or other controlled substance including, but not limited to, physical violence, aggression, refusal to cooperate with any University staff member performing his or her duties, destruction of property, disturbances for others within the University community, the mobilization of staff/first responders, or violation of any other section of the Code of Student Conduct.

**Section 8:** Manufacture, sale, delivery, possession, or use, in any amount, of any controlled substance, drug, chemical, product, or material for the purpose of use as an intoxicant, except as permitted by law; or possession of drug paraphernalia.

**Section 9:** Unauthorized possession and/or use of fireworks, firearms, explosives, other dangerous weapons, dangerous chemicals, or any object not designed as an instrument of combat but carried for the purpose of inflicting or threatening bodily injury on University premises or at University functions. **A concealed carry permit does NOT grant any student, constituent, or guest the right to carry a firearm on campus.**

### **Academic Honesty**

**Section 10:** Engaging or knowingly assisting in academic dishonesty; including plagiarism, cheating, and those acts which would deceive, cheat, or defraud so as to promote or enhance one's scholastic record. Refer to the Faculty Handbook for a complete explanation of the policy (available on the Office of Student Conduct website).

**Section 11:** Knowingly furnishing false information, including false testimony at judicial hearings, to the University or to any member of the University community in conjunction

with University related activities.

**Section 12:** Alteration or misuse of University identification cards, records, documents or computer data.

### **Care of Property**

**Section 13:** Theft, attempted theft, and/or unauthorized possession or use of property/services belonging to the University or a member of the University community.

**Section 14:** Littering or unauthorized posting of written material on University property.

**Section 15:** Vandalism, arson, and/or reckless behavior that endangers or leads to damage or destruction of property of the University or a member of the University community.

**Section 16:** Abuse, misuse, or theft of electronically transmitted information including, but not limited to, (a) unauthorized entry into, alteration of, or transfer of a file; (b) unauthorized use of, access to, or control of computing resources; (c) attempted or actual use of another individual's account, identification, or password; (d) attempted or actual unauthorized copying, transfer, modification, or destruction of University-owned software, programs, records, or data; and (e) attempted or actual interference with the normal operation of the University's computing system.

**Section 17:** Trespassing or unauthorized entry on or in University owned or controlled property.

### **Civil Conduct**

**Section 18:** Violation of published University policies, rules or regulations including the Undergraduate and Graduate Bulletins and all publications pertaining to student life.

**Section 19:** Failure to comply with a proper request of a University official acting in performance of the employee's duties or to identify oneself to the official when asked.

**Section 20:** Encouraging or knowingly assisting in the violation of any of the provisions of this Code.

**Section 21:** Violation of federal, state or local law, on or off campus, which adversely affects the campus community.

### **Violation of Law and University Discipline**

If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the

educational process or the health, safety, and well-being of members of the University community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or “nolo contendere”).

University disciplinary proceedings may be instituted against a student charged with violation of law that is also a violation of this Code of Student Conduct (that is, both violations result from the same factual situation), without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

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 judicial body under the Code of Student Conduct, however, the University may advise off-campus authorities of the existence of the Code of Student Conduct 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, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate. The University’s disciplinary action will not be subject to challenge on the grounds that civil or criminal litigation involving the same conduct has been resolved in favor of the student.

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| <b>JUDICIAL PROCEDURES</b> |
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**NOTE: The term “student” is used in the following narrative to represent one or more students or a student organization.**

### **Judicial Authority**

The Dean of Students is designated by the University President to be responsible for the administration of the Code of Student Conduct. The Associate Dean of Students is the University official authorized by the Dean of Students to supervise the student conduct system, including the imposition of sanctions upon students found to have violated the Code of Student Conduct. The Associate Dean, Coordinator of Student Conduct and/or OSC Graduate Assistant(s) also serve as administrative hearing officers and advisors to the All University Judicial Board (AUJB). The Dean of Students or designee is responsible for hearing student appeals that result from student conduct proceedings.

The Associate Dean shall determine the composition of judicial bodies and determine which judicial body shall be designated to hear each case. The Associate Dean shall develop (1) policies for the administration of the judicial program and (2) procedural rules for the conduct of hearings that are consistent with provisions of the Code of Student Conduct. Students shall be notified of any substantive changes in the Code of Student Conduct through the student newspaper, the *Arrow*, or similar distribution.

The All University Judicial Board may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Code of Student Conduct. All parties must agree to arbitration and to be bound by the decision with no right of appeal.

**FOR OFFICE OF STUDENT CONDUCT CASES INVOLVING SEXUAL ASSAULT AND SEXUAL MISCONDUCT, THE RESPONDING STUDENT WILL HAVE A HEARING WITH AN ADMINISTRATIVE PANEL. THE PANEL WILL BE MADE UP OF SOUTHEAST FACULTY, STAFF, AND/OR STUDENTS FROM THE ALL UNIVERSITY JUDICIAL BOARD.**

### **Filing Complaints**

The judicial system strives to maintain an educational environment protecting the rights of others while holding individual students accountable for their actions. It is also important that members of the University community be willing to confront violations and the infringement of another individual's rights personally or by filing a complaint. Any member of the University community may file a written complaint against any student for possible violation of the Code of Student Conduct. This initial filing generally should be made to the Department of Public Safety (DPS), the Office of Residence Life, or the Office of Student Conduct within a reasonable period of time by the reporting party..

While actions on a complaint of violation of University regulation are pending, the status of the student shall not be altered except for reasons outlined below in the emergency suspension section.

### **Preliminary Review**

When the Associate Dean of Students receives information that a student has possibly violated University regulations, the individual shall review the information related to the complaint. After completing a preliminary review, the Associate Dean may:

1. Find no basis and dismiss the complaint as unfounded,  
or
2. Determine appropriate charges and summon the student for an informal conference between the student and a judicial hearing officer. (DPS also

sets conference appointments.)

The Associate Dean will determine the appropriate hearing officer for the case.

### **Summons to a Conference**

A letter summoning the student (or student organization) to a conference will be mailed (through campus or U. S. Mail to the local address appearing in the University database (or in the case of a student organization, to the president of the organization listed with the Student Government Office at the address appearing in the University database) and/or to the student's official University e-mail account. The permanent address will be used if mailed during an academic break. The letter will include the name of the referral agent or referral office; a brief description of the accusation; the specific part(s) of the Code possibly violated; the judicial conference appointment time, and information about the judicial process. A **Notice to Appear** (NTA) by the Department of Public Safety also serves as a summons to a conference. Students summoned by NTA will be given judicial process information immediately prior to the conference.

Should a student choose to withdraw from the University while a judicial matter is pending, a "**Dean of Students Office Hold**" will be placed on the student's enrollment and/or transcript by the Associate Dean (or designee). In such a case, the student must first complete the judicial process in order to re-enroll. Students who withdraw or leave the University with more serious Code of Student Conduct charges pending will not forestall judicial action in their case. This means that if a student is facing at least Probation as a status sanction due to an incident, the case will be adjudicated in the student's absence.

The judicial conference is a private, informal opportunity for the respondent to discuss the charge(s) with a hearing officer. No one else is allowed in the conference. The hearing officer may dismiss the charge(s), proceed administratively or refer the case to a formal hearing. At the conference, a student may admit to being in violation of the charge. If this occurs, the student waives the right to appeal on the basis of substantial procedural error or new evidence which was not available at the time of the hearing, but retains the right to appeal on excessive sanctioning when compared with previous sanctions for similar violations under similar circumstances.

Should a student not appear when requested by an NTA or the Associate Dean, Coordinator or Graduate Assistant, the student will be issued a Second Summons and a **Dean of Students Office Hold** will be placed on the student's account with the Registrar to prevent future enrollment changes. Failure of a student to respond to the Second Summons will not forestall administrative action.

## **Student Organizations\***

Student organizations or groups may be charged with violations of the Code of Student Conduct. The organization and its officers may be held responsible collectively and/or individually when violations of the Code of Conduct are associated with a group activity of the organization (whether formally or informally organized). Officers or leaders do not have to be present for an event to be considered a group activity. Faculty, staff, students, or other community members (including the surrounding community) may make complaints against student organizations. The Office of Student Conduct will review the complaint and determine if Code of Conduct charges are warranted. If so, the president of the organization will be notified of the charges and the day and time of the judicial conference.

A student organization is subject to the Code of Conduct if any of the following conditions are met:

1. Incident occurs on University premises;
2. Incident occurs at any location during activities or events arranged or sponsored by the University or by a student, student organization(s), or by an officer or a student acting on behalf of, or at the request of an organization(s);
3. Incident occurs at any location if such conduct presents a danger or threat to the health or safety of members, guests, or others;
4. Incident occurs at any location if such conduct is so grievous that it could seriously and adversely affect the reputation of the University, its community, and/or the pursuit of the University's objectives;
5. If the organization(s) fails to report an incident, chooses to cover up an incident, or shields one or more individual offenders who are members, alumni or guests of the organization(s) (including non-affiliated guests at the activity);
6. The offense, by its nature or after a review of facts and circumstances, is deemed an organizational violation since the organization, its officers, and/or leadership failed to exercise reasonable supervision of its member(s) and/or guest(s); and/or
7. When, after hearing a complaint, the Office of Student Conduct deems that the offense, by its nature, was an organizational violation and not the actions of an individual member.

In such cases, the University will consider the following criteria to determine the extent of responsibility:

- a. Number of members in attendance;
- b. National association definition of "events";
- c. Location of an event (e.g., chapter house, organization rented property, etc.);

- d. Participation of an organization leader in the planning of the event;
- e. Use of organization funds to finance the event;
- f. Promotion or endorsement of the event by the organization to members and/or non-affiliated guests;
- g. Patterns of individual violations found to exist without proper and appropriate group control, remedy, or sanction; and/or the
- h. Importance of an organization's participation in relation to the event's purpose (e.g., Would the event still exist without the organization's participation?).

A formal judicial hearing, following the same procedures outlined for individual students, will be conducted when there are allegations of Code of Conduct violations against a student organization. This process also includes the same appeal procedures. Sanctions for the student organizations found to have violated the Code of Student Conduct may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to the Code of Conduct.

Student organizations which are charged with violations of the Code of Conduct are required to meet with representatives from the Office of Student Conduct and/or All University Judicial Board to facilitate the resolution of the case.

Student organizations have the same rights to the written notice of charges and meeting times as individual students. As with individual students, the results of the disciplinary proceedings will be provided in writing via letter and/or e-mail.

Student organizations have the right to expect that all disciplinary proceedings will be handled fairly and to have their complaint heard by an unbiased student conduct officer or body.

Student organizations have the right to have up to five representatives present at all student conduct meetings or hearings, including three advisors. Advisors serve as consultants to the student representatives and may not actively participate in any proceedings. The president of the student organization or another designated student officer speaks on behalf of the group during all proceedings.

Generally, a two-year time frame will be utilized when considering sanctions for a student organization. However, a longer time frame may be considered when evaluating sanctions for serious violations of the Code (e.g., patterns of organizational behavior that include alcohol and drug related misconduct, abusive affiliation, life safety issues, etc.). Please see the information on judicial fines for more information.

\*Language for this section was adapted with written permission from similar documents at Lincoln University (Missouri), Truman State University (in association with the National Center for Higher Education Risk Management - NCHERM), Illinois State University, and the University of Missouri.



## Procedural Standards for the Formal Hearing

**Any decisions as to whether or not a student is found in violation or not in violation are based on a criteria of “more likely than not.”** Formal rules of evidence do not apply in judicial hearings. All decisions regarding violations must be based upon evidence introduced during the hearing proceedings, and all decisions are based on a criteria of **more likely than not**. All evidence will be admitted except that which is irrelevant, repetitive, hearsay, character-related, or obtained in violation of the search and entry provision of the Office of Residence Life Handbook.

In all judicial hearings where formal charges are brought against a responding student (or student organization), the student (or student organization) must be treated fairly. To assure this, the student (or student organization) has the following rights for a formal hearing: (1) to be notified of the charges; (2) to know the identity of the referral agent/office; (3) to have a closed hearing unless all student parties involved (not including witnesses) agree to an open hearing; (4) to appear in person, alone or with an advisor from the University community (**however, if the student (or student organization) fails to appear at the hearing, the hearing may be held without the individual’s presence or testimony**); (5) to challenge the impartiality of persons hearing the charges; (6) to be present when all evidence is introduced and to dispute, examine or review any evidence; (7) to summon witnesses and introduce evidence; (8) to be notified in writing of decisions, including sanctions, if any; and, (9) to be informed of the appeals process. In addition, victims of possible violations will be treated with respect and sensitivity.

It is the responsibility of the respondent and referral agent to notify their witnesses of the hearing and have them present. If a witness states an unwillingness or inability to attend, the Office of Student Conduct must be notified immediately, and a summons may be issued. Failure to appear after a summons has been issued is a violation of the Code of Student Conduct.

## Hearing Procedures

No member of the judicial body who has a personal interest in the case may sit in judgment during the proceeding. The presiding justice is responsible for decisions in this regard. The judicial body will rule on the admissibility of evidence and objections to procedures; render a decision regarding whether the respondent is in violation or not in violation; determine the sanction(s), if any; and give the respondent a copy of the case Disposition Form, the Appeal Form, and any other applicable forms.

The hearing shall be closed to the public unless all student/parties involved (other than witnesses) agree for it to be open. The presiding justice will read the charges and review the rights of the respondent. The judicial body, respondent and referral agent may ask questions for clarification. After all the evidence has been examined, the judicial body will decide if the respondent was in violation of the Code of Student

Conduct. If a student is found in violation, the judicial body will review the student's judicial file and determine appropriate sanctions. The judicial body will inform the student of its decision and sanction (if any) and procedures for appeal. A copy of the case Disposition Form (the Appeal Form and any other applicable forms) will be given to the respondent.

In AUJB hearings, a minimum of three justices constitutes a quorum. Members of the Board and their advisor(s) will be involved in the hearing deliberation; however, only the students on the Board have a vote in the decision and sanctions.

Advisors to referral agents and responding students may not participate in the hearing; instead they are present to provide consultation to the students they are advising.

Students involved in civil/criminal proceedings for the same factual situation may request permission for their attorney to be their advisor. Students who face a likely sanction of Suspension for more than one semester or Dismissal also may request permission for their attorney to be their advisor.

Furnishing false testimony at a hearing is a violation of the Code of Student Conduct and any student found to knowingly provide false information will be charged with **Section 11** of the Code of Student Conduct and/or other applicable sections of the Code.

## JUDICIAL SANCTIONS

The following judicial sanctions may be imposed upon any student found to have violated the Student Code.

**Warning:** Written notification from the University that the student has been involved in a violation of University policies and that repetition of this or any other violation may be expected to result in a more serious sanction.

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

**Restitution:** Compensation for loss, damage or injury in the form of appropriate service and/or monetary or material replacement. Restitution will be limited to replacement to original state. Punitive charges will not be added to the cost of restitution.

**Discretionary Sanctions:** Community service, service to the University, or other related educational assignments.

**Probation:** A written reprimand for violation of specified regulations. Probation indicates that the student is no longer in good standing with the University. If during the length of the probation the student is found in any further violation of the University Code of Student Conduct, a more severe disciplinary sanction may be imposed,

including suspension or dismissal.

**Suspension from Residence Life:** Separation from Residence Life indefinitely or until certain conditions are met. The student is not in good standing with the University.

**Suspension from the University Held in Abeyance (with a University Behavioral Contract):** A Behavioral Contract indicates that the student has been Suspended from the University; however, the Suspension has been held in abeyance (or put aside temporarily) as long as the student abides by the specific details of the signed contract. The student is not in good standing with the University while on the contract. Suspension is invoked immediately if further violations of the Code of Student Conduct occur.

**Suspension from the University:** Suspension involves separation from the University for a specified period of time or until certain conditions are met. Suspension involves denial of enrollment, attendance of classes, and other student privileges; the student must leave the campus. Suspension is noted on official University transcripts for the specified length of the Suspension.

**Dismissal from the University:** Separation from the University for an indefinite period of time. Readmission is possible but not guaranteed, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee. Dismissal is noted on official University transcripts.

**Expulsion from the University:** Separation from the University without the possibility of readmission. Expulsion is noted on official University transcripts.

**Notice Against Trespass (NAT):** Notice that the student will be arrested if the individual is found on specified University premises. Student is no longer in good standing with the University. Suspensions, Dismissals, and Expulsions carry an automatic **NAT** for all University premises or as specified.

**Revocation of Recognition/Registration of a Student Organization:** Notice that an organization's standing as a registered student organization with the University is terminated for a set period of time or permanently.

### **Completion of Sanctions**

Students (or student organizations) are expected to complete all sanctions prescribed in the disposition of judicial proceedings prior to the specified date. Failure to complete any portion of the sanction(s) will result in the filing of additional charges against the student under **Section 19** of the Code of Student Conduct (Failure to comply with a proper request of a University official acting in performance of the employee's duties or to identify oneself to the official when asked). Such violation will result in the escalation and/or issuance of additional sanctions, and the assessment of additional judicial fines. Section 19 case hearings related to incomplete sanctions will be conducted by the Associate Dean or designee. Additionally, a **Dean of Students Office Hold** limiting the

student's ability to register for courses will be placed on the student's enrollment until such a time that all sanctions are completed.

### **Judicial Fines**

Decisions made by a judicial body shall be final, pending the normal appeal process. A **\$50 judicial fine** will be assessed to students found "in violation" of one or more non-alcohol/drug-related sections of the Code of Student Conduct in the same judicial case. A **\$100 judicial fine** will be assessed for a student's first case involving violation of alcohol/drug-related sections of the Code. A second case involving violation of alcohol/drug-related sections will result in an assessed fine of **\$175**. Third and subsequent cases involving violation of alcohol/drug-related sections of the Code will result in an assessed fine of **\$350** and judicial sanctions up to and including Suspension from the University. A judicial fine of **\$200** will be assessed to students found "in violation" of Section 4 cases decided by the Administrative Panel. All fines are charged to the student's University account.

The fine for a student organization found in violation of one or more non-alcohol/drug-related sections of the Code of Student Conduct in the same case will be **\$200**. Fines for violations of alcohol/drug-related sections for a student organization will be **\$300** for the first case and **\$600** for a second case within a two year period. Third and subsequent cases involving violation of alcohol/drug-related sections of the Code within a two-year period will result in an assessed fine of **\$1200** and judicial sanctions up to and including Suspension from the University and/or Revocation of Recognition.

At the discretion of the University, additional fines may be assessed to a student or student organization in cases where the cost of the education warrants the charge.

### **Chemical Use and Abuse**

Some students violate the Code of Student Conduct when they are under the influence of alcohol or drugs or when in a setting in which abuse is taking place. Behavior while under the influence of any drug, including alcohol, will not be accepted as an excuse or an explanation for a violation of the standards for student conduct. Any violation of this Code that occurs under such circumstances will be treated as any other violation. Individuals found to have violated any provisions of this Code while under the influence of alcohol or other drugs may be required to participate in a chemical awareness program in addition to any other sanction applied. This may include additional costs and/or fees.

### **Parental Notification**

The following protocol delineates when a parent or legal guardian may be notified of underage alcohol, other drug, Title IX, or other egregious violations by the University:

1. The parent or guardian may be notified if an underage student (under 21 years of age at the time of the incident) has been found to have a second or

subsequent violation of Section 6 of the Code of Student Conduct (Unauthorized possession and/or consumption of alcoholic beverages on University premises or at University functions) or when a first violation results in a sanction of disciplinary probation.

2. Parent or guardian may be notified if an underage student has been found to have a violation of Section 7 of the Code of Student Conduct (Disruptive behavior attributable to the use of alcohol or other controlled substance including, but not limited to, physical violence, aggression, refusal to cooperate with any University staff member performing his or her duties, destruction of property, or violation of any other section of the Code of Student Conduct).
3. Parent or guardian may be notified if an underage student has been found to have a violation of Section 8 of the Code of Student Conduct (Manufacture, sale, delivery, possession, or use, in any amount, of any controlled substance, drug, chemical, product, or material for the purpose of use as an intoxicant, except as permitted by law; or possession of drug paraphernalia).
4. **The University reserves the right to contact a parent or guardian if it is indicated that the student poses a danger to him/herself or to the University community and/or in cases involving a Title IX complaint.**

### **Appeals**

Each respondent has the right to appeal sanctions. A student initiating a referral may appeal a hearing decision if the individual is a party to the complaint and not representing the University in the case. Appeals may be made on the following grounds:

1. Substantial procedural error regarding the student's right during a hearing;
2. Significant new information relative to the case that was not available through diligence at the hearing; and,
3. An excessive sanction when compared with previous sanctions for similar violations under similar circumstances.
4. In specified cases, the alleged victim may also appeal if the person feels the outcome of the hearing was arrived at improperly.

A written request on an appeal form must be received in the Office of the Dean of Students by 4:00 p.m. of the fifth school day from the announcement of the judicial decision. An Appeal Form is available in the Office of Student Conduct and/or on the office website.

### **Interim Suspension Procedures**

Pending action on University charges, criminal charges or in emergency situations, the

Dean of Students or designee may immediately suspend the right of a student to attend classes and be present on the campus or otherwise alter the status of the student under the following conditions:

- a. For reasons relating to the student's physical or emotional safety or well-being;
- b. For reasons relating to the safety of any member of the University community or University property; and/or
- c. For engaging either singly or in concert with others in a disruptive activity on University premises as defined in Sections 3, 4, 7, or 9 of the Code of Student Conduct.

The Dean of Students or designee may also immediately suspend all activities for a student organization if/when the conditions listed in items a, b, and/or c above are present or if a future activity is expected to result in one, two, or all of the three conditions.

The interim suspension procedure does not nullify the responding student's (or student organization's) right to be notified, heard, notified of the identity of referral agent(s), notified of sanctions (if any), and notified of the appeals process. Every effort will be made to conduct a judicial conference, usually within three school days. **A Notice Against Trespass is Issued for a student(s) placed on interim suspension.**

### **Mental Health Concerns**

Occasionally, students experience a mental or emotional health condition that interferes with their ability to function responsibly in the University community. Such situations may be handled through a process parallel to, or sometimes separate from, the University student conduct system. Evaluations of the student may be required.

### **Disciplinary Files and Records**

A disciplinary file is established for each student referred for disciplinary action. This file is maintained for seven years from the last date of activity as a means of tracking the student's disciplinary status. In cases resulting in Probation, Suspension held in abeyance (with University Behavioral Contract), Suspension, Dismissal, Expulsion, and Suspension from Residence Life, the disciplinary file will be maintained as a discipline record for at least seven years and indefinitely for specified cases. Information from the record will be released upon the student's authorization. Suspension, Dismissal or Expulsion will be indicated on the academic transcript when the student authorizes the transcript release. Student conduct records may be kept longer due to special circumstances, as deemed necessary by the Dean of Students. Conduct records of student organizations will be kept permanently for historical and archival purposes. Information from a record of a student organization will be released upon the president of the organization's authorization. Results of student organization hearings may be released at the discretion of the Dean of Students or Director of Campus Life and Event Services.

**FOR MORE INFORMATION:** Contact the Office of Student Conduct in Room 422 of the University Center or call (573) 651-2264 for the most up-to-date version of the Code of Student Conduct. You may visit our web site at <http://www.semo.edu/stuconduct/>.

**The content (substantial) of this document was revised January 8, 2004.**

**The document was revised to reflect a new office name and judicial officer title on July 1, 2008.**

**Revisions to the format of the document and minor wording changes and/or clarifications (no substantive changes) were made on July 28, 2011.**

**Clarifications/changes related to student organizations, definitions, Code sections, and fine increases were made in July 2012.**

**Changes in Summer 2015 were made to reflect a new Board approved procedure (from January 2015) that changes the responding student option in sexual assault and sexual misconduct cases to an Administrative Panel only. Other changes involved edits for grammar or changing in staffing.**

**Updates effective Fall 2017 include the following: changes were made to the items covered in Sections 3, 4, and 9 as well as definitions to reflect changes in Title IX procedures and to clarify the University's weapon's policy. Judicial fines were modified. Also, a minor change was made to the Parental Notification section and to the section that explains the consequences for students who withdraw while facing serious Code of Conduct charges.**