

TRUMAN STATE UNIVERSITY
Kirksville 63501

OFFICIAL MINUTES
OF THE
BOARD OF GOVERNORS

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OPEN SESSION
OF MEETING ON
AUGUST 6, 2022

The Board of Governors for Truman State University met on Saturday, August 6, 2022, on the University campus in Kirksville, Missouri. The working session was called to order at 9:00 a.m. by the Chair of the Board of Governors, Sarah Burkemper, and was held in the Alumni Room of the Student Union Building. The open session of the meeting was called to order at 1:00 p.m. and was held in the Conference Room (3000) of the Student Union Building.

Participating in the meeting were all seven voting members: Sarah Burkemper, Philip J. Christofferson, Cheryl J. Cozette, Jennifer Kopp Dameron, Nancy Gingrich, Bill Lovegreen, and K. Brooks Miller, Jr.

Also participating in the meeting were two of the three non-voting members: Mike McClaskey, an out-of-state member, and Abigail Smeltzer, student representative. Governor Smeltzer participated by conference call. The second out-of-state member position is vacant.

Call to Order and Chair Report

Governor Burkemper called the meeting to order and welcomed all in attendance.

Recognize Governor David Lee Bonner

Governor Burkemper recognized Governor David Lee Bonner for his commendable service as one of the two out-of-state members of the Truman State University Board of Governors for the period of January 8, 2013, through May 31, 2022. A framed resolution of appreciation previously approved at the June meeting was presented to Governor Bonner for his steadfast guidance and distinguished and commendable service on the Board.

Recognize Elle Schnake for National Championship Titles in Interviewing and Impromptu Speaking

Governor Burkemper recognized Ella Schnake, political science and international relations major from Raymore, Missouri, for being named National Champion in Interviewing and National Champion in Impromptu Speaking at the 2022 Pi Kappa Delta Biennial National Tournament. A framed resolution of commendation previously approved at the June meeting was presented to Ella for her extraordinary achievements and exemplary representation of the University.

President's Report

Dr. Susan L. Thomas, University President, provided a report on items of current interest. In addition to sharing her selected engagements report, President Thomas introduced Dr. Charles McAdams, Interim Executive Vice President for Academic Affairs and Provost. She provided an update on the status of federal appropriation funding for the Kirk Student Success and SKILLS Center. She noted new associations with the Hawthorn Foundation and the Missouri Chamber of Commerce, and she highlighted several exciting start-of-the-academic-year events. Finally, Dr. Thomas reported that the University will continue to follow current CDC guidelines regarding COVID mitigation strategies noting that based upon these guidelines, there continues to be no requirement for individuals to wear masks on campus.

Annual Athletics Report

Jerry Wollmering, Director of Athletics, provided the annual report on athletics.

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Academic Affairs and Student Services Committee Report

Governor Gingrich, Chair of the Academic Affairs and Student Services Committee, provided a report on the committee meeting held earlier in the day.

Finance and Auditing Committee Report

Governor Burkemper, Chair of the Finance and Auditing Committee, provided a report on the committee meeting held earlier in the day.

Financial Report

Governor Burkemper presented the Financial Report which included a review as of June 30, 2022, of education and general revenues and expenditures and auxiliary system revenues and expenditures, and a review as of June 30, 2022, of the Truman State University Foundation revenues and expenditures.

Budget and Capital Projects Committee Report

Governor Christofferson, Chair of the Budget and Capital Projects Committee, provided a report on the committee meeting held earlier in the day.

Construction Projects Report

Governor Christofferson provided an update on construction projects which had been approved by the Board at previous meetings.

Contracts for Construction Projects and Equipment Purchases

Governor Christofferson noted that no construction projects or equipment purchases totaling \$25,000 to \$100,000 had been approved since the last meeting of the Board.

Agenda Items for Future Meetings

Governor Burkemper reviewed a list of projected agenda items for the regular meetings during the next year.

Consent Agenda

Governor Dameron moved the adoption of the following resolution:

BE IT RESOLVED that the following consent agenda items be approved and attached to the minutes as exhibits:

- ITEM I.1 Minutes for Open Session of Meeting on June 18, 2022
- ITEM I.2 Resolution Amending Chapter 8 of the Code of Policies of the Board of Governors Pertaining to the Student Conduct Code
- ITEM I.3 Revised Academic Calendar for Summer Session 2023 through Summer Session 2024
- ITEM I.4 Local Capital Budgets for Fiscal Year 2023
- ITEM I.5 State Appropriation Request for Fiscal Year 2024
- ITEM I.6 Dates for Future Meetings

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The motion was seconded by Governor Cozette and carried by a unanimous vote of 7 to 0. Governor Burkemper declared the motion to be duly adopted, and the Secretary designated copies of the documents as Attachment A and B and Exhibit A, B, C, and D.

Agenda Items for Closed Session

Governor Cozette moved the adoption of the following resolution:

BE IT RESOLVED that this meeting be continued in closed session, with closed records and closed votes as permitted by law, for consideration of the following items as authorized by Section 610.021, Revised Statutes of Missouri:

1. Approval of minutes for the closed session of the last meeting under Subsection 14 of the statute for "Records which are protected from disclosure by law";
2. Individual personnel actions under Subsection 3 of the statute for "Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded"; and
3. Confidential communications with the General Counsel.

The motion was seconded by Governor Christofferson and carried by a unanimous vote of 7 to 0, with Governors Burkemper, Christofferson, Cozette, Dameron, Gingrich, Lovegreen, and Miller voting Aye. Governor Burkemper declared the motion to be duly adopted.

The closed session of the meeting began shortly after 2:00 p.m.

The open session of the meeting resumed shortly after 3:00 p.m.

There being no further business, Governor Gingrich moved that the meeting be adjourned. The motion was seconded by Governor Cozette and carried by a unanimous vote of 7 to 0. Governor Burkemper declared the motion to be duly adopted, and the meeting adjourned shortly after 3:05 p.m.



Nancy Gingrich
Secretary of the Board of Governors

I hereby certify that the foregoing minutes were approved
by the Board of Governors on the 7th day of October 2022.



Sarah Burkemper
Chair of the Board of Governors

ITEM I.1
Minutes for Open Session of Meeting on June 18, 2022

NG

DESCRIPTION AND BACKGROUND

Minutes for the open session of the meeting on June 18, 2022, will be presented to the Board for review.

RECOMMENDED ACTION

BE IT RESOLVED that the minutes for the open session of the meeting on June 18, 2022, be approved.

Moved by _____
Seconded by _____

		Aye	Nay
Vote:	Burkemper	_____	_____
	Cozette	_____	_____
	Christofferson	_____	_____
	Dameron	_____	_____
	Gingrich	_____	_____
	Lovegreen	_____	_____
	Miller	_____	_____

ATTACHMENT

Minutes for Open Session of Meeting on June 18, 2022

ITEM I.2

Resolution Amending Chapter 8 of the Code of Policies of the Board of Governors Pertaining to the Student Conduct Code

NG

DESCRIPTION AND BACKGROUND

The Student Conduct Code is Chapter 8 of the current Code of Policies and is to be reviewed every five years. The Board of Governors approves or disapproves all proposed changes. The review was completed by the Conduct Officer and Vice President for Student Engagement, Enrollment and Marketing, in consultation with the Executive Vice President for Academic Affairs and Provost, General Counsel, President of Student Government, Chief Information Officer, Director of Public Safety, Director of Residence Life, Institutional Compliance Officer, and the Executive Director of Student Union and Campus Recreation. Two town hall type events were offered to receive student input. Input was also sought from the leaders of student organizations and members of the student conduct board. Conduct policies for other institutions of higher education were reviewed, and third-party resources were reviewed such as materials from the Association of Student Conduct Administrators and the Foundation for Individual Rights and Expression.

A summary of changes to Chapter 8 is attached along with the final version of Chapter 8 (Attachment B) and a version with track changes.

RECOMMENDED ACTION

BE IT RESOLVED that Chapter 8 of the Code of Policies of the Board of Governors of Truman State University is hereby amended by repealing Chapter 8, entitled Student Conduct Code, in its entirety and enacting in lieu thereof a new Chapter 8, entitled Student Conduct Code, as set out in Attachment B, attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that copies of Attachment B and the 2022 Student Conduct Code Review Summary be attached to the minutes as an exhibit.

Moved by _____
Seconded by _____

		Aye	Nay
Vote:	Burkemper	_____	_____
	Cozette	_____	_____
	Christofferson	_____	_____
	Dameron	_____	_____
	Gingrich	_____	_____
	Lovegreen	_____	_____
	Miller	_____	_____

ATTACHMENTS

- 2022 Student Conduct Code Review Summary
- Attachment B – Chapter 8
- Chapter 8 (with track changes)

2022 Student Conduct Code Review Summary

The following is a summary of the suggested changes to Chapter 8 Student Conduct Code (Code).

8.070 Interim Suspension

Substantively, provisions were deleted that allowed the use of interim suspension within the Code to address student self-harm behaviors. The topic of involuntary withdrawal based on a mental health issue will no longer be addressed within the Code. Instead, students with self-harm behaviors that may make it appropriate to have a period of time away from their studies will be supported in a non-conduct manner by areas within the Office of Student Engagement. Minor changes were made to improve clarity.

8.090 Allegations of Unlawful Discrimination, Harassment, or Retaliation

An extensive review was conducted of the trends in how colleges address reports of unlawful discrimination, harassment, or retaliation (including Title IX reports). The sections in the Code related to this issue were amended to make it clear that these reports are under the jurisdiction of the University's Institutional Compliance Office (ICO). As such, these reports are not addressed by the Code unless the ICO determines that it does not have jurisdiction, then there is the option of referral of the report to the Office of Citizenship and Community Standards (OCCS) to be addressed within the Code.

8.100 Investigation and Disposition of Offenses

Emergency Medical Amnesty

Current amnesty sections are located toward the end of the Code. The amnesty sections have been moved up in the Code to where the steps of processing a complaint are outlined.

Currently, amnesty is available only once for a student experiencing their own emergency medical situation. The suggested revision will make amnesty available to such student once every twelve months. The rationale is that during those 12 months, the student is being given resources and their progress being monitored. If the student recidivates during that 12 month window, the student would move into the conduct process. Overall, we want to eliminate any barrier to a student receiving emergency medical assistance.

Currently, it is not clear how often a student organization may utilize the amnesty provision. The same 12 month timeframe is proposed. Similarly, during those 12 months, OCCS will be giving the members of the student organization resources and monitoring the student organization's behaviors. If the student organization has a new violation during the 12 month window, it would move into the conduct process.

Informal Resolution

Various sections of the Code regarding the deferred resolution program were eliminated and/or condensed and reorganized to transition the program to a clearly defined informal resolution process.

The existing deferred resolution program focuses on students who committed relatively minor offenses, typically because of not thinking through their decisions. The program was focused on helping students develop a process to think through the choices they make.

Over the past few years, students have increasingly committed relatively minor offenses for reasons related to mental health and wellbeing. More students are now reporting they decide to consume alcohol and/or cannabis because they are depressed, stressed, etc. rather than not thinking through the decisions they make.

The informal resolution program, now called “agreed resolution” rather than “deferred resolution,” keeps in place the resources and programming to help students make more informed and thoughtful decisions, and adds resources to help students identify options to address their well-being and mental health other than self-medicating with alcohol and/or cannabis. These resources are defined in the proposed changes and are termed “restorative program.” The suggested changes also define “relatively minor offense.”

8.110 Sanction and Educational Outcomes

Currently, the Code has a rather long list of various types of sanctions. The proposed changes define four types of sanctions: written warning, probation, suspension, or expulsion. As part of any of the first three types of sanctions, the revised Code will allow for assigning the student various educational outcomes, such as a reflective essay, taking an alcohol awareness program, community service, etc. The suggested changes also define “educational outcomes” and give examples.

8.120 Appeal of Decisions

Currently, the President or the President’s designee reviews appeals. The proposed change requires the President to designate an appeal officer to decide the appeal. This makes the President responsible for ensuring the appeal is decided by an unbiased party and prevents him/her from being the final decision maker. Other minor changes are suggested to improve clarity.

Miscellaneous Changes

Other proposed changes include:

- Clarifying the purpose of the student conduct board
- Eliminating defined terms no longer used in the Code

- Reviewing provisions related to student organizations, with suggested changes made to clarify that student organizations include all student groups as opposed to just the Greek community. Violations related to student organizations that are no longer used have been eliminated.

Overall, the proposed changes are an effort to reduce redundancy between sections and make the document flow better and read more coherently.

CHAPTER 8

ATTACHMENT B

STUDENT CONDUCT CODE

Sections:

- 8.010. Purpose
- 8.020. Definitions
- 8.030. Administrative Authority
- 8.040. Jurisdiction
- 8.050. Expectations for Conduct
- 8.060. Relationship of Law Enforcement and University Conduct System
- 8.070. Interim Suspension
- 8.080. University Conduct Board
- 8.090. Allegations of Unlawful Discrimination, Harassment, or Retaliation
- 8.100. Investigation and Disposition of Offenses
- 8.110. Sanction and Educational Outcomes
- 8.120. Appeal of Decisions
- 8.130. Interpretation and Periodic Review

NG

8.010. Purpose.

As members of an academic community, students must observe rules that benefit this community. Students must practice personal integrity and must respect the dignity, rights, and property of all members of the University community. The Student Conduct Code (Code) thus creates an expectation of behavior that the University views as acceptable and appropriate. By fulfilling these expectations, students can enjoy their own rights, while also respecting others' rights and furthering the University's mission.

Student organizations often enrich the campus and community by providing a source of intellectual, personal, and social development for students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the recognition and support of student organizations. Inherent in University recognition of student organizations is the obligation of each organization to conduct activities in accordance with all applicable rules, policies, and laws. It is the responsibility of the leaders of each student organization to ensure that the student organization complies with the Code, that activities of the organization are conducted properly, and to actively oppose and prevent any organizational activity that would violate the Code. It is also the obligation of the leaders of any student organization to

advise and review expectations with individual members of their organization whose conduct could lead to misconduct allegations against the organization.

The University, as any other, must have a system to address those instances when a student organization, through its members, fails to adhere to the expectations of the community. This Code describes University expectations of students and student organizations and the processes available when a student or student organization has failed to adhere to these expectations.

While the University places a high priority on student rights, the University conduct process differs from criminal law processes. This process is designed, in part, to determine whether a student or organization has violated the Code, and not to determine whether a crime has been committed. Students may be held accountable by the criminal justice system for conduct that violates the law. *See Code Section 8.060.*

The Code is designed to provide students with legally required due process. This process is less than that which is required in criminal proceedings. Due process, within these procedures, assures:

- Written notice;
- An opportunity to be heard by an objective decision-maker;
- A finding of violation of Truman State University policy only when information demonstrates that it is more likely than not that a policy violation occurred; and, if found responsible
- Sanctions or educational outcomes that are proportionate to the severity of the violation and prior conduct history.

8.020. Definitions. Unless the context clearly requires otherwise, these terms will be accorded the following meanings.

1. The term “**attempting to commit an act**” means when a student or student organization, with the purpose of committing an act, takes any action that is a substantial step toward the commission of the act.

2. The term “**binge drinking**” means a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after 4 drinks for women and 5 drinks for men—in about 2 hours. Source: National Institute of Alcohol Abuse and Alcoholism
3. The term “**business day**” means any day of a year that the University is open, even when classes are not in session (e.g., term breaks).
4. The terms “**campus**” and “**University premises**” are synonymous and include all land, buildings, facilities, and other property owned or controlled by the University.
5. The term “**complainant**” means a member of the University community, visitor, guest, or the University itself who is considering filing a complaint, makes an oral complaint, or files a written complaint with the University alleging that a student or student organization has violated the Code.
6. The term “**complicit**” means associated with or participating in an act of misconduct.
7. The term “**condoned by a leader**” means a student organization and its leaders may be held collectively or individually responsible when violations of this Code by those associated with the organization have received the tacit or overt consent or encouragement of the organization or the organization’s leaders, officers, or spokespersons.
8. The term “**conduct hearing panel**” means a panel established to determine whether a student or student organization has violated the Code and, if a violation is found, to recommend the imposition of sanctions or educational outcomes.
9. The term “**conduct officer**” means any person authorized by the Vice President for Student Engagement to implement the provisions of the Code and to provide assistance for any person involved in its operation. In most situations, the conduct officer is the Director of the Office of Citizenship and Community Standards (OCCS).
10. The term “**Vice President for Student Engagement**” means the person designated by the President for the University to be responsible for the administration of the Code.

11. The term “**deferential standard**” means that the individual(s) conducting the appeal review will defer to the judgment of the decision-making person or body unless a reasonable person would conclude that a clear error was made in the finding or a compelling justification exist to alter the finding. It is not merely a matter of whether reviewer(s) agree with the decisions. Findings may only be altered if there is clear error. Sanctions and educational outcomes may only be altered if a compelling justification exists to do so.
12. The term “**educational outcomes**” refers to conditions or assignments that must be completed within a timeframe designated by the conduct officer when a student or student organization is found to be in violation of the Code. Educational outcomes are assigned in addition to any sanction imposed (examples may include, but are not limited to, alcohol and other drug programming or evaluation, written assignments, participation in a specific program or project, community service, restricted access, loss of privileges, restitution, etc.)
13. The term “**health**” means physical or mental well-being.
14. The term “**information**” means any witness testimony, documents, statements, or tangible material presented at a hearing or in the course of an investigation of an alleged conduct violation.
15. The term “**in violation**” means that the student or student organization has been found responsible for a violation of the Code.
16. The terms “**may**” and “**should**” are used in the permissive sense.
17. The term “**member of the University community**” includes any person who is a student, alumni, administrator, faculty member, staff member, University official, or any other person employed by the University. A person's status in a particular situation will be determined by the Vice President for Student Engagement.
18. The term “**more likely than not**” is the campus standard of proof. It is equivalent to the legal standard of “preponderance of evidence.” The campus standard requires that a student or student organization will be found in violation of the Code only when the information would lead a reasonable person to conclude that it is more likely than not that the accused student’s actions violated the Code.
19. The terms “**must**” and “**will**” are used in the imperative sense.

20. The term “**not in violation**” means that the student or student organization has not been found responsible for a violation of the Code.
21. The terms “**officer**” and “**leader**” means a person in a student organization who holds an elected or appointed leadership position in that organization.
22. The term “**paraphernalia**” includes any object that contains the residue of (a) alcohol or (b) an illegal drug or (c) any object that is used in the consumption or distribution of an illegal drug. Examples of “a” include, but are not limited to a beer bong and empty alcoholic containers. Examples of “b” include, but are not limited to, a marijuana pipe, bong, or blow tube. An example of “c” is a scale used in measuring quantities of an illegal drug.
23. The term “**process advisor**” refers to those individuals who assist the complainant or the respondent in navigating the process of resolving a conduct complaint. The role of the process advisor includes providing information to help with decision making; responding to questions about the resolution process and support services available; assisting in preparation for interviews, meetings, hearing and review requests, and questions for the opposing party or witnesses; and communicating updates on the progress of the resolution process as needed. Process advisors may attend meetings involved in the resolution process, but they are not allowed to speak or delay scheduling of meetings. Complainants and respondents may identify their own process advisors or request that one be provided for them. Process advisors do not have administrative, investigative, or decision-making roles in the cases where they are serving as process advisors. The same individual cannot serve as the process advisor for both the complainant and respondent involved in the resolution of the complaint. The process advisor may not serve in any other capacity throughout the investigation or resolution process (i.e., one individual cannot be both a process advisor and a witness called by either party).
24. The term “**policy**” or “**policies**” means the written regulations of the University as approved by the Board of Governors, the President of the University, or other authorized University officials.

25. The term “**prior record**” means that the accused student or student organization engaged in acts prior to the incident in question which violated the Code or legal statutes. A prior record includes, but is not limited to, past action taken for misconduct, any previous conduct hearing, documents sent to an accused student or student organization concerning any act of misconduct, and informal resolution records. A finding of “responsible” for violating the Code will be considered a prior record even if a review of the finding and/or sanction is pending. A prior record can typically only be used in recommending or determining a sanction and educational outcomes and will not be revealed during the hearing process except as outlined in the sanctions section below.
26. The term “**respondent**” means a student, students, or student organization who may have committed; is under investigation, or who has been charged with a violation of the Code.
27. The term “**restorative program**” means a program that shifts the focus away from penalizing personal behaviors and choices, for example related to substance use, to evidence-based practices that support making better and health-centered decisions rooted in behavior change and student development theory, to improve student well-being, reduce negative consequences, and increase student engagement.
28. The term “**sanction**” means the nature of the relationship between the University and a student or student organization that is found to have violated the Code. There are four possible sanctions: written warning, probation, suspension and expulsion. Educational outcomes may be assigned in addition to the sanction.
29. The term “**student**” or “**students**” includes all persons taking or auditing classes at the University, in person, online, or through a distance learning program; both full-time and part-time; pursuing undergraduate, graduate, or professional studies; matriculated in any University program; and those who attend post-secondary educational institutions other than Truman State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the University, are considered “**students.**”

30. The term “**Student Conduct Code**” or “**Code**” means the policy in this chapter of the Code of Policies of the Board of Governors establishing rules for the conduct of students at Truman State University.
 31. The term “**student organization**” means (a) any number of persons who have applied for recognition/registration as a student organization by the University or (b) any number of persons who have complied with the formal requirements for University recognition/registration as a student organization, or (c) a student group acting in a manner similar to such student organizations even if not formally recognized.
 32. The term “**University**” means Truman State University.
 33. The term “**University Conduct System**” means the processes and entities created in this chapter to implement the provisions of the Code.
 34. The term “**University official**” means any person employed by the University performing assigned administrative or professional responsibilities. This term specifically includes residence hall Student Advisors.
 35. The terms “**University premises**” and “**campus**” are synonymous and include all land, buildings, facilities, and other property owned or controlled by the University.
- 8.030. Administrative Authority. The authority to administer and implement the Code is vested in the President of the University. Unless the President of the University elects to be directly involved in the administration of the Code, the authority for such administration is delegated to the Vice President for Student Engagement, who will implement the policy. The Vice President for Student Engagement will develop policies for the administration of the student conduct program and procedural rules for the conduct of hearings that are consistent with state and federal laws and with the provisions of the Code.
- 8.040. Jurisdiction.
- 8.040.1. Jurisdiction over Student Conduct. Students at Truman State University are provided access to the Code on the OCCS website or may request a printed copy from the office.

Students are charged with the responsibility of having read, and agreeing to abide by, the provisions of the Code and the authority of the student conduct process. Because the Code is based on shared values, it sets expectations for Truman student conduct no matter where or when their conduct may take place. Therefore, the Code will apply to behaviors that take place on the campus, at Truman State University-sponsored events, and may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial Truman State University interest. The University extends its jurisdiction to misconduct occurring online on university networks and sponsored sites. The University may also respond to complaints of misconduct online when non-university networks or sponsored sites are used (such as posts to social media websites), when it falls under the “substantial University interest” standard. A substantial Truman State University interest is affected by conduct that:

- a. Violates federal, state, or local law, regardless of charges being filed by a prosecutor;
- b. Threatens the health or safety of others;
- c. Impinges upon the rights, property, or achievements of others; and/or
- d. Breaches the peace and/or causes disruption to the educational environment.

The Code may be applied to conduct that takes place from the time of admission, during the time a person is enrolled as a student, including during intra-semester breaks and between semesters. Students on suspension or taking leaves of absence with the intent to return are also expected to abide by the tenets of the Code. Students who withdraw from the University may still be subject to conduct proceedings if the withdrawal was intended to avoid conduct proceedings. Further, the Code applies to guests of students, whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Truman State University are also protected by the Code, and may initiate grievances for violations of the Code committed by students or student organizations. Those who are aware of misconduct are encouraged to report it as quickly as possible to OCCS.

8.040.2. Student Organization Jurisdiction. A student organization, its leaders, and advisor(s) acknowledge on an annual basis through completion and signing of the Student

Organization Recognition Agreement that they have read, reviewed, and agreed that the organization and its members will abide by the Code. Student organization leaders are responsible for actively addressing member behavior that violates the Code, both individually and behavior that is considered an organizational violation. The “reasonable person” standard will be utilized in determining if the behavior by the organization, its leaders, members, and/or guests is the responsibility of the student organization. A violation exists when a reasonable person would conclude that it is more likely than not that the act in question did occur and is the responsibility of the student organization. Organizational responsibility may extend to events in which organizations participate as well as act as sponsors, hosts, and/or cohosts (e.g. social events, philanthropy events, educational programs, Homecoming). In such cases, the University will consider the following non-exhaustive examples of criteria to determine the extent of responsibility:

- a. Number of members in attendance;
- b. National or international association definition of “events;”
- c. Location of an event (i.e. on campus, organization owned or rented property, etc.);
- d. Participation in or knowledge of the planning of the event by organization leaders;
- e. Use of organization funds to finance any portion of the event;
- f. Collecting funds (electronically or otherwise) to finance any portion of the event;
- g. Promotion or endorsement of the event by the organization to members and/or non-affiliated guests;
- h. Importance of an organization’s participation in relation to the event’s purpose (i.e. would the event still occur without the organization’s participation?).

A student organization is subject to the jurisdiction of the University Conduct System if it allegedly violated a provision of the Code:

- a. Which occurs on University premises; or
- b. Which occurs at any location during activities or events arranged or sponsored by the University or by a student, student organization(s), or by a leader or a student acting on behalf of, or at the request of an organization(s); or
- c. Which occurs on a University network or a website identified as belonging to a student organization recognized by Truman; or

- d. Which occurs at any location if such conduct presents a danger or threat to the health or safety of members, guests, or others; or
- e. Which occurs at any location if such conduct adversely affects the reputation of the University, its community, and/or the pursuit of the University's objectives; or
- f. If the organization(s) chooses to protect one or more individual offenders who are members, alumni or guests of the organization(s), or guests at the organization(s)' activity; or
- g. 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) or guest(s); or
- h. When, at any point in the conduct process, the conduct officer, administrative hearing officer or conduct hearing panel determines that the offense, by its nature, was an organizational violation.

When members of a student organization, or students acting in a manner similar to student organizations even if not formally recognized, act together in violation of any policy, they may be held accountable as a group. In any such action, individual findings of responsibility and a determination of a sanction will be made with respect to each respondent involved in the incident.

8.050. Expectations for Conduct.

At Truman State University, student members of the community and student organizations are expected to uphold and abide by certain standards of conduct that form the basis of the Code. These standards are embodied within a set of core values that include trust, community, civility, and responsible citizenship. When members of the community fail to exemplify these values, campus conduct proceedings are used to enforce and uphold the Code.

Any student or student organization found to have committed, to have attempted to commit, to have assisted, or to have been complicit in any of the following acts of misconduct is subject to the sanctions hereafter described in this chapter.

TRUST: Trust is a deeply held community value. Students and organizations at Truman State University exemplify honesty, integrity and a respect for truth in all of their dealings. Behavior that demonstrates a lack of trustworthiness includes, but is not limited to:

1. Acts of academic misconduct/dishonesty. Acts of academic misconduct/dishonesty, including, but not limited to cheating, fabrication, and plagiarism. Academic misconduct/dishonesty are addressed by processes established by the Office of the Executive Vice President for Academic Affairs and Provost, pursuant to Chapter 5, section 5.070 of this code of policies. The Provost may elect to refer a report of academic misconduct/dishonesty to OCCS, in which case the report will be adjudicated using the processes outlined in this Code.
2. Taking property/property damage.
 - 2.1. Intentional taking of (a) University property or (b) property of another.
 - 2.2. Intentional or reckless damage to (a) University property or (b) property of another.
 - 2.3. Procuring any money, goods, services, or thing of value under false pretenses, including the issuance of a check, draft, money order, or use of a credit card knowing that it will be dishonored upon presentation for payment.
 - 2.4. Knowingly taking possession of stolen property.
3. Providing false and/or misleading information and/or falsification of University records.
 - 3.1. (a) Lying, (b) deceiving, or (c) furnishing false and/or misleading information for the purpose of causing another person or University official to act or refrain from acting.
 - 3.2. (a) Forgery, (b) alteration, or (c) misuse of any document, record, material, file, or instrument of identification.

- 3.3. Deliberately or purposefully providing false or misleading verbal or written information about another person that results in damage to the person's reputation.
- 3.4. Tampering with or improperly attempting to influence the election(s) of any student organization(s) or group.

4. Unauthorized use of keys and/or entry.
 - 4.1. Unauthorized (a) possession, (b) duplication or (c) use of keys, codes, or passwords to gain entry to any University premises.
 - 4.2. Unauthorized (a) entry, (b) attempted entry, (c) use of University premises, or (d) remaining in private or restricted areas of University or community facilities is prohibited.

5. Misuse of computing resources through failure to comply with laws, license agreements, and contracts governing network, software, and hardware use. Abuse of the University Computer Use Policy includes but not limited to:
 - 5.1. Any use deemed commercial or for-profit.
 - 5.2. Any use that is likely, intended, or by negligence causes unauthorized network (a) disruption, (b) system failure, or (c) data corruption.
 - 5.3. Any use related to achieving, enabling, or hiding unauthorized access to (a) network resources, (b) Truman owned software, or (c) other information belonging to Truman State University, either within or outside the Truman network.
 - 5.4. Any use related to sending/receiving electronic mail that includes, but not limited to, the following: (a) solicitation or commercial use, (b) forging any portion of an electronic mail message, (c) spamming (bulk unsolicited email), (d) sending unwanted messages to unwilling recipients, or (e) invasion of privacy.
 - 5.5. Intentionally circumventing or building an unauthorized conduit through the University firewall with intentions of bypassing University (a) network management and/or (b) security devices.

- 5.6. Use of another individual's (a) identification; (b) network, email or other university-based account; and/or (c) related passwords.
 - 5.7. Unauthorized transfer or entry into a file, (a) to read, use, or change the contents; or (b) for any other reason.
 - 5.8. Use of computing facilities or network resources to send (a) obscene, (b) harassing, (c) threatening messages, or (d) computer viruses or worms.
 - 5.9. Any use that violates Truman (a) policies, (b) procedures, and (c) contractual agreements.
 - 5.10. Any use that violates (a) local, (b) state, or (c) federal laws.
6. University Wordmark Violations. Unauthorized use of the (a) University's name, (b) abbreviation, (c) trademarks, or (d) wordmarks, including the Bulldog, logo, seal, or other graphic identity symbols. The phrases "Truman State" or "Truman State University" (or some form thereof) cannot precede the title of the individual, organization or group.

COMMUNITY: Truman State University students and organizations honor and value their community. Behavior that violates this value includes, but is not limited to:

7. Disruptive conduct.
- 7.1. Acting in a manner that can reasonably be expected to disturb or obstruct the academic pursuits, including teaching, research, and administration, or infringe upon the privacy, rights (e.g., freedom of speech), privileges, health or safety of (a) students, (b) organizations, (c) the University community, (d) guests, or (e) local community.
- 7.2. Acting in a manner that can reasonably be expected to (a) disturb or obstruct the free movement of other students around the campus including pedestrian and vehicular traffic on University premises, (b) interfere with the use of University facilities, (c) prevent the normal operation of University, or (d) residential and/or social activities.

Fire Safety and Sanitation

- 7.3. Creating a fire, safety, or health hazard through misuse, abuse, rendering inoperable, or degrading the effectiveness of any University safety equipment, firefighting equipment, or fire alarms.
- 7.4. Failure to evacuate a Truman State University-owned building during a fire alarm.
- 7.5. Intentionally providing a false report of an explosive or incendiary device or other chemicals or substances, or fire, that constitutes a threat or bomb scare.
- 7.6. (a) Causing, (b) condoning, or (c) encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives, or fire that reasonably may result in danger to another's person or property.

Obscene Behavior

- 7.7. Conduct that is (a) disorderly, (b) lewd, or (c) indecent, based on contemporary community standards is a violation of the Code. An example includes public urination, which is likely to cause affront or alarm and is against generally accepted standards of decency. Breast feeding or expressing breast milk is not indecent exposure.
- 7.8. An act that (a) is a breach of peace or (b) that aids, abets, or procures another person to breach the peace on University premises, at activities or events arranged or sponsored by the University, or sponsored by a student organization(s), regardless of location.

Compliance with the Directions or Requests of University Officials.

- 7.9. Failure to timely comply with oral or written instruction from duly authorized (a) University officials acting within the scope of their job duties, (b) authorized agents acting in the performance of their duties, or (c) law enforcement officers acting in performance of their duties.
- 7.10. Failure to identify oneself or organization upon request to (a) University officials acting within the scope of their job duties or (b) law enforcement officers acting in performance of their duties when requested to do so. A student is required to

timely produce their University ID card upon the request of an official or law enforcement officer.

Use of Facilities

- 7.11. Students and organizations planning events in University facilities are responsible for knowing and being in full compliance with any applicable policies. Students and organizations should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

CIVILITY: Truman State University students and organizations exemplify civil and respectful treatment of each other in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

8. Physical Harm

- 8.1. Intentional or reckless physical harm or threat of physical harm to any person.
- 8.2. Failure to respect the privacy of other individuals, including, but not limited to, eavesdropping, surveillance, or intruding upon the privacy of another person or group by means of bugging devices, concealed recorders, magnifying optics, etc.
- 8.3. Conduct that intentionally or recklessly threatens or endangers the health or safety of any other person(s).
- 8.4. Condone or encourage acts that cause physical harm.
- 8.5. Smoking or use of other nicotine delivery products on campus as prohibited by campus policy.
- 8.6. Bullying and cyberbullying through repeated and/or severe aggressive behaviors that intimidate, intentionally harm, or control another person physically or emotionally, and are not protected by freedom of expression.
- 8.7. Stalking by repetitive and/or menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

9. Violation of University policies as defined above in this chapter, when such policies are published or otherwise made known to students or organizations in a fair and open manner.

10. Failure to properly maintain a student's or student organization's facilities, property (furnishings, equipment, etc.), or surrounding real estate property, whether owned or leased, so as to create a potential danger to the health and/or safety of the occupants or members of the University and surrounding community is prohibited.

11. Misconduct at University sponsored/related activities. Violation of University rules or regulations of a host institution sponsored/related activity.

12. Abuse of University conduct procedures, including, but not limited to:
 - 12.1. Failure to comply with instructions of the designated conduct officer, including attendance at meetings.
 - 12.2. Falsification, distortion, or misrepresentation of information to the University Conduct system.
 - 12.3. Disruption of or interference with the orderly operation of the University Conduct system.
 - 12.4. Initiation of a conduct proceeding knowingly without cause.
 - 12.5. Failing to provide, destroying, or hiding information during an investigation of an alleged policy violation.
 - 12.6. Attempting to discourage an individual's proper participation in, or use of, the University Conduct system.
 - 12.7. Attempting or committing an act of retaliation against a person or student organization that has reported or intends to report a violation of the Code, or anyone who is a witness.
 - 12.8. Attempting to influence the impartiality of either an administrative hearing officer or a member of a conduct hearing panel prior to, or during the course of, participation in the University Conduct system.

- 12.9. Harassment, abuse, or intimidation of either an administrative hearing officer or member of a conduct hearing panel, student or organization, prior to, during, or after participation in the University Conduct system.
- 12.10. Failure to comply with the sanction or educational outcomes imposed under the Code.
- 12.11. Influencing or attempting to influence another person to commit an abuse of the University Conduct system.
13. Complicity. Condoning, supporting, or encouraging a violation of University policy, or the failure to appropriately address known or identifiable violations of the Code or law. Students who anticipate or observe a violation of University policy shall remove themselves from the situation and should report the possible violation immediately.
14. Social Host. It is the responsibility of any student or organization who hosts a guest or another organization, on or off campus, to ensure that the guest or guest organization knows and adheres to the Code and University policies. Hosts are responsible for all that occurs within facilities they use on campus, or own, or rent off-campus. In instances where guests or guest organizations violate rules or policies, the student or organization host may be held responsible. Whether a visitor is a student, alumni, non-student, or non-identified guest, the host may be held responsible for violations of the Code and University policies. Responsibility under these rules may occur even if the host or an officer of the host's organization is not a participant in the activity or has left the visitor(s) alone. A Truman student or organization is in violation of this policy if they violate the rules of another institution while a visitor at that institution.
15. Advertising and Social Media.
 - 15.1. Origination, circulation, or posting of any advertising media or social media that contains matter that violates or is contrary to the policies of the University, other Board of Governors policies, Student Organization Recognition Agreement,

Union and Involvement Services, Department of Residence Life, Student Recreation Center, Student Union, and/or federal, state or local law is prohibited.

- 15.2. Organization, circulation or posting of any advertising media or social media containing (a) false information, (b) misleading information, (c) obscene language or images, (d) patently offensive material, (e) the promotion of alcohol or illegal drugs, or (f) illegal activities/behavior is prohibited.

16. Abusive affiliation (hazing), which the law might recognize by the term “hazing,” is any act on or off the campus of the University that a reasonable person would find to endanger the mental or physical health or comfort or safety of a student or prospective student or member, or which results in the destruction or removal of public or private property, or which causes embarrassment or humiliation, for the purpose of initiation or admission into, affiliation with, or confirming any form of affiliation, or continued membership in a recognized student organization, or any group, regardless of an individual’s consent to participate in the activity. Acts of abusive affiliation include, but are not limited to:
 - 16.1. Any activity which endangers the physical health or safety of the student or prospective member, including, but not limited to, physical brutality, whipping, beating, paddling, slapping, kicking, choking, scratching, branding, exposure to the elements, forced, pressured or coerced consumption of any food, liquor, drug, or other substance, or forced, pressured or coerced smoking or chewing of tobacco products; or
 - 16.2. Any activity that endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, placing prospective members of an organization or group in ambiguous situations which lead to confusion and emotional stress or other extreme stress inducing activity; or
 - 16.3. Any activity that requires the student or prospective member to perform a duty or task that involves a violation of the criminal laws of this state, city, or any University policies, rules, or regulations published in University documents; or

- 16.4. Subservience, including but not limited to any activity which promotes a class system within organizations or activities which facilitate inappropriate levels of authority over students.

RESPONSIBLE CITIZENSHIP: Truman State University students and organizations are given and accept a high level of responsibility as role models. Responsible citizenship requires self-reflection and acceptance of the duty to model ethical and moral conduct. Behavior that violates this value includes, but is not limited to:

17. Narcotics, controlled substances (including but not limited to marijuana), chemicals, and drug paraphernalia violations.
 - 17.1. (a) Manufacture, (b) possession, (c) use or under the influence of, (d) sale, (e) distribution of narcotic or other controlled substances, (f) drug paraphernalia, and/or (g) other chemicals is prohibited, without proper prescription or required license, except as expressly permitted by law or University regulation. Possession could mean knowingly being in the presence of narcotic or other controlled substances, drug paraphernalia, or other chemicals. Each student or organization will take all necessary steps to see that this regulation is not violated at functions they sponsor or host as well as on any property they own, occupy, operate, and/or rent.
 - 17.2. Misuse or abuse of prescription medications and/or drugs.
 - 17.3. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property under the influence of a narcotic or other controlled substance.
18. Alcohol violations.
 - 18.1. Public intoxication on University premises.
 - 18.2. No student or organization will furnish or cause to be or allow to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
 - 18.3. (a) Manufacture, (b) possession, (c) use or being under the influence of including but not limited to binge drinking, (d) sale, or (e) distribution of alcoholic

beverages or alcohol paraphernalia on University premises when such manufacture, possession, use or being under the influence of, sale, or distribution is prohibited by law or University policy. Possession could mean knowingly being in the presence of alcohol. Each student or organization will take all necessary steps to see that this regulation is not violated at functions they sponsor or host as well as on any property they own, occupy, operate, and/or rent.

- 18.4. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property under the influence of alcohol.
 - 18.5. The sale of alcohol by a student or student organization at an event is prohibited, as are donations, sales of items, or other financial arrangements that are used to secure funding for the purchase of alcohol.
 - 18.6. When alcoholic beverages are present at off-campus activities sponsored by a student or a student organization, (a) the student or organization must provide non-carbonated, non-alcoholic beverages and an adequate supply of food that is in plain view of those attending; and (b) the student or organization must not permit, encourage, or sponsor participation in pre-partying or any drinking games or themes that might encourage the rapid/excessive consumption of alcohol.
19. Possession and/or use of a firearm and/or dangerous material.
- 19.1. Possession of (a) firearms [including BB, paint, and pellet guns] or (b) any other weapons other than a common pocket knife on University premises or at University sponsored/related activities unless specifically approved by a University official.
 - 19.2. Possession of (a) fireworks, (b) explosives, or (c) dangerous chemicals which are disruptive, explosive, or corrosive on University premises or at University sponsored/related activities unless specifically approved by a University official.
20. Gambling is prohibited at activities or events arranged or sponsored by the University, on University premises, or sponsored by a student organization(s), regardless of location. It is prohibited to:

- 20.1. Play or sponsor an unlawful game of chance for money or for anything of value (a) on University premises or (b) at a University or student organization sponsored activity or event.
- 20.2. Sell, barter, or dispose of a ticket, order, or any interest in a scheme of chance by whatever name (a) on University premises or (b) at a University or student organization sponsored activity or event.
- 20.3. Wager on a University team or student organization in a competition, with or without an intent to have a direct influence on the outcome of the competition (a) on University premises or (b) at a University or student organization sponsored activity or event.
21. Allegation of commission of felony, misdemeanor, or other crime. Allegation of commission of an act which may be a (a) felony, (b) misdemeanor, or (c) other crime as provided in local, state, or federal law will also constitute a violation of this Code, and subject the accused student to conduct action, whether or not prosecuted by public officials.
22. Violations Applicable to Organizations.
 - 22.1. Crowd size that exceeds such limits so as to infringe upon the rights and/or property of others and/or endanger those in attendance is prohibited.
 - 22.2. Failure to provide adequate sober/security monitors or implement other reasonable security measures in order to ensure the safety of those in attendance at an organization-sponsored event is prohibited.
 - 22.3. Failure to abide by the policies established by the University, governing councils, or national/international organizations.
 - 22.4. All student organizations will conduct any solicitation and fundraising activities in a manner that does not violate and is not contrary to the policies of the University or its Union and Involvement Services, Department of Residence Life, Student Recreation Center, Student Union, Business Office and/or federal, state, or local law.

Acts of misconduct by a student or student organization will be cumulative in effect, and all acts of misconduct may be considered together in deciding whether the Code has been violated and, if a violation is found, the imposition of a sanction and educational outcomes.

8.060. Relationship of Law Enforcement and University Conduct System. Violations of federal, state, and local laws are incorporated as offenses under the Code. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal charges that may arise from the same incident. Should a student withdraw or be on suspension from the University when criminal charges are made, it is the typical practice of the University to pursue investigation and resolution of campus conduct matters, regardless of the fact that the student has withdrawn.

When a student is arrested, charged, or indicted for a crime, the University may elect to take action against that student for violation of the Code, which incorporates violation of local, state, and federal laws as code infractions. In situations where information from law enforcement necessary to establish the facts of the case is unavailable, proceedings may be delayed. Students are always encouraged to report criminal activity to the appropriate law enforcement officials.

8.060.1. Cooperation with Authorities. 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 their status as a student. If the alleged offense is also the subject of a proceeding for a violation of the Code, the University may advise off-campus authorities of the existence of the Code and of how such matters are handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on University premises and in the compliance with conditions imposed by criminal courts for the rehabilitation of student violators. However, the University cannot delay its processes unreasonably while criminal investigations are underway and, without interfering, will undertake internal resolution of complaints even though those complaints may arise from conduct that may also be criminal in nature. Individual students and employees, acting in

their personal capacities, will remain free to interact with governmental representatives, as they deem appropriate.

8.070. Interim Suspension. In certain circumstances, the Vice President for Student Engagement, or their designee, may impose an interim suspension prior to a conduct hearing. The University will permit any student or student organization who receives an interim suspension to request a meeting as soon as possible with the Vice President for Student Engagement or designee to show cause why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus hearing if appropriate. The following will be the only issues discussed at the meeting:

- a. Information related to the facts the University has regarding the student's or student organization's conduct as well as the identity of the student or student organization.
- b. The conduct in question and whether it is reasonable to believe that the student's or student organization's presence on campus poses a substantial or immediate threat for the reasons listed below.

8.070.1. Reasons. Interim suspension may be imposed pursuant to, but not limited to:

- a. Ensure the safety and well-being of members of the University community,
- b. Preservation of any University premises,
- c. Disruption to, or interference with, the normal operations of the University,
- d. Undue interference with a University investigation,
- e. Disturbance of the University's educational mission, or
- f. When a student is facing a criminal investigation and/or criminal charges

8.070.2. Denial of Access. During the interim suspension, a student or student organization may be denied access to any or all University premises, or any activities or events arranged or sponsored by the University or student organizations, as the Vice President for Student Engagement or their designee may determine to be appropriate. A notice of trespass upon University premises may be issued to a student placed on interim suspension.

8.080 University Conduct Board.

The University shall have a Student Conduct Board (SCB) under the oversight of OCCS. The SCB shall serve as a pool of people who are, once trained, available to serve as an administrative hearing officer, conduct hearing panel member, or chair of a conduct hearing panel. A SCB member may also elect to be trained and serve in a variety of other roles such as a process advisor, conduct officer, or facilitator of an educational program. The SCB will also serve as an advisory board to OCCS. The term for individuals chosen to be on the SCB is two calendar years (January 1st of year one through December 31st of year two), and a member may serve more than one consecutive term at the discretion of the Vice President for Student Engagement or the Director of OCCS. The Director of OCCS is responsible for coordinating training sessions, facilitating meetings, and assigning members to various roles. The Vice President for Student Engagement or Director of OCCS has authority to make interim appointments to fill any open slot from the three categories below. The composition of the SCB will be as follows:

- a. At least three (3) full-time students. OCCS will be responsible for recruiting and recommending student SCB nominees to be appointed by the Vice President for Student Engagement after consultation with Student Government.
- b. At least three (3) faculty. OCCS will be responsible for recruiting and recommending faculty SCB nominees to be appointed by the Vice President for Student Engagement after consultation with the Executive Vice President for Academic Affairs and Provost and with the Chair of Faculty Senate.
- c. At least three (3) staff. OCCS will be responsible for recruiting and recommending staff SCB nominees to be appointed by the Vice President for Student Engagement after consultation with the Chair of the Staff Council.

The SCB may perform additional functions and roles as may be determined from time to time by the Vice President for Student Engagement or the Director of OCCS.

8.090. Allegations of Unlawful Discrimination, Harassment, or Retaliation: The University's Institutional Compliance Office (ICO) investigates and remedies complaints alleging discrimination or harassment based on any legally protected characteristic. If ICO

determines that it lacks jurisdiction over a complaint, it may be referred to OCCS and will be handled in accordance with this Code.

- 8.100. Investigation and Disposition of Offenses: Any member of the University community may file a complaint of misconduct against students or student organizations. Complaints asking for action on the misconduct are to be prepared in writing and signed by the complainant. Complaints are to be directed to the Director of OCCS.
- Individuals or entities outside the University may provide information related to student or student organization misconduct to the conduct officer for consideration. As necessary, Truman State University reserves the right to initiate a complaint, to serve as complainant, to initiate, and/or complete conduct proceedings without a formal complaint or the cooperation of the alleged victim of misconduct when there is a substantial university interest to do so. Substantial university interest is defined in section 8.040.1.
- When a complaint is received, the conduct officer will conduct an initial review which most likely will include a conference with the complainant and possibly the respondent. The initial conference will be followed by an investigation. This may mean interviewing witnesses and gathering information from other agencies (law enforcement, campus offices, etc.). This investigation is not the same as a police led investigation and standard rules of evidence used in the criminal court do not apply. After the complaint has been investigated and allegations of violation of the Code have been identified, the conduct officer will decide the appropriate course of action. Complainants and/or respondents may be consulted prior to the conduct officer's decision to move forward with informal or formal resolution procedures. Both parties may also be consulted regarding the type of hearing that will be used to resolve the complaint. The conduct officer will make the final decision regarding the resolution process based on input from the parties, the severity of the charges and potential sanctions, the complexity of the evidence, and the availability and preparation of appropriate SCB members. The following are available resolution processes:

- a. No Action. Complaints that fall outside the Code’s jurisdiction, do not violate the Code, or not supported by sufficient information may result in no action being taken by OCCS.
- b. Amnesty.
 - i. Emergency Medical Amnesty.

If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students and student organizations take responsible action by calling an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Responsible action includes:

- CALL for help. In medical emergencies, immediate action should be taken by calling 9-1-1 either off campus or on campus.
- STAY with the person until help arrives and you have been told your assistance is no longer needed.
- COOPERATE with responding staff or emergency personnel, including all requests for information and assistance.

Students and student organizations who take such responsible action by seeking emergency medical attention, or for whom such action is taken, will not be subject to the student conduct process for recreational alcohol or drug use, nor will the incident become part of the student’s or student organization’s conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to complete educational measures and pay any costs associated with those measures. Students and student organizations who do not take responsible action will be subject to the full extent of the Code.

Students requiring emergency medical assistance, and student organizations hosting events where emergency medical attention is sought will be limited to one application of emergency medical amnesty every twelve (12) months. Individuals who engage in responsible action (call, stay, cooperate) will not

be limited in the number of applications of emergency medical amnesty where they serve as the person calling for help. The application of emergency medical amnesty does not preclude the University from pursuing charges against a student or student organization for allegations of code violations other than recreational drug or alcohol use policies. Possession with intent to deliver is not covered under emergency medical amnesty. Additional information and illustrative examples are available on the OCCS website.

ii. Amnesty for Victims of Violent Crimes.

The University provides amnesty to students who have experienced violent crimes and who may be hesitant to file a complaint because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct proceedings against the complainant or conduct record will result.

c. Informal Resolution. Informal resolution is a process for addressing the complaint that will not result in a conduct record. Informal resolution may involve mediation and/or agreed resolution.

- i. Mediation. Uncontested allegations or complaints that can be resolved through negotiated procedures will result in mediation if agreed upon by both parties. The conduct officer will work with both parties to determine a mutually acceptable solution. In these cases documentation of the incident and its resolution will be kept in University records, but will not be part of a student's conduct record unless future violations take place. Records, however, will be kept of the resolution and can be used in future conduct proceedings if appropriate to establish a pattern of behavior. Mediation agreements are final and not subject to review. Mediation involves the following process:

- a. Mutual Consent. The conduct officer communicates with both the complainant and the respondent, explains the various options for resolving the concern, and both parties agree in writing to mediation.
 - b. Notification. Each party is notified regarding the behavior of concern, the time and date of the mediation, rules regarding the mediation process, the binding nature of the outcomes, and the consequences of violating the agreements.
 - c. Mediation Process. Mediation involves an opportunity for both parties to present and respond to concerns and to present and discuss potential solutions. The goal for mediation is a mutually agreed upon resolution. Agreements made during mediation are binding and final. One or both parties may withdraw from the process at any time and pursue a different course of resolution. The mediator may also terminate mediation if parties do not abide by the rules of mediation or if a mutually agreeable resolution is not possible.
 - d. Notification of Outcomes. Participants will receive written confirmation of the outcomes of the mediation and the consequences of failing to abide by the agreements.
- ii. Agreed Resolution. When the conduct in question is determined by the conduct officer to be a minor violation (typically a violation that does not cause harm to persons or property) and the respondent has no prior conduct history with the University, the conduct in question may be resolved through the agreed resolution process. If the respondent takes responsibility for the conduct in question, completes a restorative program and is not responsible for any violation of the Code for a term established by the conduct officer, the resolution will not be included in a student's conduct record. If the respondent fails to complete the restorative program or is found responsible for a violation of the Code during the term established by the conduct officer, the violation will become part of the student's conduct record and an

appropriate sanction and educational outcomes will be imposed. Records will be kept of the resolution and can be used in future conduct proceedings if appropriate to establish a pattern of behavior.

- d. Formal Resolution: Formal resolution involves a resolution process that will result in a conduct record if the respondent is found responsible for violating the Code. Formal resolution involves either an administrative hearing or a conduct panel hearing.

8.100.3. Formal Resolution Through an Administrative Hearing. The administrative hearing process is the most commonly used method for formal resolution of conduct complaints. Administrative hearings are rarely utilized when the complaint involves complex or controversial testimony or documentation, or when the sanctions of suspension, expulsion, or non-recognition of an organization

- a. Notice and Time of Hearing. After the complaint has been investigated, allegations of violation of the Code have been determined, and an administrative hearing has been found to be the appropriate course of resolution by the conduct officer, a notice is sent to the student or student organization with information regarding the administrative hearing. Notice will be in writing, and will be emailed to the respondent's University e-mail address and also may be mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered. A notice letter will include the following:
 - i. A concise summary of the alleged violation;
 - ii. All policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
 - iii. Relevant procedures for resolution of the complaint; and,
 - iv. The date, time, and place of the hearing or instructions for the respondent to schedule the hearing.
- b. Administrative Hearing Process. Hearings to determine whether a student or student organization has violated the Code will be conducted by a conduct officer according to this Code and any other procedures as issued by the Vice President for Student Engagement. Minor variations in established hearing procedures may be approved on an ad hoc basis by the Vice President for Student Engagement and the Director of

Citizenship and Community Standards as long as they do not materially impact the fairness of the proceedings. Every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with Family Educational Rights and Privacy Act (“FERPA”). The respondent has the right to consult a process advisor of their/its choice before, during, and after any hearing, or review. Typically the administrative hearing process is facilitated through one meeting with the respondent, which includes an opportunity to discuss the respondent’s rights within the process and to hear information regarding the facts of the case from the respondent. During this conversation the respondent will state whether they are responsible for the allegations and the administrative hearing officer will make a finding as to whether it is more likely than not that the violation occurred.

- c. Notification of Outcomes. If a finding is made that the respondent is responsible for a policy violation, the conduct officer will determine an appropriate sanction and educational outcomes based on considerations listed in section 8.110 of the Code. The conduct officer will communicate the finding, sanction, and educational outcome(s) to the respondent in writing via the respondent’s University email address and also may be mailed to the local or permanent address of the respondent. Pertinent information regarding the outcome will also be shared with the complainant when appropriate. Once mailed, such notice will be presumed to be delivered. Decisions following an administrative hearing are final except in cases where the sanction is suspension or expulsion from the University for a student and suspension or revocation of University recognition for a student organization. See Section 8.120.

8.100.4. Complaint Resolution Through a Conduct Panel Hearing (CPH). Conduct panel hearings are used to resolve a minority of complaints. CPHs are most often used in the resolution of more serious allegations of violations of the Code or in situations where students face potential suspension or expulsion from the University or student organizations face potential suspension or revocation of their University recognition. CPHs may also be used in situations involving complex evidence or circumstances.

- a. Composition of the Conduct Hearing Panel (CHP). The panel has at least three (3) members consisting of students, faculty, and/or staff. The panel is chosen from a pool of trained members of the SCB. For each complaint, a new panel will be chosen at random under the supervision of the conduct officer. The conduct officer may elect to appoint a nonvoting alternate panel member who will participate in the hearing process until deliberations begin unless they are needed to replace a voting panel member. Any member of the panel who presents a conflict of interest due to any prejudicial factors (anything that would prevent an impartial and objective determination) should remove themselves from consideration, and may be removed from the panel by the conduct officer. One member of each panel will be designated by the conduct officer to serve as chairperson, who will conduct the hearing and serve as the official representative of the panel. The chairperson has final say on all questions of admissibility of information, appropriateness of questions, and on any procedural decisions. The chairperson will render decisions on all requests prior to and during the hearing. The panel will be allowed to directly question all involved parties [respondent(s), complainant(s), and witnesses] during the hearing. The chairperson may also permit parties to directly or indirectly question each other and witnesses. The chairperson has the authority to stop direct questioning at any time if the parties fail to conduct themselves in a mature and civil manner. All decisions regarding findings and, if applicable, a sanction will be made by a majority vote of the panelists. Abstention is not permitted. Every panel member will vote on the respondent's responsibility for each alleged violation, using the "more likely than not" standard. The Vice President for Student Engagement or the Director of OCCS may implement alternate procedures when the usual pool of SCB members is not available.
- b. Panel Hearing Process. Several steps, explained below, are involved in the process of preparing for and conducting a panel hearing.
 - i. Notice and Time for Hearings. Notice will be in writing, and may be delivered in person during a meeting with the conduct officer. Notice will also be e-mailed to the respondent's University e-mail address and also may be

mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumed delivered. The notice will include:

1. A concise summary of the alleged violation;
2. Identification of all policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
3. Relevant procedures for resolution of the complaint;
4. Date, time, and place of the hearing;
5. A list of the University's witnesses (to be supplemented later if necessary);
6. A deadline for meeting with the conduct officer; and,
7. Instructions for the respondent to contact the conduct officer within two (2) business days of delivery of the notice letter with a written response to the complaint stating their position regarding responsibility for each alleged policy violation. The respondent may request in writing for an additional two (2) business days to respond.

Written notice of the time, date, and location of the hearing will be sent by email to all parties to the complaint, who may additionally be notified in person, by telephone, or by US mail. If a respondent fails to respond to the notice, the conduct officer will initiate a complaint against the respondent for failure to comply with the directives of a University official, and give notice of this additional offense. Failure to respond to this second notice within two (2) business days by answering the initial notice may result in the respondent being placed on interim suspension until such time as they respond to the complaint. In complaints where the Director of OCCS serves as the complainant, another conduct officer may carry out the pre-hearing duties.

- ii. Pre-hearing Process. Multiple individuals are involved in preparations for a panel hearing as outlined below:

Respondent. When a student or student organization denies a violation of the Code, they will have a minimum of seven (7) business days to prepare for a hearing. The respondent may make a written request to the conduct officer for a hearing date sooner than seven (7) business days from delivery of the notice of the

hearing. At least three (3) business days before any scheduled hearing, the respondent will deliver to the conduct officer a written response to the complaint if one has not already been submitted, a written list of all witnesses the respondent intends to call on their behalf at the hearing with a summary of what information each witness will provide and full contact information for such witnesses, a list and copy of all physical items the respondent intends to present at the hearing, a summary of the purpose for presenting each physical item, who has possession or custody of such physical item, and the name of any process advisor who may be accompanying them to the hearing.

Complainant. Once a complainant receives notice of a panel hearing, they will be given a minimum of seven (7) business days to prepare for a hearing. The complainant may make a written request to the conduct officer for a hearing date sooner than seven (7) business days from delivery of notice of the hearing. At least three (3) business days before any scheduled hearing, the complainant will deliver to the conduct officer a written list of all witnesses the complainant intends to call on their behalf at the hearing with a summary of what information each witness will provide and full contact information for such witnesses, a list and copy of all physical items the complainant intends to present at the hearing, a summary of the purpose for presenting each physical item, who has possession or custody of such physical item, and the name of any process advisor who may be accompanying them to the hearing.

Conduct Officer. The conduct officer will ensure that the above information and all other available written documentation will be shared between the complainant and the respondent at least two (2) business days before the scheduled hearing. Each party will also be given a list of the names of the hearing panel members for the case. Should either party object to any members of the panel, they must raise all objections in writing to the conduct officer immediately and no later than one (1) business day before the scheduled hearing. Panel members will only be unseated if the conduct officer concludes that their bias precludes an impartial hearing of the complaint. The conduct officer may grant a request by a party for an extension of any of the timelines set pursuant to this section, including hearing

dates, for good cause shown by the requesting party, including the University. The conduct officer will only grant a request for extension of time if approval does not compromise a party's right to due process.

Witnesses. In most cases, witnesses are to be identified in advance. The identity of a witness may be kept confidential for safety reasons at the discretion of the Chairperson if knowing the identity of a witness is not essential to a party's case. While witnesses are subject to questioning at the hearing, unavailable witnesses may submit their testimony by telephone or written statement.

- iii. Panel Hearing Procedures. Hearings to determine whether a respondent has violated the Code as alleged, or as reasonably related to the facts as alleged, will be presented to a conduct hearing panel according to this Code and any other procedures as issued by the Vice President for Student Engagement and the Director of OCCS. Minor variations in established hearing procedures may be approved on an ad hoc basis by the Vice President for Student Engagement or the Director of OCCS provided they do not materially impact on the fairness of the proceedings. Every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with FERPA. The respondent has the right to consult a process advisor before, during, and after any hearing or appeal. If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may request to have the Director of OCCS or their designee serve as complainant. Where there is no victim, the Director of OCCS or their designee will serve as complainant. A student serving as complainant has the same rights to a process advisor as the respondent. Parents or other support persons for the complainant or respondent may also attend, but like process advisors are not permitted to speak, (e.g., make opening or closing remarks, examine or cross examine, ask questions, to submit and object to information, to address the hearing panel), or delay scheduling any hearing, conference, or appeal. While previous conduct violations by the respondent are not generally admissible as information about the present alleged violation, the conduct officer may supply previous complaint information to the panel

when the respondent has previously been found responsible for a similar section of the Code, which may be used to establish a pattern of behavior.

- iv. Hearing Deliberations. Deliberations will take place in a private setting with only members of the CHP in attendance. When a respondent is found not responsible for any alleged violation, the CHP has completed its responsibilities, and the respondent is provided notice in writing which will also be included in their conduct record. If the CHP determines a finding of responsible for any of the alleged violations, the CHP will recommend an appropriate sanction and/or educational outcomes to the conduct officer. Prior to making a recommendation, the chairperson will contact the conduct officer to learn if there is a previous history that should be considered in the sanctioning process. Factors that should be considered in determining a sanction appear in section 8.110. The chairperson will provide a report to the Director of OCCS stating the findings of the panel and, when appropriate, recommendations regarding the sanction and educational outcomes, including concise rationale for the outcome and their relationship to the alleged violations. This report should be brief and be submitted to the Director of OCCS within two (2) business days after the business day that deliberations concluded. The Director of OCCS or their designee will inform the parties of the results within seven (7) business days after the hearing panel report is submitted to OCCS as allowed under FERPA.
- v. Record of Panel Hearings. There will be a single digital recording of all hearings before a panel. The record will be the property of the University. In the event a party petitions for an appeal of a decision or a sanction and wishes to review the digital record, they may make a request in writing to do so to the Vice President for Student Engagement. A party filing an appeal may request a transcription of the hearing. The transcription should normally be provided subject to payment of costs for the production of the transcript. Personally identifiable information will be redacted, unless FERPA consents have been sought and obtained from those students mentioned in the record.

8.110. Sanctions and Educational Outcomes. Following any hearing, a decision letter will be delivered to the respondent's University e-mail address and also may be delivered via the

US Postal Service mail or hand delivered to the respondent, and the complainant if applicable. Said notice will include a concise summary on the decision and identified sanction, educational outcomes, and information on the appeal process if the decision is eligible for an appeal. Once mailed, such decision letter will be presumed to be delivered.

8.110.1. Sanctions. A sanction is a consequence placed upon students and student organizations when found in violation of the Code. Sanctions help define the relationship between the student or student organization and the University. The following sanctions may be imposed upon any student or student organization found to have violated the Code.

1. Written Warning. A notice in writing to the student or student organization that they have been found responsible for violating one or more provisions of the Code.
2. Probation. Probation is assigned for a designated period of time which may include conditions (e.g., periodic review meetings). An additional violation of the Code while on probation may lead to additional outcomes.
3. University Suspension. Separation of the student or student organization from the University for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified. Records will note a sanction of suspension due to conduct proceedings. The period of time may begin immediately or begin at some time in the future (e.g., at the end of the current semester, after an appeal process, etc.) While on University Suspension, the student or student organization may be denied access to University premises, and University or student organization sponsored activity. In the case where a student is a member of a student organization, the student may be prohibited from attending the student organization's activities on or off-campus.
4. University Expulsion. Permanent separation of the student from the University or non-recognition of the student organization. Records will note a sanction of expulsion due to conduct proceedings.

8.110.2 Educational Outcomes. Educational outcomes are assigned actions that may serve to repair damages, encourage reflection and learning, and/or assist the student or student

organization in meeting the University's expectations. A sanction may include one or more educational outcomes. Examples of educational outcomes include, but are not limited to:

1. Loss of Privileges. Denial of specified privileges for a designated period of time.
2. Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
3. Discretionary Outcomes. Work assignments, service to the University, or other related discretionary assignments.
4. Developmental Outcomes. Projects or assignments designed to educate a student or student organization(s) in connection with the effect of their behavior on the community.
5. Residence Hall Restrictions. Restrictions for continued residence on campus. Restrictions will be for a designated period of time, and will include the probability for additional outcomes if the student fails to fulfill the conditions for continued residence or is found to be violating or to have violated any provisions of the Residence Life Handbook or the Code during the restrictions period.
6. Residence Hall Removal. Removal of a student or student organization from the residence halls for either a definite period of time after which the student or student organization is eligible to return when conditions for return are met, or permanent removal.
7. Limited Access. A student or student organization may be denied access to any or all of University premises, or any activities or events arranged or sponsored by the University or student organization, as the Vice President for Student Engagement or the conduct officer may determine to be appropriate.

8.110.3. Parental Notification. Subject to FERPA, Truman State University reserves the right to notify parents/guardians of students regarding any conduct situation, including alcohol and other drug related violations. Truman State University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk.

8.110.4. Conditions Leading to a More Severe Sanction and/or Additional Outcomes. If any of the following conditions exist in a violation of the Code, a more severe sanction or additional outcomes may be given to the respondent:

- a. The use or possession of a firearm(s) or other weapon(s);
- b. The existence of a prior record of violation(s) in this chapter by the respondent(s);
and
- c. Any additional factors which contribute to the severity of the offense.

Other aggravating factors can serve as a cause to impose a more severe sanction and/or additional outcomes such as failure to express regret, failure to recognize errors in judgment, and/or unwillingness to address factors leading to the behavior.

8.110.5. Responsible Action Policy. The welfare of our students is of the highest importance to Truman State University. There will be times when individual students, both on and off campus, may have knowledge of a situation that may present a significant threat to the health and welfare of themselves or others. The University wants to eliminate any hesitation that students or student organizations might have in obtaining help due to concern that their own behavior might be a violation of University policy. The University will take into consideration the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequence for the reporter of the problem will be evaluated against the positive consequences of the intervention for the student in need. Responsible citizens recognize and accept the duty to make ethical and moral decisions about the health and safety of themselves or others even when to do so might result in personal inconvenience. At a minimum, the University hopes that a student or student organization would make an anonymous report that would put the student in need in touch with a professional trained to help and care for our students. If charged and found responsible for a violation of the Code, the sanction imposed, if any, will be less severe when students or student organizations appropriately report dangerous circumstances than if students or student organizations fail to report.

8.110.6. Additional Conditions Leading to Less Severe Sanctions.

Mitigating factors can serve as a cause to moderate a sanction. If any of the following conditions exist in a violation of the Code, a less severe sanction or fewer educational outcomes may be given to the respondent including but not limited to payment of restitution, sincere regret, acceptance of responsibility for the misconduct, taking steps to ensure the misconduct does not occur again, etc.

8.110.7. Student and Student Organization Records, Record Retention, and Record

Consideration in Organization Sanctions. Conduct sanctions become part of the student's conduct record. Conduct records of students will be kept for a period of no more than seven (7) years after the academic year when final disposition of the violation occurred, except in complaints of suspension and expulsion, where the record will be kept permanently. Student conduct records may be kept longer due to special circumstances, as deemed necessary by the Vice President for Student Engagement. Conduct records of student organizations will be kept permanently for historical and archival purposes. Generally, a five-year time frame will be utilized when considering a sanction and educational outcomes 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.).

8.120. Appeal of Suspension, Expulsion, or Non-Recognition.

When the sanction of a case is suspension or expulsion of a student or non-recognition of a student organization, the student or student organization (“appellant”) may appeal the decision. The appellant must submit a written request for appeal to the Vice President for Student Engagement no later than seven (7) business days after receiving notification of the sanction, unless an extension has been granted by the conduct officer. The request must specify the grounds for the appeal and provide supporting facts and arguments. Failure to meet either or both of these requirements will be sufficient cause to deny the appeal.

The following are grounds for an appeal:

- a. New information, unavailable at the time of the hearing, is now available and could materially affect the decision that was rendered.

- b. The process was not conducted according to the procedures described in the Code and the process failure materially influenced the decision rendered.
- c. The evidence was not substantially supportive of the finding.
- d. The sanction was inappropriate when the circumstances of the act and prior record of the respondent or the impact on the complainant are considered.

8.120.1. Review of Request for Appeal. The Vice President for Student Engagement will review the request for appeal and determine whether a ground for appeal exists and is supported by facts and arguments. If these requirements are met, the Vice President for Student Engagement will notify the University President that the sanction has been appealed. The Vice President for Student Engagement has discretion to suspend the sanction while the appeal is pending.

8.120.2. Decision on Appeal. The University President will appoint an individual to serve as an appeal officer. The appeal officer may review the hearing record, conduct a new hearing, interview witnesses, or direct further investigation at their discretion. The appeal officer will apply a deferential standard of review. The appeal officer may conclude that the sanction is appropriate, that a more or less severe sanction should be imposed, or that no sanction should be imposed. The appeal officer will briefly summarize the rationale for their decision. The appellant will be provided a copy of the appeal officer's decision via University e-mail, U.S. mail, and/or hand delivery. The appeal officer's decision is final.

8.130. Interpretation, Review, and Revision. Questions of interpretation and periodic reviews of this policy will be administered as set-out below.

8.130.1. Interpretation. Any questions of interpretation regarding the Code will be referred to the Vice President for Student Engagement or their designee for determination.

8.130.2. Code Revision. The Code will be reviewed once every five years under the direction of the Vice President for Student Engagement. Review of this document should be done in conjunction with the University General Counsel, the Executive Vice President for

Academic Affairs and Provost, and Student Government. Changes to the Code can be made as necessary at the request of the Vice President for Student Engagement, President, or Board of Governors, with the approval from the Board of Governors. Grammatical, editing, formatting, and other non-substantive changes can be made at the discretion of the Vice President for Student Engagement or designee as needed without approval of the Board of Governors.

Source: Resolutions of the Board dated September 12, 1992, June 28, 2003, June 16, 2006, February 17, 2007, June 20, 2009, April 14, 2012, April 12, 2014, August 2, 2014, October 10, 2014, August 1, 2015, April 8, 2017, and August 4, 2018, August 6, 2022.

1987 Compilation: Article 12

CHAPTER 8

STUDENT CONDUCT CODE

Sections:

- 8.010. Purpose
- 8.020. Definitions
- 8.030. Administrative Authority
- 8.040. Jurisdiction
- 8.050. Expectations for Conduct
- 8.060. Relationship of Law Enforcement and University Conduct System
- 8.070. Interim Suspension
- 8.080. University Conduct System Board
- 8.090. ~~Investigation and Disposition~~ Allegations of Gender-Based Misconduct Unlawful Discrimination, Harassment, or Retaliation
- 8.100. Investigation and Disposition of Offenses
- 8.110. Sanction and Remedies Educational Outcomes
- 8.120. Review Appeal of Decisions
- 8.130. Interpretation and Periodic Review

~~8.010. Purpose. State statutes provide that the governing boards of public colleges and universities “shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students” and “to enforce obedience to the rules.” Although the grant of authority is broadly stated, it is well recognized that students are citizens of the Truman community. Students have legal rights and deserve to be treated with dignity and respect. For that reason, it is important that the University’s standards of student conduct, and the procedures for the enforcement of such standards, are fair and reasonable and are made available to all members of the University community.~~

Truman State University is a community of scholars. The University aspires to transmit knowledge, to foster student development, and to promote the quality of a mature and diverse society. By enrolling in the University, the student neither loses the rights nor escapes the duties of a citizen but conducts his or her life in the context of mutual regard for the rights, property, and privileges of others. In seeking these goals, the University recognizes the significance of students’ rights. Those rights include:

- ~~freedom of expression;~~
- ~~autonomy;~~
- ~~procedural protection;~~
- ~~and equity.~~

~~By ensuring those individual rights, the University fosters an environment conducive to student success, personal and social development, and well-being.~~

~~Of course, students have obligations as well as rights.~~ 8.010. Purpose.

As members of an academic community, students must observe rules that benefit this community. Students must practice personal integrity. ~~By doing so, they~~ and must respect the dignity, rights, and property of all members of the University community. The Student Conduct Code (Code) thus creates an expectation of behavior that the University views as acceptable and appropriate. By fulfilling these expectations, students can enjoy their own rights, while also respecting others' rights and furthering the University's mission.

Student organizations often enrich the campus and community by providing a source of intellectual, personal, and social development for students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the ~~registration~~recognition and support of student organizations. ~~Inherent in University registration~~recognition of student organizations is the obligation of each organization to conduct activities in accordance with all ~~University~~applicable rules, policies, and ~~applicable~~laws. ~~It is the responsibility of the officers~~leaders of each student organization to ensure that the student organization complies with the ~~Student Conduct Code~~, that activities of the organization are conducted properly, and to actively oppose and prevent any organizational activity that would violate the ~~Student Conduct Code~~. It is also the obligation of the ~~officers~~leaders of any student organization to advise and

~~ounsel~~review expectations with individual members of their organization whose conduct could lead to misconduct allegations against the organization.

The University, as any other, must have a system to address those instances when a ~~member, members, or student organization(s),~~ through its members, fails to adhere to the expectations of the community. This ~~Student Conduct~~ Code describes University expectations of students and student organizations and the processes available when a student or student organization has failed to adhere to these expectations. ~~The Code also strives to support the educational environment by being proactive in nurturing appropriate personal and organizational development.~~

While the ~~university~~University places a high priority on student rights, the University conduct process differs from criminal law processes. This process is designed, in part, to determine whether a student or organization has violated the ~~Student Conduct Code only, not guilt or innocence. The University conduct process is informal and it is not bound by legal jargon, court-like proceedings, formal rules of evidence or the legal definitions that are the province of the criminal courts. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, within these procedures, assures:~~Code, and not to determine whether a crime has been committed. Students may be held accountable by the criminal justice system for conduct that violates the law. See Code Section 8.060.

~~written~~

The Code is designed to provide students with legally required due process. This process is less than that which is required in criminal proceedings. Due process, within these procedures, assures:

- Written notice;
- a hearing before~~An opportunity to be heard by an objective decision-maker;~~
- a~~A~~ finding of violation of Truman State University policy only when information shows~~demonstrates~~ that it is more likely than not that a policy violation occurred;

- _____; and ~~sanctions, if found responsible~~
- Sanctions or educational outcomes that are proportionate to the severity of the violation and prior conduct history.

~~This policy has been developed in accord with such philosophy and will be administered accordingly.~~

8.020. Definitions. Unless the context clearly requires otherwise, these terms will be accorded the following meanings.

1. The term “**attempting to commit an act**” means when a student or student organization, with the purpose of committing an act, takes any action that is a substantial step toward the commission of the act.
2. The term “**binge drinking**” means a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after 4 drinks for women and 5 drinks for men—in about 2 hours. -Source: National Institute of Alcohol Abuse and Alcoholism
3. The term “**calendar business day**” means any ~~recognized~~ day of a year- that the University is open, even when classes are not in session (e.g., term breaks).
4. The terms “**campus**” and “**University premises**” are synonymous and include all land, buildings, facilities, and other property owned or controlled by the University.
5. The term “**complainant**” means a member of the University community, visitor, guest, or the University itself who is considering filing a complaint, makes an oral complaint, or files a written complaint with the University alleging that a student or student organization has violated the ~~Student Conduct Code.~~
6. The term “**complicit**” means associated with or participating in an act of misconduct.
7. The term “**condoned by an ~~officera~~ leader**” means a student organization and its ~~officers~~ leaders may be held collectively or individually responsible when violations of this Code by those associated with the organization have received

the tacit or overt consent or encouragement of the organization or the organization's leaders, officers, or spokespersons.

8. The term "**conduct hearing board panel**" means a ~~committee appointed by the Vice President for Student Affairs~~panel established to determine whether a student or student organization has violated the ~~Student Conduct Code~~ and, if a violation is found, to recommend the imposition of sanctions or educational outcomes.
9. The term "**conduct officer**" means any person authorized by the Vice President for Student Affairs ~~Engagement~~ to implement the provisions of the ~~Student Conduct Code~~ and to provide assistance for any person involved in its operation. In most situations, the ~~Conduct Officer~~conduct officer is the Director of the Office of Citizenship and Community Standards- ~~(OCCS)~~.
10. The term "**Vice President for Student Affairs Engagement**" means the person designated by the President for the University to be responsible for the administration of the ~~Student Conduct Code~~.
11. The term "**deferential standard**" means that the individual(s) conducting the appeal review will defer to the judgment of the decision-making person or body unless a reasonable person would conclude that a clear error was made in the finding or a compelling justification exist to alter the finding. –It is not merely a matter of whether reviewer(s) agree with the decisions. –Findings may only be altered if there is clear error. –Sanctions and educational outcomes may only be altered if a compelling justification exists to do so.
- ~~12.~~ The term "**faculty member**" means any person hired by the University to conduct classroom activities, to supervise other academic credit experiences, or other learning/teaching activities.
12. The term "educational outcomes" refers to conditions or assignments that must be completed within a timeframe designated by the conduct officer when a student or student organization is found to be in violation of the Code. Educational outcomes are assigned in addition to any sanction imposed (examples may include, but are not limited to, alcohol and other drug programming or

evaluation, written assignments, participation in a specific program or project, community service, restricted access, loss of privileges, restitution, etc.)

13. The term **“health”** means physical or mental well-being.
14. The term **“information”** means any witness testimony, documents, statements, or tangible material presented at a hearing or in the course of an investigation of an alleged conduct violation.
15. The term **“in violation”** means that the student or student organization has been found responsible for a violation of the ~~Student Conduct Code~~.
- ~~16.~~ The term **“joint hearing”** ~~means any hearing at which two or more students or student organizations are accused of violating one or more provisions of the Student Conduct Code.~~
- ~~17.~~16. The terms **“may”** and **“should”** are used in the permissive sense.
- ~~18.~~17. The term **“member of the University community”** includes any person who is a student, alumni, administrator, faculty member, staff member, University official, or any other person employed by the University. A person's status in a particular situation will be determined by the Vice President for Student Affairs Engagement.
- ~~19.~~18. The term **“more likely than not”** is the campus standard of proof. -It is equivalent to the legal standard of -“preponderance of evidence.”- The campus standard requires that a student or student organization will be found in violation of the ~~Student Conduct Code~~ only when the information would lead a reasonable person to conclude that it is more likely than not that the accused student’s actions violated the ~~Student Conduct Code~~.
- ~~20.~~19. The terms **“must”** and **“will”** are used in the imperative sense.
- ~~21.~~20. The term **“not in violation”** means that the student or student organization has not been found responsible for a violation of the ~~Student Conduct Code~~.
- ~~22.~~21. The ~~term~~ terms **“officer”** and **“leader”** means a person in a student organization who holds an elected or appointed leadership position in that organization.
- ~~23.~~22. The term **“paraphernalia”** includes any object that contains the residue of (a) alcohol or (b) an illegal drug or (c) any object that is used in the consumption or distribution of an illegal drug. Examples of “a” include, but are not limited to a

beer bong and empty alcoholic containers. -Examples of “b” include, but are not limited to, a marijuana pipe, bong, or blow tube.- An example of “c” is a scale used in measuring quantities of an illegal drug.

~~24.~~ The term “**pervasive**” means any conduct which is sufficiently widespread or severe that it pollutes the educational environment and can be said to deprive one of educational access, benefits or opportunities. Can also mean “persistent” in the sense of a repetition of the act.

~~25.~~23. The term “**process advisor**” refers to those individuals who assist the complainant or the respondent in navigating the process of resolving a conduct complaint. The role of the process advisor includes: providing information to help with decision making; responding to questions about the resolution process and support services available; assisting in preparation for interviews, meetings, hearing and review requests, and questions for the opposing party or witnesses; and communicating updates on the progress of the resolution process as needed. Process advisors may attend meetings involved in the resolution process, but they are not allowed to speak or delay scheduling of meetings.- Complainants and respondents may identify their own process advisors or request that one be provided for them. -Process advisors do not have administrative, investigative, or decision-making roles in the cases where they are serving as process advisors. The same individual cannot serve as the process advisor for both the complainant and respondent involved in the resolution of the complaint. The process advisor may not serve in any other capacity throughout the investigation or resolution process (i.e., one individual cannot be both a process advisor and a witness called by either party).

~~26.~~24. The term “**policy**” or “**policies**” means the written regulations of the University as approved by the Board of Governors, the President of the University, or other University officials, and as set forth in general publications such as, but not limited to, the bylaws and policies of the Board of Governors, general/graduate bulletins, student handbooks, residence life handbooks, student organization recognition agreement, vehicle rules and regulations, or in special announcements

~~about specific issues which are openly and fairly made available to students and student organizations~~ authorized University officials.

~~27-25.~~ The term “**prior record**” means that the accused student or student organization engaged in acts prior to the incident in question which violated the ~~Student Conduct Code~~ or legal statutes. A prior record includes, but is not limited to, past action taken for misconduct, any previous conduct hearing, documents sent to an accused student or student organization concerning any act of misconduct, and informal ~~hearing~~ resolution records. A finding of “~~Responsible~~ responsible” for violating the ~~Student Conduct Code~~ will be considered a prior record even if a review of the finding and/or sanction is pending. A prior record can typically only be used in recommending or determining ~~sanctions~~ a sanction and educational ~~outcomes~~ and will not be revealed during the hearing process except as outlined in the ~~Sanctions~~ sanctions section below.

~~28-26.~~ The term “**respondent**” means a student, students, or student organization who may have committed, is under investigation, or who has been charged with a violation of the ~~Student Conduct Code~~.

~~27.~~ The term “**sanctions restorative program**” means a program that shifts the ~~consequences~~ focus away from ~~penalizing personal behaviors~~ and remedies imposed by the ~~Office of Citizenship~~ choices, for example related to substance use, to evidence-based practices that support making better and ~~Community Standards~~ when a ~~health-centered decisions~~ rooted in behavior change and student development theory, to improve student well-being, reduce negative consequences, and increase student engagement.

~~29-28.~~ The term “**sanction**” means the nature of the relationship between the University and a student or student organization that is found to have violated the ~~Student Conduct Code~~. There are four possible sanctions: written warning, probation, suspension and expulsion. Educational outcomes may be assigned in addition to the sanction.

~~30-29.~~ The term “**student**” or “**students**” ~~include~~ includes all persons taking or auditing classes at the University, in person, online, or through a distance learning program; both full-time and part-time; pursuing undergraduate, graduate, or

professional studies; matriculated in any University program; and those who attend post-secondary educational institutions other than Truman State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the University, are considered “**students.**”

31.30. The term “**Student Conduct Code**” or “**Code**” means the policy in this chapter of the Code of Policies of the Board of Governors establishing rules for the conduct of students at Truman State University.

32.31. The term “**student organization**” means (a) any number of persons who have applied for recognition/registration as a student organization by the University or (b) any number of persons who have complied with the formal requirements for University recognition/registration as a student organization, or (c) a student group acting in a manner similar to such student organizations even if not formally recognized.

33.32. The term “**University**” means Truman State University.

34.33. The term “**University ~~conduct system~~ Conduct System**” means the processes and entities created in this chapter to implement the provisions of the ~~Student Conduct Code~~.

35.34. The term “**University official**” means any person employed by the University performing assigned administrative or professional responsibilities. This term specifically includes residence hall Student Advisors.

36.35. The terms “**University premises**” and “**campus**” are synonymous and include all land, buildings, facilities, and other property owned or controlled by the University.

8.030. Administrative Authority. -The authority to administer and implement the ~~Student Conduct Code~~ is vested in the President of the University. Unless the President of the University elects to be directly involved in the administration of the ~~Student Conduct Code~~, the authority for such administration is delegated to the Vice President for Student AffairsEngagement, who will implement the policy. The Vice President for Student AffairsEngagement will develop policies for the administration of the student conduct

program and procedural rules for the conduct of hearings that are consistent with state and federal laws and with the provisions of the Student Conduct Code.

8.040. Jurisdiction.

8.040.1. Jurisdiction over Student Conduct. Students at Truman State University are provided access to the Student Conduct Code on the Office of Citizenship and Community Standards OCCS website <http://conduct.truman.edu> or may request a printed copy from the office. - Students are charged with the responsibility of having read, and agreeing to abide by, the provisions of the Student Conduct Code and the authority of the student conduct process. Because the Student Conduct Code is based on shared values, it sets a range of expectations for the Truman State University student conduct no matter where or when their conduct may take place. -Therefore, the Student Conduct Code will apply to behaviors that take place on the campus, at Truman State University-sponsored events, and may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial Truman State University interest. -The University extends its jurisdiction to misconduct occurring online on university networks and sponsored sites. The University may also respond to complaints of misconduct online when non-university networks or sponsored sites are used (such as posts to social media websites), when it falls under the “substantial university University interest” standard. -A substantial Truman State University interest is defined to include affected by conduct that:

- a. Any action that constitutes any serious or repeated ordinance violation, misdemeanor or felony criminal offense as provided in local, state, or federal law.
- a. Any situation where it appears that the student or student organization may present a danger or threat to the Violates federal, state, or local law, regardless of charges being filed by a prosecutor;
- b. Threatens the health or safety of him/herself or others;
- c. Any situation that significantly impinges Impinges upon the rights, property, or achievements of self or others or significantly breaches; and/or
- e.d. Breaches the peace and/or causes social disorder disruption to the educational environment.

~~The above definition of substantial university interest applies to a student who is taking courses from the University online or through a distance learning program.~~

~~The Student Conduct~~

~~The Code may be applied to conduct that takes place from the time of admission, during the time a person is enrolled as a student, including during intra-semester breaks and between semesters. -Students on suspension or taking leaves of absence with the intent to return are also expected to abide by the tenets of the Student Conduct Code.- Students who withdraw from the University may still be subject to conduct proceedings if the withdrawal was intended to avoid conduct proceedings. -Further, the Student Conduct Code applies to guests of students, whose hosts may be held accountable for the misconduct of their guests. -Visitors to and guests of Truman State University are also protected by the Student Conduct Code, and may initiate grievances for violations of the Student Conduct Code committed by students against them. or student organizations. Those who are aware of misconduct are encouraged to report it as quickly as possible to ~~the Office of Citizenship and Community Standards~~OCCS.~~

8.040.2. Student Organization Jurisdiction. -A student organization, its ~~officers~~leaders, and advisor(s) acknowledge on an annual basis through completion and signing of the Student Organization Recognition Agreement that they have read, reviewed, and agreed that the organization and its members will abide by the Student Conduct Code. Student organization ~~officers~~leaders are responsible for actively addressing member behavior that violates the Student Conduct Code, both individually and behavior that is considered an organizational violation. -The “reasonable person” –standard will be utilized by the ~~Conduct Officer~~ in determining if the behavior by the organization, its ~~officers~~leaders, members, and/or guests is the responsibility of the student organization.- A violation exists when a reasonable person would conclude that it is more likely than not that the act in question did occur and is the responsibility of the student organization. Organizational responsibility may extend to events in which organizations participate as well as act as sponsors, hosts, and/or cohosts (e.g. ~~mixers, Greek Week~~social events, philanthropy events, educational programs, Homecoming). In such cases, the University will consider

the following non-exhaustive examples of criteria to determine the extent of responsibility:

- a. Number of members in attendance;
- b. National or international association definition of “events²;₂”
- c. Location of an event (i.e. ~~chapter house~~ on campus, organization owned or rented property, etc.);
- d. Participation in or knowledge of the planning of the event by ~~an~~ organization leader ~~regarding~~ leaders;
- e. Use of organization funds to finance any portion of the event;
- f. Collecting funds (electronically or otherwise) to finance any portion of 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~~
- h. Importance of an organization’s participation in relation to the event’s purpose (i.e. ~~Would~~ would the event still ~~exist~~ occur without the organization’s participation?).

A student organization is subject to the jurisdiction of the University Conduct System if it allegedly violated a provision of the ~~Student Conduct Code~~:

- a. Which occurs on University premises; or
- b. Which 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~~ a leader or a student acting on behalf of, or at the request of an organization(s); or
- c. Which occurs on a University network or a website identified as belonging to a student organization recognized by Truman;₂ or
- d. Which occurs at any location if such conduct presents a danger or threat to the health or safety of members, guests, or others; or
- e. Which occurs at any location if such conduct ~~is so grievous that it could seriously~~ and adversely affect affects the reputation of the University, its community, and/or the pursuit of the University's objectives;₂ or

- f. If the organization(s) chooses to protect one or more individual offenders who are members, alumni or guests of the organization(s), or guests at the organization(s)' activity; or
- g. 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) or guest(s); or
- h. When, after hearing a complaint at any point in the conduct process, the conduct officer, administrative hearing officer or conduct hearing board deems panel determines that the offense, by its nature, was an organizational violation and, When members of a student organization, or students acting in a manner similar to student organizations even if not the actions of an formally recognized, act together in violation of any policy, they may be held accountable as a group. In any such action, individual member. findings of responsibility and a determination of a sanction will be made with respect to each respondent involved in the incident.

8.050. Expectations for Conduct.

At Truman State University, student members of the community and student organizations are expected to uphold and abide by certain standards of conduct that form the basis of the ~~Student Conduct Code~~.- These standards are embodied within a set of core values that include trust, community, civility, and responsible citizenship.- When members of the community fail to exemplify these values, campus conduct proceedings are used to ~~assert~~enforce and uphold the ~~Student Conduct Code~~.

Any student or student organization found to have committed, to have attempted to commit, to have assisted, or to have been complicit in any of the following acts of misconduct is subject to the sanctions hereafter described in this chapter.

TRUST: -Trust is a deeply held community value.- Students and organizations at Truman State University exemplify honesty, integrity and a respect for truth in all of their dealings. -Behavior that demonstrates a ~~lapse~~lack of ~~trust~~trustworthiness includes, but is not limited to:

1. ~~Acts of academic misconduct/dishonesty.~~ Acts of academic misconduct/dishonesty, including, but not limited to cheating, fabrication, and plagiarism. Academic misconduct/dishonesty are addressed by processes established by the following:
 - 1.1. ~~Cheating:~~ Defined as using or attempting Office of the Executive Vice President for Academic Affairs and Provost, pursuant to use unauthorized (Chapter 5, section 5.070 of this code of policies. The Provost may elect to refer a) materials, (b) information, or (c) study aids in any academic exercise.
 - 1.2. ~~Fabrication:~~ Defined as unauthorized (a) falsification or (b) invention of any information (including research data) or citation in an report of academic exercise.
 - 2.1. Plagiarism: Intentional representation of the words or ideas of another as one's own in any academic exercise. The term "plagiarism" includes, but is not limited to, (a) the use, by paraphrase or direct quotation, of misconduct/dishonesty to OCCS, in which case the report will be adjudicated using the published or unpublished work or sections of a work of another person without full and clear acknowledgement; (b) 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; and/or (c) the unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from eollaboratorsprocesses outlined in this Code.
 - 2.1. ~~Sabotage:~~ Defined as, but is not limited to, the unauthorized interference with, modification of, or destruction of the work or intellectual property of another member of the University community.
 - 2.2. ~~Facilitating academic dishonesty:~~ Defined as (a) assisting or (b) attempting to assist another to commit an act of academic dishonesty, whether or not that action is associated with any particular course.
- 3-2. Taking property/property damage.

3.1.2.1. Intentional taking of (a) University property or (b) property of another.

3.2.2.2. Intentional or reckless damage to (a) University property or (b) property of another.

3.3.2.3. Procuring any money, goods, services, or thing of value under false pretenses, including the issuance of a check, draft, money order, or use of a credit card knowing that it will be dishonored upon presentation for payment.

3.4.2.4. Knowingly taking possession of stolen property.

4.3. Providing false and/or misleading information and/or falsification of University records.

4.1.3.1. (a) Lying, (b) deceiving, or (c) furnishing false and/or misleading information for the purpose of causing another person or University official to act or refrain from acting.

4.2.3.2. (a) Forgery, (b) alteration, or (c) misuse of any document, record, material, file, or instrument of identification.

4.3.3.3. Deliberately or purposefully providing false or misleading verbal or written information about another person that results in damage to the person's reputation.

4.4.3.4. Tampering with or improperly attempting to influence the election(s) of any student organization(s) or group.

5.4. Unauthorized use of keys, and/or entry.

5.1.4.1. Unauthorized (a) possession, (b) duplication or (c) use of keys, codes, or passwords to gain entry to any University premises.

5.2.4.2. Unauthorized (a) entry, (b) attempted entry, (c) use of University premises, or (d) remaining in private or restricted areas of University or community facilities is prohibited.

6.5. Misuse of computing resources through failure to comply with laws, license agreements, and contracts governing network, software, and hardware use. Abuse of the University Computer Use Policy, including, includes but not limited to:

6.1.5.1. Any use deemed commercial or for-profit.

6.2.5.2. Any use that is likely, intended, or by negligence causes unauthorized network (a) disruption, (b) system failure, or (c) data corruption.

6.3.5.3. Any use related to achieving, enabling, or hiding unauthorized access to (a) network resources, (b) Truman owned software, or (c) other information belonging to Truman State University, either within or outside the Truman network.

6.4.5.4. Any use related to sending/receiving electronic mail that includes, but not limited to, the following: -(a) solicitation or commercial use, (b) forging any portion of an electronic mail message, (c) spamming (bulk unsolicited email), (d) sending unwanted messages to unwilling recipients, or (e) invasion of privacy.

6.5.5.5. Intentionally circumventing or building an unauthorized conduit through the University firewall with intentions of bypassing University (a) network management and/or (b) security devices.

6.6.5.6. Use of another individual's (a) identification; (b) network, email or other university-based account; and/or (c) related passwords.

6.7.5.7. Unauthorized transfer or entry into a file, (a) to read, use, or change the contents; or (b) for any other reason.

6.8.5.8. Use of computing facilities or network resources to send (a) obscene, (b) harassing, (c) threatening messages, or (d) computer viruses or worms.

6.9.5.9. Any use that violates Truman (a) policies, (b) procedures, and (c) contractual agreements.

6.10.5.10. Any use that violates (a) local, (b) state, or (c) federal laws.

7.6. University Wordmark Violations. Unauthorized use of the (a) University's name, (b) abbreviation, (c) trademarks, or (d) wordmarks, including the Bulldog, logo, seal, or other graphic identity symbols. -The phrases -"Truman State" -or

“Truman State University” (or some form thereof) cannot precede the title of the individual, organization or group.

COMMUNITY: Truman State University students and organizations honor and value their community. Behavior that violates this value includes, but is not limited to:

8-7. Disruptive conduct.

~~8-1.7.1.~~ Acting in a manner that can reasonably be expected to disturb or obstruct the academic pursuits, including teaching, research, and administration, or infringe upon the privacy, rights (e.g., freedom of speech), privileges, health or safety of (a) students, (b) organizations, (c) the University community, (d) guests, or (e) local community.

~~8-2.7.2.~~ Acting in a manner that can reasonably be expected- to (a) disturb or obstruct the free movement of other students around the campus including pedestrian and vehicular traffic on University premises, (b) interfere with the use of University facilities, (c) prevent the normal operation of University, or (d) residential and/or social activities.

Fire Safety and Sanitation

~~8-3.7.3.~~ Creating a fire, safety, or health hazard through misuse, abuse, rendering inoperable, or degrading the effectiveness of any University safety equipment, firefighting equipment, or fire alarms.

~~8-4.7.4.~~ Failure to evacuate a Truman State University-owned building during a fire alarm.

~~8-5.7.5.~~ Intentionally providing a false report of an explosive or incendiary device or other chemicals or substances, or fire, that constitutes a threat or bomb scare.

~~8-6.7.6.~~ (a) Causing, (b) condoning, or (c) encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives, or fire that reasonably may result in danger to another’s person or property.

Obscene Behavior

~~8-7.7.7.~~ Conduct that is (a) disorderly, (b) lewd, or (c) indecent, based on contemporary community standards is a violation of the ~~student conduct code.~~ Code. An example includes public urination, which is likely to cause affront or alarm and is against generally accepted standards of decency. Breast feeding or expressing breast milk is not indecent exposure.
~~Breast feeding or expressing breast milk is not indecent exposure.~~

~~8-8.7.8.~~ An act that (a) is a breach of peace or (b) that aids, abets, or procures another person to breach the peace on University premises, at activities or events arranged or sponsored by the University, or sponsored by a student organization(s), regardless of location.

Compliance with the Directions or Requests of University Officials.

~~8-9.7.9.~~ Failure to timely comply with oral or written instruction from duly authorized (a) University officials acting within the scope of their job duties, (b) authorized agents acting in the performance of their duties, or (bc) law enforcement officers acting in performance of their duties.

~~8-10.7.10.~~ Failure to identify oneself or organization upon request to (a) University officials acting within the scope of their job duties or (b) law enforcement officers acting in performance of their duties when requested to do so. A student is required to timely produce ~~his/her~~ their University ID card upon the request of an official or law enforcement officer.

Use of Facilities

7.11. Students and organizations planning events in University facilities are responsible for knowing and being in full compliance with any applicable policies. Students and organizations should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

CIVILITY: Truman State University students and organizations exemplify civil and respectful treatment of each other in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

9.8. Physical Harm

9.1.8.1. Intentional or reckless physical harm or threat of physical harm to any person.

9.2.8.2. Failure to respect the privacy of other individuals, including, but not limited to, eavesdropping, surveillance, or intruding upon the privacy of another person or group by means of bugging devices, concealed recorders, magnifying optics, etc.

9.3.8.3. Conduct that intentionally or recklessly threatens or endangers the health or safety of any other person(s).

9.4.8.4. Condone or encourage acts that cause physical harm.

9.5.8.5. Smoking or use of other nicotine delivery products on campus as prohibited by campus policy.

9.6.8.6. Bullying and cyberbullying through repeated and/or severe aggressive behaviors that intimidate, intentionally harm, or control another person physically or emotionally, and are not protected by freedom of expression.

9.7.8.7. Stalking by repetitive and/or menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

10.9. Violation of University policies areas defined above in this or any other chapter, when such policies are published or otherwise made known to students or organizations in a fair and open manner ~~(including, but not limited to, the Student Handbook, Residence Life Handbook, Housing Agreement, General/Graduate Catalog, University websites, etc.).~~

11.10. Failure to properly maintain a student's or student organization's facilities, property (furnishings, equipment, etc.), or surrounding real estate property, whether owned or leased, so as to create a potential danger to the health and/or

safety of the occupants or members of the University and surrounding community is prohibited.

~~12.11.~~ Misconduct at University sponsored/related activities. Violation of University rules or regulations of a host institution sponsored/related activity.

~~13.12.~~ Abuse of University conduct procedures, including, but not limited to:

~~13.1.12.1.~~ Failure to obey the summons comply with instructions of the University Conduct system or University official/designated conduct officer, including attendance at meetings.

~~13.2.12.2.~~ Falsification, distortion, or misrepresentation of information to the University Conduct system.

~~13.3.12.3.~~ Disruption of or interference with the orderly operation of the University Conduct system.

~~13.4.12.4.~~ Initiation of a conduct proceeding knowingly without cause.

~~13.5.12.5.~~ Failure/Failing to provide, destroying, or hiding information during an investigation of an alleged policy violation.

~~13.6.12.6.~~ Attempting to discourage an individual's proper participation in, or use of, the University Conduct system.

~~13.7.12.7.~~ Attempting or committing an act of retaliation against a person or student organization that has reported or intends to report a violation of the Student Conduct Code, or anyone who is a witness.

~~13.8.12.8.~~ Attempting to influence the impartiality of either an administrative hearing officer or a member of a conduct hearing board/panel prior to, or during the course of, participation in the University Conduct system.

~~13.9.12.9.~~ Harassment, abuse, or intimidation of either an administrative hearing officer or member of a conduct hearing board/panel, student or organization, prior to, during, or after participation in the University Conduct system.

~~13.10.12.10.~~ Failure to comply with the sanction or sanctions/educational outcomes imposed under the Student Conduct Code.

~~13.11.~~12.11. Influencing or attempting to influence another person to commit an abuse of the University Conduct system.

~~14.13.~~ Complicity. Condoning, supporting, or encouraging a violation of University policy, or the failure to appropriately address known or identifiable violations of the ~~Student Conduct Code~~ or law.- Students who anticipate or observe a violation of University policy shall remove themselves from the situation and should report the possible violation immediately.

~~15.14.~~ Social Host. It is the responsibility of any student or organization who hosts a guest or another organization, on or off campus, to ensure that the guest or guest organization knows and adheres to the ~~Student Conduct Code~~ and University policies. Hosts are responsible for all that occurs within facilities they use on campus, or own, or rent off-campus. In instances where guests or guest organizations violate rules or policies, the student or organization host may be held responsible. Whether a visitor is a student, alumni, non-student, or non-identified guest, the host may be held responsible for violations of the ~~Student Conduct Code~~ and University policies. Responsibility under these rules may occur even if the host or an officer of the host's organization is not a participant in the activity or has left the visitor(s) alone. A Truman student or organization is in violation of this policy if they violate the rules of another institution while a visitor at that institution.

~~16.15.~~ Advertising and Social Media.

~~16.1.15.1.~~ Origination, circulation, or posting of any advertising media or social media that contains matter that violates or is contrary to the policies of the University, other Board of Governors policies, Student Organization Recognition Agreement, ~~Center for Student Union and Involvement Services~~, Department of Residence Life, Student Recreation Center, Student Union, and/or federal, state or local law is prohibited.

~~16.2.15.2.~~ Organization, circulation or posting of any advertising media or social media containing (a) false information, (b) misleading information, (c) obscene language or images, (d) patently offensive material, (e) the promotion of alcohol or illegal drugs, or (f) illegal activities/behavior is prohibited.

~~17.16.~~ Abusive affiliation (hazing), which the law might recognize by the term -“hazing” is any act on or off the campus of the University; that a reasonable person would find to endanger the mental or physical health or comfort or safety of a student or prospective student or member, or which results in the destruction or removal of public or private property, or which causes embarrassment or humiliation, for the purpose of initiation or admission into, affiliation with, or confirming any form of affiliation, or continued membership in a recognized student organization, or any group, regardless of an individual’s consent to participate in the activity. -Acts of abusive affiliation include, but are not limited to:

~~17.1.16.1.~~ Any activity which endangers the physical health or safety of the student or prospective member, including, but not limited to, physical brutality, whipping, beating, paddling, slapping, kicking, choking, scratching, branding, exposure to the elements, forced, pressured or coerced consumption of any food, liquor, drug, or other substance, or forced, pressured or coerced smoking or chewing of tobacco products; or

~~17.2.16.2.~~ Any activity that endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, placing prospective members of an organization or group in ambiguous situations which lead to confusion and emotional stress or other extreme stress inducing activity; or

~~17.3.16.3.~~ Any activity that requires the student or prospective member to perform a duty or task that involves a violation of the criminal laws of this state, city, or any University policies, rules, or regulations published in University documents; or

17.4.16.4. Subservience, including but not limited to any activity which promotes a class system within organizations or activities which facilitate inappropriate levels of authority over students.

RESPONSIBLE CITIZENSHIP: Truman State University students and organizations are given and accept a high level of responsibility as role models. -Responsible citizenship requires self-reflection and acceptance of the duty to model ethical and moral conduct.- Behavior that violates this value includes, but is not limited to:

17. Narcotics, controlled substances (including but not limited to marijuana), chemicals, and drug paraphernalia violations.
 - 17.1. (a) Manufacture, (b) possession, (c) use or under the influence of, (d) sale, (e) distribution of narcotic or other controlled substances, (f) drug paraphernalia, and/or (g) other chemicals is prohibited, without proper prescription or required license, except as expressly permitted by law or University regulation. Possession could mean knowingly being in the presence of narcotic or other controlled substances, drug paraphernalia, or other chemicals. Each student or organization will take all necessary steps to see that this regulation is not violated at functions they sponsor or host as well as on any property they own, occupy, operate, and/or rent.
 - 17.2. Misuse or abuse of prescription medications and/or drugs.
 - 17.3. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property under the influence of a narcotic or other controlled substance.
18. Alcohol violations.
 - 18.1. Public intoxication on University premises.
 - 18.2. No ~~Student~~ student or organization will furnish or cause to be or allow to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.

- 18.3. (a) Manufacture, (b) possession, (c) use or being under the influence of including but not limited to binge drinking, (d) sale, or (e) distribution of alcoholic beverages or alcohol paraphernalia on University premises when such manufacture, possession, use or being under the influence of, sale, or distribution is prohibited by law or University ~~rules~~policy. Possession could mean knowingly being in the presence of alcohol. Each student or organization will take all necessary steps to see that this regulation is not violated at functions they sponsor or host as well as on any property they own, occupy, operate, and/or rent.
- 18.4. Operating a vehicle on University property, or on streets or roadways adjacent to or abutting University property under the influence of alcohol.
- 18.5. The sale of alcohol by a student or student organization at an event is prohibited, as are donations, sales of items, or other financial arrangements that are used to secure funding for the purchase of alcohol.
- 18.6. When alcoholic beverages are present at off-campus activities sponsored by a student or a student organization, (a) the student or organization must provide non-carbonated, non-alcoholic beverages and an adequate supply of food that is in plain view of those attending; and (b) the student or organization must not permit, encourage, or sponsor participation in pre-partying or any drinking games or themes that might encourage the rapid/excessive consumption of alcohol.
19. Possession and/or use of a firearm and/or dangerous material.
- 19.1. Possession of (a) firearms [including BB, paint, and pellet guns] or (b) any other weapons other than a common pocket knife on University premises or at University sponsored/related activities unless specifically approved by a University official.
- 19.2. Possession of (a) fireworks, (b) explosives, or (c) dangerous chemicals which are disruptive, explosive, or corrosive on University premises or at University sponsored/related activities unless specifically approved by a University official.

20. Gambling is prohibited at activities or events arranged or sponsored by the University, on University premises, or sponsored by a student organization(s), regardless of location. -It is prohibited to:
 - 20.1. Play or sponsor an unlawful game of chance for money or for anything of value (a) on University premises or (b) at a University or student organization sponsored activity or event.
 - 20.2. Sell, barter, or dispose of a ticket, order, or any interest in a scheme of chance by whatever name (a) on University premises or (b) at a University or student organization sponsored activity or event.
 - 20.3. Wager on a University team or student organization in a competition, with or without an intent to have a direct influence on the outcome of the competition (a) on University premises or (b) at a University or student organization sponsored activity or event.

21. Allegation of commission of felony, misdemeanor, or other crime. Allegation of commission of an act which may be a (a) felony, (b) misdemeanor, or (c) other crime as provided in local, state, or federal law will also constitute a violation of this Code, and subject the accused student to conduct action, whether or not prosecuted by public officials.

22. Violations Applicable Only to Organizations.
 - ~~22.1. All student organizations are responsible for ensuring that all bills are paid to both on and off campus vendors and creditors in a timely manner.~~
 - ~~22.2. Student organizations will not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay.~~
 - ~~22.3~~22.1. Crowd size that exceeds such limits so as to infringe upon the rights and/or property of others and/or endanger those in attendance is prohibited. Student organizations should refer to other national parent organizations or University policies for specific information on crowd size.

- 22.42. Failure to provide adequate sober/security personnel monitors or implement other reasonable security measures in order to ensure the safety of those in attendance at an organization-sponsored event is prohibited.
- ~~22.5. Failure to provide adequate parking so that vehicles are impeding the normal flow of traffic, parked illegally or parked on private property without proper authorization is prohibited.~~
- ~~22.6. Conducting any event that interferes with the normal progress of academic events on campus is prohibited.~~
- ~~22.7. Failure to register and get appropriate approval for any outdoor event on or adjacent to campus with the Student Union at least five (5) days before the event is prohibited (30 days advance approval is required for parades and events involving fireworks).~~
- ~~22.8. Failure to adhere to specific time limits and other restrictions required of all outdoor events on campus involving bands or other forms of amplified music is prohibited. Outdoor events on campus must cease by 1:00 a.m. unless prior approval has been received from the University.~~
- 22.93. Failure to abide by the risk management policies established by the University, governing councils, or national/international organizations.
- 22.104. All student organizations will conduct any solicitation and fundraising activities in a manner that does not violate and is not contrary to the policies of the University or its Center for Student Union and Involvement Services, Department of Residence Life, Student Recreation Center, Student Union, Business Office and/or federal, state, or local law.

Acts of misconduct by a student or student organization will be cumulative in effect, and all acts of misconduct may be considered together in deciding whether the ~~Student Conduct Code~~ has been violated and, if a violation is found, the imposition of ~~sanctions~~ a sanction and educational outcomes.

8.060. Relationship of Law Enforcement and University Conduct System. Violations of federal, state, and local laws are incorporated as offenses under the ~~Student Conduct Code~~. -When

an offense occurs over which the ~~university~~University has jurisdiction, the ~~university~~University conduct process will usually go forward notwithstanding any criminal charges that may arise from the same incident. -Should a student withdraw or be on suspension from the University when criminal charges are made, it is the typical practice of the ~~university~~University to pursue investigation and resolution of campus conduct matters, regardless of the fact that the student has withdrawn.

When a student is arrested, charged, or indicted for a ~~violent, alcohol, or drug related off-campus~~ crime, the University may elect to take action against that student for violation of the ~~Student Conduct~~ Code, which incorporates violation of local, state, and federal laws as code infractions.– In situations where information from law enforcement necessary to establish the facts of the case is unavailable, proceedings may be delayed.- Students are always encouraged to report criminal activity to the appropriate law enforcement officials.

8.060.1. Cooperation with Authorities. 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~~their status as a student. If the alleged offense is also the subject of a proceeding for a violation of the ~~Student Conduct~~ Code, the University may advise off-campus authorities of the existence of the ~~Student Conduct~~ Code and of how such matters are handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on University premises and in the compliance with conditions imposed by criminal courts for the rehabilitation of student violators. However, the University cannot delay its processes unreasonably while criminal investigations are underway and, without interfering, will undertake internal resolution of complaints even though those complaints may arise from conduct that may also be criminal in nature. -Individual students and employees, acting in their personal capacities, will remain free to interact with governmental representatives, as they deem appropriate.

8.070. Interim Suspension. In certain circumstances, the Vice President for Student ~~Affairs~~Engagement, or ~~his/her~~their designee, may impose a ~~University or residence~~

~~hallan interim~~ suspension prior to a conduct hearing. ~~The University reserves the right to exercise its authority of interim suspension upon notification that a student or organization is facing criminal investigation and/or charges.~~

~~Interim suspension may also be used at the request of the Students of Concern committee or at the discretion of the Vice President for Student Affairs when a student presents a danger to self or others.~~

The University will permit any student or student organization who receives an interim suspension to request a meeting as soon as possible with the Vice President for Student ~~Affairs~~Engagement or designee to show cause why an interim suspension is not merited. Regardless of the outcome of this meeting, the ~~university~~University may still proceed with the scheduling of a campus hearing if appropriate. The following will be the only issues discussed at the meeting:

- a. Information related to the facts the ~~university~~University has regarding the student's or student organization's conduct as well as the identity of the student or student organization.
- b. The conduct in question and whether ~~or not~~ it is reasonable to believe that the student's or student organization's presence on campus poses a substantial or immediate threat ~~to for~~ the safety and well-being of him/herself or others, ~~undue interference with a university investigation and/or disturbance of the university's educational mission~~reasons listed below.

8.070.1. Reasons. Interim suspension may be imposed ~~only~~pursuant to, but not limited to ensure:

- a. Ensure the safety and well-being of members of the University community ~~or preservation.~~
- b. Preservation of any University premises,
- a-c. Disruption ~~to ensure a student's own physical or emotional safety and well-being, or if the student or student organization poses a reasonable threat of disruption of,~~ or interference with, the normal operations of the University,
- d. Undue interference with a University investigation.
- e. Disturbance of the University's educational mission, or

f. When a student is facing a criminal investigation and/or criminal charges

8.070.2. Denial of Access. During the interim suspension, a student or student organization may be denied access to any or all University premises, or any activities or events arranged or sponsored by the University or student organizations, as the Vice President for Student Affairs Engagement or his/her/their designee may determine to be appropriate. A notice of trespass upon University premises may be issued to a student placed on interim suspension.

8.080. University Conduct System- Reports Board.

The University shall have a Student Conduct Board (SCB) under the oversight of OCCS. The SCB shall serve as a pool of people who are, once trained, available to serve as an administrative hearing officer, conduct hearing panel member, or chair of a conduct hearing panel. A SCB member may also elect to be trained and serve in a variety of other roles such as a process advisor, conduct officer, or facilitator of an educational program. The SCB will also serve as an advisory board to OCCS. The term for individuals chosen to be on the SCB is two calendar years (January 1st of year one through December 31st of year two), and a member may serve more than one consecutive term at the discretion of the Vice President for Student Engagement or the Director of OCCS. The Director of OCCS is responsible for coordinating training sessions, facilitating meetings, and assigning members to various roles. The Vice President for Student Engagement or Director of OCCS has authority to make interim appointments to fill any open slot from the three categories below. The composition of the SCB will be as follows:

- a. At least three (3) full-time students. OCCS will be responsible for recruiting and recommending student SCB nominees to be appointed by the Vice President for Student Engagement after consultation with Student Government.
- b. At least three (3) faculty. OCCS will be responsible for recruiting and recommending faculty SCB nominees to be appointed by the Vice President for Student Engagement after consultation with the Executive Vice President for Academic Affairs and Provost and with the Chair of Faculty Senate.

c. At least three (3) staff. OCCS will be responsible for recruiting and recommending staff SCB nominees to be appointed by the Vice President for Student Engagement after consultation with the Chair of the Staff Council. The SCB may perform additional functions and roles as may be determined from time to time by the Vice President for Student Engagement or the Director of OCCS.

8.090. Allegations of Unlawful Discrimination, Harassment, or Retaliation: The University's Institutional Compliance Office (ICO) investigates and remedies complaints of misconduct of a student or organization will be administered alleging discrimination or harassment based on any legally protected characteristic. If ICO determines that it lacks jurisdiction over a complaint, it may be referred to OCCS and will be handled in accordance with the standards of due process and fundamental fairness as established by this Code.

8.100. Investigation and Disposition of Offenses: Any member of the University community may file a complaint of misconduct against students or student organizations. Complaints asking for action on the misconduct are to be prepared in writing and signed by the complainant. Complaints are to be directed to the Director _____

8.080.1. University as Complainant. of OCCS.

Individuals or entities outside the University may provide information related to student or student organization misconduct to the ~~Conduct Officer~~ conduct officer for consideration. As necessary, Truman State University reserves the right to initiate a complaint, to serve as complainant, to initiate, and/or complete conduct proceedings without a formal complaint or the cooperation of the alleged victim of misconduct when there is a substantial university interest to do so. -Substantial university interest is defined in section 8.040.1.

8.080.2. Group Violations. When members of groups, individuals acting together collectively or members of an organization acting together in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as joint respondents.

~~In any such action, individual findings of responsibility and a determination of sanctions will be made with respect to each respondent involved in the incident.~~

~~8.080.3. Complaint Procedure. Any member of the University community may file a complaint of misconduct against students or student organizations. Complaints asking for action on the misconduct are to be prepared in writing and signed by the complainant. Complaints are to be directed to the Director for Citizenship and Community Standards.~~

~~8.090. Investigation and Disposition of Gender Based Misconduct: It is the responsibility of the Title IX Coordinator to ensure that investigations occur in all gender based misconduct complaints. These complaints are not processed through the Student Conduct Code but are processed through the University Non-Discrimination Policy and Grievance Procedure. All other Student Conduct Code complaints will be handled by the process set forth in section 8.100 below. The Title IX Coordinator has the ability to assign any sanction available under the Student Conduct Code while implementing the University Non-Discrimination Policy and Grievance Procedure. All other Student Conduct Code complaints will be handled by the process set forth in section 8.100 below.~~

~~8.100. Investigation and Disposition of Offenses: It is the responsibility of the conduct officer to investigate all non-gender based complaints of the Student Conduct Code. When a complaint is received, the conduct officer will conduct an initial review which most likely will include a conference with the complainant and possibly the respondent. The initial conference will be followed by an investigation. -This may mean interviewing witnesses and gathering information from other agencies (law enforcement, campus offices, etc.). -This investigation is not the same as a police led investigation and standard rules of evidence used in the criminal court do not apply. -After the complaint has been investigated and allegations of violation of the Student Conduct Code have been identified, the conduct officer will decide the appropriate course of action.- Complainants and/or respondents may be consulted prior to the conduct officer's decision to move forward with mediation/informal or formal resolution procedures. -Both parties may also be consulted regarding the type of hearing that will be used to resolve the complaint.- The~~

conduct officer will make the final decision regarding the resolution process based on input from the parties, the severity of the charges and potential sanctions, the complexity of the evidence, and the availability and preparation of appropriate ~~conduct board~~ SCB members. The following are available resolution processes:

- a. No Action—Complaints that fall outside the University's Code's jurisdiction, do not violate the Student Conduct Code, or that are not supported by sufficient information; may result in no action being taken by OCCS.
- b. Amnesty.
 - i. Emergency Medical Amnesty.

If a person needs emergency medical attention, particularly resulting from the Office use of Citizenship alcohol or other drugs, it is critical that students and student organizations take responsible action by calling an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Responsible action includes:

- CALL for help. In medical emergencies, immediate action should be taken by calling 9-1-1 either off campus or on campus.
- STAY with the person until help arrives and you have been told your assistance is no longer needed.
- COOPERATE with responding staff or emergency personnel, including all requests for information and assistance.

Students and student organizations who take such responsible action by seeking emergency medical attention, or for whom such action is taken, will not be subject to the student conduct process for recreational alcohol or drug use, nor will the incident become part of the student's or student organization's conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to complete educational measures and pay any costs associated with those measures.

Students and student organizations who do not take responsible action will be subject to the full extent of the Code.

Students requiring emergency medical assistance, and student organizations hosting events where emergency medical attention is sought will be limited to one application of emergency medical amnesty every twelve (12) months. Individuals who engage in responsible action (call, stay, cooperate) will not be limited in the number of applications of emergency medical amnesty where they serve as the person calling for help. The application of emergency medical amnesty does not preclude the University from pursuing charges against a student or student organization for allegations of code violations other than recreational drug or alcohol use policies. Possession with intent to deliver is not covered under emergency medical amnesty. Additional information and illustrative examples are available on the OCCS website.

ii. Amnesty for Victims of Violent Crimes.

The University provides amnesty to students who have experienced violent crimes and who may be hesitant to file a complaint because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct proceedings against the complainant or conduct record will result.

a. ~~Community Standards.~~

c. Informal Resolution Through. Informal resolution is a process for addressing the complaint that will not result in a conduct record. Informal resolution may involve mediation and/or agreed resolution.

- i. Mediation. Uncontested allegations or complaints that can be resolved through negotiated procedures will result in mediation if agreed upon by both parties. Informal resolution will not be included in a student or student organization's conduct record. The conduct officer will work with both parties to determine a mutually acceptable solution. In these cases

documentation of the incident and its resolution will be kept in ~~university~~University records, but will not be part of a student's conduct record unless future violations take place. Records, however, will be kept of the resolution and can be used in future conduct proceedings if appropriate to establish a pattern of behavior. Mediation agreements are final and not subject to review. Mediation involves the following process:

- a. Mutual Consent. The conduct officer communicates with both the complainant and the respondent, explains the various options for resolving the concern, and both parties agree in writing to mediation.
- b. Notification. Each party is notified regarding the behavior of concern, the time and date of the mediation, rules regarding the mediation process, the binding nature of the outcomes, and the consequences of violating the agreements.
- c. Mediation Process. Mediation involves an opportunity for both parties to present and respond to concerns and to present and discuss potential solutions. The goal for mediation is a mutually agreed upon resolution. Agreements made during mediation are binding and final. One or both parties may withdraw from the process at any time and pursue a different course of resolution. The mediator may also terminate mediation if parties do not abide by the rules of mediation or if a mutually agreeable resolution is not possible.
- d. Notification of Outcomes. Participants will receive written confirmation of the outcomes of the mediation and the consequences of failing to abide by the agreements.

- ii. Deferred Agreed Resolution: When the conduct in question is determined by the conduct officer to be a minor violation ~~and the Respondent~~(typically a violation that does not cause harm to persons or property) and the respondent has no prior conduct history with the University, the conduct in question may be resolved through the ~~Deferred Resolution~~agreed resolution process. If the

~~Respondent~~respondent takes responsibility for the conduct in question, completes ~~an educational sanction,~~a restorative program and is not responsible for any violation of the ~~Student Conduct Code~~ for a term established by the conduct officer, the resolution will not be included in a student's conduct record. If the ~~Respondent~~respondent fails to complete the ~~educational sanction~~restorative program or is found responsible for a violation of the ~~Student Conduct Code~~ during the term established by the conduct officer, the violation will become part of the student's conduct record and ~~an appropriate sanctions~~sanction and educational outcomes will be imposed. Records will be kept of the resolution and can be used in future conduct proceedings if appropriate to establish a pattern of behavior. ~~The Deferred Resolution process is available only once for a student and is not available to an organization.~~

b.d. Formal Resolution: Formal resolution involves a resolution process that will result in a conduct record if the respondent is found responsible for violating the ~~Student Conduct Codes~~Code. Formal resolution involves either an ~~Administrative Hearing~~administrative hearing or a ~~University Conduct Board Hearing~~conduct panel hearing.

i. ~~8.100.3. Formal Resolution Through an Administrative Hearing~~. The administrative hearing process is the most commonly used method for formal resolution of conduct complaints. Administrative hearings are ~~the most common method of deposing of conduct complaints.~~ This method of ~~resolving complaints is rarely utilized when~~ the complaint involves complex or controversial testimony or documentation, or when the sanctions of suspension, expulsion or charter revocation are likely outcomes. The focus is resolution involving educational sanctions and ~~working with the respondent to improve behavior.~~ Administrative hearings, however, may also be used in cases of probation violation, ~~severe or unusual circumstances or in situations where immediate action is necessary.~~ Only in cases where ~~an administrative hearing results in~~

~~suspension, or expulsion for non-recognition of an individual or suspension/revocation of student organization, the respondent may request a review.~~

~~Conduct Hearing Board—Students or student organizations accused of a violation of the Student Conduct Code may have the complaint heard by the Conduct Hearing Board, of his/her/its peers under the discretion of the conduct officer. Conduct Hearing Boards are usually reserved for those situations where suspension and/or expulsion~~

~~8.100.1. Complaint Resolution Through Mediation. Mediation is appropriate when there is a dispute between or among students or organizations, the complainant desires that action be taken to stop an unwanted behavior that may be a violation of the Student Conduct Code, the violation is relatively minor and does not present the potential to endanger other students or disrupt the campus community and the complainant does not want the complaint to result in a conduct record for the accused. A mediation involves the following process:~~

~~a. a. Mutual Consent: The conduct officer communicates with both the complainant and the respondent, explains the various options for resolving the concern, and both parties agree in writing to mediation.~~

~~b. Notification: Each party is notified regarding the behavior of concern, the time and date of the mediation, rules regarding the mediation process, the binding nature of the outcomes and the consequences of violating the agreements.~~

~~b. a. c. Mediation Process: Mediation involves an opportunity for both parties to present and respond to concerns and to present and discuss potential solutions. The goal for mediation is a mutually agreed upon resolution. Agreements made during mediation are binding and final. One or both parties may withdraw from the process at any time and pursue a different course of resolution. The mediator may also terminate mediation if parties do not abide by the rules of mediation or if a mutually agreeable resolution is not possible.~~

~~e.a.d. Notification of Outcomes: Participants will receive written confirmation of the outcomes of the mediation and the consequences of failing to abide by the agreements.~~

~~8.100.2. Complaint Resolution Through Deferred Resolution. Deferred Resolution is appropriate when the conduct in question is determined by the conduct officer to be a minor violation and the Respondent has no prior conduct history with the University. There are three parts to a deferred resolution:~~

~~a. Notice of and Time of Deferred Resolution Hearing. After the complaint has been investigated, allegations of violation of the Student Conduct Code have been determined, and a deferred resolution administrative hearing has been found to be an eligible the appropriate course of resolution by the conduct officer, a notice is sent to the student or student organization with information regarding the deferred resolution administrative hearing.~~

~~a. Notice will be in writing, and will be emailed to the student's/respondent's University email/mail address or and also may be mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered. Each notice letter will contain/include the following:~~

- ~~i. A concise summary of the reported/alleged violation;~~
- ~~ii. All policies the respondent is reported/alleged to have violated and the possible consequences if the respondent is found in violation;~~
- ~~iii. Relevant procedures for resolution of the complaint; and,~~
- ~~iv. The date, time, and place of the hearing or instructions for the respondent to schedule the hearing.~~

~~b. Deferred Resolution Administrative Hearing Process. Hearings to determine whether or not a student or student organization has violated the Student Conduct Code as reported, or as reasonably related to the facts as reported, Code will be conducted by a conduct officer according to this Code and any other procedures as issued by the Vice President for Student Affairs. Engagement. Minor variations in established hearing procedures can may be approved on an ad hoc basis by the~~

Vice President for Student Affairs Engagement and the Director of Citizenship and Community Standards as long as they do not materially impact the fairness of the proceedings. Every effort will be made to assure fair and impartial hearings. -The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with Family Educational Rights and Privacy Act (“FERPA-”). The respondent has the right to consult a process advisor of choice before, during and after any conference, hearing or review. Typically, the deferred responsibility hearing process is facilitated through one meeting with the respondent which includes an opportunity to discuss the respondent's rights within the process and to hear information regarding the facts of the case from the respondent. If the respondent takes responsibility for their actions, the proceeding will remain in the deferred resolution process, unless the respondent requests resolution through an administrative hearing or a conduct board. If the respondent does not take responsibility for their actions, the process will move to the respondent's choice of an administrative hearing or a conduct board.

e. ~~Notification of Outcome.~~ If a respondent takes responsibility for the conduct violation in question, the conduct officer will determine an appropriate educational sanction based on considerations listed in section 8.110 and will document the sanctions and information for their completion in a decision letter that will be emailed to the student's University email address or mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumed to be delivered. Decisions of a deferred responsibility are final.

8.100.3. Complaint Resolution Through an Administrative Hearing. The administrative hearing process is the most commonly used method for resolution of student complaints. Administrative hearings are rarely utilized when the complaint involves complex and controversial testimony or documentation and/or when the sanctions of suspension or expulsion for individuals or suspension or revocation of charter as a recognized student organization are possible. Findings of administrative hearings, however, may result in these more severe sanctions in cases where a student or student organization has violated probation, there are severe or unusual circumstances where a Conduct Hearing Board

resolution is not appropriate or when immediate action is necessary. There are three parts to an administrative hearing:

- b. ~~Notice and Time of Hearing.~~ After the complaint has been investigated, allegations of violation of the Student Conduct Code have been determined and an administrative hearing has been found to be the appropriate course of resolution by the conduct officer, a notice is sent to the student or student organization with information regarding the administrative hearing. Notice will be in writing, and will be emailed to the student's University e-mail address or mailed to the local or permanent address of the respondent. Once mailed, such notice will be presumptively delivered. Each letter will include the following:
 - i. ~~A concise summary of the alleged violation;~~
 - ii. ~~All policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;~~
 - iii. ~~Relevant procedures for resolution of the complaint; and,~~
 - iv. ~~The date, time, and place of the hearing or instructions for the accused to schedule the hearing.~~

- b. Administrative Hearing Process. Hearings to determine whether or not a student or student organization has violated the Student Conduct Code as alleged, or as reasonably related to the facts as alleged, will be conducted by a conduct officer according to this Code and any other procedures as issued by the Vice President for Student Affairs. Minor variations in established hearing procedures can be approved on an ad hoc basis by the Vice President for Student Affairs and the Director of Citizenship and Community Standards as long as they do not materially impact the fairness of the proceedings. Every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with FERPA. The respondent has the right to consult a process advisor of his/her/their/its choice before, during, and after any conference, hearing, or review. Typically the administrative hearing process is facilitated through one meeting with the respondent, which includes an opportunity to discuss the respondent's rights within the process and to hear information regarding the facts of the case

from the respondent. During this conversation the respondent will state their belief of whether or not they are responsible for the allegations listed and the conduct administrative hearing officer will make his/hers finding based on if as to whether it is more likely than not that the violation occurred.

- c. Notification of Outcomes: Once, If a finding is determined, if the finding is made that of the respondent is responsible for a policy violation, the conduct officer will determine an appropriate sanction or sanctions and educational outcomes based on considerations listed in section 8.110 and of the Code. The conduct officer will document communicate the sanctions finding, sanction, and information for their completion educational outcome(s) to the respondent in a decision letter that will be emailed to the student's writing via the respondent's University e-mail email address or and also may be mailed to the local or permanent address of the respondent. Pertinent information regarding the outcome will also be shared with the complainant when appropriate. Once mailed, such notice will be presumed to be delivered. Decisions following an administrative hearing are final except in cases where the sanctions involves sanction is suspension or expulsion from the University or residence halls for a student and suspension or revocation of University recognition for a student organization. In these circumstances the respondent can request a review. The complainant may request a review when the finding is "not responsible." See Section 8.120.

8.100.4. Complaint Resolution Through a Conduct Panel Hearing Board (CHB(CPH)). Conduct Hearing Boards panel hearings are used to resolve a minority of complaints. CHBs CPHs are most often used in the resolution of more serious allegations of violations of the Code or in situations where students face potential suspension or expulsion from the University or student organizations face potential suspension or revocation of their charter/university University recognition. CHBs CPHs may also be used in situations where a fair and equitable process would be better achieved through the hearing of the case by multiple decision makers due to the complexity of involving complex evidence or circumstances surrounding the case.

- a. ~~8.100.5. Composition of the CHB.~~ The Conduct Hearing Board (CHB) is ~~comprised~~Panel (CHP). The panel has at least three (3) members consisting of students, faculty, and/or staff. The ~~CHB panel~~ is chosen from a pool of eligible candidates. ~~trained members of the SCB.~~ For each complaint, a new ~~CHB panel~~ will be chosen at random under the supervision of the conduct officer. ~~Any members of the pool~~The conduct officer may elect to appoint a nonvoting alternate panel member who have will participate in the hearing process until deliberations begin unless they are needed to replace a voting panel member. ~~Any member of the panel who presents a conflict of interest due to any prejudicial factors (anything that would prevent an impartial and objective determination) should remove themselves from consideration, and may be removed from the panel by the conduct officer.~~ One member of each ~~CHB chosen panel~~ will be designated by the conduct officer to serve as ~~Chairperson~~chairperson, who will conduct the hearing and serve as the official representative of the ~~Board.~~ panel. The ~~Chairperson~~chairperson has final say on all questions of admissibility of information, appropriateness of questions, and on any procedural decisions. The ~~CHB chairperson~~ will render decisions on all requests prior to and during the hearing, ~~and.~~ The panel will be allowed to directly question all involved parties [respondent(s), complainant(s), and witnesses] during the hearing. ~~The Chairperson~~chairperson may also permit parties to directly or indirectly question each other and witnesses. The chairperson has the authority to stop direct questioning at any time if that can be done with maturity~~the parties fail to conduct themselves in a mature and eivility.~~ civil manner. All decisions regarding findings and ~~sanctions, if applicable, a sanction will be made by a majority vote.~~ ~~No student will be found in violation unless information proves that a violation of the Student Conduct Code is more likely than not to have occurred.~~ panelists. Abstention in voting is not permitted. Every ~~voting panel~~ member will either vote to ~~support a motion on the respondent's responsibility for each alleged violation, using the "more likely than not" standard.~~ The Vice President for Student Engagement or will vote not to support a motion. ~~the Director of OCCS may~~

implement alternate procedures when the usual pool of SCB members is not available.

~~The term for individuals chosen to be in the pool is two calendar years (January 1st year one through December 31st of year two), and a member may serve more than one consecutive term at the discretion of the Vice President for Student Affairs. At least three (3) members are necessary to hear a complaint. The Director of Citizenship and Community Standards is responsible for coordinating training sessions, hearings, and assigning complaints. The Vice President for Student Affairs or Director of Citizenship and Community Standards has authority to make interim appointments to fill any open slot from the three categories below. Additionally, the Vice President for Student Affairs or the Director of Citizenship and Community Standards may implement alternate procedures for any conduct complaints when the usual pool of CHB members is not available. The composition of the eligible pool will be as follows:~~

- ~~a. At least six (6) full-time students who are appointed by the Vice President for Student Affairs after consultation with Student Government. The Office of Citizenship and Community Standards will be responsible for recruiting and recommending student Conduct Panel Hearing Board nominees to be appointed by the Vice President for Student Affairs.~~
- ~~a. At least three (3) Faculty who are appointed by the Vice President for Student Affairs and recommended by the Executive Vice President for Academic Affairs and Provost after consultation with the Faculty Senate.~~
- ~~b. At least three (3) staff who are appointed by the Vice President for Student Affairs and recommended by the Chair of the Staff Council with the advice and consent of the Staff Council.~~

~~The CHB may perform additional functions and roles as may be determined from time to time by the Vice President for Student Affairs or the Director of Citizenship and Community Standards.~~

- b. ~~8.100.6. Conduct Hearing Board Process:~~ Several steps, explained below, are involved in the process of preparing for and conducting a panel hearing ~~utilizing the CHB.~~
- a. ~~Notice and Time for Hearings.~~ Notice will be in writing, and may be delivered in person during a meeting with the conduct officer. -Notice will also be e-mailed to the ~~student's~~ respondent's University e-mail address ~~or~~ and also may be mailed to the local or permanent address of the respondent. -Once mailed, such notice will be ~~presumptively presumed~~ delivered.
- i. ~~The letter of notice will include a:~~
1. A concise summary of the alleged violation;
 2. ~~The letter will state~~ Identification of all policies the respondent is alleged to have violated and the possible consequences if the respondent is found in violation;
 3. ~~The letter will include the relevant~~ Relevant procedures for resolution of the complaint;
 4. ~~The date~~ Date, time, and place of the hearing;
 5. A list of the University's witnesses (to be supplemented later if necessary); ~~and~~
 6. A deadline for meeting with the conduct officer ~~;~~ and,
- ii. ~~The letter of notice may also direct~~ Instructions for the respondent to contact the conduct officer within two (2) business days of receipt ~~delivery of the notice letter with a written response to the complaint.~~
7. ~~Once the~~ stating their position regarding responsibility for each alleged policy violation. The respondent responds, written may request in writing for an additional two (2) business days to respond.
- Written notice of the time, date, and location of the hearing will be sent by email to all parties to the complaint, who may additionally be notified in person, by telephone, or by e-US mail. ~~Such means may also be used when the respondent fails to respond to the mailed notice letter.~~ If a respondent fails to respond to the notice, the conduct officer will initiate a complaint against the ~~student~~ respondent for failure to comply with the directives of a University

official, and give notice of this additional offense. ~~Unless the student responds~~ Failure to respond to this second notice within two (2) business days by answering the initial notice, the student will be automatically suspended may result in the respondent being placed on interim suspension until such time as s/he responds they respond to the initial complaint. -In complaints where the Director of ~~Citizenship and Community Standards~~ OCCS serves as the complainant, another conduct officer may carry out ~~his/her~~ the pre-hearing duties.

i.ii. Pre-hearing Process. Multiple individuals are involved in preparations for a

~~CHB panel~~ hearing as outlined below:

Respondent. ~~Once~~ When a student or student organization denies a violation of the Code, they will ~~be given~~ have a minimum of seven (7) business days to prepare for a hearing. The respondent may make a written request to the conduct officer for a hearing date sooner than seven (7) business days from delivery of the notice of the hearing. At least forty-eight (48) hour ~~three (3) business days~~ before any scheduled hearing, the respondent will deliver to the conduct officer a written response to the complaint if one has not already been submitted, a written list of all witnesses the respondent ~~wants the University~~ intends to call on ~~his/her~~ their behalf ~~with~~ at the hearing with a summary of what information each witness will provide and full contact information for such witnesses, a list and copy of all physical items the respondent intends to ~~use or needs to have~~ present at the hearing, ~~and~~ a summary of the purpose for presenting each physical item, who has possession or custody of such ~~information if known~~ physical item, and the name of any process advisor who may be accompanying them to the hearing.

Complainant. Once a complainant receives notice of a panel hearing, they will be given a minimum of seven (7) business days to prepare for a hearing. The complainant may make a written request to the conduct officer for a hearing date sooner than seven (7) business days from delivery of notice of the hearing. At least forty-eight (48) hour ~~three (3) business days~~ before ~~the~~ any scheduled hearing, the complainant will deliver to the conduct officer a written list of all witnesses the complainant ~~wants the University~~ intends to call on ~~his/her~~ their

behalf at the hearing with a summary of what information each witness will provide and full contact information for such witnesses, a list and copy of all physical items the complainant ~~will use or needs~~ intends to have present at the hearing ~~and~~, a summary of the purpose for presenting each physical item, who has possession or custody of such ~~information if known~~ physical item, and the name of any process advisor who may be accompanying them to the hearing.

Conduct Officer. The conduct officer will ensure that the above information and all other available written documentation will be shared between the complainant and the respondent at least ~~twenty-four (24) hours~~ two (2) business days before the scheduled hearing. ~~Each party will also be given a list of the names of the hearing board~~ panel members for the case. ~~Should either party object to any members of the board~~ panel, they must raise all objections in writing to the conduct officer ~~immediately~~. ~~Hearing officers~~ and no later than one (1) business day before the scheduled hearing. Panel members will only be unseated if the conduct officer concludes that their bias precludes an impartial hearing of the complaint. ~~The conduct officer will, prior to the hearing, attempt to obtain signed FERPA consents when appropriate from all parties and witnesses who will participate in the hearing~~ The conduct officer may grant a request by a party for an extension of any of the timelines set pursuant to this section, including hearing dates, for good cause shown by the requesting party, including the University. The conduct officer will only grant a request for extension of time if approval does not compromise a party's right to due process.

Witnesses. ~~In most cases, witnesses are to be identified in advance. The identity of a witness may be kept confidential for safety reasons at the discretion of the conduct officer~~ Chairperson if knowing the identity of a witness is not essential to ~~the defense of the respondent~~ a party's case. While witnesses are subject to questioning at the hearing, unavailable witnesses may submit their testimony by telephone or written statement.

ii.iii. e. ~~Conduct of Hearings~~ Panel Hearing Procedures. Hearings to determine whether ~~or not~~ a respondent has violated the ~~Student Conduct Code~~ as alleged, or as reasonably related to the facts as alleged, will be ~~conducted by~~ presented to a

conduct hearing ~~body~~panel according to this Code and any other procedures as issued by the Vice President for Student Affairs~~Engagement~~ and the Director of Citizenship and Community Standards.OCCS. Minor variations in established hearing procedures ~~can~~may be approved on an ad hoc basis by the Vice President for Student Affairs~~and Engagement~~ or the Director of Citizenship and Community Standards ~~as long as~~OCCS provided they do not materially impact on the fairness of the proceedings. - Every effort will be made to assure fair and impartial hearings. The hearings will be conducted in closed session, and all hearings and records will be administered in compliance with FERPA. The respondent has the right to consult a process advisor before, during, and after any ~~conference, hearing, or review.~~ appeal. If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may ~~elect~~request to have the ~~administration~~Director of OCCS or their designee serve as complainant. - Where there is no victim, the ~~administration~~Director of OCCS or their designee will serve as complainant. - A student serving as complainant has the same rights to a process advisor as the respondent. Parents or other support persons for the complainant or respondent may also attend, but like process advisors are not permitted to speak, ~~(i.e., make opening or closing remarks, examine or cross examine, ask questions, to submit and object to information, to address the hearing board~~)panel), or delay scheduling any hearing, conference, or ~~review.~~ appeal. While previous conduct violations by the respondent are not generally admissible as information about the present alleged violation, the conduct officer may supply previous complaint information to the CHB, or may consider it ~~her/himself in hearing the complaint, if any of the following applies:~~ panel when the respondent has previously been found responsible for a similar section of the Code, which may be used to establish a pattern of behavior.

- I. ~~_____~~ The respondent was previously found to be responsible;
- II. ~~_____~~ The previous incident was substantially similar to the present allegation;
- III. ~~_____~~ An informal resolution process resulted in an agreement previously based ~~on a similar allegation;~~ or

~~IV. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.~~

- ~~iii.iv. d. Hearing Deliberations. Deliberations will take place in a private setting with only members of the Board CHP in attendance. ~~Once~~ When a finding respondent is determined, if the finding is that of a policy found not responsible for any alleged violation, the Conduct Hearing Board (CHB) CHP has completed its responsibilities, and the respondent is provided notice in writing which will determine also be included in their conduct record. If the CHP determines a finding of responsible for any of the alleged violations, the CHP will recommend an appropriate sanctions. The Chair of the Board sanction and/or educational outcomes to the conduct officer. Prior to making a recommendation, the chairperson will contact the conduct officer by telephone to learn if there is a previous history that should be considered in the sanctioning process. Sanctions and factors Factors that should be considered in sanctioning decisions determining a sanction appear in section 8.110. ~~The~~ chairperson will provide a report should be expressed in a finding supported by the recitation of the evidence considered as the basis of the finding with citations to the rules implicated by the facts and charges. This report should conclude with recommended sanctions and a Director of OCCS stating the findings of the panel and, when appropriate, recommendations regarding the sanction and educational outcomes, including concise rationale for how the sanctions related outcome and their relationship to the findings-alleged violations. This report should typically not exceed two pages in length, be brief and must be submitted to the conduct officer Director of OCCS within ~~48 hours~~ two (2) business days after the end of business day that deliberations. ~~The conduct officer~~ concluded. The Director of OCCS or their designee will inform the parties of the results within seven (7) business days after the hearing panel report is submitted to OCCS as allowed under FERPA.~~
- ~~iv.v. e. Record of Panel Hearings. There will be a single verbatim record, such as a tape or digital recording, of all hearings before a Conduct Hearing Board panel. The record will be the property of the University. In the event a student or student organization party petitions for a review an appeal of a decision or a sanction and~~

wishes to review ~~a verbatim~~ the digital record, ~~he/she/it~~ they may make a request in writing to do so to the Vice President for Student Affairs Engagement. A ~~student petitioning for a review or student organization~~ party filing an appeal may request a ~~typed summation~~ transcription of the hearing. The transcription should normally be provided subject to payment of costs for the production of the transcript. Personally identifiable information will be ~~deleted~~ redacted, unless FERPA consents have been sought and obtained from those students mentioned in the record.

- f. ~~Notification of Outcomes:~~ The outcome of a campus hearing is part of the educational record of the respondent and is protected from release under a federal law, FERPA. Truman State University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a Truman State University policy that is a non-forcible sex offense or a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. Truman State University may release this information to the complainant in any of these offenses regardless of the outcome, but complainants are cautioned that FERPA does not permit them to re-release this information to others. Additionally, student organizations are not protected under FERPA and information from their hearings may be released to the public upon request based upon the judgment of the conduct officer. Information regarding conduct actions involving local chapters may be shared with national offices. Sex offenses notifications are processed through the University Non-Discrimination Policy and Grievance Procedure and are not included in this subsection.

- 8.110. Sanctions and Remedies. In each complaint in which a conduct hearing determines that a student or student organization has violated the Student Conduct Code, the sanction or sanctions will be determined in accordance with the rules of this Code. Educational Outcomes. Following any conduct hearing, ~~the~~ a decision letter will be sent via e-mail delivered to the student’s respondent’s University e-mail address ~~or~~ and also may be

delivered via the United States US Postal Service mail or hand delivered to the respondent, and the complainant, and if applicable, to the last known address. Said notice will include a concise summary on the decision and recommendation of identified sanction(s), educational outcomes, and information on the review/appeal process. if the decision is eligible for an appeal. Once mailed, such notice/decision letter will be presumed to be delivered.

8.110.1. Listing of Sanctions. Sanctions. A sanction is a consequence placed upon students and student organizations when found in violation of the Code. Sanctions help define the relationship between the student or student organization and the University. The following sanctions may be imposed upon any student or student organization found to have violated the Student Conduct Code.

1. Written Warning. A notice in writing to the student or student organization that the student or student organization is they have been found responsible for violating or has violated one or more provisions of the Student Conduct Code.
2. Probation. A written reprimand for one or more violations of the Student Conduct Code and, when appropriate, conditions for continued enrollment or continued recognition. Probation is assigned for a designated period of time which may include conditions (e.g., periodic review meetings). An additional violation of the Code while on probation may lead to additional outcomes.
3. University Suspension. Separation of the student or student organization from the University for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified. Records will note a sanction of suspension due to conduct proceedings, and it includes the probability of more severe conduct sanctions if the student. The period of time may begin immediately or begin at some time in the future (e.g., at the end of the current semester, after an appeal process, etc.) While on University Suspension, the student or student organization may be denied access to University premises, and University or student organization fails to fulfill the conditions for continued enrollment/sponsored activity. In the case where a student is a member of a student organization, the student may be prohibited from

attending the student organization's activities on or continued recognition off-campus.

4. University Expulsion. Permanent separation of the student from the University or is found to be violating non-recognition of the student organization. Records will note a sanction of expulsion due to conduct proceedings.

8.110.2 Educational Outcomes. Educational outcomes are assigned actions that may serve to repair damages, encourage reflection and learning, and/or to have violated any provisions of the Student Conduct Code during the probationary period. assist the student or student organization in meeting the University's expectations. A sanction may include one or more educational outcomes. Examples of educational outcomes include, but are not limited to:

1. Loss of Privileges. Denial of specified privileges for a designated period of time.
2. Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
3. Discretionary Sanctions Outcomes. Work assignments, service to the University, or other related discretionary assignments. Such assignments are to be supervised by, and must have the prior approval of, a conduct officer.
4. Educational Sanctions/Developmental Outcomes. Projects or assignments designed to educate a student or student organization(s) in connection with the effect of their behavior on the community.
5. Residence Hall Probation. A written reprimand for one or more violations of the Residence Life Handbook and/or Student Conduct Code and, when appropriate, conditions Restrictions. Restrictions for continued residence on campus. Probation is Restrictions will be for a designated period of time, and it includes will include the probability for more severe conduct sanctions additional outcomes if the student fails to fulfill the conditions for continued residence or is found to be violating or to have violated any provisions of the Residence Life Handbook or the Student Conduct Code during the probationary restrictions period.
2. Residence Hall Suspension. Separation Removal. Removal of a student or student organization from the residence halls for either a definite period of time; after

which the student is eligible to return. Conditions for readmission may be specified.

- ~~3. Residence Hall Expulsion. Permanent separation of a student or student organization from the residence halls.~~
6. Interim Suspension. Temporary separation of a student or student organization from the University pending completion of conduct procedures, as referenced in Section 8.070 is eligible to return when conditions for return are met, or permanent removal.
7. Limited Access. A student or student organization may be denied access to any or all of University premises, or any activities or events arranged or sponsored by the University or student organization, as the Vice President for Student Affairs Engagement or the Conduct Officer conduct officer may determine to be appropriate.
- ~~4. Interim Suspension of Participation. Separation of a student or student organization from participation in a University recognized activity or organization for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified. While on interim suspension of participation, the student or student organization is denied access to University premises, and all University or student organization sponsored activity. 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, pending completion of the misconduct procedures.~~
- ~~5. Recommendation for Charter Revocation. An official request to the national office that the local charter be revoked.~~
- ~~6. Revocation or Denial of University Registration/Recognition. Permanent severance of the organization's relationship with the University.~~
- ~~7. Denial of Privilege to Re-enroll. This permits the student to complete the current semester barring further violations, but prohibits the individual from enrolling for a definite period of time, after which the student is permitted to return. Conditions for readmission may be specified. Records are encumbered.~~

- ~~8. University Suspension. Separation of the student or student organization from the University for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified. Records will note a sanction of suspension due to conduct proceedings. While on university suspension, the student or student organization is denied access to University premises, and all University or student organization sponsored activity. 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.~~
- ~~9. University Expulsion. Permanent separation of the student from the University. Records will note a sanction of expulsion due to conduct proceedings. Upon expulsion, the student is denied access to University premises, and all University or student organization sponsored activity. 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.~~

8.110.23. Parental Notification. Subject to FERPA, Truman State University reserves the right to notify parents/guardians of students regarding any conduct situation, particularly including alcohol and other drug related violations. Truman State University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk. ~~Truman State University also reserves the right to determine which Truman State University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.~~

8.110.3. Multiple Sanctions. More than one of the sanctions listed above may be imposed for any single violation.

8.110.4. Conditions Leading to a More Severe Sanctions. ~~Sanction and/or Additional Outcomes.~~ If any of the following conditions exist in a violation of the Student Conduct Code, a more severe ~~or multiple sanctions~~ sanction or additional outcomes may be given to the respondent:

- a. ~~Information that the complainant was intentionally selected because of the complainant's actual or perceived race, religion, national origin, gender, ethnicity, sexual orientation, or disability;~~
- ~~b.a.~~ b.a. The use or possession of a firearm(s) or other weapon(s);
- e. ~~The possession of a controlled substance, or information that the respondent(s) was under the influence of a controlled substance;~~
- ~~d.b.~~ d.b. The existence of a prior record of violation(s) in this chapter by the respondent(s);
and
- e.c. e.c. Any additional factors which contribute to the severity of the offense.

Other ~~mitigating~~aggravating factors can serve as a cause to impose a more severe sanction~~sanctions~~ and/or additional outcomes such as failure to express regret, failure to recognize errors in judgment, and/or unwillingness to address factors leading to the behavior.

8.110.5. Responsible Action Policy. -The welfare of our students is of the highest importance to Truman State University.- There will be times when individual students, both on and off campus, may have knowledge of a situation that may present a significant threat to the health and welfare of themselves or others. ~~Truman~~The University wants to eliminate any hesitation that students or student organizations might have in obtaining help due to concern that their own behavior might be a violation of University policy.

The University will take into consideration the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. -Any possible negative consequence for the reporter of the problem will be evaluated against the positive consequences of the intervention for the student in need. -Responsible citizens recognize and accept the duty to make ethical and moral decisions about the health and safety of themselves or others even when to do so might result in personal inconvenience. -At a minimum, ~~Truman~~the University hopes that a student or student organization would make an anonymous report that would put the student in need in touch with a professional helpers~~trained to help and care for our students~~. If charged and found responsible for a violation of the Code, ~~sanctions~~the

sanction imposed, if any, will be less severe when students or student organizations appropriately report dangerous circumstances than if students or student organizations fail to report.

8.110.5.1 Alcohol and other Drug Amnesty

If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students take responsible action by calling an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Responsible action includes:

- ~~• a. CALL for help. In medical emergencies, immediate action should be taken by calling 9-1-1 either off campus or on campus.~~
- ~~• b. STAY with the person until help arrives and you have been told your assistance is no longer needed.~~
- ~~c. COOPERATE with responding staff or emergency personnel, including all requests for information and assistance.~~

Students/student organizations who take such responsible action by seeking emergency medical attention, or for whom such action is taken, will not be subject to the Student Conduct process for charges related to alcohol or drug use, nor will the incident become part of the student's conduct record. ~~However, all students [including the student(s) needing assistance and reporter(s)] may be required to complete educational measures and pay any costs associated with those measures.~~ Students and student organizations who do not take responsible action will be subject to the full extent of the Conduct Code.

Students requiring medical assistance, and student organizations hosting events where medical attention is sought will be limited to one application of medical amnesty. Individuals who engage in responsible action (call, stay, cooperate) will not be limited

in the number of applications of medical amnesty where they serve as the person calling for help.

The application of medical amnesty does not preclude the university from pursuing charges against a student or student organization for allegations of code violations other than drug or alcohol policies. Possession with intent to deliver is not covered under medical amnesty.

~~Additional information and illustrative examples are available on the OCCS website.~~

8.110.5.2 Amnesty for Victims of Violent Crimes

The University provides amnesty to students who have experienced violent crimes and who may be hesitant to file a complaint because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. ~~Educational options may be explored, but no conduct proceedings against the complainant or conduct record will result.~~

8.110.6. Additional Conditions Leading to Less Severe Sanctions.

Mitigating factors can serve as a cause to moderate a sanction. -If any of the following conditions exist in a violation of the Student Conduct Code, a less severe sanction or fewer sanctions/educational outcomes may be given to the respondent including but not limited to payment of restitution, sincere regret, acceptance of responsibility for the misconduct, taking steps to ensure the misconduct does not occur again, etc.

8.110.7. Additional Actions. The foregoing sanctions are in addition to any actions that any other office(s) is authorized to take for conduct violations or any actions authorized to be taken by faculty members or academic deans for acts of academic misconduct.

8.110.8-8.110.7. Student and Student Organization Records, Record Retention, and Record Consideration in Organization Sanctions. Subject to Section 8.100(e) which set out that a successful deferred responsibility resolution is not included in a student's conduct record,

~~conduct~~Conduct sanctions become part of the student's conduct record. Conduct records of students will be kept for a period of no more than seven (7) years after the academic year when final disposition of the violation occurred, except in complaints of suspension and expulsion, where the record will be kept permanently. -Student conduct records may be kept longer due to special circumstances, as deemed necessary by the Vice President for Student AffairsEngagement. Conduct records of student organizations will be kept permanently for historical and archival purposes. Generally, a five-year time frame will be utilized when considering ~~sanctions~~a sanction and educational outcomes 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.).

8.120. ~~Requesting a Review by the President or his/her Designee after Appeal of Administrative and Hearing or Conduct Board Hearings. Panel Decision~~Suspension, Expulsion, or Non-Recognition.

When ~~the sanction of a case is eligible for a review (i.e., in cases resulting in suspension, or expulsion, of a student or revocation~~non-recognition of charter), a student ~~organization, the student or student organization (“appellant”) may request a~~review ~~appeal the decision. The appellant must submit a written request for appeal~~Any request must be submitted in writing, addressed to and delivered to the Vice President for Student AffairsEngagement, and include all supporting facts and arguments, no later than seven (7) business days after the receiving notification of the decision-sanction, has been delivered to the respondent, appellant unless an extension has been granted by the conduct officer ~~for the case.~~ -Complainants who wish to have the findings or sanctions of a Conduct Hearing Board reviewed must also submit their requests to the Vice President for Student Affairs no later than seven days after the notification of a decision has been delivered to them. ~~The petition for a review~~The written appealrequest must ~~include~~specify the grounds for the ~~review~~appeal ~~as well as and provide~~ supporting facts and arguments. Failure to meet either or both of these ~~conditions~~requirements will be sufficient cause to deny a ~~review~~anthe -~~appeal.~~ ~~The Vice President for Student AffairsEngagement will make the determination as to whether both conditions have been~~

~~met. Normally, sanctions are in place from the time of imposition, but the Vice President for Student Affairs Engagement has discretion to suspend a sanction during the period in which the complaint is being reviewed. appealed.~~

The following are grounds for a review: an appeal:

- a. New information, unavailable at the time of the board hearing, is now available and could materially affect the decision that was rendered.
- b. ~~“The hearing deprived a party of a right the party had according to the rules and regulations governing the University Conduct System; and this deprivation materially affected the decision.”~~ In other words, a review can be filed on the grounds that the process was not conducted according to the procedures described in the Student Conduct Code and the process failure materially influenced the decision that was rendered.
- c. ~~“The finding of is not supported by substantial evidence.”~~ In other words, a review can argue that the evidence was not was not substantially supportive of the finding.
- d. ~~“The sanction(s) imposed is not proportionate to the severity of the violation(s).”~~ In other words, the review can argue that the sanctions were d. The sanction was inappropriate when the circumstances of the act and prior record of the respondent or the impact on the complainant are considered.

8.120.1. Review Process of Request for Appeal. ~~The Vice President for Student Engagement will review the request for appeal and determine whether a ground for appeal exists and is supported by facts and arguments. If these requirements are met, the Vice President for Student Engagement will notify the University President that the sanction has been appealed. The Vice President for Student Engagement has discretion to suspend the sanction while the appeal is pending.~~

8.120.2. Decision on Appeal. The University President will appoint an individual to serve as an appeal officer. ~~The Vice President for Student Engagement or his/her/their designee has fourteen (14) calendar (10) business days after the date the review appeal is delivered to the Vice President for Student Affairs Engagement to respond to a petition for~~

~~review/appeal, unless there are extenuating circumstances that require additional time for the review/appeal to be considered. The Vice President for Student Engagement or his/her/their designee may grant the review/appeal, and if so, decide whether to return the complaint to the hearing board/CHP or conduct officer for reconsideration, or to conduct the reconsideration herself/himself. Generally, review/appeals will involve a review of the appeal officer may review the hearing record, but the Vice President for Student Engagement or his/her/their designee may conduct a new hearing, interview witnesses, or otherwise direct further investigation at her/his/their discretion. The appeal officer will apply a deferential standard for/of review. The appeal officer may conclude that the sanction is appropriate, that a more or less severe sanction should be imposed, or that no sanction should be imposed. is a deferential standard.~~

The appeal officer will briefly summarize the rationale for their decision. ~~The Vice President for Student Engagement or his/her/their designee's decision will be sent The~~ via e-mail to the student/appellant will be provided a copy of ~~s-~~ the appeal officer's decision via University e-mail, address or United States ~~and may also be delivered via U.S. Postal Service mail, and/or hand delivered delivery.~~ The appeal officer's decision is final ~~to the respondent and complainant, if applicable, to the last known address and will include a concise summary on why the decision was upheld or amended as well as information on the review/appeal process. Once mailed, such notice will be presumed to be delivered. Any decision rendered by the Vice President or his/her/their designee will be final.~~

8.130. Interpretation, Review, and Revision. Questions of interpretation and periodic reviews of this policy will be administered in the following manner: as set-out below.

8.130.1. Interpretation. Any questions of interpretation regarding the Student Conduct Code will be referred to the Vice President for Student Affairs/Engagement or his/her/their designee for determination.

8.130.2. Code Revision. The Code will be reviewed once every five years under the direction of the Vice President for Student Affairs/Engagement. Review of this document should be done in conjunction with the University General Counsel, the Executive Vice President

for Academic Affairs and Provost, and ~~the~~ Student Government. Changes to the Code can be made as necessary at the request of the Vice President for Student Affairs Engagement, President, or Board of Governors, with the approval from the Board of Governors.

Grammatical, editing, formatting, and other non-substantive changes can be made at the discretion of the Vice President for Student Affairs Engagement or designee as needed without approval of the Board of Governors.

Source: Resolutions of the Board dated September 12, 1992, June 28, 2003, June 16, 2006, February 17, 2007, June 20, 2009, April 14, 2012, April 12, 2014, August 2, 2014, October 10, 2014, August 1, 2015, April 8, 2017, and August 4, 2018, August 6, 2022.

1987 Compilation: Article 12

ITEM 1.3

Revised Academic Calendar for Summer Session 2023 through Summer Session 2024

DESCRIPTION AND BACKGROUND

The revised academic calendar, approved at the December 4, 2021 Board meeting, has been revised to reflect the Juneteenth federal and state holiday for 2023 and 2024.

RECOMMENDED ACTION

BE IT RESOLVED that the Revised Academic Calendar for Summer Session 2023 through Summer Session 2024 be approved; and

BE IT FURTHER RESOLVED that a copy of the revised calendar be attached to the minutes as an exhibit.

Moved by _____
Seconded by _____

		Aye	Nay
Vote:	Burkemper	_____	_____
	Cozette	_____	_____
	Christofferson	_____	_____
	Dameron	_____	_____
	Gingrich	_____	_____
	Lovegreen	_____	_____
	Miller	_____	_____

ATTACHMENT

Revised Academic Calendar for Summer Session 2023 through Summer Session 2024

**Revised Academic Calendar for
Summer Session 2023 through Summer Session 2024**

NB

Summer Session 2023	(48 class days)
Memorial Day (University Closed)	Monday, May 29
First Five and Ten Week Classes Begin	Tuesday, May 30
Eight Week Classes Begin	Monday, June 5
Juneteenth (University Closed)	Monday, June 19
First Five Week Classes End	Friday, June 30
Second Five Week Classes Begin	Monday, July 3
Independence Day (University Closed)	Tuesday, July 4
Eight Week Classes End	Friday, July 28
Second Five and Ten Week Classes End	Friday, August 4
August Interim 2023	(15 days)
Begins	Saturday, July 29
Ends	Saturday, August 12
Fall Semester 2023	(72 class days)
New Faculty Start	Monday, August 14
New Students Move-in	Wednesday August 16
Truman Days Begins	Wednesday, August 16
Faculty Contract Period Begins	Wednesday, August 16
Classes Begin	Monday, August 21
Labor Day (University Closed)	Monday, September 4
First Block Classes End	Tuesday, October 10
Second Block Classes Begin	Wednesday, October 11
Midterm Break	Thursday-Friday, October 12-13
Thanksgiving Break	Monday-Friday, November 20-24
Last Day of Classes	Friday, December 8
Finals Start	Monday, December 11
Reading Day	Wednesday, December 13
Finals End	Friday, December 15
Commencement	Saturday, December 16, 11 a.m.
Number of Class Days (Minutes of Class)	MWF 43 (2150 min)
	TTh 29 (2320 min)
Winter Interim 2023-24	(29 days)
Begins	Saturday, December 16
Ends	Saturday, January 13

Revised Academic Calendar for Summer Session 2023 through Summer Session 2024

Spring Semester 2024	(72 class days)
Martin Luther King, Jr. Day (University Closed)	Monday, January 15
Classes Begin	Tuesday, January 16
First Block Classes End	Wednesday, March 6
Second Block Classes Begin	Thursday, March 7
Spring Break	Monday-Friday, March 11-15
Term Break	Monday, April 1 (ends at 5 p.m.)
Student Research Conference	Thursday, April 18 (No classes; 7:30 a.m.-5:30 p.m.)
Last Day of Classes	Friday, May 3
Finals Start	Monday, May 6
Reading Day	Wednesday, May 8
Finals End	Friday, May 10
Commencement	Saturday, May 11, 2 p.m.
Number of Class Days (Minutes of Class)	MWF 43 (2150 min)
	TTh 29 (2320 min)
May Interim 2024	(15 days)
Begins	Saturday, May 11
Ends	Saturday, May 25
Summer Session 2024	(48 class days)
Memorial Day (University Closed)	Monday, May 27
First Five and Ten Week Classes Begin	Tuesday, May 28
Eight Week Classes Begin	Monday, June 3
Juneteenth (University Closed)	Wednesday, June 19
First Five Week Classes End	Friday, June 28
Second Five Week Classes Begin	Monday, July 1
Independence Day (University Closed)	Thursday, July 4
Eight Week Classes End	Friday, July 26
Second Five and Ten Week Classes End	Friday, August 2

ITEM I.4
Local Capital Budgets for Fiscal Year 2023

DESCRIPTION AND BACKGROUND

The local capital improvement budgets are reviewed and approved annually to provide funding for major building and renovation projects for the campus. These budgets are divided into two categories based upon the primary function of the facility. The Local State Funds Capital Budget is utilized for projects related to facilities which are eligible for capital appropriations from the State of Missouri. This includes the academic buildings and the infrastructure which supports these facilities. The Auxiliary Funds Capital Budget is utilized to address needs related to facilities which are not funded via state appropriations. This includes auxiliary enterprises such as the residence halls, the Student Union, Student Recreation Center, and related site work surrounding these buildings such as walkways and parking lots.

The budgets which follow are designed to reflect institutional priorities identified in Truman’s Strategic Plan and the Campus Master Plan and provide general budget parameters. As capital projects are designed and bid, approval by the Board of Governors will be obtained for each project following established procedures.

The total recommended for FY2023 Capital Budgets for the Local State Funds Capital Budget is \$1,686,000 and for the FY2023 Auxiliary Funds Capital Budget is \$181,238.

RECOMMENDED ACTION

BE IT RESOLVED that the “Local State Funds Capital Budget – Fiscal Year 2023” of \$1,686,000 and the “Auxiliary Funds Capital Budget – Fiscal Year 2023” of \$181,238 be approved and that a copy of the budgets be attached to the minutes as an exhibit.

Moved by _____
 Seconded by _____

Vote:	Aye	Nay
Burkemper	_____	_____
Cozette	_____	_____
Christofferson	_____	_____
Dameron	_____	_____
Gingrich	_____	_____
Lovegreen	_____	_____
Miller	_____	_____

ATTACHMENT

Local Capital Budgets for Fiscal Year 2023

LOCAL CAPITAL BUDGETS FOR FISCAL YEAR 2023

NG

Local State Funds Capital Budget – Fiscal Year 2023

The estimated FY2022 carry-over funds from Education and General totaled \$1,686,000. These funds will be used for University needs and priorities that cannot be funded by Maintenance and Repair Funds. Included among these are utility and infrastructure improvements such as masonry and roofing repairs, storm drainage improvements, utility and infrastructure improvement, as well as HVAC system replacements.

Auxiliary Funds Capital Budget – Fiscal Year 2023

For FY2023 the primary funding source for the Auxiliary Funds Capital Budget is the FY2022 operating carry-over from the auxiliary enterprises. The operating carry-over and auxiliary interest income total was \$181,238.

Funds from the Student Recreation Center (\$181,238) will be set aside for use in these facilities. Funds received through Sodexo for reinvestment (\$287,174) will be set aside for future capital projects.

All proposed project expenditures will come before the Board of Governors following the usual procedures and will be subject to individual Board approval.

ITEM I.5

State Appropriation Request for Fiscal Year 2024

DESCRIPTION AND BACKGROUND

The University’s Fiscal Year 2024 State Appropriation request is submitted to the Missouri Department of Higher Education and Workforce Development (MDHEWD) as well as the State Office of Administration. This request is for funding to support the Education and General Budget.

For FY2024, the request is based upon the higher education appropriation for FY2023 that was approved by the legislature and signed by the Governor. Truman’s FY2024 request includes a funding increase linked to the rate of inflation, maintenance and repair funds, and what are known as New Decision Items which would target new academic initiatives.

Table 1 provides a summary of the request, and Table 2 provides more detailed information. This request will be prepared in a more specific format as required by state budget submission guidelines.

This is the first step in the FY2024 budget process. Truman’s request will be reviewed by the MDHEWD staff in August and September, and the Coordinating Board for Higher Education (CBHE) will make official budget recommendations for each institution in October. The next major step in the process occurs in January when the Governor presents budget recommendations to the General Assembly. Committee hearings will follow with appropriations finalized by the legislature in May 2023.

RECOMMENDED ACTION

BE IT RESOLVED that the State Appropriation Request for Fiscal Year 2024 totaling \$53,815,094 be approved and ratified; and

BE IT FURTHER RESOLVED that a copy of the State Appropriation Request for Fiscal Year 2024, be attached to the minutes as an exhibit and that the President of the University be authorized to modify this request based upon input from the staff of the Coordinating Board for Higher Education, Office of Administration, and the Legislature as appropriate.

Moved by _____
Seconded by _____

Vote:	Aye	Nay
Burkemper	_____	_____
Cozette	_____	_____
Christofferson	_____	_____
Dameron	_____	_____
Gingrich	_____	_____
Lovegreen	_____	_____
Miller	_____	_____

ATTACHMENTS
Table 1 and Table 2

TABLE 1

Fiscal Year 2024 State Appropriation Request for Operating Funds

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Appropriation Base for FY2023

\$45,534,649

New Requests for FY2024

A. Core Inflation (+8.5%)

\$ 3,870,445

B. Additional Maintenance and Repair Funds

\$ 3,250,000

C. Online Accounting Program

\$ 435,000

D. Student Success/SKILLS Center

\$ 525,000

E. Rural Telehealth Counseling Center

\$ 200,000

Total New Requests

\$ 8,280,445

TOTAL FY2024 FUNDING REQUEST (FY2023 appropriation + new)

\$53,815,094

TABLE 2

The state appropriations request for FY2024 includes two components: the Core Operating request based on FY2023 actual appropriations and the new requests for FY2024. Requests beyond the core are typically referred to as New Decision Items or New Investments.

1. Funding for Core Operations: State Request \$45,534,649
The funding priority is to maintain the existing base. These funds provide 53% of the Education and General budget for FY2023, and they are crucial to meeting the institution's mission.

2. New Requests for FY2024 \$ 8,280,445
 - A. Core Inflation \$ 3,870,445
Based on the July budget instructions from the Missouri Department of Higher Education and Workforce Development (MDHEWD) and updated state revenue forecasts, the Coordinating Board for Higher Education (CBHE) plans to consider an additional increase for institutions to cover inflation. For this request, the inflationary rate is estimated at 8.5% based on the rate for the first quarter of 2022.

 - B. Additional Maintenance and Repair Funds \$ 3,250,000
Truman has over 1 million square feet of state-funded buildings, and additional funds are needed to maintain campus facilities. The second priority is additional ongoing funding to support the highest maintenance and repair needs. This request is an estimate based on potential funding for this purpose.

 - C. Online Accounting Program \$ 435,000
This would provide start-up funds to hire additional faculty and support staff to develop courses for an online masters in accounting program. This program would prepare students to become CPAs.

 - D. Student Success/SKILLS Center \$ 525,000
This would provide operational funds for the new center in Kirk Building, which is being renovated utilizing the recently appropriated capital funds. Kirk Building will house a new Student Success Center to be utilized by Truman students and a Sustained Knowledge of Integrated Lifelong Learning Skills (SKILLS) Center for area K-12 students, non-student community members, and other adult learners. The Student Success Center will be comprised of the Career Center, Center for Academic Excellence, Communication Lab, Counseling Services, Student Access and Disability Services, Student Health Center, Tutoring Services, and the Writing Center. These funds will be utilized for start-up costs not covered by the capital appropriation and first-year operating costs.

 - E. Rural Telehealth Counseling Center \$ 200,000
This project would provide much needed counseling services in northeast Missouri and other rural areas of the state. Funds would be utilized for staff, equipment, and related overhead for the center.

ITEM I.6
Dates for Future Meetings

NG

DESCRIPTION AND BACKGROUND

It is helpful to schedule, at least tentatively, the dates for board meetings during the next year. The tentatively scheduled dates are subject to change by the Board, but the preliminary action permits both Board members and staff members to avoid the scheduling of other activities on the targeted dates for board meetings. In addition to the regularly scheduled meetings, special meetings can be called by the Chair of the Board or by three members of the Board. A schedule of calendar events for the next year follows this page.

RECOMMENDED ACTION

BE IT RESOLVED that the next regular meeting of the Board of Governors be scheduled for Friday, October 7, 2022, on the University campus in Kirksville, Missouri, beginning at 1:00 p.m., with the understanding that the Chair may alter the starting time and/or place for the meeting by giving due notice of such change; and

BE IT FURTHER RESOLVED that other regular meetings of the Board during the next year be tentatively scheduled for the following dates:

- Saturday, December 3, 2022;
- Saturday, February 4, 2023;
- Saturday, April 1, 2023;
- Saturday, June 17, 2023; and
- Saturday, August 5, 2023.

Moved by _____
Seconded by _____

	Aye	Nay
Vote: Burkemper	_____	_____
Cozette	_____	_____
Christofferson	_____	_____
Dameron	_____	_____
Gingrich	_____	_____
Lovegreen	_____	_____
Miller	_____	_____

ATTACHMENT

Calendar of Events – August 2022 through August 2023

CALENDAR OF EVENTS
August 2022 - August 2023

2022

August	6	BOARD OF GOVERNORS MEETING
	17	Fall Semester begins with Truman Days
	22	Classes begin
September	5	Labor Day Holiday
	17	Admission Showcase Event
	24	Family Day
	24	Home Football - Tiffin University
October	3-8	Homecoming Week
	7	BOARD OF GOVERNORS MEETING (TENTATIVE DATE)
	8	Home Football - Missouri University of Science and Technology
	13-14	Mid-Term Break (students)
	15	Home Football - Southwest Baptist University
	22	Admission Showcase Event
November	5	Home Football - McKendree University
	12	Admission Showcase Event
	21-25	Thanksgiving Break (students)
	23-25	Thanksgiving Holiday
December	3	BOARD OF GOVERNORS MEETING (TENTATIVE DATE)
	12	Finals Week
	17	Fall Commencement
	26-29	Winter Holiday
	30	Energy Conservation Day (campus closed)
<u>2023</u>		
January	2	New Year's Day Holiday
	16	Martin Luther King, Jr. Day Holiday
	17	Spring Semester begins
February	4	BOARD OF GOVERNORS MEETING (TENTATIVE DATE)
March	13-17	Spring Break (students)
	25	Admission Showcase Event
April	1	BOARD OF GOVERNORS MEETING (TENTATIVE DATE)
	1	Foundation Board of Directors Meeting and Foundation Banquet (tentative)
	10	Term Break (students); Spring Holiday
	22	Admission Showcase Event
	27	Student Research Conference

Calendar of Events - Page 2
August 2022 - August 2023

May	13	Spring Commencement
	29	Memorial Day Holiday
	30	Summer Session Begins
June	17	BOARD OF GOVERNORS MEETING (TENTATIVE DATE)
July	4	Independence Day Holiday
August	5	BOARD OF GOVERNORS MEETING (TENTATIVE DATE)
	16	Fall Semester Begins with Truman Days
	21	Classes Begin