

**HSSU Student Rights, Responsibilities and Code of Conduct**

## TABLE OF CONTENTS

I.	PREAMBLE .....	1
II.	NOTICE OF NON-DISCRIMINATION .....	1
III.	POLICY OVERVIEW AND APPLICABILITY .....	1
IV.	STUDENT RIGHTS .....	2
	A. The Right to Pursue an Education .....	2
	B. The Right to Privacy and Free Expression .....	2
	C. The Right to a Safe Learning Environment .....	3
	D. The Right to a Fair Process .....	3
	E. The Right Not To Be Subjected to Hazing .....	4
V.	DRUG AND ALCOHOL ABUSE PREVENTION POLICY .....	4
VI.	VIOLATION OF LAW AND THE HSSU STUDENT CODE OF CONDUCT .....	5
	A. Conduct Occurring Off-Campus .....	5
	B. Good Samaritan .....	6
	C. Residence Hall/Apartment Rules and Regulations .....	6
	D. Student/Student Organization Conduct Violations .....	6
	i. Abusive Behavior .....	6
	ii. Aiding or Facilitating .....	6
	iii. Alcohol – Underage Drinking/Possession .....	7
	iv. Alcohol – Public Intoxication .....	7
	v. Alcohol – Purchasing or Providing Alcohol to Minors .....	7
	vi. Animals .....	7
	vii. Assault .....	7
	viii. Assault on a University Official .....	7
	ix. Battery .....	7
	x. Assault or Battery on a Campus Public Safety Officer .....	7
	xi. Complicity .....	8
	xii. Contracts, Entering Into .....	8
	xiii. Cyberbullying .....	8
	xiv. Dating Violence .....	8
	xv. Domestic Violence .....	8
	xvi. Destruction of Property .....	9
	xvii. Dishonesty .....	9
	xviii. Disorderly/Disruptive Conduct .....	9

	xix.	Disorderly/Disruptive/Obscene Attire .....	9
	xx.	Drugs (Violation of Drug Free Policy) .....	10
	xxi.	Embezzlement.....	10
	xxii.	Failure to Comply/Non-Compliance/Insubordination .....	10
	xxiii.	Failure to Evacuate .....	10
	xxiv.	False Testimony/Perjury .....	10
	xxv.	Forgery, Fraud.....	10
	xxvi.	Gambling.....	11
	xxvii.	Harassment.....	11
	xxviii.	Harboring .....	11
	xxix.	Inappropriate Conduct .....	11
	xxx.	Indecent Conduct .....	11
	xxxi.	Interfering with the Conduct Process.....	11
	xxxii.	Retaliation.....	12
	xxxiii.	Sexual Assault.....	12
	xxxiv.	Sexual Exploitation.....	12
	xxxv.	Sexual Misconduct.....	12
	xxxvi.	Sexual or Gender-Based Harassment.....	13
	xxxvii.	Stalking .....	14
	xxxviii.	Smoking .....	15
	xxxix.	Theft.....	15
	xl.	Trespassing .....	15
	xli.	Illegal or Unauthorized Entry .....	15
	xlii.	Unauthorized Use of Electronic Devices .....	15
	xliii.	Unauthorized Use of Computers.....	15
	xliv.	Unsafe Acts.....	16
	xlv.	Violation of University Policy .....	16
	xlvi.	Weapons Violation.....	16
VII.		CHILDREN ON CAMPUS .....	16
VIII.		COMPLAINT .....	18
IX.		EDUCATIONAL CONDUCT PROCESS .....	18
	A.	Educational Conduct Conferences.....	18
	B.	Learning Action Plans.....	19
	C.	Evaluation Periods .....	20

	<b>D.</b>	Hearing Panels .....	20
	<b>E.</b>	Hearing Processes .....	21
	<b>F.</b>	APPEALS .....	23
<b>X.</b>		DEFINITIONS.....	24

Division of Student Affairs

**HSSU Student Rights, Responsibilities and Code of Conduct**

**I. PREAMBLE**

Harris-Stowe State University (“University”) is committed to creating and maintaining a productive living and learning community that fosters the intellectual, personal, cultural and ethical development of its students. Attendance at the University is optional, voluntary, and a privilege. When students enroll at Harris-Stowe State University, they voluntarily accept obligations of performance and behavior consistent with the University’s mission, policies and processes. Students’ commitment to self-discipline and valuing the rights of others are essential to the educational process, good citizenship and student success.

This Student Code of Conduct is intended to set forth the standards of behavior that all students and their guests must meet or exceed on and off campus. When students or their guests negatively infringe on the rights of others or otherwise violate this Student Code of Conduct, the University may intervene and take disciplinary action. Disciplinary action taken by the University to enforce this Student Code of Conduct is not intended to imitate or to serve as a substitute for civil or criminal proceedings, but rather have been created to maintain and preserve the educational nature of the University and ensure a respectful, productive and inclusive community.

**II. NOTICE OF NON-DISCRIMINATION**

All Harris-Stowe State University programs and activities are open to all students without regard to sex, sexual orientation, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification.

**III. POLICY OVERVIEW AND APPLICABILITY**

The Student Code of Conduct applies to misconduct that occurs on campus, at any University sponsored event, and any off-campus misconduct, including but not limited to study abroad, that may adversely affect the University or its students or employees or the University's pursuit of its objectives.

Each Student is responsible for their actions and for following this Student Code of Conduct from the time of application for admission through the actual awarding of a degree. The Student Code of Conduct applies to a Student's misconduct even if the Student withdraws from the University while a disciplinary matter is pending. The President and the VP of Student Success or designee have the right to amend or modify the procedural requirements of the Student Code of Conduct at any time as appropriate in their sole discretion.

The University reserves the right to initiate action and seek appropriate outcomes for misconduct that occurs on or off campus and which is not specifically identified in the Student Code of Conduct or in other University policies and rules when in the judgment of the VP of Student Success or their designee it is determined to be in the best interest of the University.

## **HSSU Student Code of Conduct Your Guide to Good Decision-Making**

### **IV. STUDENT RIGHTS**

At HSSU, student rights and responsibilities are deeply and purposefully interconnected to help facilitate student growth and development. As responsible citizens, students are expected to comply with all local, state, and federal laws, all University policies, and the Student Code of Conduct.

#### **A. The Right to Pursue an Education**

The University believes that students have the right to pursue an education. At the same time, students have a responsibility to make choices that are educationally purposeful.

Learning takes place inside and outside the classroom, on campus and off campus, throughout a student's educational career. HSSU supports this learning by creating a wide range of opportunities, forums, services, and experiences, resources which students are strongly encouraged to use. Students are encouraged to request reasonable and appropriate support and assistance from other campus community members, including students, staff, and faculty in maintaining a climate conducive to thinking and learning. No student, however, should take any action that will restrict other individuals from pursuing their educational goals. Additionally, learning requires the creation of original material for classes and direct evaluation of work as a student. There is also tremendous value in collaborative work when it is assigned by the instructor. The academic integrity of the University is based on a foundation of honest dialogue and exchange between the instructor and the student. Students who submit work that is not their own have violated this fundamental trust. Dishonesty, inappropriate collaboration, plagiarism or other misrepresentation of work are actions considered antithetical to learning and will be treated as serious violations of University Policy and this Code of Conduct.

#### **B. The Right to Privacy and Free Expression**

Student expression is essential to learning and can lead to lively discussion and constructive disagreement. Students are encouraged to express themselves but to do so in a manner that is purposeful, honest, situationally appropriate, and respectful of the rights and privacy of others.

Although students may express themselves, they must refrain from illegal, disruptive, or dangerous activities. Any expression that is unlawful or is intended or serves to disrupt the learning of others or the learning environment is a violation of University Policy and this Code of Conduct.

It is also understood that learning is hampered by oppressive and aggressive monitoring of every action and decision. Students also have the right to expect some privacy and should have the opportunity to limit the release of their personal information.

A student's interest in privacy, however, does not exempt the student from all interaction with others in the college environment nor does it shield their activities from all external scrutiny. Students are considered active participants in the University community and in order to learn, they have a responsibility to engage in reasonable standards of self-care, refrain from illegal, disruptive, or dangerous activities, to use University resources safely and appropriately, and to follow the Code of Conduct at all times.

The University has an obligation to suspend the right of privacy when a student's health or safety may be compromised.

Additionally, as a public educational institution that accepts federal financial aid, the University has a legal responsibility to comply with state and federal law. This includes federal guidelines on the handling of student information (FERPA) and crime reporting statistics (CLERY) that must be shared with state and federal agencies.

### **C. The Right to a Safe Learning Environment**

Students have a right to be reasonably safe and to take reasonable actions to protect themselves from harm. Students also have a responsibility to follow the University's Campus Safety Policy and to refrain from actions that jeopardize their own safety or the safety of others. Students are expected to avoid situations and choices that involve unreasonably dangerous risks, and they are expected to immediately and fully cooperate with University officials, law enforcement, and emergency personnel in the completion of their duties. At Harris-Stowe State University, students have a right to a tobacco-free, drug-free, weapons-free, and alcohol-free learning environment.

At HSSU, we want students to be exposed to other individuals from widely diverse backgrounds. This opportunity is part of what makes the college experience extraordinary and exciting. Through these interactions, we want students to engage in lively, respectful debate of complex issues while simultaneously reflecting and developing their own worldviews.

In some cases, lively debate can lead to disagreement and misunderstanding. Students should develop the skills to handle such disagreements with respect and civility. The faculty, Student Experience and Engagement staff, organization advisors, and other students can help students learn these skills. At the same time, persons who engage in conduct that constitutes harassment or discrimination as defined in applicable university policies, or that is otherwise prohibited by law, will be held accountable in a manner consistent with their rights as citizens under state and federal law.

### **D. The Right to a Fair Process**

Students have a right to fair processes and the right to appeal or seek clarification on student conduct decisions which they believe are inappropriate. Students have a responsibility to fully and honestly participate in students conduct processes.

The right to fair process, fundamentally, is the right to receive notice they may have breached their student responsibilities and the opportunity to be heard on that issue. There is an important distinction between a fair process as it relates to educational conduct and the "due process" that is

afforded to criminals in the legal system. Fair processes in educational conduct matters are intended to ensure that students have any opportunity to understand how they may have violated a policy and have the opportunity to explain their involvement, if any, in that event. This process does not afford students the right to directly confront other students. In some cases involving mental health concerns, serious legal matters, or potentially dangerous situations, an educational conference is compulsory and may require an immediate response from the student. In the interest of health and safety, some actions, including temporary suspension, may be enacted before all elements of the educational conduct process are met.

#### **E. The Right Not To Be Subjected to Hazing**

Harris-Stowe State University has always renounced acts of brutality and hazing during the intake process and this statement serves to reaffirm that long-standing commitment. “Hazing” is any action taken or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization under the sanction of the University. “Hazing” includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student. “Hazing” also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment or other forced activity that could adversely affect the mental health or dignity of the student. In addition, late work sessions which interfere with scholastic activities and any other activities which are not consistent with policies of Harris-Stowe State University or which violate local, state, or federal laws are expressly forbidden.

Cognizance and understanding of the above definition and the use of common sense in carrying out of intake activities should be sufficient to guide campus chapters to avoid hazing violations. A good rule of thumb is: “IF IN DOUBT, LEAVE IT OUT.”

#### **V. DRUG AND ALCOHOL ABUSE PREVENTION POLICY**

The Drug-Free Schools and Communities Act Amendment of 1989 requires Harris-Stowe State University to certify that it has adopted and implemented drug and alcohol abuse prevention programs as a condition of receiving federal funds and financial assistance. As a public, state-funded institution strongly committed to providing a high-quality higher education experience that is both affordable and accessible to the diverse populations within and beyond the metropolitan St. Louis region, Harris-Stowe State University has had a long-standing policy of promoting a campus environment free from drug and alcohol abuse. Consequently, the abuse of drugs and alcohol on campus, as further described below, is a violation of the Student Code of Conduct.

This includes the following:

The possession, use, manufacture, distribution, sale, attempted sale, or aiding and abetting another in the same of a controlled or illicit substance or paraphernalia, including allowing persons involved in such activities to visit or stay in residence hall rooms or to be in any University owned

or operated property over which the University has control. Examples of these illicit substances are: crack cocaine; cocaine, ecstasy, “date rape” drugs, marijuana, heroin, or any other narcotic or controlled substances except as expressly permitted by law. The University follows federal law and does not allow possession of marijuana on campus, even with a valid medical marijuana card.

## **VI. VIOLATION OF LAW AND THE HSSU STUDENT CODE OF CONDUCT**

Proceedings may be instituted against a student charged with misconduct that potentially violates both the criminal law and the University Student Code of Conduct, even if there has been an arrest, charge, or criminal matter initiated. Proceedings under the Student Code of Conduct may be carried out prior to, with, or following civil or criminal proceedings off Campus at the discretion of the VP of Student Success or designee. Outcomes of criminal charges will have no bearing on the determination made or sanctions imposed under the Student Code of Conduct. When a student is arrested, charged, or convicted 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 being processed under the University’s Student Code of Conduct, the University may advise off-campus authorities of the existence of the Student Code of Conduct matter and how such matters are typically handled within the University community. The University will cooperate with law enforcement authorities and other agencies in the enforcement of criminal laws on campus and in the conditions imposed by criminal or civil courts for the rehabilitation of student violators (provided the conditions do not conflict with University rules or outcomes).

### **A. Conduct Occurring Off-Campus**

- i) The VP of Student Success or designee has ultimate discretion in determining whether or not off-campus incidents will be addressed under the Student Code of Conduct. Factors that are considered in determining whether or not an off-campus incident will be addressed under the Student Code of Conduct include, but are not limited to:
  - The extent to which the behavior significantly impairs, obstructs, or interferes with the mission, processes, or functions of the University.
  - The impact of the behavior upon other members of the University community.
  - The potential positive, remedial, or deterrent impact that a resolution of the matter under the Student Code of Conduct would have on the University community and the student.
- ii) The VP of Student Success, upon learning of conduct by a HSSU student on the premises of another institute of higher education, or while participating in a program or activity at another institute of higher education, or while participating or attending a University sponsored event, may seek and obtain any records of the incident and/or conduct of the HSSU student in the possession of any third party and determine whether the conduct or actions of the HSSU student constitutes a violation of this Student Code of Conduct and/or whether further action is warranted under this Student Code of Conduct. Such further action may include any discipline provided herein including an adjustment to the student’s status with the University, up to an including disciplinary dismissal.

## **B. Good Samaritan**

The University may offer leniency for minor conduct violations to a student who offers help to those who need medical assistance. If leniency is offered, educational options may be explored, but no conduct action or record will result.

## **C. Residence Hall/Apartment Rules and Regulations**

Students and guests in the Residential Life are subject to the rules and policies appearing in the Residence Life Handbook, Residence Hall/Apartment Contract, and the Student Code of Conduct. Individual halls/apartments also have the authority to formulate standards of behavior for the residents in addition to those contained herein, subject to the approval of the Director of Housing and Residential Life and incorporated herein. These policies will be established using the processes and criteria published by the Department of Housing and Residence Life. Floor and hall/apartment policy changes will be posted in designated areas or distributed to the affected individual students at least 24 hours before they become effective whenever practicable. In the event of a conflict between any floor or hall policy and those policies contained in the Student Code of Conduct or elsewhere, the more stringent policy will take precedence.

## **D. Student/Student Organization Conduct Violations**

The following list of violations of the Student Code of Conduct are examples of misconduct that are not permitted under the Code. However, this list is not exhaustive, and students will be held accountable for any improper conduct or other conduct that is determined to interfere with the University's mission or is harmful to others.

### **i. Abusive Behavior**

Any act, including verbal or written communications, that intimidates, coerces, threatens or significantly disrupts the health, safety, or well-being of any person. If behavior involves Sexual or Gender-based harassment, Intimate Partner Violence, or is part of a course of conduct of Stalking, or an act of Retaliation it will be addressed under the University's Title IX Policy.

### **ii. Aiding or Facilitating**

The act by an individual or group to aid, facilitate, promote, collude, or encourage another to commit a violation of this Code. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Aiding or facilitating includes gaining academic or personal advantage or privilege with negative impact on others or the community through violation of University policy or Student Code of Conduct. Aiding or facilitating may also include bringing any guest onto campus or to a University-sponsored or related activity who the student should reasonably know to be restricted from campus access or reasonably know that the guest intends to engage in conduct that violates law or this Code.

iii. Alcohol – Underage Drinking/Possession

Any unlawful use or possession of alcoholic beverages by any student under the age of 21.

iv. Alcohol – Public Intoxication

Under the influence of alcohol in any spaces that others regularly use, whether outside or inside, or accessible to the public to the degree that students are a danger to themselves and/or others or causing a significant disruption on campus or at a University-related activity or facility.

v. Alcohol – Purchasing or Providing Alcohol to Minors

Buying alcohol for or providing alcohol to anyone under the age of 21. This includes, but is not limited to, providing alcohol at a party where underage students are drinking or reasonably understood to be drinking, as well as providing a location for any individual under 21 years of age to possess or consume alcohol.

vi. Animals

Animals are not allowed on campus or at University-related activities except with the prior permission of the University pursuant to its ADA accommodation process. Failing to properly leash and/or control pets and/or properly dispose of their organic waste is a violation of the University Student Code of Conduct.

vii. Assault

The threat or the action of intentionally committing physical harm against any person.

viii. Assault on a University Official

The threat or action of intentionally committing physical harm against an employee of the University.

Assault may be committed without actually touching or striking, or doing bodily harm to another person. Rather, an assault is any intentional, unlawful threat by word or act to do violence to another person, coupled with an apparent ability to do so, and doing an act which creates a well-founded fear in such other person that violence is imminent.

ix. Battery

Battery occurs when a person actually and intentionally touches or strikes another person against the will or without consent of the other person, or when a person intentionally causes bodily harm to another person.

x. Assault or Battery on a Campus Public Safety Officer

Harming or threatening harm to a University Public Safety Officer. Under Missouri State Statute **17 CUR 20-5.055** a person licensed as a security officer as defined in **17 CSR 20-5.025** who is

wearing a uniform that has a patch or emblem visible at all times and who is engaged in the lawful performance of his or her duties, receives the same statutory coverage as a sworn law enforcement officer. Anyone who assaults or batters a campus security officer is subject to all applicable consequences under this Code and may also be charged by prosecuting officials with more severe charges.

xi. Complicity

Complicity with or failure of any student to take action to prevent, report, or appropriately address known or obvious violations of any University policy or the University Student Code of Conduct.

- a. Complicity with or failure of any organized group or student organization to take action to prevent, report, or appropriately address known or obvious violations of any University policy or the University Student Code of Conduct.
- b. Complicity with or failure of any organizational group or student organization to take action to prevent, report, or appropriately address known or obvious violations of any University policy or the University Student Code of Conduct.

xii. Contracts, Entering Into

Individual students and/or student representatives of organizations are prohibited from entering into verbal or written agreements or contracts on behalf of Harris-Stowe State University, or that may in any way bind, obligate, or create liability for the University.

xiii. Cyberbullying

Purposely embarrassing, harassing, or tormenting another using digital media, the Internet, social media, or any other electronic platform, source or method. Such behavior on the World Wide Web, including but not limited to, social media networks, constitutes a violation of University policy and will be sanctioned accordingly.

xiv. Dating Violence

Dating violence is violence committed toward a person with whom the person committing the act has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

xv. Domestic Violence

Domestic violence is a crime or act of violence committed by a:

- a. Current or former spouse or intimate partner of the victim;
- b. Person with whom the victim shares a child in common;

- c. Person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner

xvi. Destruction of Property

Attempted or actual damage to University property or services, property belonging to a member of the University community, or other personal or public property, on or off campus.

xvii. Dishonesty

Acts of dishonesty include the following:

- a. Providing false and/or misleading information to a University official; employee, faculty member, instructor, authorized University agent, or other member of the University.
- b. Manufacturing, altering, misrepresenting, possessing in violation of University policy, or otherwise misusing any University or legal document(s), record, or instrument of identification, and
- c. Academic Dishonesty, which includes, but is not limited to:
  - i. Falsification
  - ii. Plagiarism or intentional representation of someone else's thoughts or words as if they were one's own;
  - iii. Academic cheating or the use of unauthorized assistance to gain an academic advantage over other students through unauthorized assistance of technical aids or resources not approved by the instructor or the University.

xviii. Disorderly/Disruptive Conduct

Acting in a manner that impairs, interferes with, or obstructs the orderly conduct, processes, functions, or investigations of the University, agents of the University, or of any person or persons on University owned or operated property or at any University-sponsored event.

xix. Disorderly/Disruptive/Obscene Attire

Students whose attire is deemed by the University to be disruptive at University events, academic functions, or general University operations because it is sexually explicit, lewd, profane, patently offensive, or carries messages in print or pictures which are sexually explicit or patently offensive, or a student whose behavior, communication, or conduct is indecent, sexually explicit, profane, exhibitionist, or otherwise beyond standards of decency and reasonable moral conduct, may be ejected from said University sponsored event or activity, excused from an academic course of instruction, and/or subjected to further discipline.

xx. Drugs (Violation of Drug Free Policy)

The possession, use, manufacture, distribution, or sale of a controlled or illicit substance. Examples of these illicit substances are: crack cocaine; cocaine, ecstasy, “date rape” drugs, marijuana, heroin, or any other narcotic or controlled substances except as expressly permitted by law. The University follows federal law and does not allow possession of marijuana on campus, even with a valid medical marijuana card.

The possession, use, manufacture, distribution, or selling of drug paraphernalia, or the attempt to distribute or sell the same. Aiding or abetting individuals in the illegal manufacturing, possession, use, sale, distribution, or attempted sale or distribution of controlled substances or drug paraphernalia, including allowing persons involved in such activities to visit or stay in residence hall rooms or to be in any University owned or operated property over which the University has control.

xxi. Embezzlement

Unauthorized acquisition and/or use of funds belonging to or under the stewardship of any University unit, organization, or individual.

xxii. Failure to Comply/Non-Compliance/Insubordination

Failing to comply with or respond to the directions or instructions of an authorized University official, faculty or staff member acting in the performance of his or her duties or any other person responsible for a University facility or registered function acting in accordance with his or her duties.

xxiii. Failure to Evacuate

Failure to evacuate a University-owned or controlled building during an emergency, drill, or when advised to do so by a University official.

xxiv. False Testimony/Perjury

The willful giving of false testimony or misrepresenting statements or information during the student disciplinary process (including the investigation and hearing). Failure to cooperate during the investigation and hearing.

xxv. Forgery, Fraud

Forging the name of a University employee or another student, altering or misusing official University forms; documents, records, stored data, or identification, or knowingly furnishing false information to University officials, faculty, and/or employees or providing such information involving or referring to the University to off-campus organizations or institutions; or making false statements in public or private. Aiding and abetting another individual in such conduct also constitutes a violation.

xxvi. Gambling

Illegal gambling for money or other things of value on campus or at University-sponsored activities.

xxvii. Harassment

Any unwelcome, unsolicited, and offensive conduct that injures, degrades, or shows hostility to another person. Harassment of students or employees because of the individual's race, color, religion, disability, age, gender, national origin, sexual orientation, perceived sexual orientation, marital status or veteran's status is prohibited by University policy and the Student Code of Conduct. This prohibition against harassment includes, but is not limited to, disparaging comments, written material, physical assaults, verbal threats and offensive pranks.

xxviii. Harboring

Anyone who has trespassed or has an outstanding arrest warrant is strictly prohibited from campus grounds, campus events, or off-campus University sponsored events. Knowingly allowing any prohibited person on campus is strictly prohibited.

xxix. Inappropriate Conduct

Behavior that fails to uphold the University's mission, values, objectives, and responsibilities; behavior that fails to model good citizenship.

xxx. Indecent Conduct

Sexually explicit, graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, gestures and acts.

xxxi. Interfering with the Conduct Process

Interfering with conduct procedures or outcomes, including but not limited to, falsification, distortion or misrepresentation of information before the Department of Public Safety, the VP of Student Success (or designee), an Education Conduct Conference, a Student Code of Conduct Educational Conference Committee Panel or Independent Hearing Officer; knowingly initiating a complaint without good cause; harassment or intimidation of any member of a Hearing Panel, witness(s), or Harris-Stowe State University personnel before, during, or after a proceeding; and failure to comply with the sanction(s), including performing the action items in a corrective action plan, imposed by either a Student Code of Conduct Educational Conference Committee, Hearing Panel, Conduct Educator, the VP of Student Success or their designee, or any other person with authority to act on behalf of the University in implementing sanctions and corrective action plans.

xxxii. Retaliation

Any harassment, threats, intimidation, or coercion, or attempts thereof, which would reasonably discourage any person from reporting a violation of University Policy, the Student Code of Conduct, or from participating in an investigation or hearing process.

xxxiii. Sexual Assault

Any sexual act directed against another person, regardless of gender, without consent of the victim, including instances where the victim is incapable of giving consent (e.g., incapacitation), including for example:

- a) Rape: is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b) Fondling: is the touching of the private body parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same) of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent incapacitation.
- c) Incest: is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape: is sexual intercourse with a person who is under the statutory age of consent.

xxxiv. Sexual Exploitation

Non-consensual or abusive sexual advantage taken by an individual of another for their own advantage or benefit, or to advantage or benefit anyone other than the person being exploited, and that behavior does not otherwise constitute any form of prohibited conduct. Examples of Sexual Exploitation include, but are not limited to:

- Invasion of sexual privacy, including observing or allowing another individual to observe another's nudity or sexual activity without the consent of all individuals involved;
- Prostituting another person;
- Engaging in voyeurism;
- Knowingly exposing another individual to a sexually-transmitted infection or virus without the individual's knowledge of the potential exposure;
- Exposing or inducing another to expose their genitals without consent; or
- Causing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

xxxv. Sexual Misconduct

Refers to a wide range of behaviors and encompasses any sexual behavior that was committed without consent. Sexual Misconduct may vary in severity and consist of behaviors including, but not limited to:

- Conduct that violates Harris-Stowe State University’s Sexual Misconduct Policy, Sexual Harassment Policy, or Student Code of Conduct.
- Unwelcome sexual touching: Touching an unwilling or non-consensual person’s intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one’s own intimate parts; or forcing an unwilling person to touch another’s intimate parts.
- Exposure: Engaging in indecent exposure, voyeurism or non-consensual sharing of sexually explicit images.
- Non-consensual sexual assault: Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
- Forced sexual assault: Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation or through exploitation of another’s mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware.

xxxvi. Sexual or Gender-Based Harassment

Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature by a University employee in a position of power or authority or a member of the student body if:

- (1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s education, living environment, employment, or participation in a University-related activity or program;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual’s education, living environment, employment, or participation in a University-related activity or program; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s educational or work performance, i.e. it is sufficiently serious, persistent or pervasive that it creates an intimidating, hostile, offensive, or abusive environment for that individual’s education, living environment, employment, or participation in a University-related activity or program under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, gender identity, gender expression or sexual orientation, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Conduct reported as sexual or gender-based harassment will be investigated and evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the conduct at issue. Although repeated incidents generally create a stronger claim, a single incident, if sufficiently severe, may create a hostile environment. Sexual and gender-based harassment:

- May be committed by or against anyone, regardless of sex, gender, sexual orientation, gender expression/gender identity;
- May occur between people of the same sex or different sexes;
- Does not have to be “directed at” a specific person or persons to constitute harassment;
- May include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended;
- Often includes a power differential between the parties based on differences in age or educational, employment, or social status;
- May be committed by a stranger, an acquaintance, or someone with whom the reporting party has a current or previous relationship, including a romantic or sexual relationship;
- May occur in the classroom, in the workplace, in residential settings, or in any other setting; and
- May be committed in the presence of others, when the parties are alone together, or through remote communications, including email, text messages, or social media.

#### xxxvii. Stalking

When a person engages in a course of conduct or willfully, maliciously, and repeatedly follows or harasses a person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel frightened, intimidated, threatened, harassed, or suffer substantial emotional distress.

A “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Stalking includes, but is not limited to, the concept of cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, online dating sites, cell phones, texts, or other similar devices or other forms of contact are used.

Examples of stalking may include, but are not limited to:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- Unwelcome/unsolicited communication about a person, their family, friends, or co-workers; or
- Sending/posting unwelcome and/or unsolicited messages with another’s username; or
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person

xxxviii. Smoking

The use of tobacco products, defined as including but not limited to, cigarettes, cigars, pipes, bidis, clove cigarettes, e-cigarettes, any other smoking product; smokeless or spit tobacco, also known as “dip, chew, snuff, or snus,” in any form; and any other tobacco product or device not approved by the FDA for the strict purpose of cessation of tobacco use, is strictly prohibited on campus. Smoking is prohibited on campus grounds and in all campus facilities.

xxxix. Theft

Removal, attempted removal, or possession of University property, (including but not limited to, residence hall property and apartment property), another’s personal property, or public property, on or off campus.

xl. Trespassing

Unauthorized entry into any room, building, structure, facility, or area on or off campus.

xli. Illegal or Unauthorized Entry

Entering or using University facilities or property owned by or in the custody or control of the University, for an improper purpose, or without proper authorization, or assisting others in doing so.

xlii. Unauthorized Use of Electronic Devices

Use of electronic or other devices to make an audio or video record of any person without their personal knowledge or without their consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another and reproduction of such photos. The University reserves the right to use video recordings on campus to maintain safety and security.

xliii. Unauthorized Use of Computers

Theft, unlawful use of or other abuse of computer facilities, software, files, and resources, including, but not limited to:

- a) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose;
- b) Unauthorized transfer of a file;
- c) Use of another individual’s identification or password;
- d) Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official;
- e) Use of computing facilities and resources to send obscene or abusive messages;
- f) Use of computing facilities and resources to view obscene or abusive media;
- g) Use of computing facilities and resources to interfere with normal operation of the University computing system;
- h) Use of computing facilities and resources in violation of copyright laws;

- i) Any violation of the University's Acceptable Use Policy.

xliv. Unsafe Acts

Causing any condition that jeopardizes the safety of individuals, groups, or the University community or violation of the Campus Safety Policy. Examples of unsafe acts include:

- a) Tampering with safety measures or devices, such as alarm systems; fire extinguishers, exit signs, emergency phone systems, smoke detectors, fire hoses, security cameras, locked exterior or interior doors, and sprinkler systems.
- b) Misusing fire safety equipment or elevators.
- c) Failing to conform to safety regulations, such as falsely reporting an incident, failure to evacuate facilities in a timely fashion in an emergency situation or in response to fire alarms, inappropriate use of the alarm system, and other similar conduct.
- d) Intentionally or recklessly obstructing fire, police, or emergency services.
- e) Using, possessing, or storing dangerous chemicals, fireworks, or explosives on University property, or illegally possessing dangerous chemicals, fireworks, or explosives on off-campus property.
- f) Utilizing any instrument in a manner that endangers or tends to endanger any person.
- g) Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at University events.
- h) Failing to comply with the reasonable and lawful directions of University officials and University police.
- i) Intentionally or recklessly starting a fire.
- j) Falsely reporting the presence of a bomb or any other dangerous device or condition.

xliv. Violation of University Policy

Violation of any University policy or rule. This includes, but is not limited to, the violation of University and Residence Life Policies.

xlvi. Weapons Violation

Possession of weapons including firearms, items that eject projectiles, knives, or any item that anyone of reasonable sensibilities would consider to have the possibility of doing bodily harm. Possessing, using, storing, or transporting firearms, other weapons, explosives, any projectiles, fireworks, ammunition, or dangerous chemicals (except chemicals authorized for use in class or in connection with University-sponsored research or other approved activities) are likewise prohibited.

## VII. CHILDREN ON CAMPUS

HSSU recognizes that employees and students may occasional bring children on campus for campus events, situational conveniences, family emergencies or brief visits. Outside of the Clay Center, it is generally not appropriate for minor children, particularly pre-high school aged children, to be present on a frequent or continuing basis. At present, the University does not have housing or the infrastructure that permits or supports the residence or continuous presence of minor

children. As such, children should not be brought to campus on a regular basis in lieu of childcare for at least the following reasons, which include but are not limited to:

- a) Incidents in which a child is harmed could create liability for the University.
- b) The University is not designed for the presence and intellectual interpretation of stimuli of children.
- c) Campus environmental factors could pose a danger to children.
- d) Children can create distractions or interfere with the general operations of the University, including education-related activities.

Consequently, repeatedly bringing children on campus, particularly in lieu of childcare is a violation of the Code of Conduct.

If however, in the limited, uncommon and rare instances where children are present on campus, the following guidelines apply:

1. The student responsible for the presence of the child shall be responsible and accountable as or for both the parent/guardian providing direct supervision of the child and the behavior/actions of the child at all times while on campus.
2. Children not participating in HSSU sponsored and/or approved programs are prohibited from areas where significant potential safety hazards and liabilities exist, including areas where strict safety precautions are required.
3. Whether or not children are allowed in a class is the discretion of the individual professor. Because there may be subject matter in a course that is unsuitable for children, or the professor may simply prefer not to have children in their classroom, Students must first obtain the professor's permission before bringing a child to class. The conduct of the child shall not interfere with the educational process or learning environment. A professor may ask the parent and child to leave if the child is being disruptive to the class. Under no circumstances should children be allowed in laboratories or classes where a child could be injured or there is the possibility of a child damaging university equipment.
4. As a general rule, children with contagious illnesses or illnesses requiring special attention should not be brought to campus.
5. Parents/guardians should make any arrangements for others to supervise or care for a child who is brought to campus prior to bringing the child to campus.
6. Any department or class which allows children into its office or classroom space must exercise caution to ensure that departmental practices relative to children are applied consistently to all employees or students in that department.
7. With the exception of children participating in HSSU sponsored and/or approved programs, campus technology is reserved for student and employee use.

8. While on University property, persons who are not students or employees of the university are required to abide by university policies and regulations, which includes children through their parents/guardians.

### VIII. COMPLAINT

Any member of the University community may file a complaint against any student or student organization for misconduct or a violation of the Student Code of Conduct or any other University policy. All complaints should be submitted as soon as possible after the date of the alleged violation to the VP of Student Success, and thereafter the Educational Conduct Process will be implemented. Any complaint against a student organization shall be deemed as against the students affiliated with that organization, and any sanctions or corrective action implemented against a student organization shall include faculty involvement and oversight over that student organization's continued existence on campus on a going-forward basis for an appropriate period of time.

### IX. EDUCATIONAL CONDUCT PROCESS

Students who may have violated a university policy will have an opportunity to engaged in the Educational Conduct Process, which begins with meeting with a **“Conduct Educator”**. Conduct Educators are university personnel who are trained to critically examine your decision-making process, recognize examples of good judgment and hold students accountable for incidents of poor judgment. The role of the Conduct Educator is to help students **“navigate their way toward full independence and individual responsibility”** (Bickel & Lake, 1999). To accomplish this, conduct educators will facilitate personal reflection and growth through the lens of student development. To this end, conduct educators are empowered to look at a student's overall progress, including their overall academic performance, and outline courses of action that may be necessary in order for the student to remain in good standing as a student at the University.

Students who may have violated a university policy will have an opportunity to meet with a Conduct Educator. The Conduct Educator will review the available information and make a determination about the likelihood an error in judgment occurred. The decision of the Conduct Educator is the official determination by the University on whether or not a violation of policy has occurred. If it is their determination a policy has been violated, then the student should expect to be held accountable for that decision.

#### A. Educational Conduct Conferences

The primary tool of the Conduct Educator is the opportunity for an **“Educational Conduct Conference”** with the student. When the University becomes aware of a student who may not be meeting the expectations of good decision-making (usually through an academic alert from faculty, public safety report, or housing report), then the student will be contacted (generally by email) to schedule an Educational Conduct Conference.

An Educational Conduct Conference might also be required if university personnel identify a pattern of behaviors or decisions that illustrate poor decision-making or potential risk. A student may also request an Educational Conference if there is a concern they would like to discuss.

An Educational Conduct Conference may also be required in order to help HSSU staff **prevent** a foreseeable negative event. For example, if staff become aware that students have planned a large and potentially risky party, those students might be required to meet with a Conduct Educator to discuss how they plan to manage that event and minimize the risk to attendees.

The Educational Conduct Conference should be viewed as an opportunity for a student to clarify their decision-making process and, in the case of poor judgment, take responsibility through implementing corrective actions. The Educational Conduct Conference is designed to be a civil but critical examination of the student's decision-making process and direct discussion of choices the student has made. **This process is only effective if a student participates openly, respectfully and honestly.**

The Educational Conference is meant to assist the student in evaluating the educational purposefulness of their choices. **Students are responsible for regularly checking their campus email** and for responding to the request for an Educational Conduct Conference in a timely manner (within five (5) class days of the date on the email). This is a basic expectation of all students and failure to do without explanation may result in a sanction tailored towards encouraging student responsiveness and accountability.

A student may choose to bring one advisor to the Educational Conduct Conference. In most cases, this advisor is a peer or trusted advisor. The role of this advisor is to assist the student in reflecting on their choices and to assist with the learning process. The advisor will not be involved in determining the facts of a situation. It is important to note that the Conduct Educator will direct all discourse to the student.

The student is expected to participate fully and respectfully in the Educational Conduct Conference. In some cases, students may choose not to meet with a Conduct Educator. If the student chooses not to meet with a Conduct Educator, the student must notify the VP of Student Success or his designee in writing within five (5) days of receiving a request for an Educational Conference. This decision may result in a customized alternative action plan for the student, designed by the VP of Student Success or their designee to encourage accountability and mindfulness of the consequences of poor decision making. In the educational conduct setting, students who choose not to meet with their Conduct Educator must still abide by the decisions of the Conduct Educator. In a classroom setting, students who choose not to attend class may fail the course, lose financial aid resources, and drop out of good standing with the University. In situations where a significant error in judgment has been made, the student may lose their opportunity to continue their studies at HSSU.

## **B. Learning Action Plans**

At the conclusion of the Educational Conduct Conference, the Conduct Educator may decide that the situation has been resolved or is a misunderstanding that requires no additional follow up. In other cases, the Conduct Educator may require the student to take additional steps (such as participation in an educational program) to demonstrate that they have learned from this process. These additional steps are documented in a learning action plan prepared by the Conduct Educator and delivered to and reviewed with the student. It is the responsibility of the student to complete

this **learning action plan** in the manner and timeframe determined by the Conduct Educator and monitored by check-ins agreed upon between the student and the Conduct Educator. In general, a student should expect to be contacted by the Conduct Educator (by email or letter) within five (5) class days after the Educational Conference. Students are responsible for following up on the action plan outlined in the email or letter.

Some incidents of poor decision-making may require an immediate response on the part of the student in order to demonstrate they understand the important nature of their choices. Other decisions may result in restitution to a harmed party, mandatory participation in a course or program at the student's expense, among other potential consequences. Serious lapses in judgment (particularly those that involve dishonesty or harm to others) may necessitate altering or terminating a student's status.

### **C. Evaluation Periods**

Another important tool of the Conduct Educator is the "Evaluation Period." The Evaluation Period is intended as an opportunity for personal reflection and purposeful action during which time a student may expect enhanced scrutiny by Conduct Educators. This period of reflection is an opportunity for students to demonstrate excellent decision-making. The intent of the Evaluation Period is to help students refocus on purposeful educational decisions. To help students succeed in this endeavor, some external parameters may be applied to their decision-making framework. For example, in some cases, the Evaluation Period may:

- Limit student's ability to work on campus
- Restrict student's campus living options
- Delay enrollment in a future semester

While this may be uncomfortable, the intent is constructive. If the student has questions, the student should discuss these restrictions with his or her Conduct Educator. The Evaluation Period is distinct from "Academic Probation" but may prompt educational interventions and could include the addition of mandatory coursework. Records of Educational Conduct Conferences will remain in the student's records in a separate location which shall not be disclosed unless by order of a court of competent jurisdiction.

### **D. Hearing Panels**

The VP of Student Success or their designee shall designate a pool of Conduct Educators, which shall be named the Student Code of Conduct Educational Conference Committee, for the purpose of conducting individual student disciplinary hearings, which shall be comprised of staff and members of the university community. It is the duty of the VP of Student Success or their designee to inform a student of charges against him/her and to make certain the student is aware of his/her rights and privileges before, during and after the hearing, as set forth in this Code. The Student Code of Conduct Educational Conference Committee shall have the authority to issue all forms of discipline indicated in this Code, up to and including suspension or expulsion. The VP of Student Success or their designee shall have the authority to uphold, overturn or modify sanctions.

## **E. Hearing Processes**

1. Allegations related to a student's conduct should be sent or directed to the VP of Student Success. The VP of Student Success or their designee will determine whether a Conduct Educator should be informed to initiate an Educational Conduct Conference, whether an investigation is warranted, or whether another course of action is warranted.
2. If warranted, the Department of Public Safety will investigate the allegations.
3. Information gathered by the Department of Public Safety will be forwarded to the VP of Student Success or their designee (and other appropriate university official(s), if any) for further review/action. The student shall be informed by the VP of Student Success or their designee of the allegations, and whether the allegations if true are suspendable. For suspendable violations, a hearing notification letter will be sent to the accused student containing information concerning the alleged violation(s) and details of the pending hearing (time, day, location, etc.)
4. Throughout the process, a Complainant and/or Respondent may have an advisor of their choice present at any meeting related to the disciplinary proceedings. An advisor of choice may include a peer, parent or trusted advisor. The role of this advisor is to assist the student in reflecting on their choices and to assist with the learning process. The advisor will not be involved in determining the facts of a situation. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Advisors can participate in the resolution process in an advisory capacity, but they may not take part directly in the hearing itself and must demonstrate appropriate behavior. The University has the right at all times to determine what constitutes appropriate behavior on the part of the advisor. If a student wishes to speak privately with their advisor during the hearing, they may request a brief recess from the proceeding. The advisor may not be witness or otherwise have any conflicting role in the allegations or in the process.
5. For non-suspendable allegations, concerns of poor decisions making or concerns of an impending risky situation (i.e. an on-campus party with potential to be problematic), the student has the option of an Educational Conduct Conference. The Educational Conduct Conference notification will be sent, and it will contain information concerning the alleged violation(s) and details of the pending conference (time, day, location, etc.)
6. The Conduct Educator will meet with the accused student to discuss their rights as a student, the incident, and review of the alleged violation(s). A student may take responsibility, be found responsible, or be found not responsible for violating the Student Code of Conduct. When conferring about a future event, the student may discuss their plan of action to minimize any violation(s) of the Student Code of Conduct.
7. If a student takes responsibility or is found responsible for the violation(s), the Conduct Educator will assign an appropriate action plan which may include sanctions.

8. With the exception of suspension or expulsion, the Conduct Educator may impose any sanctions deemed appropriate under the circumstances and consistent with University policy and standard practice.
9. In determining the appropriate sanction(s), the Conduct Educator may consider the following factors, among others relevant to the decision under the circumstances:
  - Precedent;
  - The nature and violence of the conduct at issue;
  - The impact of the conduct on the reporting party;
  - The impact or implications of the conduct on the community or the University;
  - Prior misconduct by the accused party, including the accused party's relevant prior disciplinary history;
  - Whether the accused party has accepted responsibility for the conduct;
  - Maintenance of a safe and respectful environment conducive to learning
  - Protection of the University community; and
  - Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.
10. For suspendible violations, the Student Code of Conduct Educational Conference Committee (SECC) may impose any sanctions deemed appropriate under the circumstances and consistent with University policy. If appropriate the VP of Student Success may appoint an appropriate officer that does not regularly sit on the SECC to act as an Independent Hearing Officer. In determining the appropriate sanction(s), following a hearing where all facts, statements and other known evidence are considered, the SECC/Independent Hearing Officer may consider the following factors:
  - The nature and violence of the conduct at issue;
  - The impact of the conduct on the reporting party;
  - The impact or implication of the conduct on the community or the University;
  - Prior misconduct by the accused party, including the accused party's relevant prior discipline history;
  - Whether the accused party has accepted responsibility for the conduct;
  - Maintenance of a safe and respectful environment conducive to learning;
  - Protection of the University community; and
  - Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.
  - Students will be notified of the outcome of the Educational Conduct Conference or Hearing by email and regular mail within five (5) business days. Time deadlines may be extended during breaks and Harris-Stowe State University holidays.
11. The outcome letter will include, at a minimum:
  - i. The findings: responsible or not responsible
  - ii. Sanctions, if appropriate

- iii. Appeal process

## F. APPEALS

### **Sanctions of Suspension or Expulsion**

1. Students may appeal the outcome of the SECC/Independent Hearing Officer in writing that result in suspension or expulsion by regular mail or email within five (5) business days noting the grounds for the appeal to the VP of Student Success. The grounds for appeal may only be based upon the following:
  - a. *Procedural Error* – the decision of the SECC/Independent Hearing Officer was reached through substantial procedural errors which denied the student a fair hearing
  - b. *Arbitrary or Capricious Conclusion* – the decision of the SECC/Independent Hearing Officer was not supported by evidence or the decision was inconsistent with the information presented. An arbitrary and capricious conclusion does not mean that there was mere disagreement with the discussion, but that the weight of the evidence is against the decision made by the SECC/Independent Hearing Officer.
  - c. *Disproportionate Sanction* – the decision of the SECC/Independent Hearing Officer was greatly disproportionate to the offense.
  - d. *New Information* – relevant information, not available at the time of the hearing, has arisen that would significantly impact the outcome of the case.

Dissatisfaction with the outcome of the investigation, and failure of a party or witness to attend or participate in the investigation or hearing process, are not grounds for appeal.

2. The VP of Student Success will first review the grounds for the appeal. If the VP of Student Success determines the grounds for appeal are sound, the VP of Student Success will note that they agree or disagree that the SECC/Independent Hearing Officer's determinations are set-aside based on i-iv. Following a determination on the grounds for the appeal, the VP of Student Success will then determine the appropriate sanction, if any. The VP of Student Success will finally determine the appeal within no more than 60 days of receipt of the appeal
3. As a general rule, neither the sanctions resulting from a disciplinary decision nor any change in the status of a student will be enforced until the appeal has been fully considered, except that the University has the discretion to initiate actions that it deems necessary to protect an alleged victim or the University body. Each matter will be considered on a case-by-case basis, taking into account, among other things, the health and safety of individual community members and/or the community as a whole.

**Honesty Statement:** The University expects that all information presented will be truthful and accurate. If false information is willfully provided, a student will be in violation of the Student Code of Conduct and may be held accountable through the student conduct process.

## **Other Sanctions and/or Corrective Action**

Students have a right to request a review of the decision of the original Conduct Educator/Educational Conduct Conference if they disagree with the individual's assessment of the conduct or the learning action plan outlined by the Conduct Educator. This request must be submitted by regular mail or email to the VP of Student Success within five (5) class days of the decision of the original Conduct Educator. If a request for appeal is not received within five (5) business days, the determination is considered final. Time deadlines may be extended during breaks and Harris-Stowe State University holidays.

The review will be conducted by a second Conduct Educator. This individual's role is to review the original process, the learning action plan or change to student status, and the rationale for the review. The second Conduct Educator may choose to reject the request for review outright, directly act on the request, or invite the student to attend a new Educational Conduct Conference. If the reviewer chooses to act on the request, they will then make a determination about whether or not to uphold, alter, or reverse the original decision in whole or in part.

The new Conduct Educator will notify the student of their decision within fifteen (15) class days after the Director's receipt of the violation. Time deadlines may be extended during breaks and Harris-Stowe State University holidays. The decision of this Conduct Educator is final.

## **X. DEFINITIONS**

The following definitions describe key roles and procedural references applicable to the Students Rights, Responsibilities and Code of Conduct:

A. **Accused:** the Student, group of Students, or University-affiliated organization alleged to have committed a violation of the University's Student Code of Conduct.

B. **Administrative Dismissal:** Suspension of a student without a hearing where the student presents a threat to himself, others or campus property. The Vice President of Student Affairs may also render administrative dismissal pending the outcome of a criminal case, and egregious violations of University Policy including this Student Code of Conduct.

C. **Administrative No Contact Directive:** A student may be directed to abstain from any contact with a specific individual or group. Contact includes direct, indirect, or intentional contact. Direct, indirect, and intentional contact includes all forms of communication including but not limited to phone calls, text messages, verbal communication, social networks, emails, letters, contact via friends or family or contact with the restricted individual's friends or family.

D. **Administrative Probation:** The Vice President of Student Success may place a student on Administrative Probation. During this time and depending on the violation, the student may not be eligible to participate in extra-curricular activities, run for or hold elected positions, hold appointed positions, or run for class offices.

E. **Advisor:** A person who has voluntarily agreed to assist a complainant or respondent during the University's Educational Conduct Conference. The advisor may be a person of the student's choosing, including a Harris-Stowe State University student, a parent, or a friend.

F. **Complainant:** Any member of the University community who commences a complaint with the VP of Student Success or their designee against any student or student

organization for misconduct or a violation of the Student Code of Conduct or any other University policy; the University may also serve as a complainant.

G. **Community Service:** Work assignments performed in service to the community or on the campus as determined by the Administrative Panel, or Vice President of Student Success.

H. **Conduct Educator:** Refers to a trained individual authorized by the VP of Student Success to serve on the Student Code of Conduct Educational Conference Committee, hear community standard violations and determine whether a student or organization has violated the University's Student Code of Conduct and issue the appropriate sanction(s). This University personnel is trained to critically examine students' decision-making process, recognize examples of good judgment and hold students accountable for incidents of poor judgment.

I. **Counseling:** Administrative referral is made to the Counseling Office to determine the specific needs of the individual student. The student will be required to satisfy the requirements determined by the team.

J. **Disciplinary Dismissal:** The permanent separation of a student from the University, including separation of the student from all programs, activities and University premises. The student is further banned from physically being present on any University owned or operated property over which the University has control. This is commonly referred to as "expulsion."

K. **Disciplinary Probation:** The VP of Student Success and/or Student Code of Conduct Educational Conference Committee may place a student on Disciplinary Probation. This action is a formal probationary status during which the student is removed from good standing at the University for a defined period of time. During this time and depending on the violation, the student may not be eligible to participate in co-curricular activities, run for or hold elected positions, hold appointed positions, or run for class offices. Any further violations while on probation may result in suspension, either from the residence halls or the University.

L. **Disciplinary Suspension:** The implemented sanction of a temporary separation of a student from the University after the Educational Conduct Conference or Hearing is finally concluded; separate from administrative suspension which may be implemented at the discretion of the VP of Student Success.

M. **Disciplinary Warning:** A written notice is given to the student that continued misconduct within a stated period of time may result in further disciplinary action. Depending on the violation, any student who is found responsible of a disciplinary infraction may not be eligible to participate in extra-curricular activities, run for or hold elected positions, hold appointed positions, or run for class offices

N. **Day:** Harris-Stowe State University working day, not including Saturday, Sunday, or University holidays.

O. **Fines:** see definition of "restitution" below.

P. **Illicit drugs:** includes any controlled substance listed in Schedule I-V of §812 of the Federal Controlled Substance Act and those listed under Illinois, Missouri or other applicable laws.

Q. **Incapacitation:** Temporarily incapable of appraising or controlling his/her conduct due to the influence of drugs or alcohol, unconsciousness, being asleep or for any other reason that makes the individual physically or otherwise unable to follow direction or act in accordance with this Student Code of Conduct.

R. **Parental Notification:** means the University's notification to parents of students under the age of 21 when a student has been found responsible for an alcohol or drug related violation to the extent allowed by FERPA and other laws. Students are generally notified when parents or guardians will be contacted and are given the opportunity to contact the parents first.

S. **Readmission:** Readmission to Harris-Stowe State University is not automatic or guaranteed. Any student suspended or withdrawn for disciplinary reasons must submit an application to the Office of Admissions requesting readmission. Final determination may be decided by the Vice President of Student Success in consultation with the Office of the Provost.

T. **Residence Hall Dismissal:** The student is dismissed from the residence hall and unable to live on campus for remainder of matriculation.

U. **Residence Hall Probation:** This is a formal probationary status for a period of time as specified by the VP of Student Success and /or Conduct Educator whereby a student is temporarily prohibited from entering residence hall for any reason. During this time, if the student resided in residence hall, they will need to relocate. Any further violation of University or residence standards while on probation subjects the student to further disciplinary action.

V. **Respondent:** Any student that is alleged to have violated the Student Code of Conduct.

W. **Restitution:** The designation may include payment for damage to property or facilities, payments for damages to property or person of a member of the University community, repayment of misappropriated or misused funds, and/or payment for the repair or replacement of damaged property. Such payments may also be called "fines", and must be paid during the current semester at the Bursar's Office. If restitution/fines are not paid by the end of the semester, they will be placed on students' accounts; and the student will not be allowed to register for the following semester, receive transcripts or apply for residence life until the fine has been cleared from the student's account.

X. **Sanctions:** A disciplinary action or consequence which is imposed on students who are found responsible for violating the Student Code of Conduct. Sanctions are designed to include educational measures that hold students accountable for their behavior, providing the opportunity for behavior change in an individual.

Y. **Student:** refers to any and all persons enrolled at or taking courses through the University in any capacity. This includes any persons who withdraw after allegedly violating the University Student Code of Conduct, those persons not officially enrolled at the University but who maintain a continuing relationship with the University, those persons who have been notified of their admitted status to the University, individuals living in University owned/operated residential facilities, and those persons suspended from the University are also deemed "**Students**" under the Student Code of Conduct. Students who leave the University before a conduct complaint is resolved may be prohibited from future enrollment until the matter is resolved.

Z. **Student Code of Conduct or Code** means this Student Code of Conduct of Harris-Stowe State University, including all prohibited conduct, consequences and procedures.

AA. **Student Code of Conduct Educational Conference Committee:** Refers to the panel/committee authorized by the VP of Student Success to hear Student Code of Conduct violations and determine whether a student or organization has violated the University's Student Code of Conduct and issue the appropriate sanction(s).

BB. **Suspension** is separation for a period of time set by the Student Code of Conduct Educational Conference Committee or the Vice President of Student Success. See definitions of Administrative Suspension and Disciplinary Suspension above.

CC. **The Family Educational Rights and Privacy Act (FERPA):** A federal law that defines student educational records and regulates who may access those records. The purpose of FERPA is to protect the privacy of student education records.

DD. **Title IX:** means a federal law that prohibits the denial of benefits of any educational program or activity because of sex. Title IX is not just about sports. It also prohibits sexual harassment, gender-based discrimination, and sexual violence in regards to other programs and activities.

EE. **Trusted Advisor:** means the individual that may attend an Educational Conference to assist the student in understanding the process. This individual may be a peer, a staff member or an administrator, and may not be any of the following: a parent, family member (sibling, grandparent, cousin, aunt, uncle, etc.), or a lawyer – whether or not licensed in any state to practice law.

FF. **University:** refers to Harris-Stowe State University and all of its affiliated colleges, schools, divisions, departments, programs, activities, related entities, operations and properties.

GG. **University premises:** Any buildings or land owned, leased, operated, controlled or supervised by Harris-Stowe State University (including adjacent streets and sidewalks). Students should be advised that this includes properties that are not a part of or physically adjoining the University's campus.

HH. **University-sponsored activity:** Any activity on University premises or at an off-campus location that is directly initiated or supervised by the University or University-recognized group or organization, such as fraternity and sorority organizations, study abroad programs, and sporting events. In addition, University-operated or leased transit is included in this activity even if the behavior occurs off of University premises.