



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

Effective **Fall 2021**

Enrollment Management & Student Success – Dean of Students
Office of Student Conduct
University Center 422
(573) 651-2264

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JUDICIAL	

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

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

Shall is used in the imperative sense.

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

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

University means Southeast Missouri State University.

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

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

STATEMENT OF STUDENT RIGHTS

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

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

- a. The right to accurate and plainly stated information, including that relating to the maintenance of acceptable academic standing, graduation

CODE OF STUDENT CONDUCT

All students and student organizations are expected to maintain a high standard of conduct both on and off-campus. Student behavior which adversely affects the University community and the pursuit of its objectives is subject to the student conduct process whether the behavior occurs on University premises or in the surrounding communities. The student is expected to be responsible for the student's actions/activities whether acting individually or in a group. The following behaviors represent violations of the responsibilities students have toward the community of scholars and may subjects

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

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

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

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

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

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

Care of Property

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

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

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

Section 16: Abuse, misuse, or theft of electronically transmitted information including, but not limited to, (a) unauthorized entry into, alteration of, or transfer of a file; (b) unauthorized use of, access to, or control of computing resources; (c) attempted or

Students or designee is responsible for hearing student appeals that result from student conduct proceedings.

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

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

FOR **CASES INVOLVING** SEXUAL ASSAULT AND SEXUAL MISCONDUCT, THE RESPONDING STUDENT WILL HAVE A HEARING WITH THE **TITLE IX HEARING PANEL**.

Filing Complaints

The judicial system strives to maintain an educational environment protecting the rights of others while holding individual students accountable for their actions. It is also important that members of the University community be willing to confront violations and the infringement of another individual's rights personally or by filing a complaint.

sets conference appointments.)

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

Summons to a Conference

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

Should a student choose to withdraw from the University while a judicial matter is pending, a "Dean of Students Office Hold" will be placed on the student's enrollment and/or transcript by the Assistant Dean (or designee). In such a case, the student must d(oc)4 (c)10 (t

Student Organizations*

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

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

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

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

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

Procedural Standards for the Formal Hearing

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

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

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

Hearing

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including suspension or dismissal.

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

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

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