

## **CODE OF STUDENT CONDUCT**

[http://arcweb.sos.state.or.us/rules/OARS\\_500/OAR\\_573/573\\_075.html](http://arcweb.sos.state.or.us/rules/OARS_500/OAR_573/573_075.html)

### **RIGHTS AND RESPONSIBILITIES**

573-075-0000

#### **INTRODUCTION TO CODE OF STUDENT CONDUCT**

(1) Southern Oregon University is centered on its core values of learning and achievement, truth and disciplined inquiry, free expression and collaboration, open-mindedness and informed criticism, mutual respect and trust, cross-cultural understanding and international competence, integrity and stewardship, civic engagement and responsibility, and innovation and entrepreneurship. Allegiance to these core values and the Code of Student Conduct allows Southern Oregon University to enjoy a learning environment that prepares its student citizens to engage actively and responsibly in the greater local and global communities.

(2) The purpose of the Code of Student Conduct is to outline expectations for student conduct, ensure a fair process to determine student misconduct, and to provide suitable sanctions when a student or student organization violates the Code. Maintaining an academic environment conducive to intellectual inquiry requires balancing individual freedom with respect for others in the greater University community. The existence of an inspiring and successful learning community is dependent upon assuming personal responsibility and holding others accountable to act responsibly.

(3) All students must conduct themselves as responsible members of the University community and respect the rights of fellow citizens. Enrollment at Southern Oregon University requires each student to abide by regulations of student conduct, ensures a fair process when student behavior may have deviated from those expectations, and provides appropriate sanctions when a student or organization has violated the Code of Student Conduct. Students and organizations are also responsible for the behavior of their guests and may be held responsible for the actions of their guests who violate provisions of this Code.

(4) Southern Oregon University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Generally, the Code of Student Conduct applies to incidents that take place on University premises or at University-sponsored or supervised functions. When the University is notified, the chief student affairs officer or designee may determine that acts prohibited by the Code of Student Conduct, but not committed on University premises, could also be grounds

for disciplinary action. Such acts include, but are not limited, to drug trafficking offenses and acts or threats of violence against persons.

(5) The Code of Student Conduct should be read broadly. It does not define proscribed conduct in exhaustive terms.

573-075-0010

### **STANDARDS AND EXPECTATIONS**

Students at Southern Oregon University are responsible for meeting these University standards and expectations:

(1) To be active participants in the process of education: asking questions, seeking and using resources, reading and responding to communication;

(2) To be positive contributors to the University, Ashland, and surrounding communities;

(3) To conduct themselves with civility and be held accountable as members of the SOU community;

(4) To be honest and to treat others courteously and with respect;

(5) To be open to the concepts of volunteerism, wellness, and diversity;

(6) To approach this educational opportunity with an open-mind and a positive attitude, recognizing we all have much to learn.

573-075-0020

### **STUDENT RIGHTS**

At Southern Oregon University, the student will have the right:

(1) To pursue educational, recreational, social, cultural, and residential activities in an atmosphere where the rights, dignity, and worth of every individual is respected;

(2) To expect a campus environment characterized by safety and order;

(3) To organize and join associations to promote interests held in common with other students;

(4) To receive fair and impartial educational evaluations;

(5) To expect University faculty, staff and administrators to maintain and protect the confidential status of personal and academic records as set forth in the Administrative Rules and applicable laws;

(6) To participate through representation in the formulation of policy related to academics and student life;

(7) To dissent, to protest, or to demonstrate on University-owned property within the bounds of the law and other applicable authority;

(8) To participate in University activities without being discriminated against on the basis of race, color, national origin, religion, age, disability, marital status, veteran status, gender, or sexual orientation, and to be referred to the chief student affairs officer or designee in matters of alleged discrimination;

(9) To be accompanied to an institutional hearing, disciplinary or otherwise, by any person the student desires, and to consult such advisor at any time during a hearing for the purpose of securing advice. The advisor will not actively participate in a hearing unless the hearing board chair deems it necessary.

573-075-0030

### **STUDENT RESPONSIBILITIES**

Students at Southern Oregon University have the following responsibilities:

(1) To maintain acceptable standards of academic performance;

(2) To comply with University rules and regulations, as well as local, state, and federal laws;

(3) To exhibit conduct appropriate to a learning atmosphere and to respect the rights, dignity, and worth of every individual in the University community.

573-075-0040

### **PROSCRIBED CONDUCT**

(1) Conduct proscribed by the Oregon State Board of Higher Education Administrative Rules, Chapter 580, Division 22, Section 045:

a) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally owned or controlled property;

b) Obstruction or disruption interfering with freedom of movement, either pedestrian or vehicular, on institutionally owned or controlled property;

c) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on institutionally owned or controlled property, unless expressly authorized by law, Board, or institutional rules (for purposes of this section, absence of criminal penalties shall not be considered express authorization);

d) Detention or physical abuse of any person or conduct intended to threaten imminent bodily harm or endanger the health of any person on any institutionally owned or controlled property;

e) Malicious damage, misuse, or theft of institutional property, or the property of any other person where such property is located on institutionally owned or controlled property, or, regardless of location, is in the care, custody or control of an institution;

f) Refusal by any person while on institutional property to comply with an order of the President or appropriate authorized official to leave such premises because of conduct proscribed by this rule when such conduct constitutes a danger to personal safety, property, or educational or other appropriate institutional activities on such premises;

g) Unauthorized entry to or use of institutional facilities, including buildings and grounds;

h) Illegal use, possession, or distribution of drugs on institutionally owned or controlled property;

i) Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct that calls on the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of persons, and the protection of its property;

j) Violating the Board's Policy for Intercollegiate Athletics as described in Section 8 of its Internal Management Directives, specifically including the subsection thereof entitled Code of Ethics.

(2) Conduct prohibited by Southern Oregon University includes but is not limited to:

a) Cheating, plagiarism or other acts of deceit, fraud, distortion of the truth or improper use of another person's effort to gain advantage including, but not limited to, acts of academic dishonesty outlined under 573-095 [075-0270 *sic*], "Academic Standards";

- b) Acts of dishonesty, including, but not limited to: furnishing false or misleading information to the University or to any University official; misrepresenting information to the University or any University official; giving false testimony, falsifying, distorting or misrepresenting information at a grievance or disciplinary hearing; furnishing to an unauthorized person any official University document or confidential record, including but not limited to identification cards, personal identification numbers (PIN), electronic mail access codes or passwords, computerized records, transcripts, athletic passes, course registrations, and receipts; tampering with the election of any organization;
- c) Forgery, alteration, counterfeiting, mutilating, accessing without authorization, or misuse of documents, records, or instruments of identification;
- d) Illegal use, possession, or distribution of drugs or illegal substances on institutionally owned or controlled property or at University sponsored or supervised functions;
- e) Possession, consumption, or furnishing of alcoholic beverages on University owned or controlled property, or at University sponsored or supervised functions unless authorized by the President;
- f) Engaging in violent, abusive, indecent, profane, unreasonably loud or otherwise disorderly conduct;
- g) Unwanted sexual contact of any kind, or threat of such contact. Sexual contact will be considered unwanted or without consent if no clear consent is freely given; if inflicted through force, or threat of force; or if inflicted upon a person who is unconscious or otherwise without the physical or mental capacity to consent;
- h) Possession of "any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury" (ORS 161.015(1));
- i) Violations of University policies, rules or regulations. Such policies include, but are not limited to, those related to computers, family housing policies, residence hall policies, sexual assault, weapons, etc.;
- j) Failure to comply with the terms of any disciplinary sanction imposed in accordance with the Residence Hall or University disciplinary processes;

k) On-campus violation of University, local, state, or federal laws and regulations. The University may also apply the Code of Student Conduct to student conduct, regardless where it occurs, which adversely impacts the overall mission, program, and functions of the University or the health, well-being and safety of members of the University community;

l) Behavior that suggests a serious problem which is detrimental to the person or the University;

m) Failure to comply with the directions of University officials, including law enforcement officers, acting in performance of their duties, and/or failure to identify oneself to these persons when asked to do so;

n) Illegal gambling or wagering;

o) Disruption, obstruction, and/or interference with teaching, research, administration, disciplinary proceedings, studying, public speaking, research, business operations, fire, police or emergency services or other University activities, including its public service functions, whether on- or off-campus, and other non-University activities which occur on University premises including, but not limited to:

1) Disruption, obstruction, interference with, or attempts to obstruct, disrupt or interfere with another student's right to study, learn, or complete academic requirements including, but not limited to, destroying, preventing or limiting access to information or records used by another student in connection with their University responsibilities;

2) Disruption, obstruction or interference with educational activities in classrooms, lecture halls, campus library, laboratories, computer laboratories, theatres, or any other place where education and teaching activities take place including, but not limited to, talking at inappropriate times, drawing unwarranted attention to self, engaging in loud or distracting behaviors, displaying defiance or disrespect of others, or threatening any University student or employee;

3) Participation in a gathering or assembly that disrupts the normal operations of the University or infringes on the rights of other members of the University community;

4) Leading or inciting others to disrupt scheduled or normal activities on University premises or at University sponsored or supervised functions;

5) Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

p) Appearing in a public place on University premises or at University sponsored or supervised functions under the influence of an intoxicating or illegal substance;

q) Physical abuse, verbal abuse, threats, intimidation, harassment, sexual contact without permission, stalking, coercion, forced consumption of liquor, drugs or other conduct directed at a specific person, which threatens the health and safety of any person or seriously alarms or intimidates another person.

Such conduct may include, but is not limited to:

- 1) Explicit or implicit threats, including gestures that place a person in reasonable fear of unwelcome physical contact, harm or death;
- 2) Stalking; or following a person repeatedly to or from his or her residence;
- 3) Making remarks in a public place to a specific person(s) which are by common usage lewd or obscene or expose a person to public hatred or that can reasonably be expected to have a tendency to cause acts of violence to the person(s) to whom the remark is made;
- 4) Unwanted communication using electronic or digital devices.

r) Causing physical harm to any person or causing reasonable apprehension of such harm;

s) Hazing of any kind;

t) Exposing genitals, buttocks, or breasts in a public place on University premises or at University-sponsored or supervised activities;

u) Attempted or actual theft of, damage to, destruction of, or misuse of University property, or the services or property of a member of the University community, or other personal or public property. Possession of stolen property or unauthorized possession of University property or the property of a member of the University community;

v) Abuse, misuse or theft of computer data, equipment, programs, time, and/or violation of policies outlined by Computer Services. Violations include, but are not limited to, engaging in acts of theft of computers, theft of data, illegal file sharing, improper and/or unauthorized access to

university computer files and systems; unauthorized alteration, disclosure and destruction of university computer files and systems; unauthorized entry into a file to use, read or change its contents; unauthorized transfer of a file(s); unauthorized use of another person's identification or password; use of computers to stalk, view or send threatening or obscene messages; intentional disruption of university computer systems; and violation of copyright or proprietary material restrictions connected with University computer systems, programs and materials;

w) Unauthorized presence, entry to, or use of University facilities or premises including, but not limited to, camping, building a fire, or use of an unauthorized heating, cooking or electrical device;

x) Unauthorized possession, duplication, or use of keys to any University facility or premises;

y) Unauthorized possession, use, or storage of firearms, explosives, fireworks, incendiary devices, dangerous or noxious devices or materials, or illegal or unauthorized possession, use, or storage of weapons or dangerous chemicals;

z) Initiating or causing any false report, warning, threat of fire, explosion, false fire alarm, bomb threat, or other emergency;

aa) Misusing, damaging or tampering with fire extinguishers, alarms, smoke detectors or other safety equipment;

bb) Setting fires or creating an open flame, such as candle burning, anywhere on University premises or at University sponsored or supervised functions without prior authorization of the SOU Director of Security and Safety;

cc) Littering on University premises;

dd) Smoking in non-designated areas on campus;

ee) Consuming food and/or beverages in prohibited areas of campus;

ff) Bringing any animal not trained to assist persons with disabilities into buildings; bringing unleashed or unlicensed animals on University owned or controlled property; leaving any animal unattended within twenty-five (25) feet of the entryway to a structure or within five (5) feet of any paved walkway on Southern Oregon University property (OAR 573-045);

gg) Failure to appear at a disciplinary conference or hearing when directed to do so;

hh) Aiding or abetting other individuals in carrying out an unlawful act or violation of any Southern Oregon University regulation. Whether he or she directly commits the act may be treated under the regulations as if he or she had directly committed the violations. Students present during the execution of any infraction of local, state, federal, or University ordinances, laws, or regulations may be considered in violation under this regulation. It is expected that students will exercise good judgment and appropriately report a violation(s) in progress. Failure to take appropriate action may be interpreted as collusion and will be referred accordingly through the judicial process.

## **ADMINISTRATION OF DISCIPLINE**

573-075-0050

### **SANCTIONS**

(1) The chief student affairs officer or designee(s) may impose the following sanctions when a student or organization admits responsibility for, or is found to be in violation of the Code of Student Conduct. More than one sanction may be imposed for any single violation. The University is not designed or equipped to rehabilitate students who do not abide by this Code. It may be necessary to remove students in violation of the Code of Student Conduct from the University and sever the institutional relationship with such students;

a) Restrictions or Loss of Privileges: Denial of certain privileges for a specified period of time. Removal from a living group, use of a specific University facility or denial of a computer account are examples of loss of privilege;

b) Restitution: Compensation for loss, damage, or injury, etc. Such compensation may take the form of appropriate service, monetary replacement, and/or material replacement;

c) Warning: A verbal or written notification that the continuation or repetition of prohibited conduct may result in additional disciplinary action;

d) Discretionary assignments: Work assignments, service to the University, or related discretionary assignments;

e) Probation: Requirement of conditions or restrictions with warning of more severe action if further infractions occur. Serious or continuous

violation of the Code of Student Conduct has occurred; the student may be permitted to continue enrollment at the University, but is in danger of being suspended or expelled. Disciplinary probation includes a specified period of time during which the student must demonstrate the ability to comply with University rules, regulations and other requirements stipulated for the probation period;

f) Residence Unit Suspension: Separation of a student from the residence halls, conference facilities, and/or family housing for a specified period of time after which the student may be eligible to return. Students may be held responsible for room and board payments as outlined in the contract; conditions for readmission to housing may be specified;

g) Residence Unit Expulsion: Permanent separation from the residence halls, conference facilities, and/or family housing. Students may be held responsible for room and board payments as outlined in the contract;

h) Interim Suspension: The chief student affairs officer may impose an interim suspension of a student prior to a disciplinary conference or hearing. The chief student affairs officer may suspend the registration of an organization prior to a disciplinary conference or hearing. An interim suspension may be imposed only:

1) To ensure the safety and well-being of members of the University community or the preservation of University property; and/or

2) If the student(s) or organization pose(s) a definite threat of disruption or interference with the normal operations of the University; and/or

3) If a student or organization is charged with one or more of the following offenses of violence: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, rape, sexual battery, gross sexual imposition, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of a crime victim or witness, escape, improperly discharging a firearm, endangering children, felonious penetration;

4) During an interim suspension, a student may be denied access to a living unit and/or to the campus, including classes, and/or all other University activities or privileges for which the student might otherwise

be eligible. An organization will discontinue all activities during interim suspension;

5) An interim suspension takes place immediately upon issuance. A student or organization will receive written notice of the interim suspension, including a description of the alleged misconduct. The Vice President of Student Affairs or designee will begin the process outlined in Notification Procedures and Options (573-075-0070) within seven (7) days of the date on the written notice of interim suspension;

i) Interim Suspension of Participation: Temporary separation of a student from participation in a University recognized activity or organization pending completion of disciplinary procedures;

j) University Suspension: Serious violation of "Proscribed Conduct" has occurred; the student is excluded from enrolling at the University for a specific period of time not to exceed one year after which the student may petition for readmission. All services of the University are withheld for the duration of the suspension except by order of the President;

k) University Expulsion: Serious violation of "Proscribed Conduct" has occurred; the student is permanently excluded from enrolling at Southern Oregon University. All services of the University are withheld except by order of the President;

(2) All of the above sanctions may be enhanced with additional conditions deemed appropriate by the disciplinary authority.

(3) Violations of the Law and the Code of Student Conduct: Violations of regulations may result in disciplinary action by both the University and civil authorities. Those accused of violations are subject to University disciplinary proceedings outlined in this Code despite the pendency of civil or criminal proceedings, or any other University proceedings regarding the same conduct. Proceedings under this Code may be carried out prior to, simultaneously with, or following criminal proceedings. Accused students may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil actions or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced or not yet adjudicated. The University will refer matters to local, state or federal authorities for prosecution when appropriate.

573-075-0060

**PROCEDURAL FAIRNESS**

(1) The student through publication of this Code of Student Conduct in the Student Handbook and on the University website is given notice of these standards of conduct.

(2) The student charged with a violation of the Code of Student Conduct will be advised in writing of the charges, the nature of the incident, and right to a hearing. This notification may be hand-delivered to the student, or sent to the student's address of record.

(3) Alleged violations of the Code of Student Conduct may be reported in writing to the chief student affairs officer or designee.

(4) The standard of proof for incidents of student misconduct is preponderance of evidence. Preponderance of evidence will be defined as evidence that a reasonable person would find persuasive or more likely than not to have occurred.

573-075-0070

#### **NOTIFICATION PROCEDURES AND OPTIONS**

(1) When alleged cases of violation of the Code of Student Conduct occur, the chief student affairs officer or designee will inform the student(s) in writing of the following:

a) The charges or complaint, including:

1) An explanation of the relevant prohibited conduct;

2) The date of the alleged violation; as well as

3) The location; and

4) A description of the violation.

b) The student's option to choose between a disciplinary conference with a designated administrator or a hearing by a student-faculty hearing board;

c) The student's right to be accompanied by an advisor to the disciplinary conference or hearing.

(2) Upon being informed of the charges the student will have three (3) days to choose, in writing, to settle the charges by:

a) A disciplinary conference with the chief student affairs officer or designee; or

b) Student and faculty hearing board.

(3) The chief student affairs officer or designee uses the following procedures for a disciplinary conference:

a) The student will have an opportunity to respond to the complaint and present relevant information and necessary witnesses;

b) The student will have an opportunity to be assisted by one advisor of their own choice and at their own expense. Advisors may only participate in providing advice to the student. The advisor may not participate in the conference or the hearing itself, in responses, examinations or presentations of information to the hearing board unless asked to do so by the hearing official(s). It is the responsibility of the student to notify the advisor of the date, time, and place of the hearing. If an advisor fails to appear, the hearing will take place in his or her absence. Advisors may not appear in lieu of the accused student;

c) Written notification of the determination, including sanction(s) will be sent to the student within seven (7) days of the disciplinary conference.

573-075-0080

#### **PROCEDURES GOVERNING A HEARING BOARD**

(1) If a student chooses a hearing before a student/faculty hearing board, the hearing will be conducted in accordance with the procedure outlined in this section. The hearing board is comprised of three students and three faculty members. One of the faculty members serves as a non-voting chairperson. In the residence halls, a student hearing board is utilized.

(2) The procedures of the Hearing Board are:

a) All affected parties are given notice of the hearing at least three (3) days prior to the hearing date. The student may request a change of date for the hearing. It is within the discretion of the chief student affairs officer or designee whether to grant the student's request for a change of date;

b) The chief student affairs officer or designee will summarize the alleged violation and present this information at the hearing;

c) The hearing will occur whether or not the student is present. The hearing board's decision is based on the information presented;

d) Hearings are closed to the public. If a disruption occurs, the hearing board may close the hearing;

e) The student has the right to be accompanied to the hearing by an advisor. The advisor may be at the student's side for consulting, but may not participate in the hearing unless asked to do so by the hearing board chair;

f) The student will provide the chief student affairs officer or designee with a list of witnesses available for questions at least one day prior to the hearing;

g) Disciplinary action may be taken against student witnesses who provide false information. Witnesses will be so advised;

h) The hearing board will determine the relevancy of the information presented;

i) The hearing will be tape recorded.

(3) The student will be asked for an opinion on an appropriate sanction.

(4) The hearing board will determine an appropriate sanction if the student is found in violation of the Code of Student Conduct. In recommending the sanction, the hearing board may consider the student's prior conduct.

(5) In making a determination on finding(s) and appropriate sanction(s), the hearing board may consider the student's previous conduct.

(6) Within three (3) days of the conclusion of the hearing, the hearing board issues a written statement containing:

a) The violation;

b) The finding, with rationale;

c) The recommended sanction, with rationale.

(7) The finding is delivered to the chief student affairs officer or designee who notifies the student of his/her decision within seven (7) days of receipt of the finding and recommended sanctions. Notification to the student will be in writing.

573-075-0090

## **APPEALS**

(1) The decision of the chief student affairs officer or designee may be appealed by the student. The appeal shall be made in writing within seven (7) days of the date shown on the decision letter. In the residence halls, the appeal must be made within three days of the date shown on the decision letter. The student may appeal a decision of a chief student affairs officer or

designee made following a disciplinary conference or hearing. The student must appeal the decision in writing within seven (7) days of the date of the decision letter of the chief student affairs officer or designee.

- (2) The student may request to present his/her appeal to:
- a) The chief student affairs officer or designee for review and final decision; or
  - b) The student may request that the chief student affairs office or designee convene an appeals board. The student may request to present the appeal to the chief student affairs officer or designee for review and decision or may request that the chief student affairs officer or designee convene an appeals board.

- (3) The student's request for an appeal must clearly show:
- a) New evidence not available during the hearing;
  - b) The hearing was not conducted according to the procedure outlined in this document;
  - c) The sanction(s) was too severe;
  - d) The finding was not supported by a preponderance of evidence.

(4) If an appeals board is chosen, it is comprised of an equal number of faculty and students, plus a faculty chair who votes only in case of a tie. In the residence halls, the Housing Policy Committee is the appeals board. The decision of the Housing Policy Committee is final;

- a) The appeals board reviews the tape recording and records of the hearing. It may request the presence of the student or others. The appeals board may determine that there is no basis for an appeal; the original finding and sanction are appropriate; the original finding and/or sanction are not appropriate and offer a recommendation;
- b) The President is notified of the hearing board's findings within three (3) days of its conclusion. Within seven (7) days of receipt of the findings, the President's decision is issued, in writing, to the student and the chief student affairs officer or designee. The President's decision is final.

573-075-0100

### **ADMINISTRATION OF GRIEVANCES**

(1) A grievance is a wrong, real or fancied, thought to be grounds for a complaint. In the spirit of the SOU community, a grievance is best settled between the two parties – student/student, student/faculty, or

student/administrator. The chief student affairs officer or designee is responsible to assist in the resolution of grievances. There are two types of grievances:

a) Discrimination grievance: Alleged violations of federal laws prohibiting discrimination;

A) This grievance must be filed within 180 days of the incident. Complaints of discrimination within the educational program of the University will be filed with the University grievance officer (the chief student affairs officer or other person designated by the Vice President for Student Affairs or by the President). For procedures governing discrimination complaints please refer to OAR Chapter 573, Division 35. A copy of these procedures is available in the Office of Student Affairs;

B) Definitions: For the purposes of this policy, the following definitions will be used:

i. Prohibited discrimination means any act that either in form or operation, whether intended or unintended, differentiates among persons on the basis of age, disability, national origin, race, color, marital status, religion, sex, or sexual orientation;

ii. Sexual harassment means any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when:

I. Submission to the advances, request or conduct is made either explicitly or implicitly a term or condition of employment or participation in an academic program or activity;

II. Submission or rejection of the advances, request or conduct is used as a basis or condition for employment or academic decisions affecting the student; or

III. Such conduct unreasonably interferes with the work or academic performance of the student because it creates an intimidating, hostile, or offensive work or academic environment for the student who is the object of the advance, request, or conduct and a reasonable person in that student's position would have been similarly affected.

III. Other prohibited harassment includes verbal or physical conduct by an individual based on age, disability, national origin, race, color, marital status, religion, or sexual orientation, which creates an intimidating, hostile or offensive working or academic environment that interferes with a second individual's work or

academic performance and a reasonable person in that same situation would have been similarly affected.

C) All reasonable attempts to resolve the grievance will be attempted before invoking the formal process. The grievance officer will be consulted to determine possible avenues of resolution and, as a last resort, to initiate the formal grievance process.

b) Nondiscrimination grievance: Complaints that do not fall within the above definitions;

A) This complaint must be filed within thirty (30) days following the incident. Exceptions to this timeline may be granted by the dean of the school in which the complaint is said to occur. The student will speak to the student/faculty/or administrator with whom s/he has the complaint. If the results are not satisfactory, the student will take the complaint to that person's supervisor (or department head). If not satisfied, and the complaint is with a faculty member, the complaint will next be addressed by the dean of that school. All reasonable attempts to resolve the complaint will be made. The Grievance Officer will be consulted to determine possible avenues of resolution and, as a last resort, to initiate the formal grievance process;

B) If a satisfactory resolution is not achieved, the student will consult with the Grievance Officer to determine the next step. If the student chooses to pursue the complaint, s/he must file a written complaint on the form which is available in the Office of Student Affairs. The Grievance Officer will give a copy of the complaint to the department chair, who in turn will give a copy to the involved. The grievance will be heard within fourteen (14) days, with the student and faculty receiving notice of the hearing at least seven (7) days in advance. If there is no appropriate standing committee, the Grievance Officer will call together a Grievance Committee. Appropriate standing committees include: Academic Standards Committee, Business Services Student Appeals Committee, Family Housing Advisory Committee, Financial Aid and Awards Committee, Housing Policy Committee, Student Affairs Committee. The student, in consultation with the Grievance Officer, will decide which committee is appropriate.

573-075-0110

## **PROCEDURES GOVERNING FORMAL GRIEVANCE HEARINGS**

(1) If a Grievance Committee is chosen, it will include five members:

a) An administrator;

b) Two faculty members on full-time teaching assignments, one required to be in the academic school where the grievance originated;

c) Two students, one of which is from the same academic school as the student filing the grievance.

(2) The Grievance Officer or designee will be present at the hearing to ensure the procedures are followed and will not give testimony nor take part in final deliberations.

(3) The committee will choose a chairperson and recording secretary. If the Grievance Committee decides after reading the grievance that a hearing is not warranted, their reasoning will be written and submitted to the grievance officer (chief student affairs officer or designee), who will notify the student. If the committee decides a hearing is warranted, the chairperson and a representative from the Office of Student Affairs will conduct a hearing as follows;

a) Presentation of student testimony (witnesses and exhibits, if any);

b) Questions to the student and witnesses from committee or faculty member/administrator;

c) Presentation of faculty member/administrator testimony (witnesses and exhibits, if any);

d) Questions to the faculty member/administrator and witnesses from the committee or student;

e) Closing statement from the faculty member/administrator; and

f) Closing statements from the student.

(4) The standard of evidence will be preponderance of evidence. Preponderance of evidence is defined as evidence that a reasonable person would find persuasive or more likely than not to have occurred.

(5) After the hearing, the Grievance Committee will deliberate and submit its decision and rationale in writing to the student, the faculty/administrator, and the grievance officer within seven (7) days of the completion of the hearing.

(6) Tape recordings and other records of the hearing will be the responsibility of the grievance officer and will be kept for at least one year.

(7) Either side may appeal the decision of the Grievance Committee. The appeal must be submitted to the chief student affairs officer or designee within seven (7) days of the receipt of the decision. The appeal should indicate whether the person chooses an appeals board or the President to consider the appeal. If an appeals board is chosen, the chief student affairs officer or designee will convene an appeals board from the members of the Student Affairs Committee.

(8) There are two bases for an appeal:

a) The original hearing was not conducted according to appropriate procedures set forth in this document;

b) The decision was not supported by preponderance of evidence or new evidence has surfaced.

An appeals board will include two faculty, two students, and the chief student affairs officer or designee. Whether the President or an appeals board is chosen by the person appealing, records of the hearing will be considered within fourteen (14) days of receipt of the appeal. The appeals board/President may request the presence of both sides. The results may be that no basis is found for an appeal; the original decision is upheld; or a different decision is reached. This appeal is final.