



# **Student Conduct Code 2023-2024**



## Contents

|                 |   |
|-----------------|---|
| <b>Part I</b>   | <b>Student Rights and Responsibilities</b><br>Introduction<br>Student Responsibilities<br>Student Rights  |
| <b>Part II</b>  | <b>Student Conduct Procedures and Due Process</b><br>Terms, Roles, and Definitions<br>Investigations<br>Reports of Possible Violations<br>Initial Evaluation of Report<br>Investigation<br>Medical Amnesty<br>Interim Measures<br>Disciplinary Procedures<br>Evaluation of Report/Investigation<br>Adjudication<br>Appeals<br>Student Organization Conduct Process<br>Administrative Information<br>Standard of Evidence<br>Procedural Presumption<br>Procedural/Process Variations<br>Student Conduct Records and Release of Information |
| <b>Part III</b> | <b>Student Conduct Codes</b>  |
| <b>Part IV</b>  | <b>Student Conduct Sanctions</b>  |

# **I. Student Rights and Responsibilities**

Morehead State University

## **A. INTRODUCTION**

Morehead State University is committed to providing a supportive learning environment for our students. MSU students are expected to reflect a commitment to obtaining an education, and meet the standards of conduct promulgated by federal, state, and local laws and University policies, rules, and regulations.

Students, faculty, and staff constitute our University community. Membership carries with it the responsibility to abide by our community's behavioral expectations and hold others accountable for their behavior. We expect our members to treat each other with integrity, dignity, and respect. While the University does not regard itself as the arbiter of morals, we do reserve the right to make members aware of the expectations of the larger society and the University community, and to take action when individual behavior fails to meet community standards. In order to maintain the educational process, each member of the University community must be prepared to accept the consequences of their actions regardless of intent or circumstance.

If you believe our expectations fail to reflect our community values or protect student rights, we encourage you to responsibly and respectfully work for constructive change through the appropriate university channels. In many cases, the Dean of Students can assist students in understanding their options.

## **B. STUDENT RESPONSIBILITIES**

Students are expected to abide by University policies, rules, and regulations published in official publications of the University including, but not limited to, the Undergraduate Catalog, the Graduate Catalog, University Administrative Regulations, and the Eagle Student Handbook (which includes the Student Conduct Code). The Student Conduct Code provides students general notice of expected and prohibited behavior. The scope of the Student Conduct Code and additional notices of University expectations are detailed in this document.

### **Scope of the Student Conduct Code.**

The Student Conduct Code applies to the behavior of students on University property or facilities owned, operated, controlled, or being used by the University. The Student Conduct Code also applies to the behavior of students off campus when such behavior impairs University functioning, impacts another member of the University community, has a negative impact upon the reputation of the University, and/or endangers the safety of the University community.

The code is not written with the specificity of a criminal statute, and similarities in vocabulary between criminal statutes and the Student Conduct Code are unintentional. Students found responsible for misconduct are subject to sanctions which are intended to provide education and accountability while also reducing the likelihood of continued prohibited conduct.

Federal, state, and local laws apply to students whether on or off the campus. Students are not immune to prosecution by local, state, or federal law irrespective of whether the University initiates conduct proceedings in a given situation. Violations of the law may be subject to the penalties imposed by law as well as the sanctions issued by the University.

### **Academic Integrity.**

All students at Morehead State University are required to abide by accepted standards of academic honesty. Academic honesty includes doing one's own work, giving credit for the work of others, and using resources appropriately.

### **Alcohol and Drugs.**

The Drug-Free Schools and Communities Act mandates that universities adopt and implement programs to prevent the unlawful possession, use, dispensation, or distribution of illicit drugs and alcohol. The Student Conduct Code defines prohibited behaviors involving alcohol and drugs. Violations of the prohibited behavior shall result in disciplinary action up to and including suspension or termination. In general, the possession or consumption of alcoholic beverages on University property or while participating in University related activities is

# **I. Student Rights and Responsibilities**

Morehead State University

strictly prohibited unless approved by the MSU President. The unlawful use, possession, or distribution of drugs and/or drug paraphernalia on University property or while participating in University related activities is also strictly prohibited

## **Dress Code.**

Morehead State University does not maintain a formal dress code. However, it is expected that students dress appropriately when attending public functions, attending classes, participating in University activities, and/or otherwise representing the University.

## **Noise.**

In keeping with our academic mission, and to maintain an environment that is conducive to learning, the University maintains reasonable expectations regarding excessive noise. Sustained noise (including boisterous behavior, loud music, etc.) is generally prohibited in and around academic buildings during the times when academic instruction is taking place. Sustained noise (including boisterous behavior, loud music, etc.) is generally prohibited in and around residence halls. Unlawful noise is prohibited in accordance with city ordinance 91.03 (generally, the ordinance prohibits noise that exceeds the decibels of normal conversation between the hours of 12:00am-7:00am, and at all other times when the noise is sustained for more than 5 minutes). The use of noise amplification devices are generally prohibited at any time and location on University property. Exceptions may be approved by the Dean of Students, a University Vice President, or the MSU President.

Nothing contained in the University policies, rules, or regulations is intended to limit the rights of free speech and peaceful assembly. These rights must be exercised in a peaceful, reasonable, and orderly manner, and may not violate the rights of other members of the University community or interfere with the academic mission of the University.

## **Official University Communications.**

Students are held responsible for any official information the University sends via email. There

will be several occasions when faculty, staff, and other members of the University community will need to contact students with important information. Therefore, student are encouraged to check their University email on a daily basis.

## **Recording, Downloading and File Sharing.**

Recording, downloading and sharing materials has become commonplace within our society. Although there are legitimate reasons to leverage today's technology, it is essential that members of the MSU community have a clear understanding of copyright requirements, regulations, guidelines, and laws before recording, downloading or sharing any information. Violations of the law may be subject to the penalties imposed by law as well as the sanctions issued by the University.

## **Tobacco.**

Tobacco and electronic nicotine delivery system (e.g. vaporizers, e-cigarettes) use is prohibited on all University owned, leased, or controlled property and vehicles. This includes privately owned vehicles parked on, or in transit across, University property, and in the interior of all buildings and residence halls. Exceptions to this policy are only allowed in designated outside smoking areas approved by the MSU President. Approved smoking areas are clearly marked with signage and equipped with appropriate containers for the disposal of ash, butts, and other waste from tobacco use.

## **Animals.**

Students are expected to read and understand the University rules and regulations regarding the presence of animals on University property (University Administrative Regulation 343) prior to attempting to bring an animal to campus. Animals not permitted under the University Administrative Regulation are strictly prohibited from being on University property. Animals that are permitted must be under control at all times. Animals must be harnessed, leashed, or tethered and any animal waste must be properly cleaned and disposed of by the owner/handler. Unless expressly permitted by the University rules and regulations, animals are strictly prohibited from entering University buildings.

# I. Student Rights and Responsibilities

Morehead State University

## C. STUDENT RIGHTS

Students have the right to enjoy the freedoms guaranteed by the Constitution of the United States and the Commonwealth of Kentucky. Nothing contained in the University policies, rules, or regulations is intended to limit these rights.

### **Due Process.**

Students who are alleged to have violated the Student Conduct Code are entitled to certain procedural rights to ensure a fair and impartial resolution of the allegation. Such rights are codified in KRS 164.370 and in the Student Conduct Code. Students charged with violations of the Student Conduct Code are presumed not to be responsible for the violations until the standards of evidence are met.

### **Freedom of Speech.**

Morehead State University ensures the right to free speech and expression, and encourages the timely and rational discussion of topics whereby the ethical and intellectual development of students and general welfare of the public may be promoted. The generally accessible, open, outdoor areas of the campus are maintained as traditional public forums for students to express their views. In this regard, the University grants students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue; including ideas considered by some or most members of the University's community to be offensive, unwise, disagreeable, conservative, liberal, traditional or radical. However, these rights shall not be construed to grant students the right to engage in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under the exclusive use or control of a particular group. Students shall not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject so that a lively and fearless freedom of debate and deliberation is promoted and protected.

In all circumstances regarding free speech, the University reserves the right to regulate the time, place and manner. Any regulation by the

University will be reasonable, justified without reference to the content of the regulated speech, narrowly tailored to serve a compelling governmental interest, and limited to provide ample alternative options for the communication of the message.

### **Nondiscrimination.**

Morehead State University is committed to providing equal educational opportunities to all persons regardless of race, color, national origin, age, religion, sex, sexual orientation, gender identity, gender expression, disabled veterans, recently separated veterans, other protected veterans, and armed forces service medal veterans, or disability. Furthermore, the expression of a student's religious or political viewpoint in the classroom, homework, artwork, and other written and oral assignments is free from discrimination or penalty based on the religious or political content of the submission.

### **Student Records.**

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. Students wishing to review their records, request amendments, restrict the disclosure of information, or better understand their FERPA rights are encouraged to visit the Registrar's office or website to learn more.

## II. Student Conduct Procedures and Due Process

Morehead State University

### A. TERMS, ROLES, AND DEFINITIONS

**Advisor:** Person who serves in a support capacity for a complainant or respondent. An advisor may be present during a hearing, but may not participate in the hearing, discussion, or questioning.

**Alternative Resolution:** A voluntary process to resolve a complaint or dispute without a hearing.

**Amnesty:** A protocol in which students who violate the University's alcohol and drug policies are not subject to disciplinary sanctions. The protocol is applicable only for alcohol/drugs use and not for other prohibited behavior.

**Complainant:** Person or organization accusing a student or student organization of a violation of the Student Conduct Code.

**Counsel (legal):** A person licensed in the Commonwealth of Kentucky to practice law.

**Director of Student Activities and Programs:** Student affairs administrator who oversees and coordinates student activities and registered student organizations.

**Dean of Students:** Chief judicial officer for student conduct. Responsible for the administration and implementation of the student judicial system and Student Conduct Code.

**Director for Housing & Residence Education:** Student affairs administrator who oversees Housing & Residence Education. Initial point of contact for behavioral concerns in student housing and Housing Contract violations.

**Hearing Committee:** Committee that adjudicates alleged violations of the Student Conduct Code that could result in suspension or dismissal from the University or student housing.

**Hearing Committee Chairperson:** Non-voting member of the Hearing Committee, responsible for running the proceedings, maintaining order, and ruling on procedural matters.

**Investigator:** University employee who investigates assigned cases alleging violations of the Student Conduct Code.

**Mediation:** A voluntary process that utilizes an impartial, neutral third party who acts as a

facilitator to help the parties reach a mutually acceptable outcome.

**Participant:** A respondent or complainant.

**Preponderance of the Evidence Standard:** "More likely than not" standard used in determining whether a student is responsible or not responsible for violating the Student Conduct Code.

**Registered Student Organization:** An official student organization that is registered and recognized by the University

**Respondent:** Student or student organization accused of violating the Student Conduct Code.

**Responsible/Not Responsible:** Student conduct finding. A student may be found Responsible if it is determined that, more likely than not, the student violated the Student Conduct Code. A student may be found Not Responsible if there was not sufficient evidence or information to find the student responsible for violating the Student Conduct Code.

**Sanction:** A consequence or mandate imposed to address a violation of the Student Conduct Code. Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future prohibited conduct.

**Student Conduct Coordinator:** University employee who performs the student conduct administrative tasks including scheduling, records retention, and reports.

**Student Disciplinary Committee:** Standing university committee.

**University:** Morehead State University.

**Vice President for Student Affairs (VPSA):** Senior student affairs administrator who serves as the appellate judicial officer for cases heard by the Dean of Students. The VPSA may exercise the authority of the chief judicial officer in the absence or recusal of the Dean of Students.

## II. Student Conduct Procedures and Due Process

Morehead State University

### B. INVESTIGATION

#### Report of Possible Violation

Allegations of misconduct may be initiated via several sources, including but not limited to, law enforcement reports, incident reports, direct observations, and complaints. Any entity may submit a report against a student for misconduct. Reports should be prepared in writing and directed to the Dean of Students or, in the case of infractions occurring in the residential community, to the Director for Housing & Residence Education. Allegations of misconduct committed by a Registered Student Organization may be reported to the Director of Student Activities and Programs. Reports not submitted in writing will be independently verified prior to initiating an investigation.

MSU reserves the right to investigate/adjudicate reports without an identified complainant. If a reporting party requests that their identity be withheld or the allegation not be investigated, the University may consider if the request can be honored while still providing a safe and nondiscriminatory environment (federal law mandates reporting in some cases) for the University. The reporting party should be aware that: 1) the University cannot guarantee confidentiality; 2) honoring the request may limit the ability to fully respond to the incident; 3) such request may limit the University's ability to carry out its student conduct process, and; 4) the University may have a legal obligation to investigate and process the complaint.

The Student Conduct Code and student conduct process are administrative functions, separate and distinct from local, state and federal law. The student conduct process may proceed against students charged with violations of the law when the alleged behavior also violates the Student Conduct Code. The student conduct process may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

#### Initial Evaluation of Report

After receiving a report, the Dean of Students will review the circumstances of the incident and determine if the allegation represents a potential violation of the Student Conduct Code and if the potential consequence of the alleged violation could result in dismissal, suspension, or

suspension from student housing. The review may include a meeting with, or a request for further information from, any sources with knowledge of the incident for the purpose of determining if there is reasonable suspicion that a violation exists. A report that alleges behavior that does not violate the Student Conduct Code, or that lacks sufficient information, may be dismissed or otherwise result in no action being taken. In the event that a complainant disagrees with this decision, the complainant may request a review by the Vice President for Student Affairs.

If the Dean of Students determines that the complaint/information merits further action, then a case file will be created and an Investigator assigned to the case. In the event the allegations at any time constitute a potential violation of UAR 337 (Sexual Misconduct), then the matter will be referred to the University Title IX Coordinator pursuant to the Sexual Misconduct policy.

#### Investigation

An Investigator will gather evidence, collect information, and/or meet with any sources with knowledge of the complaint or incident (e.g. the complainant, the respondent, and any witnesses) for the purpose of establishing the relevant facts of the case.

The participant shall be provided written notice of the Student Conduct Code violation(s) of which the respondent is accused of violating, the specific details of the facts, as then known, upon which the alleged violation(s) is (are) based, and the rights of the participant in the student conduct process.

Furthermore, the participant shall be provided written notice of the time, place, and location of any investigative meeting/interview in which the participant is scheduled or expected to appear at least three (3) business days prior to the scheduled event.

If a student fails to attend or arrange a requested meeting, or otherwise disregards the written notice or request to meet, then a hold may be placed on the student's official University account until the student is compliant and/or a resolution may be made without the student's input.

## II. Student Conduct Procedures and Due Process

Morehead State University

### **Medical Amnesty**

A student who reports a potential violation of the Student Conduct Code, or who is participating in an investigation as a witness, may be granted amnesty for their use of alcohol or drugs if: 1) The student reports the alcohol/drug violation voluntarily and in good faith, and 2) The reported use is not a pending/existing case or currently under investigation. However, the student may be provided treatment resources or be required to undergo drug and alcohol counseling and/or education, as appropriate.

A student who seeks emergency/medical treatment for another student believed to be experiencing an alcohol or drug related medical emergency may be granted amnesty for their own use of alcohol or drugs. The protocol also applies to students who are experiencing an alcohol or drug related medical emergency and seek emergency/medical treatment on their own behalf or they are the subject of such a request. The student may be provided treatment resources or be required to undergo drug and alcohol counseling and/or education, and the parents of the student may be notified, as legally appropriate. A record of the alcohol/drug use will be maintained should subsequent alcohol/drug violations occur, and will be considered for sanctioning purposes. This protocol does not apply to other prohibited behaviors, including the distribution of illicit substances.

### **Interim Measures**

The Dean of Students, or his/her designee, may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct and finds it necessary to enact the measure to protect the University, protect any member of the University community, or to mitigate the threat of a disruption or interference with normal University operations. Interim measures are not a determination of responsibility for misconduct and the measures are limited in scope and time. Interim measures may include, but are not limited to: Changes of university housing assignment, no contact orders, property restrictions, changes to academic or employment arrangements/schedules, or supervision. If the Dean of Students determines that a student's presence is of a serious or immediate threat to the university community, then the student may

be temporarily suspended and/or immediately banned from University property.

A student subject to interim measures shall receive written notice that explains the University's reasons for enacting the interim measures within twenty four (24) hours of issuance. The notice will also inform the student of their right to an interim measure hearing, and the steps to schedule the hearing, which shall occur within three (3) business days of the written notice, unless waived by the student. Failure of the student to respond within three (3) business days following the written notice also constitutes a waiver of the interim measure hearing. If the student waives the interim measure hearing, the student's waiver does not constitute an admission of responsibility or a waiver of any other student rights.

The interim measure hearing shall be heard by the Vice President of Student Affairs to determine whether there is substantial information that the student poses a risk to the University community and that the interim measure is appropriate to mitigate that risk. The student shall have the right to be represented by counsel at the interim measure hearing, at the student's own expense. If the student elects to be represented by counsel, the student should provide prior notice to the University, through the Office of the Dean of Students.

As an exception to the student's right to a hearing, measures necessary to effectuate a judicial order shall not be subject to an interim measure hearing.



## II. Student Conduct Procedures and Due Process

Morehead State University

### C. DISCIPLINARY PROCEDURES

#### Evaluation of Report/Investigation

The Dean of Students will review the results of the investigation to determine if the alleged behavior meets the elements for a violation of the Student Conduct Code and the seriousness of the alleged violation.

If the investigation clears the respondent from responsibility for an alleged violation, or there is insufficient information, then charges against the respondent may be dismissed. If the investigation discovers additional evidence that indicates a new or different violation of the Student Conduct Code, then charges may be added and/or amended.

Charges and/or circumstances that are not serious enough to result in the student's dismissal/suspension from the University or Student Housing shall be resolved by the Dean of Students.

Charges and/or circumstances that are serious enough that a finding of responsibility could result in the student's dismissal/suspension from the University or from Student Housing shall be referred to a Hearing Committee for adjudication.

#### Adjudication

##### **Hearing with the Dean of Students.**

If a charge is not serious enough (if substantiated) to result in dismissal/suspension from the University or Student Housing, then the Dean of Students may resolve the case.

The Dean of Students shall notify the respondent in writing of the charges, the facts upon which the charges are based, and instructions on how to schedule the date/time/location of the hearing with the Dean of Students.

The hearing with the Dean of Students is an informal discussion in which respondents are expected to represent themselves. The hearing will include a discussion of the alleged violation(s), presentation of relevant evidence, discussion to establish any other relevant facts (including any mitigating or extenuating circumstances), and/or any defense that the respondent wishes to present. If the respondent

accepts responsibility for the misconduct, then the Dean of Students will determine the appropriate sanction(s). If the respondent does not accept responsibility for the misconduct, then the Dean of Students shall determine if there is sufficient information/evidence to make a decision of responsibility. If further information is needed, the Dean of Students may delay the hearing for additional investigation. Once there is sufficient information/evidence to make a decision, the Dean of Students shall determine if the respondent is responsible or not responsible for violating the Student Conduct Code. The respondent may appeal the Dean of Students' decision to the Vice President for Student Affairs under the conditions and stipulations outlined in the appeals section.

If the respondent fails to meet with the Dean of Students, or otherwise disregards the notice of hearing, then a hold may be placed on the respondent's official University student account and/or a final resolution may be made without the respondent's input.

##### **Hearing with a Hearing Committee.**

If a charge of misconduct is serious enough (if substantiated) that it may result in dismissal/suspension from the University or Student Housing, then a Hearing Committee shall resolve the case. The Hearing Committee shall be comprised of four (4) members: A chairperson appointed by the University President, whom shall serve as a non-voting member; Two (2) University employees and one (1) University student, whom shall serve as voting members. Membership to the Hearing Committee shall exclude any individual that conducts an investigation or presides over an alternative resolution process related to the case.

The participant shall be provided written notice of the Student Conduct Code violation(s) of which the respondent is accused of violating, the specific details of the facts upon which the alleged violation(s) is (are) based, the rights of the participant in the student conduct process, and the date/time/location of the hearing. The hearing will be held no earlier than the (10) business days from the date of notification.

The participant shall be permitted reasonable continuing access to the administrative file for the case beginning at least seven (7) business days

## II. Student Conduct Procedures and Due Process

Morehead State University

prior to the hearing. All evidence and/or lists of witnesses that the University and/or the participant intend to introduce at the hearing are expected to be submitted to the administrative file, through the Office of the Dean of Students, at least three (3) business days prior to the hearing. Any evidence and/or lists of witnesses that are submitted less than three (3) days prior to the hearing shall only be admissible at the discretion of the Hearing Committee Chairperson. The participant shall be immediately notified if evidence and/or witnesses are admitted within three (3) days of the hearing.

The participant shall have the right to be represented by counsel at their own expense. Written notification of representation shall be made to both the Office of the Dean of Students and to the University General Counsel. Upon receiving the written notification of representation, the University will direct all correspondence related to the hearing to both the participant's counsel and to the participant. The counsel may represent the participant at each material phase of the student conduct process, including any alternative resolution, meeting, hearing, or appeal of the matter.

The hearing will be closed to the public. The participant may be represented by counsel, at their own expense. The participant may also be accompanied by up to two advisors, who may only serve in a support role and may not participate in the questioning or discussion. The participant will be given the opportunity to hear the evidence presented and to question witnesses who testify. The participant shall have the right to: (1) Make opening and closing statements; (2) Present relevant evidence; (3) cross-examine any testimony personally or through counsel, as permitted by law. However, cross-examination of a student who is a victim or complainant that is personally conducted by the respondent shall require the respondent to submit the questions to the Hearing Committee Chairperson. The Chairperson shall ask all the relevant questions to the witness, state the rationale for excluding any questions, grant the respondent the right to amend any excluded questions for resubmission. The respondent may remain silent, which fact will not be considered adversely against the respondent. The hearing, except for the Hearing Committee's closed/executive session, will be recorded or transcribed. The recording and/or transcript shall be added to the case file upon completion.

At the conclusion of the presentation of all evidence and closing statements, the Hearing Committee will move into a closed, executive session for deliberation. The Hearing Committee shall determine whether the respondent violated each section of the student conduct code of which the respondent is charged. The determination will be made by simple majority vote on the basis of whether it is "more likely than not" that the respondent violated the conduct code. Only evidence in the case file that is determined by the Chairperson to be relevant and admissible may be considered in the determination of responsibility. If the Hearing Committee finds that the respondent is responsible for violating the conduct code, then the committee shall determine the appropriate sanction(s).

Should the participant fail to appear, and the Hearing Committee determine that the notification process was reasonable and adequate, the case may be heard in absentia and decided with the available evidence. If the participant withdraws or otherwise leaves the University, the Hearing Committee retains the option of conducting a hearing.

The committee chairperson will notify the Dean of Students, in writing, of the committee's decision within five (5) business days following the hearing. Within five (5) business days of receiving the committee's decision, the Dean of Students will provide the committee's decision, in writing, to the respondent and any other appropriate individuals. The respondent may appeal the committee's decision to the University president under the conditions and stipulations outlined in the appeals section.

**Alternative Resolution.** Prior to a hearing, the participant may request an alternative resolution. Requests for alternative resolution shall be made to the Dean of Students in writing, and may include the recommended mode of resolution (e.g. mediation, facilitated dialogue, restorative actions, etc.). The mode of resolution must be agreed to by all parties (Complainant, Respondent, and University). If one or more parties are not interested in attempting to resolve the matter through alternative resolution, the matter will proceed to a hearing. If the parties agree to the alternative resolution, the Dean of Students will make arrangements for the resolution. The participant shall have the right at

## II. Student Conduct Procedures and Due Process

Morehead State University

any time before a resolution is reached to stop the alternate resolution process and have the matter proceed to a Student Conduct Hearing. Failure by the respondent to participate fully and actively in the alternative resolution, after agreeing to do so, may result in the matter being referred back to a Student Conduct Hearing. Alternative Resolution may be offered and may begin before or after a charge letter is issued to the respondent. If before, a charge letter may or may not be issued before resolution. Any matter resolved through alternative resolution is not subject to appeal.

### Appeals

#### **Appeal of decisions made by the Dean of Students.**

The Vice President for Student Affairs shall serve as the appellate judicial officer for student conduct decisions made by the Dean of Students. A request for appeal must be in writing and submitted to the Dean of Students within five (5) business days following written notification of the conduct decision. The appeal is not simply a second hearing, therefore, the request for appeal must clearly state the reason(s) for seeking modifications to the student conduct decision under one or more of the following criteria: (1) Whether the hearing was conducted fairly and in accordance with the procedures outlined in the Student Conduct Code; (2) Whether there was sufficient information presented at the hearing to establish, by a preponderance of the evidence, that a violation of the Student Conduct Code occurred; (3) Whether the imposed sanctions are appropriate; (4) Whether there is new information that was not known at the time of the hearing and that, if presented at the hearing, would more likely than not have altered the hearing decision.

The Dean of Students will forward the appeal letter to the Vice President for Student Affairs within five (5) business days of receipt. The respondent may request, in writing to the Dean of Students, suspension of all or part of the decision being appealed while awaiting the appeal process. The Vice President shall review the findings of the hearing, including the case file, hearing transcripts, and other evidence relating to the case. At the discretion of the Vice President, the review process may include a meeting with the respondent. The Vice President shall issue a decision within ten (10) business days through

written notification to the Dean of Students and the Respondent. The Vice President may remand a case, dismiss some or all charges, affirm the original decision, or change the sanction(s) imposed. The decision of the Vice President is final.

#### **Appeal of decisions made by the Hearing Committee.**

Decisions of the Hearing Committee may be appealed to the President of the University. A request for appeal must be in writing and submitted to the Dean of Students within five (5) business days following written notification of the conduct decision. The Dean of Students will forward the appeal letter to the President within five (5) business days of receipt. The respondent may request, in writing to the Vice President for Student Affairs, suspension of all or part of the decision being appealed while awaiting the appeal process. The President shall review the findings of the hearing, including the case file, hearing transcripts, and other evidence relating to the case. At the discretion of the President, the review process may include a meeting with the respondent. The President shall issue a decision within ten (10) business days through written notification to the Dean of Students and the Respondent. The University President is designated by the Morehead State University Board of Regents to make the final appeal determination. Therefore, the decision of the President is final.

Notwithstanding the University President's final order, the respondent shall have the right to a hearing pursuant to KRS 164.370 and KRS 13B.140.

### Student Organization Conduct Process

The conduct process for Registered Student Organizations will generally follow the same protocols as individual student conduct cases. Potential variations to the protocols are listed in this subsection. (Note: A student may be held accountable as an individual and as a member of an organization for the same incident.)

In the event the allegations at any time constitute a potential violation of UAR 337 (Sexual Misconduct), then the matter will be referred to

## II. Student Conduct Procedures and Due Process

Morehead State University

the University Title IX Coordinator pursuant to the Sexual Misconduct policy.

**Initial Evaluation of Report.** The Director of Student Activities and Programs may conduct the initial evaluation of alleged violations of the Student Conduct Code by a student organization. The Director of Student Activities and Programs will consult with the Dean of Students if there is a determination that the complaint/information merits further action.

**Investigation.** The president of the student organization will receive a written notification of charges and will act as the representative of the organization throughout the conduct process. The president of the student organization may delegate this responsibility to another active member of the student organization, but must notify the Dean of Students in writing. The national organization and local advisor affiliated with the local student organization may be notified by the University, if applicable.

**Interim Measures.** The Dean of Students may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct by a student organization. The Director of Student Activities and Programs may be consulted and/or notified of this action. Interim measures include, but are not limited to: 1) interim suspension; 2) interim social suspension, and; 3) restriction.

**Evaluation of Report/Investigation.** A review of an alleged violation of the Student Conduct Code by a student organization will consider all circumstances, including, but not limited to whether: 1) the allegation involved one or more members of the organization; 2) officers of the organization had prior knowledge of the alleged misconduct; 3) organization funds were used in relation to the alleged misconduct; 4) the alleged misconduct occurred as a result of an organization's sponsored function, and; 5) members of the organization lied about the alleged incident. The amnesty protocol does not apply to organizations, however potential conduct consequences may be mitigated if a representative of the student organization hosting an event calls for medical assistance.

### **Hearing.**

If a charge of misconduct is serious enough (if substantiated) that it may result in loss of recognition or suspension of the organization,

then the case shall be heard by the Hearing Committee. Charges in this category may include, but are not limited to: Hazing, sexual misconduct, drugs, alcohol law violations, and other law violations that result or have a high likelihood of resulting in injury or arrest. Law violations include conduct that could constitute a violation of law, regardless of formal charges or conviction in court.

If a charge of misconduct is not serious enough (if substantiated) that it may result in loss of recognition or suspension, then the student organization may request that their case be resolved through a student judicial body. Resolution through a student judicial body requires the following conditions: 1) the student organization that is charged with misconduct accepts responsibility for the conduct and waives their right to appeal, in writing, and; 2) the student judicial body hearing the case has a written judiciary protocol that is accepted/approved by the Office of Student Activities.

If heard by a student judicial body then the hearing shall include the presentation of any available evidence and the student organization's testimony. After the hearing is complete, the student judiciary body will meet in a closed session to determine the appropriate sanctions and any other recourse authorized by organizational bylaws or rules. The student judiciary body will present their decision to the Director of Student Activities and Programs who may uphold, overturn, or remand the decision. The final decision shall be submitted to the Dean of Students within five (5) business days of the hearing. Upon receipt of the final decision from the student judicial body, the Dean of Students will provide the decision, in writing, to the student organization and any other appropriate offices.

**Appeal.** The Vice President for Student Affairs shall serve as the appellate judicial officer for student organization conduct decisions made by the Dean of Students.

## II. Student Conduct Procedures and Due Process

Morehead State University

### D. ADMINISTRATIVE INFORMATION

#### Standard of Evidence.

A determination of whether a student or student organization is responsible or not responsible for violating the Student Conduct Code will be based upon the preponderance of the evidence standard. This means that a determination is made on the basis of whether it is "more likely than not" that the respondent violated, or did not violate, the Student Conduct Code.

Admissibility of evidence shall be consistent with KRS 13B.090.

**Procedural Presumption.** The respondent shall be presumed to be not responsible for the alleged violation(s), and has not committed a violation of the Student Conduct Code, until the standard of evidence is met. Such presumption shall not be grounds to construe that any complainant or witness presented false information or evidence.

#### Procedural/Process Variations.

Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student results.

Should the Dean of Students be unavailable, require recusal, or otherwise be unable to fulfill the duties and functions codified in the student conduct procedures, the Vice President for Student Affairs shall perform the prescribed duties and functions.

Should the Vice President of Student Affairs be unavailable, require recusal, or otherwise be unable to fulfill the duties and functions codified in the student conduct procedures, the University President shall appoint a member of the President's Cabinet to perform the prescribed duties and functions.

The following student conduct code violations may follow a different procedure that is prescribed by a university regulation or policy:

- SCC 100 Academic Misconduct
- SCC 700 Copyright Infringement
- SCC 2800 Sexual Misconduct

#### Student Housing Contract.

Students residing in University Housing must comply with the terms and conditions of their Housing Contract. The Director of Housing & Residence Education may resolve/remedy minor breaches of the Housing Contract without referral to the student conduct process for some behaviors which are also prohibited by the Student Conduct Code. Any such resolution/remedy shall be in accordance with the Housing Contract and the published administrative fees. The Office of Student Housing shall provide notification of the contract breach and any resultant resolution, remedy, and/or fee in writing to the student(s) found in breach. For contract breaches that also constitute a Student Conduct Code violation, if a student disputes the contract breach determination, then the student may request that their case be referred to the student conduct process for adjudication. Such a request must be submitted by the student to the Office of Student Housing within five (5) business days of the written notification.

The Student Conduct Codes applicable for this paragraph are:

- SCC 1900 Key/Card Fraudulent Use
- SCC 2300 Prohibited Animals
- SCC 2500 Property Damage
- SCC 2700 Residence Hall Infractions
- SCC 2770 Safety Infractions

#### Student Conduct Records and Release of Information.

1. Conduct records, except for Title IX, are maintained by the Dean of Students within the Office of Student Affairs. The Dean of Students is responsible for safeguarding the conduct records and ensuring privacy. The University Title IX Coordinator maintains and safeguards the Title IX Sexual Misconduct records.

2. Files documenting academic integrity code violations, suspensions, and dismissals, including any records of previous student conduct action, shall be indefinitely maintained by the Dean of Students in accordance with KRS 164.370. The student's admission record will indicate any action that prohibits readmission as long as the suspension/dismissal is in effect.

## **II. Student Conduct Procedures and Due Process**

Morehead State University

3. Files documenting student conduct violations, other than those listed in paragraph 2, will be retained until three (3) years after graduation or three (3) years after last date of attendance or three (3) years after all sanctions have been met, whichever is longer, in accordance with KRS 164.370.

4. If a student fails to complete a sanction, then the student's record will be annotated so as to restrict that student from registering for new courses. Once the sanction has been completed, removed by expiration, or by action of the Dean of Students, then the notation will be removed from the record by the Dean of Students.

5. Disciplinary Holds. The Dean of Students, or designee, may place an administrative hold on a student's account in order to compel the student's compliance with a reasonable request, administrative protocol, student conduct process, or sanction.

6. Reports. The University shall electronically publish reports of student discipline in accordance with KRS 164.370.

### **III. Student Conduct Codes**

Morehead State University

The following behaviors/actions are prohibited and constitute a violation of the Student Conduct Code:

#### **SCC 100 Academic Misconduct (Academic Honesty)<sup>1</sup>**

*Last Revised: 8/01/2020*

Intentionally assisting or participating in cheating, plagiarism, and/or other forms of fraudulent misrepresentation of academic work.

#### **SCC 150 Academic Disruption**

*Last Revised: 8/01/2020*

Engaging in behavior that intentionally, materially, and substantially disrupts the educational process associated with teaching, research, or other activities related to the academic mission of the university; or otherwise creates the conditions in which teaching cannot continue.

#### **SCC 200 Aiding and Abetting**

*Last Revised: 8/01/2012*

Assisting with, having knowledge of without reporting, or inciting violations of the Student Conduct Code or other University policies and/or regulations.

#### **SCC 300 Alcohol**

*Last Revised: 8/01/2021*

Any of the following:

- a. Possession. Possessing or consuming alcoholic beverages on University-owned or controlled property, or while participating in University related activities which include student teaching, internships, class trips, etc.
- b. Distribution. Providing alcoholic beverages to others on University-owned or controlled property, or while participating in University related activities.
- c. Paraphernalia. Possession of items on University-owned or controlled property, or while participating in University related activities that are used to store, distribute, conceal or ingest alcohol (i.e., kegs, beer bongs, empty containers, etc.).
- d. Intoxication. Exhibiting behavior under the influence of alcohol that unreasonably annoys others in the vicinity, or that endangers self/others or property.

#### **SCC 400 Assault**

*Last Revised: 8/01/2017*

Intentionally causing, or attempting to cause, physical injury to another person. This policy is applicable on University-owned or controlled property, or while participating in University related activities (e.g. student teaching, internships, class trips). The standard is applicable off-campus when: 1) all parties involved are MSU employees or students; or 2) the behavior threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof; or 3) the behavior reflects adversely upon the student's character and fitness as a member of the student body and/or the reputation of Morehead State University.

#### **SCC 500 Commercial Solicitation**

*Last Revised: 8/01/2019*

Distributing, promoting, selling, advertising, or collecting information or material goods on University property or within University-owned facilities for commercial purposes without authorization per UAR 322. Requesting that someone engage in the aforementioned activities on behalf of an individual or organization.

#### **SCC 600 Computer Infraction**

*Last Revised: 8/01/2017*

Any of the following:

- a. Fraud. Using information technology or communication systems to disseminate, transfer, enter, alter, or gather data by using another person's or organization's access code or technology/communication equipment without their permission.

### **III. Student Conduct Codes**

Morehead State University

b. Misconduct. Using University-owned or provided equipment or internet access systems in any manner that is prohibited by the Student Conduct Code, MSU policies; or local, state or federal law.

#### **SCC 700 Copyright Infringement**<sup>1</sup>

*Last Revised: 8/01/2018*

Reproducing or distributing copyrighted materials without approval from the copyright owner. Using technology, devices, or services to circumvent measures that control access to copyrighted works. Refer to PG-55 Technology Resource Acceptable Use for additional information.

#### **SCC 800 Discrimination**

*Last Revised: 8/01/2023*

Unlawfully discriminating against another person on a basis protected by the University Nondiscrimination Statement.

#### **SCC 900 Disorderly Conduct**

*Last Revised: 8/01/2019*

Any of the following:

- a. Acting or inciting others to act in a manner that substantially disrupts or interferes with the normal operation of the University or infringes on the rights of other members of the University community.
- b. Engaging in conduct that intentionally, materially, and substantially disrupts another's expressive activity if that activity is occurring in a campus space previously scheduled or reserved for that activity or under exclusive use or control of a particular group.
- c. Interfering with or obstructing the duties of any University administrator, faculty, staff member or local authority.

#### **SCC 1000 Drugs**

*Last Revised: 8/01/2021*

Any of the following:

- a. Possession. Possessing or using illegal drugs/controlled substances, including controlled medications without a valid prescription, on University-owned or controlled property, or while participating in University related activities which include student teaching, internships, class trips, etc.
- b. Distribution. Providing illegal drugs/controlled substances, including controlled medications without a valid prescription, to others on University-owned or controlled property, or while participating in University related activities.
- c. Paraphernalia. Possession of drug paraphernalia on University-owned or controlled property, or while participating in University related activities.
- d. Intoxication. Exhibiting behavior under the influence of illegal drugs/controlled substances that unreasonably annoys others in the vicinity, or that endangers self/others or property.

#### **SCC 1100 Failure to Comply**

*Last Revised: 8/01/2023*

Any of the following:

- a. Failure to respond to the reasonable requests of University officials or law enforcement officers acting in performance of their duties.
- b. Failing to produce identification when requested to do so by University officials or law enforcement officers acting in performance of their duties.
- c. Failing to abide by sanctions or interim measures.
- d. Failing to abide by public or institutional health and/or safety mandates

#### **SCC 1400 Fraud**

*Last Revised: 8/01/2021*

Deceiving, tricking, or misrepresenting with the intent of defrauding or misleading another individual or the University.



### **III. Student Conduct Codes**

Morehead State University

#### **SCC 1500 General Policies**

*Last Revised: 8/01/2012*

Violating any rule, regulation, or policy established by the Board of Regents, the President of the University or an authorized representative, any college, division, department, office, or other authorized University employee within the scope of his/her authority. Such rules, regulations, and policies will be published, posted, or otherwise publicized in a fashion that allows students opportunities to have adequate knowledge of said information.

#### **SCC 1600 Harassment**

*Last Revised: 8/01/2017*

Any of the following:

- a. Any behavior that is threatening or intimidating and which places a person in reasonable fear of harm to person or property.
- b. Any behavior that creates a hostile environment by substantially interfering with or impairing the person's educational performance, opportunities or benefits.
- c. Any conduct or pattern of behavior directed at an individual or a group in a manner that is unwelcome and, under the totality of the circumstances, is so severe or pervasive that it undermines or detracts from the person's educational or work opportunities or participation in University activities, effectively denying equal access to University resources and opportunities.

#### **SCC 1800 Hazing**

*Last Revised: 8/01/2023*

Any of the following:

- a. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into, affiliation with, or enhancing or maintaining membership or status within any organization, including but not limited to a student organization, Greek organization, association, corporation, order, society, corps, club, team, or similar group. Pursuant to KRS 164.290 such action may result in suspension or dismissal from the University.
- b. Acting in a manner or creating a situation which subjects another, voluntarily or involuntarily, to abuse, mistreatment, degradation, humiliation, harm or intimidation. Pursuant to KRS 164.290 such action may result in suspension or dismissal from the University.

#### **SCC 1900 Key/Card Fraudulent Use**

*Last Revised: 8/01/2023*

Any of the following:

- a. Using another person's EagleCard (University ID), University keys, or door access card.
- b. Permitting the fraudulent use of an EagleCard, University keys, or door access card.
- c. Possessing, duplicating, destroying, or modifying an EagleCard (University ID), University keys, or door access cards to any University premises without proper authorization.

#### **SCC 2100 Lying**

*Last Revised: 8/01/2012*

Intentionally providing false information to, or filing false charges against, another person or organization.

#### **SCC 2300 Prohibited Animals**

*Last Revised: 8/01/2019*

Any of the following:

- a. Possessing an animal in a University non-residential facility, other than a service animal trained to provide assistance to a person with a disability.
- b. Possessing an unauthorized animal in a University residential facility, other than an assistance animal that has been approved as a reasonable accommodation by the University.
- c. Possessing an animal on University property that damages property, substantially disrupts the University community, or exhibits aggressive behavior.
- d. Failing to maintain an animal on a leash, maintain control of an animal, or properly dispose of animal waste.

### **III. Student Conduct Codes**

Morehead State University

#### **SCC 2400 Possession of Stolen Property**

*Last Revised: 8/01/2012*

Receiving, retaining, storing, or disposing of movable property which belongs to another person knowing that it has been stolen, or having reason to believe that it has been stolen unless it is clear that the property is received, retained, or stored with the specific intent to restore it to the proper owner.

#### **SCC 2500 Property Damage**

*Last Revised: 8/01/2023*

Causing or assisting with the misuse, vandalism, malicious, or unwarranted damage or destruction, defacement, disfiguration, or unauthorized use of property belonging to the University or another person or organization.

#### **SCC 2700 Residence Hall Infractions**

*Last Revised: 8/01/2017*

Failure to adhere to the guidelines as outlined in the "Housing Policies and Guidelines" (see Office of Housing website).

#### **SCC 2750 Retaliation**

*Last Revised: 8/06/2018*

Retaliating, or encouraging others to retaliate, against another student for making an inquiry, participating in an investigation, or making a reasonable good faith report of possible non-compliance with laws and regulations. Procedure for this code violation may be prescribed by PG-5, PG-6, or PG-61.

#### **SCC 2770 Safety Infractions**

*Last Revised: 8/06/2023*

Any of the following:

a. Fire Safety.

1. Willfully or maliciously burning or attempting to burn property.

2. Willfully failing to exit a University-owned building upon activation of a fire alarm or direction from designed authorities or personnel.

3. Tampering with, obstructing, or inappropriately using fire equipment (e.g. fire extinguishers, smoke detectors, etc.).

4. Using, possessing, or improperly storing hazardous materials (e.g. fireworks, propane tanks) on University-owned or controlled property.

b. Obstruction of Movement. Preventing the free movement of a person and/or vehicle, or restricting the access to or egress from a designated passageway, or blocking/obstructing an exit from a room or building.

c. Recreational Equipment Safety. Using or storing bicycles, scooters, in-line skates, skateboards, hoverboards and other recreational equipment on any University-owned property in a manner that causes (or may cause) damage, hazardous conditions, or harm to others.

d. Property Safety. Willfully dropping or throwing substances or items out of a window or off of a balcony or walkway; or tampering with safety railings or window restrictors.

#### **SCC 2800 Sexual Misconduct <sup>1</sup>**

*Last Revised: 8/07/2018*

Engaging in behavior that includes, but is not limited to, sexual harassment, sexual assault, intimate partner violence, sexual exploitation, and stalking. Engaging in, or advocating engagement in, inappropriate sexual acts such as indecent exposure or sexual activity in public. Refer to PG-6 Sexual Misconduct Policy for additional information.

#### **SCC 3100 Theft**

*Last Revised: 8/01/2012*

Unlawfully taking (or attempting to take) property belonging to the University, members of the Morehead State University community, visitors, guests, or another person or organization.

### **III. Student Conduct Codes**

Morehead State University

#### **SCC 3200 Tobacco**

*Last Revised: 8/01/2019*

Using or distributing tobacco, products giving the appearance of tobacco, or electronic nicotine delivery systems (e.g. vaporizers, e-cigarettes) while on University owned, leased, or controlled property unless excluded by UAR 902 Morehead State University Designated Smoking Areas. The violation includes conduct while in University owned, leased, or rented vehicles at any location, and privately owned vehicles that are parked on, or in transit across, University property. Refer to PG-64 University Tobacco Use Policy for additional information.

#### **SCC 3300 Trespassing**

*Last Revised: 8/01/2012*

Entering a building or area where the individual has been informed by University officials and/or law enforcement officers that s/he has been restricted from that facility or location.

#### **SCC 3400 Unauthorized Entry**

*Last Revised: 8/01/2021*

Any of the following:

- a. Entering a closed or restricted University-owned or controlled facility or area without proper authorization from University officials.
- b. Being in a University-owned or controlled facility after designated hours of operation without written permission from designated officials.

#### **SCC 3500 Unauthorized Use of Recording**

*Last Revised: 8/01/2019*

Using an electronic device to record (without prior permission from the person(s) being recorded): 1) another person in which the person has a reasonable expectation of privacy; or 2) an exam or a meeting closed pursuant to the Kentucky Open Meetings Act. Use of an electronic recording device is permissible and authorized when appropriately used as a reasonable accommodation in accordance with ADA policies and laws.

#### **SCC 3600 Violation of Law**

*Last Revised: 8/01/2012*

Committing any act that is in violation of federal, state, and local laws or regulations, whether on or off campus, when it appears that the student has acted in a manner that adversely impacts or interferes with the University's normal function, or which injures or endangers the general welfare of the University community.

#### **SCC 3700 Weapons**

*Last Revised: 8/01/2021*

Any of the following:

- a. Dangerous Weapons. Possessing any dangerous weapon, regardless of concealment or license to possess said weapon, while on University-owned or controlled property, or at University-sponsored or supervised activities without proper authorization from the President of the University or his/her designee, in accordance with the University Weapons Policy, PG-62.
- b. Replicas & Other Dangerous Items. Possessing any replica or look-alike of a deadly weapon (including air or paintball guns), devices designed to explode or render smoke, or devices intended to incapacitate (including Tasers) while on University-owned or controlled property, or at University-sponsored or supervised activities without written authorization from University officials.

<sup>1</sup> Procedure for this code violation may be prescribed by another university policy or regulation.

## IV. Student Conduct Sanctions

Morehead State University

### SANCTIONS

Students who are found responsible for violating the guidelines established within the Student Conduct Code shall be subject to one or more of the following sanctions:

#### Protective & Disciplinary Sanctions

##### Dismissal:

Dismissal from the University for an indefinite period of time, and may be imposed even though the student has not received a previous sanction of suspension, warning or probation. Dismissal includes the restriction that the student may not be on University property or attend University events. Only when a sanction of dismissal has been removed by action of the President or his/her designee may a student apply for readmission. Normally, dismissed students must wait two years before requesting removal of the dismissal sanction from their records and annually thereafter. Students who have been dismissed must meet all other University requirements before being reinstated.

##### Suspension:

Suspension from the University for a specific period of time as determined by a designated University official. The sanction of suspension may be imposed even though the student has not received a previous sanction of warning or probation. Suspension includes the restriction that the student may not be on University property or attend University events. Only when the designated period of suspension has expired may a student apply for readmission to the University. Students who have been suspended must meet all other University requirements before being reinstated.

##### Interim Suspension:

The Vice President for Student Affairs or the Dean of Students may suspend a student on an interim or temporary basis when there is a determination that the student's presence is of a serious or immediate threat to the university community, or when under crisis or emergency circumstances. The student retains the right of a hearing as outlined in the Eagle Student Handbook. Under the terms of interim suspension a student may be asked to leave the campus immediately.

##### University Housing Dismissal:

Indefinite removal of student and ban from university housing. The sanction of dismissal from a residence hall may be imposed even though the student has not received a previous sanction of warning or probation.

##### University Housing Suspension:

Removal and ban of student from university housing for a specific period of time. The sanction of suspension from a residence hall may be imposed even though the student has not received a previous sanction of warning or probation. Only when the designated period of suspension has expired may a student apply to live in University-owned housing facilities. Students who have been suspended from University Housing must meet all other sanctioning requirements before being reinstated.

##### Restriction:

An official notice that a student may not be present or have access, or may have limits to access, to a place, service, event, or function. Restrictions will be imposed for designated periods of time, and the parameters will be given to students in written form.

##### Administrative Loss of Privileges:

Suspension of a student privilege to participate in a university recognized role, event, or activity. Loss of privileges will be for a designated period of time, and the parameters will be given to student in written form.

##### No Contact Order:

A restriction prohibiting any type of contact with another person. No contact restrictions include, but are not limited to, phone calls, text messages, social media, and/or third party messages.

##### Fine:

A financial penalty to hold students accountable for their actions or to pay for resources required to fund another sanction.

##### Parent Letter:

A copy of the student's conduct decision letter and sanctions sent to the student's parent/guardian in accordance with the parameters of FERPA.

## IV. Student Conduct Sanctions

Morehead State University

### Warnings

#### Probated Dismissal:

A written notification that further violation of University policies, procedures, or regulations may result in a hearing to determine if the student should be dismissed from the University. Probated dismissal will be for a specific period of time.

#### Probated Suspension:

A written notification that further violation of University policies, procedures, or regulations may result in a hearing to determine if the student should be suspended from the University. Probated suspension will be for a specific period of time.

#### Probated Housing Suspension:

A written notification that further violation of University policies, procedures, or regulations may result in the removal of the student from university housing for a specific period of time as determined by a designated University official.

#### Housing Probation:

A written notice that any further violation of the student conduct code occurring in a University residential facility will result in a Probated Housing Suspension or may result in hearing for Housing Suspension. Housing Probation may include designated restrictions on the student.

#### Probation:

A written notice that any further violation of the student conduct code will result in more serious sanctions. Probation may include designated restrictions on the student.

#### Formal Reprimand:

A written notice advising that the student's behavior has been found in violation of the Student Conduct Code. In addition, the student is advised against recurrence of behavior in violation of the Student Conduct Code.

### Restorative Sanctions

#### Community Service:

Required performance of community service hours at a location either on or off campus. Students who do not complete their community restitution hours in a timely fashion, or who do not represent the University in a positive fashion while performing their community restitution

hours, will be subject to further disciplinary action and/or payment of financial restitution in the amount equal to the assigned number of community restitution hours multiplied by minimum wage.

#### Financial Restitution:

Restitution requires the reimbursement for damages, misappropriation of property, financial loss due to fraud or gross negligence, or for personal injury cost.

#### Other Restorative Actions:

Restorative actions require a student to engage in actions to repair the harm caused by the misconduct. Actions may include mediation, letters of apology, attendance of a program or event, completing a bulletin board or presentation, or other similar activities or actions.

### Educational Sanctions

#### Community Service:

Required performance of community service hours at a location either on or off campus. Students who do not complete their community restitution hours in a timely fashion, or who do not represent the University in a positive fashion while performing their community restitution hours, will be subject to further disciplinary action and/or payment of financial restitution in the amount equal to the assigned number of community restitution hours multiplied by minimum wage.

#### Referral to Counseling & Health Services:

Referral requires a student to visit the University Counseling & Health Services for an initial evaluation and follow-through on any prescribed treatment program. Although the content of sessions will remain confidential, the student will be required to sign a waiver allowing the Counseling & Health Services to communicate with the Dean of Students regarding the student's commitment to scheduling and attending required meetings.

#### Alcohol/Drug Assessment:

Requires a student to meet with a qualified substance use/abuse counselor for an initial evaluation and follow-through on any prescribed education or treatment program and provide proof of completion or continued treatment.

## IV. Student Conduct Sanctions

Morehead State University

### Reflection Paper:

An assigned paper that requires the student to reflect on their experiences, decision-making, impact, and future actions.

### Other Educational Sanctions:

Other educational sanctions intended to promote student learning such as research projects, writing assignments, meeting with designated University officials, etc.

**Student Organization Sanctions.** The following sanctions apply to student organizations found responsible for violations of the Student Conduct Code.

### Loss of Recognition:

A permanent loss of the registered student organization's relationship with the University, including loss of all privileges associated with organizational membership.

### Suspension of Student Organization:

A temporary loss of the registered student organization's relationship with the University, including loss of all privileges associated with organizational membership, for a specified period of time and/or mandated requirement.

### Organizational Probation:

A notification that any further violation of the Student Conduct Code may result in a hearing with a recommendation of Loss of Recognition or Suspension of Student Organization. Notification will be sent to any national or regional organization with whom the student organization is affiliated, if applicable. The period of probation shall be specified.

### Organizational Warning:

Official notification the organization's behavior violates the Student Conduct Code and that any future violation may result in more severe disciplinary action. Notification will be sent to any national or regional organization with whom the student organization is affiliated, if applicable.

### Restitution:

A reimbursement for a loss caused by the student organization's actions.

### Fine:

A penalty to hold student organizations financially accountable for their actions and/or to fund other activities.

### Community Service:

Required performance of community service hours at a location either on or off campus as determined.

### Restrictions:

Restriction of some or all of the organization's activities or privileges, including, but not limited to, social privileges and recruitment privileges.

### Organizational Review:

A notification that a student organization is beginning to show a pattern of concerning behavior. The organization must conduct a self-assessment, develop a corrective action plan, and provide proof of implementation by a specified date.

### Educational Sanctions:

Projects or assignments designed to educate an organization in connection with the effect of its members' actions. Educational assignments include, but are not limited to, alcohol awareness programs and/or risk management programs.

### Other Sanctions:

Other actions to engage the organization to repair the harm caused by the misconduct or mitigate the risk of future noncompliance.