



#### **Article 1: Bill of Rights**

The following enumeration of rights shall not be construed to deny or disparage others retained by students in their capacity as members of the student body or as citizens of the community at large:

- A. Free inquiry, expression, and assembly are guaranteed to all students.
- B. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the University.
- C. The right of students to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures is guaranteed.
- D. Students will be exempt from disciplinary action that affects their status as students except for academic failure or violation of a published University or Regents rule or regulation. Rules and regulations shall be fully and clearly promulgated in advance of the supposed violations.
- E. No disciplinary sanctions may be imposed upon any student without notice to the accused as to the nature and cause of the charge(s) and a hearing.
- F. A student or a student organization accused of violating University regulations is entitled to a hearing. A right to a hearing may be waived by a student or an organization.

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**Article 2: Access to Higher Education**

In accordance with Kansas Statutes and policies of the Board of Regents the University shall be open to all persons who qualify according to the admission standards. These standards shall be defined and made available in written form. Under no circumstances shall a person be barred from admission on the basis of race, sex, or religion and such other basis as are current in the University Affirmative Action statement.

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**Article 3: Definition of a Student**

Any person actively pursuing a course of study is considered to hold student status. For the purpose of these and other regulations, a student is further defined as one who is currently enrolled at the University or has completed the immediately preceding term and is eligible to enroll for the next term.

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#### **Article 4: Classroom Expression**

Discussion and expression of all views relevant to the subject matter are permitted in the classroom subject only to the responsibility of the instructor to maintain order. Students are responsible for learning the content of any course for which they are enrolled. Requirements of participation in classroom discussion and submission of written exercises are consistent with this section.

- A. Academic evaluation of student performance shall be neither prejudicial nor capricious. Students have the right to know at the beginning of the semester the goals of the class and the basic criteria of evaluation (grade scale, means of assessment, attendance policy). This information shall be clearly defined in the course information outline (to include contact information, required text(s) and/or materials, and tentative course content timeline) which will be distributed free of charge. Student performance shall be evaluated on the basis of the stated goals and criteria. Procedures for exercising the right of appeal are clearly defined by the institution and are available to all members of the academic community. The procedures are available in the Office of the Vice President for Academic Affairs.
- B. Information about a student's views, beliefs, and political associations acquired by professors/instructors in the course of their work as instructors, advisors, and counselors, is confidential and is not to be disclosed to others unless by consent of the student. Questions relating to intellectual or skills capacity are not subject to this section except that disclosure must be accompanied by notice to the student.

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**Article 5: Campus Expressions**

Discussion and expression of all views are permitted within the University, subject only to requirements for the maintenance of order. Support of any cause by orderly and peaceful means that do not disrupt the operation of the institution is permitted. Students, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities.

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**Article 6: Right to Participate in University Governance**

Students shall be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body through the Student Government Association has the right to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the Student Government Association and its general and specific responsibilities shall be established through the Student Government Association Constitution and Bylaws.

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#### **Article 7: Definition of Student Organizations**

A registered student organization (RSO) is defined as a group consisting of at least 100% students. Members must be students, as defined by Article 3 of the Code of Student Rights and Responsibilities, however, the president, chairperson, or chief officer must be a full-time student (at least 12 hours undergraduate or 6 hours graduate). If membership is open to persons outside of the college campus community, all officers must be students. Only those organizations registered with the Campus Activities Center are considered to be a RSO.

Privileges of Organization Registration University recognition provides student groups the opportunity to enjoy the privileges listed below:

- The use of the name of the University in the title of the organization (following related licensing guidelines)
- The use of meeting rooms in the Overman Student Center, bulletin boards, digital display advertising, and other University facilities
- Request for allocations from the Student Government Association
- The use of the Business Office for financial advising and banking services
- To request approval of posters by the Student Government Association and University Housing
- Assistance from University staff members
- Organizational mailbox at the Campus Activities Center
- Inclusion in the online Directory of Student Organizations
- Permission for maintenance of a web page attached to the University's website (following all related guidelines)

Organizations may be established within the University for any legal purpose whether the aims are religious, political, educational, economic, or social. Affiliation or disaffiliation with an extramural organization shall not disqualify the University-based branch or chapter from University privileges. As a general rule, membership in all University related organizations shall be open to any student. A student may not be denied the rights of access to and participation in any University-sponsored or University-approved activity because of race, sex, or religion and such other basis as are current in the University Affirmative Action statement.

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#### **Article 8: Registration of Student Organizations**

- A. In order for an organization to apply for student activity funds, use a mailbox, or hang posters on campus, the organization shall annually register as an organization with the Campus Activities Center and file the appropriate paperwork. Official University registration of a student organization does not necessarily entail specific approval and encouragement of the ideas of that organization. It does, however, entitle an organization to specific privileges listed in Section D.
- B. Registration Procedures: All forms will be available in the Campus Activities Center, Lower Level of the Jack H. Overman Student Center. Student organizations must register annually (each academic year) by submitting the following to the Campus Activities Center:
1. one copy of a constitution or bylaws (if not previously on file, or have been updated).
  2. a registration form listing current officers and campus advisor with contact numbers and addresses.
  3. number of student and nonstudent members.
  4. each registration form must be signed by the organization's president stating that they agree to abide by all University policies, including the Regents policy on organizational membership and the University Alcohol & Cereal Malt Beverage Policy.
- C. Guidelines for Registration of Student Organizations:
1. The established policy of the Board of Regents of the State of Kansas prohibits discrimination on the basis of sex, race, religious faith, national origin, age or physical handicap within the institutions under its jurisdiction. All fraternal and campus related organizations shall follow this policy in the selection of their members, except the prohibition against sex discrimination shall not apply to social fraternities or sororities which are excluded from the application of Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.). The responsibility for compliance with this policy lies with each organization. In discharge of this responsibility, each organization shall acknowledge its understanding of this policy.
  2. The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity meet those standards. Just as all students have the right to choose those with whom they would associate on the campus, an organization shall have the right to select its members subject to these principles. Nothing in this policy shall be interpreted as imposing a requirement which would violate the principle of selection on the basis of individual merit.
  3. Registration will not be granted to any organization whether national or local in origin, whose stated purpose, intent or likely consequence of activities is anarchistic, subversive, or disruptive to University activities.
  4. Any organization not having registered previously will be allowed to register after the designated registration period. The designated registration period will not be less than the first month of school in the fall.
- D. Privileges of Registration: University recognition provides student groups the opportunity to enjoy the privileges listed below:
1. the use of the name of the University in the title of the organization.



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2. the use of meeting rooms in the Student Center, bulletin boards, Printing and Design Services, and other University facilities.
  3. to request allocations from the Student Government Association.
  4. the use of the Business Office for financial advising and banking services.
  5. to request approval of posters by the Student Government Association.
  6. the use of organizational mailbox at the Campus Activities Center.
- E. University facilities shall be available to registered student and campus organizations for regular business meetings, social functions, and for programs open to the public. Reasonable conditions and/or charges may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, time of use, and to insure proper maintenance of the facilities. Subject to the same limitations, University facilities may be made available for assignment to individuals or groups composed of members of the University community, even though not formally registered. Preference may be given to programs designed for audiences consisting primarily of members of the University community.

#### Registered Student Organizations Handbook

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**Article 9: Fee Council**

The P.S.U. Fee Council has the authority to allocate Student Activity fees subject to the approval of the President, with the exception of funds designated for the Jack H. Overman Student Center and Student Health Center.

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**Article 10: Poster Guidelines**

There are specific locations from which a student, group, or organization may make written materials available to students on campus. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, time of use, and to insure proper maintenance of the facilities. For written distribution policies in the residence halls, see the University Housing Office, 203 Horace Mann Hall; for on-campus distribution policies for printed materials, see the Student Center Information Desk. Poster guidelines set by the Student Government Association are available at the Student Center Information Desk in the Jack H. Overman Student Center.

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#### **Article 11: Publication Policy**

It is undeniable that students are protected in their exercise of freedom of expression by the First Amendment of the Constitution of the United States and the 11th article in the Kansas Constitution. Accordingly, University officials are responsible for ensuring freedom of expression for all student-journalists.

It is the policy of the Joint University Student Publications Board and Pittsburg State University that the Collegio and Kanza, the official University-sponsored publications of P.S.U., have been established as forums for student expression. Each publication should provide a full opportunity for student journalists to inquire, question and exchange ideas. Content should reflect all areas of student interest, including topics about which there may be dissent or controversy. University officials will neither restrict, nor assume responsibility for, statements made by student journalists involved with the publication of the Collegio and the Kanza. It is the policy of the Joint University Student Publications Board that student journalists shall have the right to determine the content of official student publications. Accordingly, the Student Publication Board guidelines relate only to establishing grounds for disciplinary actions following publication. Any disciplinary action taken against students for violation of this policy shall be conducted pursuant to regular University student disciplinary procedures.

The Joint University Student Publications Board (chaired by the Dean of Arts and Sciences) has the responsibility to hear charges concerning violation of operational procedures, journalistic standards, and/or journalistic freedom as they relate to the day-to-day operations of the Student Publications.

Any recognized student organization or member of the University community may file a written request for hearing for any grievance against a student publication. The Publications Board will conduct a hearing according to the due process guidelines in the Pittsburg State University Code of Student Rights and Responsibilities (Article 34, Student Conduct Code, Section E. Disciplinary Process).

A complete copy of the Rights and Responsibilities of PSU Student Publications is available from the Student Publications Office, 220 Whitesitt Hall, or the Dean of Arts and Sciences, 311 Grubbs Hall.

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**Article 12: Freedom of Protest**

The right of peaceful protests including orderly picketing within the University community must be preserved. The University retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process including entrance to and egress from all University buildings and offices, conduct of regular class meetings and other University functions including teaching, research and learning.

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**Article 13: Privacy/Room Entry**

Specific policies for University residence halls are included in the Guide to Hall Living, published annually and available from the University Housing Office, 203 Horace Mann Hall.

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#### **Article 14: Rights Under FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

- A. the right to inspect and review the student's educational records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic departments, or other appropriate official, written requests that identify the records(s) they wish to inspect. The University official will make arrangements for access and notify the students of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- B. the right to request amendment of the student's educational records that the student believes are inaccurate or misleading. Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- C. the right to prevent disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorize disclosure without consent.

Exceptions which permit disclosure without consent include:

1. Disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
2. Disclosure to officials of another school in which a student seeks or intends to enroll.
3. Disclosure of the results of disciplinary proceedings to the victim of a violent crime.
4. Disclosure in connection with a student's application for, or receipt of, financial aid.
5. Disclosure to authorized representatives of the Comptroller General of the United States, the Secretary of Education, State educational authorities, or the Attorney General for law enforcement purposes (under conditions set forth).
6. Disclosure to state and local officials or authorities (under conditions set forth in Kansas statute).
7. Disclosure to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are



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- conducted in such a manner that will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
8. Disclosure to accrediting organizations in order to carry out their accrediting functions.
  9. Disclosure to parents of a dependent student.
  10. Disclosure in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health and safety of the student or other persons.
  11. Disclosure to the court subject to subpoena.
- D. the right to file complaints with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue SW, Washington, DC, 20202-4605.

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#### **Article 15: Privacy Rights of Students**

The University from time to time publishes several bulletins, lists, brochures, catalogs, directories, yearbooks, annuals, guidebooks, news releases, sports information, honor rolls, etc., containing information that specifically identifies students and information about them.

The University is authorized to publish, and will publish such Directory Information, collectively or individually, unless a student within a reasonable time after the start of the semester notifies the Student Privacy Office (Registrar, 103 Russ Hall) in writing that any or all of the categories listed below (designed Directory Information) should not be released without prior written consent. The following information is considered Directory Information:

1. student name
2. address
3. telephone listing
4. electronic mail address
5. parents and next-of-kin information
6. date and place of birth
7. classification
8. enrollment status
9. major and minor field of study
10. student advisor
11. dates of attendance
12. degrees, honors, and awards received and dates awarded/conferred
13. previous educational institutions
14. participation in officially recognized activities and sports
15. weight and height of members of athletic teams
16. photograph, video or electronic image with exceptions of ID cards

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**Article 16: Notice to Students/Assistance to Disabled Students**

Pittsburg State University prohibits discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, age, marital status, ancestry, genetic information, or disabilities. The following person has been designated to address inquiries regarding the nondiscrimination policies: Director of Institutional Equity/Title IX Coordinator, 218 Russ Hall, 1701 S. Broadway, Pittsburg, KS 66762-7528, 620-235-4189, [equity@pittstate.edu](mailto:equity@pittstate.edu).

Students seeking assistance with academic programs because of physical or learning disabilities are to contact Nicole Dublin, Coordinator of the Center for Student Accommodations, 213 Russ Hall, Pittsburg State University, Pittsburg, KS 66762, 620-235-6584, [csa@pittstate.edu](mailto:csa@pittstate.edu).

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**Article 17: Notice of Nondiscrimination**

Pittsburg State University prohibits discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, age, marital status, ancestry, genetic information, or disabilities. The following person has been designated to address inquiries regarding the nondiscrimination policies: Director of Institutional Equity/Title IX Coordinator, 218 Russ Hall, 1701 S. Broadway, Pittsburg, KS 66762-7528, 620-235-4189, [equity@pittstate.edu](mailto:equity@pittstate.edu) .

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**Article 18: Sexual Harassment**

Sexual discrimination in the form of sexual harassment, defined as the use of one's authority or power to coerce another into unwanted sexual relations or to punish another for his/her refusal, or the creation of an intimidating, hostile, or offensive working education environment through repetitive verbal or physical conduct of a sexual nature by any member of the University community, shall be a violation of Pittsburg State University's Affirmative Action Policy.

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**Article 19: Discrimination Grievance Procedure for Students**

This Grievance Procedure is established for the purpose of providing a mechanism of due process for students of Pittsburg State University who allege discrimination based on race, religion, color, sex, disability, marital status, national origin, age, ancestry or veterans status.

Pittsburg State University is committed to the elimination of discrimination in all of its programs and activities. The Office of Institutional Equity also makes referrals to other University grievance procedures. If you have concerns or questions about educational equity, you may contact the Office of Institutional Equity, 218 Russ Hall, 1701 S. Broadway, Pittsburg, KS 66762-7528, 620-235-4189, [equity@pittstate.edu](mailto:equity@pittstate.edu).

A conscientious effort will be made to resolve difficulties at the lowest level possible. All inquiries and/or complaints are governed by the confidentiality laws and guidelines. No person shall be subjected to discharge, suspension, discipline, harassment or any form of discrimination for having utilized or having assisted in the utilization of the Discrimination Grievance Procedure.

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#### **Article 20: Sexual Misconduct and Relationship Violence**

**Pittsburg State University prohibits all forms of sexual misconduct and relationship violence to include rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking.**

The University may investigate incidents of sexual misconduct or relationship violence committed by or against a student, regardless if the alleged incident occurred on or off campus. The investigation may be pursued through the criminal justice system and/or the University discipline proceedings. Internal and University discipline proceedings are independent of criminal or external proceedings. Should the criminal or external proceedings be dismissed, or reduced, the University may continue to pursue disciplinary action.

University personnel will assist in the report process if requested by the victim. A representative from the University Police, the Office of Student Life, and/or the Office of Institutional Equity will guide the victim through the available options and support the victim in his or her decision. As a victim, the individual has the option to decline to notify law enforcement or campus authorities or to participate in an investigation. However, circumstances may dictate that the university pursues investigation and response even without the victim's assistance.

#### **Investigating Alleged Sexual Misconduct**

When the University receives any report of a sexual assault, the University's Title IX Coordinator will be immediately notified of the alleged assault by the office receiving the report. The Title IX Coordinator will work directly with the Office of Student Life, and will promptly begin an investigation to determine what occurred and will inform and obtain consent from the victim before beginning any disciplinary proceedings.

If the victim requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a victim insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University's ability to respond may be limited.

The University will not tolerate retaliation in any form against anyone raising a concern of sexual misconduct in good faith as a complainant or participating as a witness, an investigator or in any other



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capacity. Retaliation is typically a significant adverse action taken against an individual because the individual participated in an internal complaint process. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination, sexual violence or harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation. Allegations of or questions about retaliation should be directed to the Title IX Coordinator or to any one of the designated University resource offices.

The responsibility to investigate and possibly adjudicate anyone for violations of this policy is provided by the Violence Against Women Act (VAWA). Compliance with the provisions of VAWA does not constitute a violation of the General Education Provisions Act, commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

#### **Possible Protective Measures**

In an effort to protect those directly involved in an alleged incident of sexual misconduct or relationship violence, protective measures may be implemented where reasonably available. The measures may include, but are not limited to:

- A. No Contact Order
- B. Change in on-campus housing location to a different on-campus option
- C. Adjusting a student's class schedule
- D. Altering course assignments with assistance of the assigned faculty member
- E. Assistance with transportation and working situations

In instances where the University determines there to be a risk to members of the University community, or where continued class attendance will disrupt normal operations of the University, the respondent may temporarily be suspended. This suspension may limit the respondent's access to various University buildings, services, activities, and privileges. If a student who was temporarily suspended is later found "not in violation" all rights, responsibilities, and privileges will be restored. Any academic work missed by the student due to the suspension will be given an opportunity for completion, at the reasonable discretion of the faculty.



#### **University Discipline Process**

Special guidelines for cases involving sexual misconduct, rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking are detailed in Article 34 of the Code of Student Rights and Responsibilities, available at [www.pittstate.edu/audiences/current-students/policies/rights-and-responsibilities/student-conduct-code.dot](http://www.pittstate.edu/audiences/current-students/policies/rights-and-responsibilities/student-conduct-code.dot).

The Code of Students Rights and Responsibilities provides, in part, that the discipline process will

- provide for a prompt, fair, and impartial investigation and resolution of allegations;
- be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- provide the accuser and the accused equal opportunity to have others present during an institutional disciplinary proceeding including the opportunity to be accompanied to any related meeting or proceedings by an advisor of their choosing (not as a representative or presenter of information, but as an advisor);
- inform in writing both the accuser and the accused simultaneously of the notice of hearing(s), the outcomes of any institutional disciplinary proceeding that arises from an allegation, the procedures for the accused and the victim to appeal the results of the proceedings, any change to the results that occurs prior to the time that such results become final, and the date when such results become final.

**Standard of Evidence:** For any Pittsburg State University disciplinary proceedings (including those arising from allegations of rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking) the **“preponderance of evidence” standard of proof will be utilized. A preponderance of evidence standard evaluates whether it is more likely than not, based on the evidence available, that a violation occurred.**

#### **Conduct Sanctions**

The purposes of imposing sanctions are twofold: to protect the University community from behaviors that are detrimental to the educational process of the community; and to assist students and student organizations in identifying acceptable parameters of their activities and consequences of future behaviors. The severity of the sanctions imposed is intended to correspond with the severity or frequency of violation, as well as the willingness of the accused to recommit to good citizenship through behaviors that fall within the conduct regulations of the University. The following disciplinary sanctions may be imposed upon students, or student organizations, found responsible of a violation either singly and/or in combination:



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1. Expulsion
2. Suspension
3. Residence Hall Eviction
4. Disciplinary Probation
5. Disciplinary Warning
6. Restitution
7. Suspension of the Privileges of a Registered Student Organization
8. Termination of the Registration of a Registered Student Organization
9. Specifically Defined Sanction
10. Summary Suspension

#### **Appeals**

A decision reached by the Hearing Officer or Campus Judicial Officer may be appealed by the accused to the Vice President for Student Life within five (5) school days of the Hearing Committee's decision. Such appeal shall be in writing and shall be delivered to the Vice President for Student Life. A student, or student organization, is entitled to only one appeal and the decision of the Vice President for Student Life shall be final. An appeal may be sought on only two grounds:

1. on a claim of error in the hearing procedure.
2. on a claim of new information or information material to the case which was not available at the time of the hearing.

The appeal shall state its grounds. The Vice President for Student Life has five (5) school days to make a written determination on the appeal. Notification of decision regarding the appeal shall be sent to the accused, the Hearing Officer, and to the complaining party. If the Vice President for Student Life finds that one of the two grounds for appeal existed, the matter shall be returned to the Hearing Officer for re-opening of the hearing to allow reconsideration of the original determination and/or sanctions.

#### **Definitions**

A. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system.

B. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.



- **Rape-** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

C. **Domestic Violence:** A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

D. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

E. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:



- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a person under similar circumstances and with similar identity to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

F. Programs to prevent dating violence, domestic violence, sexual assault, and stalking:

Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

G. **Awareness programs:** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

H. **Bystander intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm.
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.



I. Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

J. Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction.

K. Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

L. Prompt, fair, and impartial proceeding: A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay.

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

M. **Advisor:** Any individual who provides the accuser or accused support, guidance, or advice.

N. **Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

O. **Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.



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The result must include any sanctions imposed by the institution.

***NOTE: The above definitions are a requirement for compliance with federal mandates. Violations of Kansas State Statutes relating to sexual assault or sexual misconduct may also be adjudicated as part of this policy.***



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**Article 21: Racial Harassment Policy**

Academic freedom can exist only when all are free to pursue ideas in a nonthreatening atmosphere of mutual respect. Racial harassment is harmful not only to the persons involved, but also to the entire University community. Racial harassment includes but is not limited to verbal, physical or written abuse directed toward an individual or group, blatant and subtle graffiti, and insensitive use of language including epithets and humor on the basis of the race, ethnicity or racial affiliation, and has the purpose or effect of the following: 1) creating an intimidating, hostile, or offensive work or educational environment for an individual or group; 2) interfering with an individual's or group's work, academic performance, living environment, personal safety, or participation in any University-sponsored activities; 3) threatening an individual's or group's employment or academic opportunities.

Any such act shall be a violation of Pittsburg State University's Racial Harassment Policy. Alleged offenses may be adjudicated through the affirmative action grievance and/or judicial processes for students, through the student judicial process for student organizations, or through the affirmative action grievance process for faculty and staff.



#### **Article 22: Possession of Weapons Policy**

#### **Pittsburg State University Weapons Policy and Procedures**

**November 22, 2016**

#### **I. Introduction:**

The possession and use of firearms, explosives, and other weapons are prohibited on the campus of Pittsburg State University, with the limited exception of concealed handguns as provided in this policy. The purpose of this policy is to describe how handguns may be carried, stored, and managed on the campus of Pittsburg State University in as safe a manner as possible. This policy is in accordance with the Kansas Board of Regents Policy and state law, K.S.A.75-7c01, et seq.

#### **II. Geographic Applicability:**

This policy is applicable only within the geographic limits of the Pittsburg State University campus. Campus is defined as any building or grounds owned by Pittsburg State University or any building or grounds leased by Pittsburg State University for state university use.

#### **III. Definitions:**

Weapons-

1. Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
2. Any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
3. Any BB gun, pellet gun, air/C'02 gun, any Taser or similar electrical weapon that discharges a projectile, or blow gun;
4. Any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
5. Any incendiary or explosive material, liquid, solid, or mixture equipped with a fuse, wick or other detonating device;
6. Any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
7. Any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any



knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

8. Any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
9. Any martial arts weapon such as nunchucks or throwing stars;
10. Any longbow, crossbow and arrows or other projectile that could cause serious harm to any person; or
11. Any other dangerous or deadly weapon or instrument of like character.

#### Handgun-

1. A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or
2. Any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.

#### Firearm-

Any handgun, rifle, shotgun, and other weapon which will or is designed to expel a projectile by the action of an explosive.

#### **IV. Prohibitions and Restrictions to the Carrying of a Concealed Firearm Pursuant to Kansas Law:**

Open carry of firearms by any means is prohibited. The carrying of any rifle, shotgun, or other long gun by any means is prohibited. It is a violation of University policy to openly display any lawfully possessed concealed carry handgun while on campus except when lawfully using the handgun in self-defense or when transferring to safe storage.

Kansas law outlines the following restrictions to the concealed carrying of a handgun. Failure to comply with the following restrictions is a violation of University policy and Kansas Law:

- Individuals in possession of a concealed handgun must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
- A firearm cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual incapable of safely operating the firearm [K.S.A. 21-6332];



- A firearm cannot be fired in the corporate limits of a city, at a dwelling, structure, or vehicle in which a human is present, except in self-defense [K.S.A. 21-6308, 6308a];
- A firearm cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301(a)(10)];
- A firearm cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- A firearm cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- A firearm cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
- An automatic firearm cannot be carried [K.S.A. 21-6301(a)(5)];
- Any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight is illegal [K.S.A. 21-6301(a)(6)];
- Any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm is illegal [K.S.A. 21-6301(a)(4)].

#### **V. Carrying Safety Requirements:**

Any individual who is 21 years of age or older and who is lawfully eligible to carry a concealed handgun is wholly and solely responsible for carrying, storing, and using that handgun in a safe manner and in accordance with the Kansas Law, Kansas Board of Regents Policy and University policy. Concealed means completely hidden from view and does not reveal the weapon in any way, shape or form.

Whether on their person or in a personal carrier, every handgun carried by an individual must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures any external hammer in an un-cocked position. The handgun must be secured in the holster with a strap or by other means of retention. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Handguns with an external safety must be carried with the safety in the “on” position.

The handgun must be in the person’s custody and control at all times with safety mechanism engaged. Handguns must be carried securely in a suitable carrier (backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual’s personal items). The suitable carrier must at all times remain within the exclusive and uninterrupted control of the individual. This includes wearing the carrier with one or more straps consistent with the carriers design, carrying or holding the carrier, or setting the carrier next to or within the immediate reach of the individual.



#### **VI. Campus Gun-Free Locations with Adequate Security Measures:**

There are no University locations designated as gun free with **permanent** adequate security measures. The University may designate a specific location as temporarily gun free and use temporary adequate security measures as defined and required by law and Kansas Board of Regents Policy. Appropriate notice will be given whenever this temporary designation is made.

#### **VII. Handgun Storage:**

Handgun storage is prohibited at Pittsburg State University except in the following circumstances: (1) in an individual's privately-owned or leased motor vehicle when the vehicle is locked and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; or, (2) in an individual's on-campus residential unit when the handgun is secured in a holster and in an approved storage device (see below).

#### **Approved Storage Device:**

The University does not provide approved handgun storage devices to any person, under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own approved storage device.

An approved storage device meets the following criteria:

1. Is of sufficient size to fully enclose the handgun while secured in an approved holster (as defined in Section V).
2. Is constructed of sturdy materials that are non-flammable
3. Has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device. **Devices secured exclusively with a key lock are prohibited.**
4. Device is constructed specifically for the storage of a handgun and/or ammunition.[MJ1] All ammunition stored in an on-campus residence must be stored in an approved storage device.[MJ2]

#### **Prohibited Storage:**

Storage of handguns is prohibited in the following:

1. In any University classroom, lab, office, or facility;



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2. In a residence hall, except in the residential unit of the individual who is at least 21 years of age, legally owns the handgun, and has the handgun secured in an approved storage device;
3. In a motor vehicle that is unlocked or when the handgun is visible from the outside of the vehicle;
4. In any other location or under any circumstances except as specifically permitted by this policy or the state or federal law.

#### **VIII. Violations Process:**

All suspected weapons policy violations will be reported to the University Police. Initial investigations will be conducted by University Police to determine if University or Kansas Board of Regents policy has been violated. If the investigation determines a crime has been committed, a separate criminal investigation will be conducted, unrelated to policy. If University policy has allegedly been violated, the matter will be reported to the Behavior Intervention and Threat Assessment Team.

When there is probable cause to believe that a weapons policy violation has occurred, or continued possession and carrying by the alleged policy violator will create imminent danger to self or others, University Police have authority to disarm and/or temporarily confiscate a firearm and issue a restriction to not carry a concealed firearm on campus pending results of the investigation.

The President, or his or her designee, may take any temporary action as determined necessary to ensure the safety of the University and of its students and personnel. Any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any employee or student of the university who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable University codes of conduct. Any individual who violates state or federal law may be detained, arrested, or otherwise subjected to lawful processes appropriate to the circumstances.

Updated August 2017



#### **Article 23: Hazing and Pre-initiation Activities Policy**

Pittsburg State University prohibits student organizations, fraternities or sororities from engaging in hazing of another person for the purpose of initiation or admission into or affiliation within any organization operating under the sanction of the University. Hazing includes, but is not limited to, any action, activity or situation which recklessly, negligently or intentionally endangers the mental or physical health, welfare or safety of a person or exposes a person to extreme embarrassment. It is presumed that hazing is a forced activity regardless of the apparent willingness of an individual to participate in the activity.

Such activities and situations include paddling in any form; creation of excessive fatigue; ingestion of unusual liquids or solids or the ingestion of liquids or solids of unusual quantities; physical and psychological shocks, scavenger hunts, road trips, or any other such activities carried on outside the confines of the house; wearing apparel in public which is conspicuous and not normally in good taste, engaging in public stunts and buffoonery; morally degrading and/or humiliating games and activities; late work sessions which interfere with scholastic activities; and any other activities which are not consistent with fraternal law, ritual or policy or the regulations and policies of Pittsburg State University and Kansas statutes on hazing.



#### **Article 24: Alcohol & Cereal Malt Beverage Policy**

The sale, service, possession, and consumption of alcoholic and cereal malt beverages are regulated by federal and state laws and regulations and by local ordinances. All Kansas laws and city ordinances regarding the possession and consumption of cereal malt and other alcoholic beverages will be observed within the University.

A partial summary of Kansas Statutory regulations:

- Drinking Age:
  - No one under 21 years of age can possess or consume alcoholic or cereal malt beverages.
- Underage Drinking:
  - Purchases or possession of alcohol by anyone under 21 can be punished with a fine of not more than \$500 and 40 hours of community service or attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or drugs. In addition, a person under 21 convicted of possessing or consuming alcoholic beverages can have their driver's license revoked for up to one year.
- Providing Alcohol or Id's to Persons Underage:
  - Lending or permitting the use of any driver's license to a person under the legal age for purchase or consumption of alcohol can be punished with a \$1,000 fine and/or up to six months in jail.
- Providing alcoholic liquor to people underage can be punished with a minimum fine of \$200 and a maximum of \$1,000 and/or up to six months in jail. Additional Kansas and local statutes include:
- Prohibition of possession and consumption of cereal malt beverage in any vehicle unless in original unopened container, locked trunk, or exclusive possession of a passenger in a van. Privileges and/or suspension of license may be adjudicated.
- Prohibition of consumption or possession of opened cereal malt beverage container on any public street, avenue, alley or sidewalk. Violations are punishable by fine or imprisonment.

#### A. Definitions

Alcoholic liquor means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverages containing not more than 3.2% alcohol by weight. Areas under jurisdiction of the University include all property owned, occupied or used by the University, or by any officially recognized group or organization.



#### B. State/Regents Policies: Alcohol & Cereal Malt Beverages

The consumption of alcoholic beverages on the campuses of the regents' universities is prohibited by State statute except under special circumstances provided by law:

1. The use and sale of cereal malt beverages (3.2% beer) is authorized under regulations to be determined by the administration of Pittsburg State University. (Oct. 15, 1987)
2. Service of alcohol in Non-Classroom Areas: Consumption of alcoholic liquor may be permitted under authorized and appropriately controlled conditions and guidelines to be determined by the administration of Pittsburg State University. (Feb. 18, 1988)

#### C. University Policies

1. The consumption of cereal malt will be prohibited in all public areas of the University except for designated food service areas, and for registered groups in the University Lake picnic areas. Public areas shall include Brandenburg Stadium, the Oval, practice field, parking areas, tennis courts and the University Lake.
2. Sale of 3.2% cereal malt beverages by the food service contractor recognized by the University will be allowed in the Jack H. Overman Student Center of Pittsburg State University who shall be responsible for compliance with state and local ordinances.
3. There shall be no cereal malt beverages, alcoholic beverages, or containers of any kind allowed at any Pittsburg State University athletic event.
4. Student groups are encouraged to obtain legal opinion concerning their status as hosts at private locations as it relates to the potential liabilities involved in serving alcohol to minors and intoxicated persons. The groups shall adopt self-governing procedures, appropriate mechanisms to ensure protection against individual or group liability as a result of the irresponsible use of alcohol.
5. Games which emphasize drinking alcohol or which place some kind of social approbation on one's capacity to hold liquor or to display certain talents with respect to the consumption of alcohol will be prohibited at social functions.
6. All organizations will refrain from emphasizing alcohol in advertisements. Posters and flyers that contain alcohol related advertisements are not permitted to be displayed or distributed on P.S.U. campus.
7. Persons who violate these policies or other policies will be subject to disciplinary action whether or not they are under the influence of alcohol.
8. Each registered University organization must submit a statement signed by the organization president indicating intent to abide by the University Alcohol & Cereal Malt Beverage Policy. The statement will be submitted to the Office of Student Life.

#### D. Special Groups

Certain groups are responsible for compliance with additional specific regulations. These groups include: fraternities, sororities, residence halls, and all other registered University organizations who maintain living units.

Each living group must abide by the University policy and, in addition, shall develop, alone or in collaboration with other organizations, sets of internal regulations regarding alcohol use. Internal self-governing procedures determined by an individual group or a collection of organizations



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will be submitted for review to the Program Coordinator for Greek and Student Organizations annually.

#### E. Sanctions

1. Infractions of the University policy will be regarded as University disciplinary violations, which may be adjudicated at the decision of the Office of Student Life. Violations of civil law may be turned over to the City of Pittsburg Municipal Court or the Crawford County District Court for adjudication.
2. The following sanctions may be imposed by the University Police:
  1. warn and release the student.
  2. issue a summons to the student.
  3. physically book the student into jail when another crime is involved.
  4. bar disorderly person from entering University facility or evict from the facility.
  5. take to detoxification center.
  6. refer student for administrative action through University judicial procedures.
3. The following sanctions may be imposed by the University through the discipline process:
  1. referral of student for alcohol education.
  2. referral of student for counseling.
  3. disciplinary action for student or student organization through hearing.
  4. restricting individual or group privileges, such as receiving student fees, loss of registered status, loss of University services, etc.
  5. termination of student organization event or party by University staff person and/or the police. (Fall 1985, Revised Spring, 1990)



#### **Article 25: Drug Policy**

- A. It is the policy of Pittsburg State University that its workplace shall be free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act, Chapter 13, Title 21 of the United States Code) by the officers and employees of the University, including faculty, other unclassified staff, classified staff, and student employees. Any officer or employee of the University, found to be illegally using, possessing or distributing controlled substances at the workplace of the University, regardless of the site of the workplace, shall be subject to disciplinary action in accordance with applicable policies of the State of Kansas, the Board of Regents, and Pittsburg State University. Officers and employees are reminded that illegal use, possession, or distribution of controlled substances may also subject individuals to criminal prosecution.

The term controlled substances as used in this policy means those substances included in Schedule I and II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

- B. The manufacture, distribution, sales, use, offer for sale, or possession of drugs, narcotics, other controlled substances or drug paraphernalia in accordance with state statutes is prohibited on campus.
- C. Pittsburg State University policies pursuant to the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools & Community Act Amendments of 1989 are found in the section following this CODE OF STUDENT RIGHTS & RESPONSIBILITIES.



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**Article 26: Smoking Policy**

Smoking is prohibited by state law in University buildings.



#### **Article 27: Advertising/Sales/Solicitation Policy**

Facilities at Pittsburg State University are for the use of the University and are not available for unrestricted use.

- A. Advertising: Posting of flyers and distributing handbills is illegal according to Pittsburg City ordinance. They may not be distributed on campus, nor placed on parked vehicles. University posters must meet the current poster guidelines and have the approval stamp from the Student Government Association Office in the Jack H. Overman Student Center.
- B. Solicitation: All campus solicitors must meet city solicitation standards and must check in with the University Police in Lower Level, Shirk Hall. No solicitation is permitted in University residence halls.
- C. Lotteries/Raffles: Prohibited by Kansas law.
- D. Food Sales: Any foods sold or served on the University campus must have been prepared in a health-inspected kitchen or purchased from the University food service except for University events approved in advance by the Vice President for Student Life or which are served in a closed group situation.
- E. Credit Card Solicitation: In accordance with Kansas Board of Regents On-Campus Credit Card Solicitation Policy (amended and adopted 10/17/02), Pittsburg State University implements the following stipulations regarding the marketing and solicitation of credit cards to students.
  1. Credit card solicitation shall be defined as any effort (direct personal contact or distribution of written material) in which the goal is to persuade any individual to submit application for a credit card.
  2. Credit card solicitation shall be prohibited during a period beginning seven days prior through fourteen days following the first day of classes for each academic semester, intercession term, or summer class session.
  3. All individuals or organizations intending to solicit applications for credit cards on the Pittsburg State University campus are required to submit registration of intent to solicit credit card applications and subsequently receive approval as to time, place, and manner by the Office of Student Life.
  4. Information on the responsible use of credit and the risk of credit use must be provided to each individual contacted to submit application for credit. The content of such information is subject to approval of the Office of Student Life as a part of the registration/authorization process (Item 3 above).
  5. Locations at which credit card solicitation may occur shall be limited to the Overman Student Center, the campus oval, and university athletic event venues. Solicitation in these areas will adhere to all terms of the Code of Student Rights and Responsibilities and all rules and regulations for use of facilities, space, or equipment within the specified areas.
  6. Pittsburg State University shall include educational materials on the responsible use of credit and the risk of credit use in student orientation programs and materials.



#### **Article 28: External Speaker's Policy**

An External speaker is any individual, group, or organization wishing to appear or speak on campus but not officially sanctioned or invited by Pittsburg State University or its respective registered campus organizations. The following serves as procedures regarding External speakers at Pittsburg State University:

- A. An External Speaker shall complete an External Speaker policy form at the Office of Student Life, 221 Russ Hall, (620)235-4231.
- B. Upon completion of the form, the Office of Student Life will notify the proper University officials and will coordinate the allocation of University facilities for public address.
- C. All External Speakers will be informed of all related policies regarding public address as stipulated by the University, Board of Regents, and State of Kansas.
- D. All External Speakers are expected to abide by all existing policies, procedures, regulations, and guidelines.
- E. Pittsburg State University reserves the right to specify locations for public address and reserves the right to deny a request by any External Speaker if determined that the proposed public address would constitute a clear and present danger to the institutions orderly operation by the External speakers Advocacy of such actions as: The violent overthrow of the government of the United States, any individual state, or political subdivision;
  1. The willful damage or destruction, seizure, and subversion of the institutions buildings or other property;
  2. The forcible disruption or impairment of, or interference with the institutions regularly scheduled classes or other functions; and
  3. The physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or students; and,
  4. Other campus disorders of a violent nature.
- F. Pittsburg State University will deny approval for a location on the Oval in all requests which utilize amplified speech or music equipment. Exceptions will be approved by the Vice President of Student Life.



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**Article 29: Human Rights in Research**

Pittsburg State University is committed to assuring that the rights and welfare of human research subjects are protected. Thus, research projects involving human subjects that are under the supervision of any Pittsburg State University staff member must be approved by the Committee for the Protection of Human Research Subjects before the research may begin. The Committee does not evaluate the quality of research, but only the adequacy of protection of the rights and welfare of human subjects. For further information please contact the Graduate Office, 112 Russ Hall, (620)235-4223.



#### **Article 30: Academic Misconduct**

Education at the university level requires intellectual integrity and trust between faculty and students. Professors are obliged to master their subject and present as fair an account of it as possible. For their part, students are obliged to make an honest effort to fulfill both the letter and the spirit of course requirements. Academic dishonesty violates both integrity and trust. It jeopardizes the effectiveness of the educational process and the reliability of publicly reported records of achievement.

Academic dishonesty by a student is defined as unethical activity associated with course work or grades.

It includes, but is not limited to:

1. Giving or receiving unauthorized aid on examinations,
2. Giving or receiving unauthorized aid in the preparation of notebooks, themes, reports, papers or any other assignments,
3. Submitting the same work for more than one course without the instructor's permission, and,
4. Plagiarism. Plagiarism is defined as using ideas or writings of another and claiming them as one's own. Copying any material directly (be it the work of other students, professors, or colleagues) or copying information from print or electronic sources (including the internet) without explicitly acknowledging the true source of the material is plagiarism. Plagiarism also includes paraphrasing another individuals' ideas or concepts without acknowledging their work, or contribution. To avoid charges of plagiarism, students should follow the citation directions provided by the instructor and/or department in which the class is offered.

Unless otherwise stated by the instructor, exams, quizzes, and out-of-class assignments are meant to be individual, rather than group, work. Hence, copying from other students' quizzes or exams, as well as presenting as one's own work an assignment prepared wholly or in part by another is in violation of academic honesty.

The above guidelines do not preclude group study for exams, sharing of sources for research projects, or students discussing their ideas with other members of the class unless explicitly prohibited by the instructor. Since the violation of academic honesty strikes at the heart of the educational process, it is subject to the severest sanctions, up to and including receiving an "F" or "XF" (an "XF" indicates the "F" was the result of academic dishonesty) for the entire class and dismissal from the university.

When an instructor has a reasonable good faith belief that a student(s) has committed academic misconduct, that instructor has the sole discretion to give the student an F on the assignment/test to which the student committed academic misconduct or an F for the entire course. If such an F negatively



affects the student's final grade in the course, that student(s) may appeal the final grade pursuant to the current Pittsburg State University Catalog's Grade Appeal process.

When the instructor wishes to impose an "XF", and/or more severe sanctions, he or she must first notify their department chair, dean, and the University's Academic Honesty Committee Chairperson in writing. In addition, the same procedure applies if similar sanctions seem warranted for a student(s) or former student(s) who have assisted in a serious act of academic dishonesty.

#### **University Academic Honesty Committee**

The Academic Honesty Committee is convened under the auspices of the Provost. It is composed of nine members. The Faculty Senate Executive Committee is responsible for appointing six of these members. All must be full-time members of the teaching faculty. Members chosen by the Executive Committee serve staggered two-year terms. The Faculty Senate Executive Committee shall make its appointments at the beginning of the academic year. In addition to its six faculty members, the Academic Honesty Committee shall include three student members. Two (2) students of senior status shall be appointed by the Student Government Association. An additional (1) student shall be appointed by the Graduate Student Association. The students from both organizations will be appointed annually and at the beginning of the Fall semester.

The Vice President of the Faculty Senate will serve as the Academic Honesty Committee Chairperson. If the Vice President of the Faculty Senate is excluded because of possible bias, the President of the Faculty Senate will appoint a temporary chair. The Academic Honesty Committee Chairperson is responsible for advising the Provost on cases involving alleged student academic dishonesty.

The committee may impose one or more of the following sanction(s):

- The imposition of a grade of "XF"
- The addition of a permanent note on the student's transcript indicating his/her participation in a serious act of academic dishonesty (such as taking an exam for another student)
- Disciplinary probation
- Suspension
- Expulsion from the university

The decision made by the Academic Honesty Committee may be appealed to the Provost. The following procedures shall be adhered to:



1. Step 1: The instructor charging a student with academic dishonesty shall submit a written request for hearing to the Chairperson of the Academic Honesty Committee, giving full detail of the alleged act(s) of academic dishonesty and send copies of the request to their department chair and dean. The Chairperson of the Academic Honesty Committee will then convene the committee and inform its members of the details of the incident. The aforementioned request shall be forwarded by the Chairperson of the Academic Honesty Committee to the student(s) charged with academic dishonesty. The committee shall then schedule a hearing to be held within fifteen (15) class days from the time of the instructor's request.
2. Step 2: The instructor, and student(s) charged with academic dishonesty, will be notified of the time and date of the said hearing at least five (5) class days before the hearing is to be held. The instructor, and student(s) charged with academic dishonesty may seek advice concerning the hearing from any person such as a faculty member or department chairperson. The instructor and each student(s) may also be accompanied to the hearings by an advisor. The student(s), at their own cost, has the right to provide a transcriptionist at their hearing. Note: The university attorney has the right to be present at any Academic Honesty Committee hearing. The two parties, the instructor and student(s) charged with academic dishonesty, may each request removal of any one member of the committee. This request shall be presented to the chairperson of the committee in writing at least two (2) class days prior to the time of the hearing. After the request for removal has been made the chairperson will notify the individual and the respective individual will be removed from the hearing.
3. Step 3: The Academic Honesty Committee will conduct an appropriate hearing and may gather additional evidence pertaining to the issue. During the hearing, the instructor, student(s) charged with academic dishonesty, and witnesses with direct first hand knowledge of the incident shall have the opportunity to testify (within the guidelines and time frames established by the committee). Hearings are evaluations by members of the university community and are not legal proceedings. Cross-examination is the prerogative of the instructor, the student(s) charged with academic dishonesty, and the committee. For future reference, the hearing shall be audio tape recorded (Committee deliberations on sanctions shall not be recorded). During the entire process the proceedings of the committee shall be closed and confidential, unless the matter becomes the subject of litigation.
4. Step 4: Within five (5) class days of the conclusion of the hearing, the committee will render a written opinion concerning its findings, as well as a written verdict which the Provost will impose.
5. Step 5: Upon notification of the imposed sanction, the student(s) will have five (5) class days to appeal to the Provost. This appeal must be in a written format and must provide detail for the reason of the appeal.
6. Step 6: Once the Provost receives the appeal, he/she will have 8 class days to review the hearing and, in consultation with the President, render a decision. The Provost may uphold, or overturn the Academic Honesty Committee's sanction(s) or propose an alternate penalty which the student may accept.

#### **Removal of Sanctions**



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After two (2) years have elapsed, the student may present a written request for removal of the imposed sanctions to the Provost. If the request is not granted, the student may present up to 4 more requests for removal but in no case can the student present more than 1 request per year academic year.

If the request is granted, the student will be returned to good standing with the university and /or have the notification of the disciplinary action removed from their transcript, provided that no other sanction for academic dishonesty has been imposed in the interim. It shall be at the Provost's discretion to determine what fairness requires.



Pittsburg State University

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## Code of Student Rights and Responsibilities

### **Article 31: Regents Regulations**

Students at Pittsburg State University are subject to the regulations of the Kansas State Board of Regents. The regulations included here have special application to student rights and conduct. Complete regulations of the Board of Regents are on reserve in the Leonard Axe Library.

In the Regents institutions which collect student activity fees, the chief executive officer shall be ultimately responsible for reviewing proposed expenditures of student activity fees and determining whether such fee expenditure is in support of an appropriate student activity.

Actions by faculty, staff, students or visitors which unnecessarily and unreasonably obstruct or interfere with the teaching, research or learning functions or other normal and necessary activities of a Regents institution, or which create an imminent threat of danger to persons or property, may constitute grounds for suspension, dismissal or termination, or permanent exclusion from the campus. (Board of Regents. 1970, 1986)



#### **Article 32: Financial Obligations: Retention of Transcripts and Prohibition of Enrollment**

- A. Overdue financial obligations to the University (e.g., overdue library books, parking violations, equipment breakage, financial aid) will be noted as follows:
- B. Notification of Obligation: Immediately upon incurring an obligation to the University of \$10 or more, the student will receive a notice of that obligation. The student will be notified again of the obligation for a second and final time (so stated in the notification). Following the final notification, the administrative unit responsible for issuing the notification of obligation shall request a hold be placed on the transcript and enrollment permits.
- C. Prohibition of Enrollment and Retention of Transcripts: A hold is a stop process order on the release of transcripts and University enrollment. Issuing administrative unit's request the Office of the Registrar to place holds on student's records. The student will not be permitted to enroll for the beginning of a new semester if they have an outstanding obligation due the University for a previous semester. Transcripts will not be sent to any school or place of employment for students with a hold on their permanent record.
- D. Removing Holds: Students may remove holds by meeting or clearing their obligation. Holds can be removed by having the obligation cleared by the responsible administrative unit's request of that action by the Office of the Registrar. When a hold is cleared, the administrative unit forwards Copy 3 of the Request to Place Hold form to the Registrar with the appropriate signature. The student is given a receipt.
- E. Administrative Offices Authorized to Place Holds: The following administrative offices are authorized to place holds on transcripts and enrollment:
  - Academic Departments
  - School of Education Instructional Resource Center
  - Admission Office
  - Student Life
  - Cashier's Office
  - Student Health Center
  - Graduate Studies
  - Ticket/Testing/Check Cashing Office
  - Leonard H. Axe Library
  - University Housing
  - Military Science Department
  - University Police (Parking)
  - Registrar's Office
  - Financial Assistance Office



#### **Article 33: University Regulations**

- A. **Scheduling Campus Facilities** For questions regarding scheduling, students should call the Jack H. Overman Student Center Office, (620)235-4791. They can advise on all regulations regarding the use of campus facilities.
- B. **Pets in Campus Buildings** No pets are allowed in campus buildings. Only laboratory animals and owner-accompanied service animals are permitted.
- C. **Use of Facilities for Political Activities**
  - 1. State facilities shall not be made available for fund-raising events for candidates or parties.
  - 2. Facilities of institutions under the Board of Regents may be made available for the purpose of holding political meetings, provided there is no interference with regularly scheduled functions, there is not otherwise available a reasonable facility in the community, students are permitted to hear the speakers without charge, and sponsors pay in advance the regular fees for use of the facilities.
- D. **Traffic and Parking Regulations** Traffic and parking regulations and appeal procedures are published each year by the Office of University Police & Parking Services and are available in Lower Level, Shirk Hall.
- E. **Handling of Absences by Student Life** Regular attendance in class is important to success in college. If occasions arise when a student has to be absent from class, it is the student's responsibility to clear this absence with his/her instructor. Each instructor has the responsibility to make his/her absence policy known to his/her students and to make his/her telephone number available for notification. In those emergencies requiring a prolonged absence from class, such as death in the family or illness, the student should call the Student Life Office, 221 Russ Hall, (620)235-4231, to report these absences. This office will receive the message and communicate any unusual circumstances to an instructor after an absence of three days. Advisors may register student organization absences but the Student Life Office will not send out notices. Notification by the Student Life Office does not relieve the student of the responsibility of later clearing the absence with the instructor. If, in the judgment of the instructor, a student has been excessively absent, the instructor may drop a student from class and report this to the Registrars Office. It is suggested that the instructor send a registered letter to the student prior to this action giving him/her a chance to explain or to make up absences.
- F. **Change of Address** To make sure that students receive official notices, grade reports and emergency messages, they should report any change of address to the Registrars Office. G. **Student Government Association Regulations** For a copy of the Student Government Association Constitution and Bylaws, students should request a copy at the Student Government Association Office in the Jack H. Overman Student Center.



#### **Article 34: Student Conduct Code**

1. Preamble - General Conduct Policy Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom of the individual may be defined as the right to act or speak, so long as it does not adversely affect the rights of others. Believing in this concept, Pittsburg State University will protect freedom of action and freedom of speech for both students and employees, so long as it is not of an inflammatory or demeaning nature and does not interfere with the students living and study conditions, and the administration of its affairs. It shall constitute a disruptive act for any member of the University community to engage in any conduct which would substantially obstruct, interfere with or impair instruction, research, administration, authorized use of University facilities, the rights and privileges of other members of the University community, or disciplinary proceedings. Moreover, Pittsburg State University is committed to improving the quality of student life by promoting a diversified educational and cultural experience for all its students. Therefore, racist conduct or other acts of bigotry will not be tolerated. Rights and freedoms imply duties and responsibilities. Note should be taken that a student who exercises his or her rights as a private citizen whether individually or as a member of a group must assume full responsibility for his or her actions. All students and employees of the University must abide by local, state, and federal laws and with all published University policies and regulations. Violations of laws and regulations will subject the perpetrator to disciplinary actions by the University and/or the appropriate civil or criminal authority.

2. Definitions

1. The term “University” means Pittsburg State University.
2. The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Conduct Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered “students” as are persons who are living in University residence halls, although not enrolled in this institution. The Conduct Code does apply to all locations of the University, including any location off its main campus where university activities are conducted.
3. The term “member of the University/academic community” includes any person who is a student, faculty member, official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Campus Judicial Officer.
4. The term “organization” or “student organization” means any number of persons who have complied with the formal requirements for University registration.



#### 3. Authority and Responsibility

Responsibility for good conduct rests with students as adult individuals. Student organizations have similar responsibility for maintaining good conduct among their members and guests and at activities they sponsor. All members of the University community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others. This code is promulgated by the Vice President for Student Life in accordance with the policies of the Kansas Board of Regents as delegated through the President of the University. The President of Pittsburg State University retains the right to make final decisions on policies in accordance with the governance policy of the institution.

The Vice President for Student Life, in turn, designates the Director of Student Rights and Responsibilities, as directly authorized and responsible for administering the Student Conduct Code. This responsibility includes formulating and implementing operating procedures for the judicial consideration of conduct violations and the imposition of sanctions in an efficient, consistent, fair, legal and educationally meaningful manner. The Campus Judicial Officer may further delegate his/her responsibility to various judicial bodies or administrative staff and may collaborate with staff on the process.

The nature and procedures of the disciplinary process in such cases should not be required to conform to processes of criminal law. To impose upon the academic community in student discipline the intricate, time consuming, sophisticated procedures, rules, and safeguards of criminal law would frustrate the teaching process and render the institutional control impotent. The primary goal of discipline is student development; thus, the hearings are non-adversarial and confidential. Safeguards are designed to insure due process for all students. The Campus Judicial Officer is not obligated to disclose names of complaining parties.

For any Pittsburg State University Discipline proceedings, the “preponderance of evidence” standard of proof will be utilized. A preponderance of evidence standard evaluates whether it is more likely than not, based on the evidence available, that a violation occurred.

#### 4. Application of Laws and Off-Campus Activities

Students should be aware that Pittsburg State University is not a sanctuary beyond the reach of the criminal laws of the United States, the state of Kansas, and the City of Pittsburg. While the rules and regulations of Pittsburg State University are not meant to duplicate general laws, there are some aspects in which the lawful interests of the institution as an academic community coincide with the broader public interest treated in general laws. Students, or student organizations, who commit offenses against the laws of municipalities, states, or the United States, are subject to prosecution by those authorities and may be subject to disciplinary action under University rules when their conduct violates institutional standards. Students, and student organizations, at Pittsburg State University are subject to the provisions of this Student Conduct Code while on University premises or University-related premises, or when involved with off-



campus University activities. Students, and student organizations, will be held accountable to this code for their off-campus activities when it can be ascertained the off-campus act has a direct detrimental impact on the university's educational functions. Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by an off-campus authority.

#### 5. Prohibited Conduct

The following statements constitute the official record of all general violations of conduct rules and regulations at Pittsburg State University. Students, and student organizations, are expected to abide by these regulations and administrators are expected to enforce them. These violations of rules and regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be promulgated during the year; announcements will be made upon adoption of the changes or additions. A student, or student organization, who is found responsible for misconduct or is found responsible of being an accessory to misconduct shall be subject to the sanctions authorized by this code.

1. Disruption of classes, seminars, research projects, activities or operations of the University.
2. Actual or threatened physical assault or injury to person.
3. Violation of University Policy on Sexual Misconduct and Relationship Violence.
4. Harassment and/or intimidation - Conduct causing alarm or recklessly creating a risk by: threatening to commit crimes against persons or their property and violation of the University sexual harassment and racial harassment policies. Harassment or intimidation of persons involved in a University disciplinary hearing and of persons in authority who are in the process of discharging their responsibilities is prohibited.
5. Disorderly conduct - Individual or group behavior which unnecessarily disturbs individuals or groups is prohibited. Such conduct includes, but is not limited to, scavenger hunts, unwelcome physical contact, hazing, and boisterous or threatening conduct which is unreasonable for the area, time, or manner in which it occurs.
6. Drugs - The manufacture, distribution, sale, use, offer for sale, or possession of drugs or narcotics or other controlled substances, or drug paraphernalia in as defined in Federal and state statutes.
7. Behavior or activities which endanger the safety of one or others - This includes, but is not limited to, destructive behavior by individuals and/or groups; self-destructive behavior; arson; and tampering, damaging, or misusing fire equipment.
8. Possession and/or use of firearms, fireworks, dangerous weapons and hazardous chemicals - The University is unwilling to allow even the mere presence of dangerous weapons. While some objects are clearly dangerous, what is used dangerously may also be considered a weapon.
9. Damage to property - Damage, destruction, or defacement of University property or property of any person as a result of a deliberate action or as a result of reckless or imprudent behavior.
10. Theft of property - Theft of University property or possession of stolen University property or property of any other person.
11. Misuse of University documents - Forging, transferring, altering, or otherwise misusing any



University document, including identification cards, course registration material, or other document or record.

12. Unauthorized use of the name or insignia of the University by individuals or groups.

13. Unauthorized presence in or forceful entry into a University facility or University related premises.

14. Unauthorized or misuse of University property or equipment.

15. Misuse of telephone - No student shall make or assist in making unauthorized or annoying telephone calls or otherwise misuse or abuse telephone equipment.

16. Misappropriation or misuse of student organization funds or property - This includes, but is not limited to, overextension of the budget of a student organization; spending receipts prior to proper deposit; and unauthorized personal use of equipment.

17. Computer abuse - This includes, but is not limited to, plagiarism of programs; misuse of computer accounts; unauthorized destruction of files; creating illegal accounts; possession of unauthorized passwords; harassment, defamation or intimidation, use of computer facilities and resources to send obscene or abusive messages, violations of copyright or laws to protect the intellectual property rights; and disruptive or annoying behavior on the University computer systems.

18. Providing false information - In the application for admission, petitions, requests, disciplinary hearing or other matters of record, and transaction with officials of the University or authorized agent.

19. False reporting of an emergency - The false report of a bomb, fire or other emergency in any building, structure or facility by means of activating an alarm or in any other manner.

20. Failure to identify oneself when requested by persons in authority who are in the process of discharging their responsibilities.

21. Unauthorized use or possession of keys - No one may use or possess any University key without proper authorization. No student is allowed under any condition to have a University key duplicated.

22. Violation of any University policy or procedure is prohibited, including the General Conduct Policy (i.e. Alcohol & Cereal Malt Beverage Policy, Hazing Policy, Academic Misconduct Policy, Advertising/Sales/Solicitation Policy and poster guidelines and policies set forth in the Guide to Hall Living).

23. Violations of any of the restrictions, conditions or terms of any sanctions resulting from a previously held disciplinary hearing.

24. Commission of any act which is a violation of a criminal law of the United States, a state law or a municipal ordinance.

#### 6. Disciplinary Process

All students, and student organizations, are subject to the disciplinary procedures prescribed in this code. If a student, allegedly involved in a violation of the Conduct Code, separates or graduates from the University prior to a hearing being held, the disciplinary process can continue at the discretion of the University. If a hearing is not pursued upon the separation of the student, the pending charge(s) will be resolved, at the discretion of the University, prior to any future



readmission.

1. **Initiation of Charges** The Campus Judicial Officer bears responsibility for the initiation of disciplinary procedures against a student, or student organization, for alleged misconduct. The Campus Judicial Officer will review instances of reported misconduct to determine if disciplinary proceedings should be initiated. Any member of the University community may register a complaint in writing with the Campus Judicial Officer against a student, or student organization, for alleged violation of University policy. In the absence of sufficient information, a complaint will be dismissed within five (5) working days.
2. **Notification of Charges** Once it is determined that disciplinary proceedings will be initiated, the accused student, or student organization, will be provided written notification of the charge(s). Notification will specify the alleged violation of this Code. Notification will also inform the accused to arrange immediately an administrative conference with the Campus Judicial Officer or designee.
3. **Administrative Conference** The purpose of the conference is to insure that the accused will be sufficiently familiar with the disciplinary process. At this meeting the accused:
  - a. will be advised of the charge(s). Applicable portions of the Student Conduct Code will be cited.
  - b. will be provided a copy of the Student Conduct Code and any other appropriate written material.
  - c. will be advised that an advisor may be present to offer guidance. The advisor may not address the discipline officer or other persons unless permitted by the discipline officer. The role of the advisor will be to consult with the accused at reasonable intervals during the course of the conference.
  - d. will be advised to consult further with the Campus Judicial Officer or designee concerning any question or interpretations of procedure.
  - e. will be advised that hearings are scheduled to provide the accused a minimum of five (5) days from the date of notification of charge(s) (excluding weekends and holidays) during which to prepare a response.
  - f. will be advised that any request for a delay of the hearing must be in the form of a written petition to the Campus Judicial Officer, who schedules hearings and determines whether a delay will be granted. Such a delay will not affect the accused's status.
  - g. will be advised that the Campus Judicial Officer may choose to delay the hearing for good cause. Such a delay will not affect the accused's status.
  - h. will be advised of options for resolutions of disciplinary charge(s).
4. **Failure to Respond** If the accused does not arrange for the administrative conference a letter scheduling a hearing will be issued. If the accused has been properly notified of the charge(s), and hearing date, but does not attend the scheduled hearing, the hearing will be conducted by the Campus Judicial Officer and a determination will be made based upon the available information.



The accused will be considered properly notified when the formal charge letter, the Student Conduct Code and the letter scheduling the hearing have been delivered to the address as indicated in the most current student directory.

5. Dismissal of Charges If the Campus Judicial Officer determines as a result of the administrative conference that insufficient information exists to justify a hearing, the charge(s) will be dismissed.

6. Options for Resolution of Disciplinary Charges At the administrative conference with the Campus Judicial Officer or a designee, the accused will have the disciplinary options to:

. Accept responsibility for charge(s) and elect for the Campus Judicial Officer or a designee to determine an appropriate sanction. The Campus Judicial Officer or a designee may decline to render a decision, in which case the matter must be heard by the Disciplinary Hearing Committee.

a. Accept responsibility for the charge(s) and elect for the Disciplinary Hearing Committee to determine an appropriate sanction, if not satisfied with the Campus Judicial officer's decision.

b. Plead not responsible to the charge(s) and have a regular hearing before the Disciplinary Hearing Committee where a determination of responsibility will be made. If held responsible by the Disciplinary Hearing Committee, an appropriate sanction will be determined.

7. Hearing Procedures Hearings will abide by the following due process:

. All hearings will be closed and confidential.

a. The accused may bring someone with them who was not involved in the case. This person's role is that of advisor, not presenter of the case. If a second party will be in attendance, 24 hours advance notification to the hearing officer (prior to the scheduled hearing) is required.

b. The Campus Judicial Officer will present the charges against the accused.

c. The complaining party shall present his or her account of the incident by use of witnesses and/or evidence acceptable to the Hearing Officer (the Discipline Hearing Committee Chairman). The complaining party must present a list of possible witnesses to the Hearing officer for his/her approval no less than two (2) class days prior to the hearing.

d. The accused shall present any evidence or witnesses on his or her behalf. The accused must present a list of possible witnesses to the Hearing Officer for his/her approval no less than two (2) class days prior to the hearing.

e. The Hearing Officer has the right to accept signed statements of witnesses if they are unable to appear.

f. After having reviewed the incident, the hearing officer shall render a decision within 48 hours and send written notification of the decision to the accused. The notice will include the hearing date, Hearing Officer, charges, decision, and sanction imposed, if any.

g. Failure of the accused to appear for a scheduled hearing shall result in the case being heard in



his/her absence. Failure to appear at the hearing shall not be interpreted as an indication of guilt.

#### 8. Hearing Procedures for Sexual Misconduct Cases

Incidents of alleged sexual misconduct or relationship violence will be adjudicated using alternative processes from those outlined in Article 34, Section 6, Number 7 Hearing Procedures. The alternative processes will:

- . provide for a prompt, fair, and impartial investigation and resolution of the allegations.
- a. will be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking; the procedures for conducting an investigation; and the protocols for conducting a hearing process that protects the safety of victims and promotes accountability.
- b. provide the accuser and the accused equal opportunity to have others present during an institutional disciplinary proceeding including the opportunity to be accompanied to any related meetings or proceedings by an advisor of their choosing (not as a representative or presenter of information, but as an advisor);
- c. utilize a Disciplinary Hearing Committee of three university faculty/administrators for adjudication of the allegations;
- d. provide the alternative for victims to present testimony in person, through remote interactive distance technology, or through use of a hearing room configuration which prohibits visual contact between accuser and accused.
- e. provide both the accuser and the accused the opportunity to appeal the results of the proceedings (see Article 34 Student Conduct Code, 8. Appeals)
- f. inform in writing both the accuser and the accused simultaneously of the outcome of any institutional disciplinary proceeding that arises from an allegation, the procedures for the accused and the victim to appeal the results of the proceedings, any change to the results that occurs prior to the time that such results become final, and the date when such results become final
- g. utilize the “preponderance of evidence” standard of proof which evaluates whether it is more likely than not, based on the evidence available, that a violation occurred.

#### 7. Disciplinary Sanctions

The purposes of imposing sanctions are twofold: to protect the University community from behaviors that are detrimental to the educational process of the community; and to assist students and student organizations in identifying acceptable parameters of their activities and consequences of future behaviors. The severity of the sanctions imposed is intended to correspond with the severity or frequency of violation, as well as the accused's willingness to recommit to good citizenship through behaviors that fall within the conduct regulations of the University. The following disciplinary sanctions may be imposed upon students, or student organizations, found responsible of a violation either singly and/or in combination:



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1. **Expulsion** - Expulsion is permanent disciplinary separation from the University involving denial of all student privileges. Expulsion shall be effective on the date of notice of the expulsion, or later if so stated in the notice. Students separated from the University by expulsion may not enter the University premises or University-related premises without securing prior approval from the Vice President for Student Life.
2. **Suspension** - Suspension is a temporary disciplinary separation from the University involving denial of all student privileges. Suspension shall be effective on the date of notice of the suspension or later if so stated in the notice, and shall prescribe the date and conditions upon which the student may petition for readmission. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of time; nonresident on campus; restricted visitation to specified University facilities; and a written statement from an accredited mental health professional or medical doctor verifying the capability of the student to function successfully at the University. Students separated from the University by suspension may not enter the University premises or University-related premises without securing prior approval from the Vice President for Student Life.
3. **Residence Hall Eviction** - Residence Hall Eviction involves removal from the University residence hall community for conduct which clearly demonstrated an inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a specified number of semesters. Such separation prohibits accessibility to all or designated residence halls and associated dining facilities. Visitation will not be permitted without securing prior approval from the Campus Judicial Officer. In no case will separation be less than the remainder of the semester in which it takes place.
4. **Disciplinary Probation** - Disciplinary Probation A period of review and observation during which a student, or student organization, has been officially notified that the conduct in question, although not serious enough to warrant suspension, was very inappropriate. Subsequent violations of University rules, regulations or policies (even after a particular probationary period expires) could result in a more severe sanction. Disciplinary Probation is a status which may involve restrictions, conditions or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include but are not limited to: ineligibility to participate in University activities or events; periodic contact with a designated member of the University community; restrictions on accessibility to University facilities and/or housing areas; and change of housing assignment. Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of the probation or additional behavior in violation of this Code during the probationary period will likely result in more serious disciplinary action.
5. **Disciplinary Warning** - Disciplinary Warning involves written notice to the student, or student organization, indicating that specific behavior or activity was in violation of this



### Code of Student Rights and Responsibilities

Code and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action. Disciplinary Warning may also involve conditions, such as those listed above, that are intended to be educational in nature.

6. **Restitution** - Restitution is not a fine; it is reimbursement for actual damage to, destruction of, or misappropriation of University property or property of any person which results from conduct in violation of this code. The Chief Judicial Officer will determine the appropriate reimbursement.
7. **Suspension of the Privileges of a Registered Student Organization** - Suspension of the Privileges of a Registered Student Organization is the loss of any or all privileges of a registered student organization. Imposition of this sanction does not preclude disciplinary charges against individual members of the organization. Suspension shall be effective on the date of notice of the suspension or later if so stated in the notice, and shall prescribe the date and conditions upon which the student organization may petition for reinstatement of lost privileges. Conditions for reinstatement of lost privileges may include specific requirements of the organization must demonstrate as completed and/or adhered to during the specified period of suspension.
8. **Termination of the Registration of a Registered Student Organization** - Termination of the Registration of a Registered Student Organization is the discontinuation of the existence and operation of the registered student organization. Imposition of this sanction does not preclude disciplinary charges against individual members of the organization. Student organizations whose registration status is removed may not be considered for reorganization and re-registration without securing prior approval from the Vice President for Student Life.
9. **Specifically Defined Sanction** - Specific conditions given to the student, or student organization, examples include limitations placed on behavior, revocation of privileges, or an active obligation to complete a specified action, such as campus/community service, participate in educational programs, etc.

#### 8. Appeals

A decision reached by the Hearing Officer or Campus Judicial Officer may be appealed by the accused (or the accuser in cases adjudicated under Hearing Procedures for Sexual Misconduct Cases) to the Vice President for Student Life within five (5) school days of the Hearing Committee's decision. Such appeal shall be in writing and shall be delivered to the Vice President for Student Life. A student, or student organization, is entitled to only one appeal and the decision of the Vice President for Student Life shall be final. An appeal may be sought on only two grounds:

1. on a claim of error in the hearing procedure.
2. on a claim of new information or information material to the case which was not available at



the time of the hearing.

The appeal shall state its grounds. The Vice President for Student Life has five (5) school days to make a written determination on the appeal. Notification shall be sent to the accused, the Hearing Officer, and the Campus Judicial Officer and may be sent to the complaining party, if requested. If the Vice President for Student Life finds that one of the two above grounds existed, the matter shall be returned to the Hearing Officer for re-opening of the hearing to allow reconsideration of the original determination and/or sanctions.

#### 9. Summary Suspension

1. Summary suspension is an action which requires a student to immediately leave University property, and not return during the suspension period, and/or comply with other stated conditions for a specified period. Suspension may be imposed upon a student by the Vice President for Student Life (or a designee) when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health, or welfare of herself/himself, other persons, or property. This summary action is warranted by potential or threatened danger or disruption, but is indicated only when the serious nature or immediacy of the threat makes it impractical to follow normal disciplinary procedures. Summary actions authorized by this policy include:

- . temporary suspension of a student's eligibility for enrollment or attendance, as well as denial of the student's access to University facilities or property. A student may be summarily suspended for a specified period of time or the suspension may be scheduled contingent upon certain events or conditions.

1. temporary suspension or limitations of a student's eligibility to enjoy certain privileges, or participate in or attend certain events (or certain kinds of events) without the suspension of enrollment status. This summary action may prohibit a student's presence on University property or certain facilities, or impose conditions which must be met in order for that student to enjoy certain privileges, participate in activities, or attend events.

2. When a student is summarily suspended, she or he is given a copy of this policy and notice explaining the reason for, and duration of the suspension, as well as any conditions that may apply. A student notified of such summary action shall, upon written request, be given an opportunity to meet with the Vice President for Student Life (or designee) within five (5) business days from the date of the request. This meeting shall be held to consider only the following issues related to the summary action:

- . the reliability of information alleging a student's misconduct, and

1. whether the conduct or surrounding circumstances reasonably indicate the student's



presence on campus or continued unrestricted participation in campus affairs would pose an immediate threat to the safety, health, or welfare of persons or property.

3. It is not the purpose of the meeting to hear information concerning responsibility of pending or possible charges against the student.
4. Following the imposition of summary suspension, standard University disciplinary procedures shall be provided as expeditiously as possible. Unless circumstances render the implementation of standard disciplinary procedures impossible or unreasonably difficult, these procedures shall be initiated within ten (10) University business days from the effective date of the summary action.
5. Any student who is summarily suspended and returns to the campus of the University property and/or violates other stated conditions during the specified period shall be subject to further separate action and may be treated as a trespasser. Permission to be on campus for a specified purpose (e.g., to take an exam, to consult with the Vice President for Student Life or designee, or to participate in disciplinary procedures) must be requested and obtained in writing or telephone prior to any conduct contrary to the suspension or conditions, and may be granted by the Vice President for Student Life (or designee).

#### 10. Disciplinary Files - Retention and Access

Disciplinary files are retained by the Campus Judicial Officer. A student's disciplinary file is not released outside the University without written consent of the student. Disciplinary information will be provided by the University to individuals who are determined to have a legitimate, educational interest in obtaining this information.

A student's disciplinary file is retained for a specified length of time. The maximum sanction imposed determines how long a file is retained before being destroyed.

##### **Permanently Maintained**

Expulsion

Termination of Registration of a Registered Student Organization

##### **Maintained Three Years After Graduation or Seven Years From Date of Hearing**

Suspension

##### **Maintained Until Graduation or Five Years from Date of Hearing (whichever is earlier)**

Academic Misconduct

Disciplinary Probation

Disciplinary Warning

Residence Hall Separation

Restitution

##### **Maintained Three Years from Date of Hearing**



# Pittsburg State University

## Student Life

### Code of Student Rights and Responsibilities

#### Termination of Privileges of a Registered Student Organization

A student's disciplinary file is maintained separately from any other academic or official file at the University. In cases where the accused is found not responsible, no official disciplinary file will be retained. When charges are dropped, due to insufficient evidence, an official disciplinary file will be maintained until graduation or five (5) years from the date of the hearing.

#### 11. Discipline Committee

1. The Discipline Committee shall serve as an advisory board to the Vice President for Student Life with regard to the total operation of the Student Conduct Code.
2. Any recommendation of the Discipline Committee shall be forwarded to the Vice President for Student Life for approval and implementation. When appropriate, the Vice President will inform the President of Pittsburg State University who retains the right to make final decisions in accordance with the governance policy of the institution.
3. The Discipline Committee shall consist of students, faculty and staff who are selected according to current University procedures. The committee shall be chaired by an individual appointed by the Vice President for Student Life.

#### 12. Disciplinary Hearing Committee

1. For a given case, a Disciplinary Hearing Committee will be appointed from among the members of the Discipline Committee. Equal numbers of students and faculty/staff shall be selected (usually three and three) to sit as a hearing authority for a particular case.
2. The Chair of the Discipline Committee or his/her designee shall chair the Disciplinary Hearing Committee.

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