

**Haskell Indian Nations University**  
**Student Handbook**  
**Code of Student Conduct**

Humankind has not woven the web of life.  
We are but one thread within it.  
Whatever we do to the web, we do to ourselves.  
All things are bound together.  
All things connect.  
~ *Chief Seattle, 1854* ~

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# **I. Introduction**

## **A. Preamble**

The mission of Haskell Indian Nations University is to teach the principles of sovereignty and self-determination through an environment that supports respect, rights, and responsibility. In service to this mission, Haskell has established a Code of Student Conduct in order to promote healthy decision making and to protect the rights of all students. Each student is responsible for contributing to the values of Haskell through support and adherence to the Code of Student Conduct. By forming this Code of Student Conduct, Haskell affirms students' rights to freedom, but also responsibility to self, friends, family, tribe, country, and world. Sanctions are meant to help students reflect on their actions and learn to make better choices in the future. Students will be treated with fairness and respect throughout the sanctions process. Consider the Code of Student Conduct to be a guidebook that helps students explore new ideas, form new relationships, and develop meaning. Haskell hopes this Code of Student Conduct helps students think about their choices and develop into well rounded and mature adults.

In service to this mission, Haskell has established six core values, commonly referred in the document as "CIRCLE" values.

### ***Communication***

An academic community of integrity upholds communication and depends upon action in the face of wrongdoing. Effective communication provides a community of high productivity and responsibility.

### ***Integrity***

Every member of an academic community—student, group/organization, or employee—is responsible for upholding the integrity of the community. Showing loyalty to doing what is right demonstrates integrity.

### ***Respect***

An academic community of integrity recognizes the participatory nature of the learning process and honors and respects a wide range of opinions, ideas, and cultures.

### ***Cooperation***

An academic community of cooperation establishes clear standards, practices, and procedures and expects cooperation in the interactions of students, groups/organizations, and employees. For students and groups/organizations, important components of cooperation are predictability, clear expectations, and a consistent and just response when faced with a lack of cooperation. Employees also have a right to expect cooperation from students and from colleagues.

## ***Leadership***

An academic community of leadership enhances vision and clarity. Leadership motivates stakeholders to accomplish more to create a level of special harmony within the organization.

## ***Excellence***

An academic community of integrity advances the quest for truth and knowledge by requiring intellectual and personal honesty in learning, teaching, research, activities, and service. Cultivating excellence in learning lays the foundation for lifelong integrity, developing the courage and insight to make difficult choices and accept responsibility for actions and their consequences, even at personal cost.

## **B. Mission Statement**

The mission of Haskell, a land grant institution, is to serve members of federally recognized American Indian and Alaska Native nations as authorized by Congress and in partial fulfillment of treaty and trust obligations. With student learning as its focus, Haskell embraces the principles of sovereignty and self determination through a culturally based holistic lifelong learning environment that promotes and upholds respect, rights, and responsibility.

Haskell Indian Nations University will not tolerate discrimination. Haskell Indian Nations University does not discriminate on the basis of sex, race, religion, color, national origin, ancestry, age, disability, sexual orientation, gender identity, or any other factor prohibited by law in its programs and activities. Every student and employee in the University community has the responsibility not to engage in any unlawful discrimination.

## **C. Authority**

The President of Haskell Indian Nations University has placed the responsibility and authority for resolving all issues of student conduct with the Student Conduct Administrator. It will be presumed that Haskell employees will act in good faith when performing their duties and shall use a reasonable person standard to make discretionary decisions.

The Student Conduct Administrator shall determine the composition of Student Conduct Committees and Alternative Dispute Resolution Boards.

The Student Conduct Administrator shall develop policies and procedural rules for the Student Conduct Process and for Student Conduct Committees that are consistent with the provisions of the Code of Student Conduct.

Decisions made by a Student Conduct Committee, Alternative Dispute Resolution Board or the Student Conduct Administrator shall be final pending appeal, if any.

## **D. Jurisdiction**

You are responsible for your conduct from the time of application for admission through the actual awarding of a degree, whether conduct occurs before classes begin or after classes end, on or off campus, during the academic year or during periods between terms of actual enrollment (and even if your conduct is not discovered until after a degree is awarded). You are accountable under the code of conduct while representing the University for off-campus events. The Code of Student Conduct shall apply to your conduct even if you withdraw from school while a disciplinary matter is pending. The Student Conduct Administrator shall decide whether the Code of Student Conduct shall be applied to conduct occurring off campus.

Anyone can file a written report against a student for violation of the Code of Student Conduct. The report shall be submitted to the Office of Student Conduct within five (5) business days from the date the situation occurred.

## **E. Violation of Law and University Discipline**

You can be sanctioned for violation of the Code of Student Conduct, even if you receive a sanction for violation of local, state or federal law arising from the same situation. Your Student Conduct Process can happen before, during, or after the on or off campus legal matter. The sanctions you receive in the legal matter **will not** determine the sanctions given by the Office of Student Conduct or the Student Conduct Committee.

To restate, if you get in trouble on or **off campus** and it is determined that you have violated the Code of Student Conduct, the outcome of the legal matter will have no effect on the Student Conduct process. You can be found not guilty in criminal court and still be found responsible for violation of the Code of Student Conduct.

## **F. Student Rights**

Part 42 of Title 25 of the Code of Federal Regulations applies to Haskell, which is funded by the Bureau of Indian Education.

Haskell recognizes that students have:

1. The right to an education that may take into consideration Native American or Alaska Native values and that incorporates applicable Federal and Tribal constitutional and statutory protections for individuals.
2. The right to be free from unreasonable search and seizure of their persons or property, to a reasonable degree of privacy, and to a safe and secure environment.
3. The right to make decisions for themselves where appropriate.
4. The right to freedom of religion and culture.
5. The right to freedom of speech and expression so long as the expression does not unreasonably disrupt the educational process or endanger the health or safety of the students or others.
6. The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.
7. The right to peaceably assemble and to petition for the redress of grievances.

8. The right to freedom from harassment or discrimination based on sex, race, color, national origin, religion, ancestry, sexual orientation, disability, or, as specified by law, age, veteran status, marital or parental status, or degree of Indian blood.
9. The right to due process. Every student, student organization, and campus organization is entitled to due process in every instance of disciplinary action for alleged violation of Haskell regulations. A student or organization may waive the right to a hearing and use the alternative dispute resolution system or may choose to admit responsibility for misconduct and accept disciplinary sanctions from Haskell.
10. The right to reschedule examinations and tests, other than final examinations, which occur on mandated religious holidays or during traditional cultural ceremonies, provided that the students notify their instructors at the beginning of the semester.

The following rights are retained by students who live in the residential halls:

1. The right to read, study, and relax in one's room free from undue interference; unreasonable noise and other distractions that may inhibit the exercise of this right.
2. The right to sleep without undue disturbance from guests of roommate(s) and/or other residents.
3. The right to expect that a roommate will respect others' personal belongings.
4. The right to a clean living environment.
5. The right to host guests with the expectation that guests are to respect the rights of the host's roommate(s) and other hall residents.

## **G. Student Responsibilities**

Students shall have these responsibilities so as not to infringe upon the rights of others in the Haskell community. Students assume an obligation to obey all rules and regulations made by properly constituted authorities to preserve all property provided for their education and to discharge their duties as students with diligence, fidelity and honor.

1. Obtain an Education. Students shall regard the opportunity of obtaining an education as a duty to the community. Students have the responsibility to attend all their classes regularly.
2. Conform to Haskell rules. Students shall obey recognized rules and procedures developed by the school community, including those affecting environmental health, order and use of school property.
3. Exercise self-control. Students shall refrain from inflicting bodily harm on other students or other persons and respect the privacy of property and mail.
4. Understand the grievance process. Students shall inform themselves of the proper methods and channels for complaints and make use of them.
5. Disclose any information regarding convictions of felonies. Failure to disclose will result in immediate dismissal and loss of enrollment status. Follow the Code of Student Conduct that outlines the expected Code of Behavior and the responsibilities of each student attending Haskell.
6. Obtain and regularly check campus mailbox and e-mail. This pertains to students living on-campus and off-campus. This is the primary way that Haskell corresponds with the student body.
7. Observe prescribed procedures for due process as outlined in the due process

8. Respect the rights of others and behave in accordance with expectations regulating student conduct and guidelines established by this Code of Student Conduct.
9. Make decisions that do not infringe upon the rights of others.
10. Express opinions and ideas in a respectful manner that does not slander, hurt or harm others.
11. Respect the beliefs of others.
12. Arrange a time and place for peaceable assembly that does not interfere with Haskell's normal operations.
13. Recognize Haskell's authority to check student rooms for safety and health reasons.
14. Respect the freedom of expression exercised by others.
15. Provide information to Haskell pertinent to their educational program.
16. Provide a cell phone number and/or current off-campus address to Haskell consistent with the application for admission.

### **RESPONSIBILITIES CONCERNING CAMPUS E-MAIL**

1. Haskell e-mail is a U.S. Government resource and, as such, all rules and regulations pertaining to use/misuse of Federal resources shall apply.
2. Passwords are confidential and shall not be shared with any other individual.
3. Haskell students shall not use the e-mail system for chain letters, junk mail, or any use of distribution lists.
4. Haskell students shall not transmit through the e-mail system any unlawful, harassing, libelous, abusive, threatening, harmful, vulgar, obscene or otherwise objectionable material of any kind or nature.
5. Haskell students shall not use the e-mail system for any illegal or commercial purposes, this includes compliance with Haskell's copyright policy.
6. Haskell students shall provide true and accurate information on the e-mail application form.
7. Failure to abide by the above terms will result in revocation of Haskell's e-mail privileges for the remainder of the semester in which the violation occurs.

### **H. Classroom Expression**

Discussion and expression of all views relevant to the subject matter are permitted in the classroom subject to Haskell's CIRCLE values. The responsibility of the instructor is to maintain order.

- a. Students are responsible for learning the content of any course for which they are enrolled.
- b. Requirements of participation in classroom discussion and submission of written exercises are consistent with this section.

Students are expected to conduct themselves with communication, respect, cooperation, leadership and excellence. Disruptive, disrespectful behavior which poses a threat to the student or others, *or disrupts the learning environment of the classroom*, may result in sanctions for violation of the Code of Student Conduct and/or dismissal from a course with a final grade of "F" or dismissal from Haskell.

Students who fail to participate in class may be dismissed from the class, at the prerogative of the instructor. Failure to participate is defined as habitual failure to meet assignment deadlines, to turn in homework, to do reading assignments, to take tests, to complete projects, and to engage in discussion or other class activities.

Academic evaluation of student performance shall not be prejudicial, capricious, nor arbitrary.

Information about a student's views, beliefs, and political associations acquired in the course of instruction, advising and counseling is confidential and shall not be disclosed to others unless by written consent of the student or for the physical safety of the student or others.

### **I. Campus Expression**

Discussion and expression of all views is permitted, consistent with Haskell's CIRCLE values and subject only to requirements for the maintenance of order. Support of any cause by orderly and peaceful means that does not disrupt Haskell's operations is permitted.

Students, groups, and organizations may invite and hear any persons of their choosing, subject only to the requirements for use of Haskell facilities.

### **J. Student and Campus Organizations**

Organizations may be established for any legal purpose, including, but not limited to, religious, political, educational, economic, social, or recreational purposes.

- a.** Affiliation or disaffiliation with an extramural organization shall not disqualify the Haskell-based branch or chapter from registering as a student or campus organization.
- b.** Members in all Haskell-related organizations shall follow the guidelines established by Haskell, with Board of Regents approval. The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity to meet those standards. Nothing in this section shall be interpreted as imposing a requirement that would violate the principle of selection on the basis of individual merit.
- c.** A student may not be denied the rights of access to and participation in any Haskell-sponsored or Haskell-approved activity because of race, religion, sex, color, disability, national origin, ancestry, sexual orientation, political affiliation, marital or parental status, and to the extent specified by law, age or veteran status.

In order for an organization to apply for student activity funds, the organization shall register annually as an organization with the Student Senate and file a list of officers and plan of operation indicating that the organization shall abide by the rules and regulations of Haskell and the Board of Regents.

The Student Senate delegates to each organization or living group responsibility for establishing rules concerning social conduct. Such rules shall be consistent with this Code of Student Conduct, rules of the Board of Regents, and local, state and federal law.

Rules of social conduct shall not be adopted that conflict with the contract entered into as a condition of residency in facilities operated by the Department of Student Housing.

An organization or living group may discipline any member for violation of rules of social conduct, provided that any disciplinary action taken shall not affect a member's rights and privileges as a Haskell student.

Haskell facilities shall be available to registered student and campus organizations for regular business meetings, social functions, recreational activities, and for programs open to the public. Reasonable conditions, as outlined in Haskell regulations and policy, 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. Haskell facilities may be made available to individuals or groups composed of members of the Haskell community, even though not formally registered. Preference may be given to programs designed for audiences consisting primarily of members of the Haskell community.

An organization alleged to have violated provisions of this code is entitled to alternative dispute resolution (ADR) or a hearing in accordance with procedures established by the Office of Student Conduct.

In cases in which an organization opts to use ADR without successful resolution of the alleged violation, Haskell shall address the alleged violation through the Student Conduct Process.

An organization that uses the Student Conduct Process may assume responsibility for the alleged violation and appropriate sanctions may be applied without referral to ADR.

## **K. Publications**

A student, group, or organization may hand out written material on campus without prior approval.

The student press shall be free of censorship. Its editors, managers, and contributors shall be protected from arbitrary sanctions because of what is written. Similar freedom shall be assured for the oral statement of views on all Haskell-controlled radio or television stations. Slanderous speech or libelous writing is not protected. Slander is spoken words that are meant to defame another person or institution and that are untrue or unverified. Libel is a written, printed, or pictorial statement that defames one's character or reputation or exposes one to public ridicule.

## **L. Freedom of Protest**

Students have the right of orderly and peaceful protest within the Haskell community. Haskell retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process including the maintenance of entrance to and from all Haskell buildings and offices, conduct of regular class meetings and other Haskell functions.

Orderly picketing and other forms of peaceful protest are protected activities on Haskell premises in the absence of interference with free passage through areas where members of the Haskell community have a right to be or the orderly conduct of Haskell business.

Peaceful picketing and other orderly demonstrations are permitted in public areas of Haskell buildings, including corridors, outside the auditorium and other places set aside for public meetings.

Any student or group of students has the right to protest against the appearance on campus of any organization provided that the protest does not interfere with any other student's opportunity to communicate with the organization.

## **M. Student FERPA Rights**

Haskell, in compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, ensures that students have the following rights relative to their education records.

1. The right to inspect and review their education records within a reasonable period of time, and in no case longer than 45 days after a request has been made. If any material or document in the education record of a student includes information on more than one student, each student shall have the right to inspect and review only such part of such material or document as relates to that student or to be informed of the specific information contained in such part of such material or document.
2. The right to request the amendment of their education records and to have the records amended within a reasonable period of time to ensure that the records are not inaccurate, misleading, or otherwise in violation of privacy or other rights.
3. The right to confidentiality of personally identifiable information contained in their education records, except (a) to the extent that FERPA authorizes disclosure without consent; or (b) the information is disclosed to Haskell staff pursuant to Haskell policy; or (c) the information is disclosed to other persons, as provided by law, to comply with a judicial subpoena or a requirement of law or government regulation or to appropriate persons in a health or safety emergency.
4. The right to have personally identifiable information withheld from Haskell directories, if the student informs Haskell within two weeks of public notice of the categories of information that will be included in the directories.
5. The right to file a complaint with the US Department of Education concerning alleged failures by Haskell to comply with the requirements of FERPA.

6. Except to the extent allowed by law or when acting on behalf of Haskell, those parties to whom personally identifiable information is given are not permitted to disclose that information to others without the written consent of the student.
7. Haskell must maintain a record of each disclosure of personally identifiable information about the student.
8. Excluded from the category of education records, and to which the law does not guarantee the right of student access, are records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to persons other than those providing treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice and with the student's written consent.

Any requests to view or obtain records should be made to the Office of the Registrar.

## **N. Campus Safety and Security Survey**

Haskell Indian Nations University is required to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) as amended in 1998, which requires all post-secondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus sexual assault, sexual assault policies and security programming to all current students, employees and to any applicant who so requests. A copy of the report can be requested at the Student Conduct Office or it can be found on our website at [www.haskell.edu](http://www.haskell.edu).

## **II. Code of Student Conduct**

**The following violations are prohibited and will be prosecuted and addressed under the 25 Code of Federal Regulations. The process for addressing these violations is outlined after the list is provided.**

**A. Campus Safety and Security**

**1. Criminal Homicide**

- a. Murder & Non-Negligent Manslaughter**
- b. Negligent Manslaughter**

**2. Sex Offenses**

- 1. Forcible**
- 2. Forcible**
- 3. Forcible Sexual Assault with an Object**
- 4. Forcible Fondling**
  - a. Non-Forcible**
    - 1. Incest**
    - 2. Statutory Rape**

**Some definitions that fall under the category of Sexual Offenses are as follows:**

**Sexual Harassment**

**A. Definition of Sexual Harassment**

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

**B. Examples of Sexual Harassment**

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for sexual activity

- Unnecessary references to parts of the body
- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Asking about, or telling about, sexual fantasies
- Email and Internet use that violates this policy
- Sexual violence/assault (as defined below)

### C. Sexual Violence/Assault

#### The Definition of Sexual Violence/Assault

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

#### Examples of Sexual Violence/Assault

Some examples of sexual violence/assault include:

- Sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- Prostituting another student
- Non-consensual video or audio-taping of sexual activity
- Knowingly transmitting a sexually transmitted disease to another

### D. Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence, and stalking can also constitute sexual harassment when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the

victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of Kansas, or 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.

"Dating violence" means violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship

(ii) The type of relationship

(iii) The frequency of interaction between the persons involved in the relationship

### **3. Robbery**

Taking any personal property by force or threat of bodily harm.

Taking any personal property of another person or Haskell without permission.

### **4. Aggravated Assault**

- a. Assault and battery on a University Official- This action seriously and immediately endangers the health and/or safety of a campus official by a student or other and will result in immediate suspension/eviction.

### **5. Burglary**

### **6. Motor Vehicle Theft**

### **7. Arson**

\*\*\*\*Hate Crimes would include the above and the following:

### **8. Simple Assault**

### **9. Larceny-theft**

### **10. Intimidation**

### **11. Destruction/Damage/Vandalism of Federal Property**

**\*\*\*For more information regarding these violations and the nature of other mandates such as Title IX, Violence Against Women Act, please see the Student Conduct Office for clarification.**

**The following violations are also considered prohibited, and some may or may not be prosecuted. However, these violations will be addressed in the manner of which is described on page 23.**

## **B. Haskell Substance Abuse Policy**

### **1. Alcohol Misuse-**

- a. Manufacturing, using, possessing, distributing or transporting alcohol anywhere on Haskell grounds.
- b. Being intoxicated on Haskell grounds.
- c. Having knowledge of possession or use of alcohol and not reporting the violation.

### **2. Drug Misuse-**

- a. Manufacturing, using, possessing, distributing or transporting illegal drugs or illegal drug paraphernalia or non-prescribed prescription drugs.
- b. Having knowledge of possession or use of illegal drugs or non-prescribed prescription drugs and not reporting the violation.

### **3. Haskell Policy and Federal, State and Local Laws-**

- a. Assisting in the violation of Haskell policy, federal, state, or local law.
- b. Violating Haskell policy, federal, state, or local laws.
- c. Violating any part of the Code of Student Conduct while on Haskell probation.
- d. Having knowledge of a violation of Haskell policy, federal, state, or local laws and not reporting it.

## **C. Haskell Violence Policy**

### **1. Weapons-**

- a. Being in possession of any firearm or object designed to cause harm.
- b. Brandishing an object as a weapon in order to harm or threaten another member of the Haskell community.

### **2. Disorderly Conduct (Major Violations)-**

- a. Having knowledge of or facilitating disorderly conduct, as defined in this Code of Student Conduct, without reporting the incident.

### **3. Disorderly Conduct (Minor Violations)-**

- Making loud, repeated, or unnecessary noise or playing music so loudly that it interferes with the rights of other students.

### **4. Haskell Property-**

- a. Attempting to damage or actually damaging Haskell property.

- b. Throwing away trash or refuse in an inappropriate manner or in an inappropriate place.
- c. Not keeping one's residential living space clean, as discovered from room inspections held every two weeks.
- d. Willfully marring, destroying, injuring, or disturbing any real or personal property of Haskell. This includes moving any Haskell property without permission.

## **5. Harassment-**

Harassment is prohibited at Haskell Indian Nations University. Harassment is defined as systematic and/or continued unwanted actions directed towards an individual or group of students by another student. Harassment may include, but is not limited to threats, demands, intimidation, coercion, suppression, and cruelty. Haskell Indian Nations University values the individual's right to live, work, and study without fear of intimidation, coercion, or exploitation. Sexual harassment creates an environment that is intolerable and incompatible with the mission and goals of the university; sexual harassment is a form of discrimination and is illegal

- a. Any action or communication that would cause a reasonable person to fear for his/her safety.
- b. Any action or communication that causes any reasonable person harm or distress.
- c. Any repeated attempt to make contact with anyone over his or her objections.
- d. Intentionally, maliciously, and repeatedly following another person on campus.
- e. Bullying--Haskell Indian Nations University prohibits bullying. Bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:
  - 1. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
  - 2. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.
- f. Cyber bullying, defined as sending threatening or aggressive texts, e-mails, or phone messages, posting insulting rumors, information, or pictures on a blog or social networking site, or using someone else's username to spread rumors or post insulting comments or pictures.

## **6. Violence**

- a. Any intentional threat, coupled with a show of force, which creates immediate fear or expectation of bodily harm. This includes threats against anyone because of tribal affiliation, degree of Indian blood, religion, sex, disability, national origin, color, sexual orientation, marital or parental status, or age. Threats can include the use of “fighting words” with an intent to harm that would cause a reasonable person to fear being harmed.
- b. Any intentional application of force to a person, without justification or excuse, resulting in bodily injury or offensive touching, including fighting, inappropriate sexual advances, hitting, biting, etc.

### **c. Hate Crimes:**

Haskell Indian Nations University strictly prohibits hate crimes. A person commits a hate crime when he or she commits a specified offense and either:

1. Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
  2. Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
- Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail and instant messaging), physical assaults, vandalism, destruction of property, and fire bombings.

## **7. Hazing-**

Hazing is strictly prohibited at Haskell Indian Nations University. It is incompatible with the university’s academic mission and compromises personal liberties. Hazing can be physical or psychological in nature. It is an intentional act or method of initiation into a group, club, organization, or team that subjects another person, whether voluntarily or involuntarily, to conduct that may injure abuse, humiliate, harass, or intimidate that person.

## **D. Health and Safety**

### **1. Cooperation with Haskell Employees**

- a. Failure to comply with any reasonable request by a Haskell employee in the fulfillment of his or her employment duties to Haskell.
- b. Failure to comply with Haskell regulations and policy.

- c. Excessive absences from the residential hall or failure to utilize an assigned space in a residential hall or other Haskell facility, such as a library carrel.
- d. Failure to produce identification upon the request of a Haskell employee.
- e. Traffic violations

## **2. Cooperation with Students**

- a. Obstructing the freedoms accorded to every Haskell student.
- b. Interference with any student's ability to learn or interact with other students.

## **3. Fire Safety**

- a. Tampering with, damaging, or removing fire safety equipment in any Haskell facility.
- b. Failing to evacuate a building when a fire alarm goes off.
- c. Intentionally burning or attempting to burn person property of Haskell or others.

## **4. Residential Hall Policies**

- a. Baby sitting in residential hall rooms or allowing non-residents to remain in residential hall rooms is prohibited.
- b. No pets of any kind are allowed in residential halls. This includes, but is not limited to, fish, reptiles, birds, gerbils, spiders, insects, etc. Guide dogs, signal dogs, or other kind of service animals are exempt from this rule, and must be documented in the Student Conduct Office.
- c. Quiet hours begin in residential halls at 11:00 p.m. and end at 11:00 a.m. every day.
- d. Visitation hours in the residential halls begin at 12:00 p.m. and end at 12:00a.m. Sunday through Thursday. Visitation hours on Friday, Saturday, Holidays, and Spring Break begin at 12:00 p.m. and end at 2:00a.m.
- e. All residents are responsible for the actions of their guests while the guests are in the residential halls. A guest is defined as any person who is NOT assigned to the room as a resident.
- f. Any form of tobacco, including but not limited to smokeless tobacco, snuff, and cigarettes, is prohibited in the residential halls. This policy also includes prohibited use of HOOKAHS and E-CIGARETTES. ABSOLUTELY NO PERMITS OF HOOKAHS ARE ALLOWED. Any permits distributed to students in the past is considered null and void and will not be honored at Haskell.
- g. No one is to use windows as an entrance or exit. Back and side doors to the residential halls will be locked at 10 p.m. each night and are not allowed to be used as entrances or exits after that time. The front door will be locked at 2 a.m.; residents may call staff to be let in the building after 2 a.m.

- h. Objects listed on page 53 are not permitted in the residential halls.
- i. Room Checks- conducted periodically every two weeks as directed by the residential hall staff these checks are mandatory; failure to comply will result in a violation of the code of conduct.
- j. Betting or wagering money or valuables on the outcome of any event/game, including cards, rolling of dice, sports, or school activities.
- k. Acting disruptively, lewdly, indecently, or otherwise breaching the peace of Haskell.
- l. Trespassing on Haskell property or premises. This includes the violation of a Haskell No Contact Order.

## **5. Harboring**

- a. Willfully concealing any person who is not a student, has withdrawn from Haskell, been suspended, expelled, or otherwise banned from campus.

## **E. Ethics**

### **1. Dishonesty**

- a. Providing false information to any Haskell employee
- b. Falsifying or forging, or providing false information on Haskell documents or records.
- c. Possessing or creating false identification.
- d. Slanderous speech or libelous writing.

### **2. Academic Integrity**

- a. Plagiarizing, defined as the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. This includes the unacknowledged use of material(s) prepared by another person or agency engaged in the selling of term papers or other academic materials.
- b. Cheating, defined as the use of any unauthorized assistance in taking a quiz, test, or examination; use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; the acquisition, without permission, of tests or other academic material belonging to a Haskell employee; or engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- c. Fabrication, defined as falsifying any data, research, or resources or altering a grade, or having knowledge of fabrication without reporting the violation.

### **4. Misuse of Technology**

- a. Violation of Haskell policy on proper use of E-mail or Internet while on the Haskell server.
- b. Downloading or transferring of illegal downloaded media files, including illegal downloading of music and movies.

## **III. Student Conduct Process**

## **A. Due Process**

Every Haskell student has the following rights to due process:

1. **Notice.** Written notice of charges within a reasonable time before a hearing. Notice of charges shall include reference to the regulations allegedly violated, the facts alleged to constitute the violation, and notice of access to all statements related to the charge and to those parts of the student's school record which will be considered in rendering a disciplinary decision.
2. **Hearing.** A fair and impartial hearing. In an emergency situation that seriously and immediately endangers the health and safety of the student or others, a Haskell official may temporarily suspend a student, but shall immediately report in writing the facts (not conclusions) giving rise to the emergency. The official shall afford the student a hearing which fully comports with due process as soon as practicable thereafter. Please see Student Conduct Office regarding 25 CFR mandate.
3. **Representation.** The right to have an Advocate at the hearing. An attorney will be allowed to present the student's case, but only at the student's expense.
4. **Confrontation.** The right to confront and examine all witnesses and to produce and/or to have produced witnesses on the student's behalf to confront and examine all witnesses.
5. **Records.** The right to the minutes of the appeal hearing and to written findings of fact and conclusions in all cases. All Information will follow Family Educational Rights and Privacy Act (FERPA) guidelines.
6. **Appeal.** The right to an administrative review and appeal.
7. **Non self-incrimination.** The student shall not be compelled to testify against himself/herself.
8. **Expunged.** The right to have the allegations of misconduct and information pertaining thereto expunged from the student's school record in the event the student is found not guilty of the charges.

## **B. Advocates**

1. Students who wish to have an "Advocate" must submit a "Release of Information" form to the Office of Student Conduct to allow the Advocate to have access to records and documentation associated with the case.
2. A Haskell employee must have permission from his or her immediate supervisor to act as an Advocate. The Student Conduct Administrator will investigate potential "conflicts of interest" before a hearing.
3. A Haskell student must be in good academic and social standing to be and Advocate. A student Advocate must notify the Office of Student Conduct and withdraw from being an Advocate if he/she is no longer in good academic and/or social standing OR if he/she has pending a disciplinary matter.
4. The Advocate is responsible for scheduling his/her own investigative interviews.
5. The student is responsible for providing the Advocate with all information that pertains to his/her case.

6. The Presiding Officer will state on the record at each hearing that the student is represented by an Advocate and that a signed release form, allowing the Advocate access to records and documentation associated with the student's case, is in the student's case file.

### **C. Alternative Dispute Resolution**

Haskell may address a student violation using an Alternative Dispute Resolution (ADR) process or the Adjudication process.

- (1) When appropriate, Haskell will first attempt to use the ADR process.
- (2) When the ADR process does not resolve matters or cannot be used, Haskell must address the alleged violation through the Adjudication process.

ADR process may:

- (1) Include peer adjudication, mediation, and conciliation; and
- (2) Involve appropriate customs and practices of the Indian Tribes or Alaska Native Villages to the extent that these practices are readily identifiable.

Haskell may address an alleged violation through the ADR process unless one of the following conditions apply:

- the act requires immediate removal or emergency suspension (“zero tolerance”)  
**OR**
- all parties do not agree to using an ADR process.

### **D. Adjudication Process**

1. An Incident Report shall be filed with the Student Conduct Administrator within five (5) business days of the incident.
2. The Student Conduct Administrator shall send a letter to the accused student through campus mail informing the student of the appointment date and time to meet with the Student Conduct Administrator or assigned housing staff. Minor violations are handled by the Housing staff. Major violations are handled by the Student Conduct Administrator with the exception of Fire Safety violations. Fire Safety violations are handled by the Safety Officer.
3. At this meeting, the decision maker shall determine whether the student has committed a violation and shall impose sanctions. If the student is found not responsible, then no sanctions will be given.
4. Alternative Dispute Resolution (ADR) may be used when the accused student and the decision maker agree to it. Situations may arise where the alternative dispute resolution process would resolve a problem in an informal manner.

## **E. Appeal Process**

1. A student may appeal based on the following:
  - a) Deprivation of Due Process.
  - b) Inadequate evidence to justify decision.
  - c) Sanction not in keeping with the gravity of the violation.
2. The student shall submit a written request for appeal that lays out the reason for appeal. The written request shall be submitted to the Student Conduct Office, Minoka Hall, Room 106, no later than 5:00 p.m. and no later than five (5) business days after the Student Conduct Administrator's decision.
3. The student shall have the opportunity for an appeals hearing before a Student Appellate Board. The Student Appellate Board is made up of at least three to five Haskell employees and/or students, selected by the Student Conduct Administrator. The student shall be notified through campus mail of the time and date of the hearing.
4. The student is allowed a 15-minute waiting time from the time that the hearing is to begin. Failure to report to the hearing before the waiting time ends will result in the Student Conduct Committee making a determination from the material before it.
5. At the hearing, the student may present a case, including witnesses and documents, and may ask questions of the accuser.
6. The Student Conduct Committee may interview the accuser, the accused student, and the witnesses.
7. The Office of Student Conduct shall record all hearings. Minutes of the hearing shall be available upon written request to the accused student. Students and witnesses are not allowed to record hearings.
8. Students are allowed to have an Attorney at Law present their appeal but at their own expense.
9. Parents have no standing in the appeal process.
10. After the Student Conduct Committee has deliberated in private, only the accused student and the student's authorized Advocate will be called before the Student Conduct Committee to be informed of the decision, a final decision will be made at this hearing.
11. The Student Conduct Committee has the authority to retract or alter any sanctions that were applied by the Student Conduct Administrator, the Housing Staff, or an Alternative Dispute Resolution Board.
12. The decision of the Student Conduct Committee is final and there are no additional appeal rights to pursue.

## **F. Appeal Process following Expulsion**

Given the serious nature of expulsions, Haskell has established specific procedures for the appeal of an expulsion.

1. If a student appeals an expulsion, the appeal will be referred to a Student Appellate Board. The student has five (5) business days from receiving notice of expulsion to file an appeal with the Student Conduct Administrator. The Student Conduct Administrator is responsible for convening the Student Conduct Committee and shall preside as the chair during the review hearing.

2. The Student Conduct Administrator shall schedule a review hearing after receiving an appeal and the student will be notified through campus mail. Such notice shall contain:
  - a. A specific statement of the violation(s) for which the student is being expelled.
  - b. A statement of the time, date, and location of the Student Conduct Committee hearing to review the expulsion.
  - c. A statement specifying the student's right to have an Advocate to assist him/her. A "Release of Information" form must be completed by the Advocate and filed by the student or the Advocate.
  - d. A statement advising that the student may voluntarily waive the right to be present at the review hearing. Such statement shall advise that the student may not be forced to sign such waiver. Failure to report to a Student Conduct Committee review hearing shall constitute a waiver.
3. The Student Conduct Committee shall have access to all materials used at the hearing that resulted in an expulsion order, including audiotapes of the proceeding. Additional material(s) provided by the student shall be allowed.
4. The Student Conduct Committee shall issue a decision. The Student Conduct Committee may uphold the expulsion; reverse the expulsion and order other appropriate sanctions; or, on a finding of serious procedural error below, reverse the expulsion and remand the case to the Student Conduct Administrator for further proceedings.
5. The Student Conduct Administrator shall notify the student in writing of the Student Conduct Committee's decision.
6. The Student Conduct Committee's decision is a final decision.
7. Students expelled from Haskell forfeit their right to attend Haskell. They may not return to Haskell and are not permitted to be on campus grounds or in buildings without permission from Haskell's President.

### **G. Personal Safety during the Student Conduct Process (Victims' Rights)**

The decision maker may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Director of the Office of Student Conduct.

### **H. Major/Minor Violations**

**Major Violations** - Major violations will be adjudicated by the Student Conduct Administrator.

- Alcohol Misuse policy pg. 17
- Weapons policy pg. 17
- Haskell Property policy pg. 18
- Drug Misuse policy pg. 17
- Haskell Policy, State, and Local Laws policy pg. 17
- Disorderly Conduct (Major and Minor) policy pg. 17

- Harassment policy pg. 18
- Violence policy pg. 19
- Sexual Misconduct policy pg. 19
- Fire Safety policy pg. 20
- Dishonesty policy pg. 21
- Academic Integrity pg. 21
- Theft policy pg. 22
- Misuse of Technology policy pg. 22
- Cooperation with Haskell employee policy pg. 20
- Cooperation with Students policy pg. 20

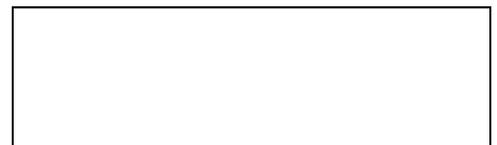
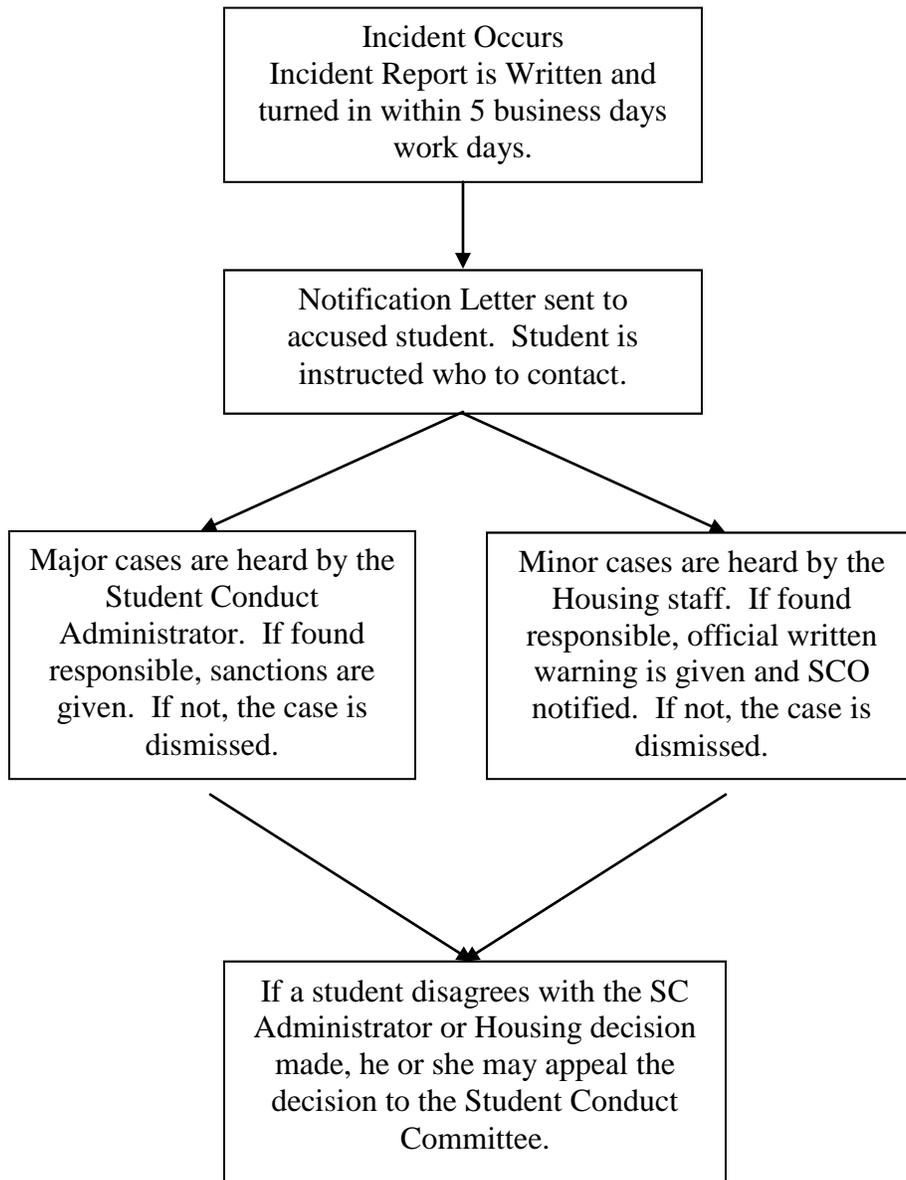
**Minor Violations** - Minor violations will be documented by the Housing staff.

- Residential Halls Policies (visitation and room checks) pg. 19-20

**STUDENT NOTIFICATION PROCEDURE (Minor Violations):** The following procedure will apply to students who are found in violation of the visitation and room check procedure.

- First offense- written warning Student Notification is written and presented to the student. A copy is forwarded on to the Student Life Director.
- Second offense- \$25.00 fine and 10 hours community service (In order for a violation to be considered at 2<sup>nd</sup> offense, the staff must include a copy of the first offense notification along with the incident report)
- Third offense- eviction
- For more information please see the student notification procedure in the residential hall handbook.

**Haskell University Conduct Flow Chart**



## **I. Sanctions**

A decision maker has discretion to impose disciplinary, educational and/or restorative sanctions for a violation.

### **Disciplinary Sanctions**

1. **Warning and Probation-** A notice in writing to the student that the student is found to have violated specific Haskell regulations and that more severe disciplinary sanctions may be imposed if the student is found to violate Haskell regulations during the designated probationary period.
2. **Notice to Vacate:** A Notice to vacate means that a student must vacate their residential hall. Typically a Notice to Vacate (NTV) is in place for one year of the issuance.
3. **Loss of Privileges-** Denial of specified privileges for a designated period of time.
4. **Loss of Good Social Standing-** Loss of Good Social Standing bars the student from being an officer in a student organization or representing Haskell. It is regained once other sanctions are completed.
5. **Fines-** Previously established and published fines may be imposed.
6. **Residential Hall Removal-** This may be either temporary or permanent. Temporary removal is separation of the student from the residential halls for a definite period of time, after which the student is eligible to return. Conditions for return must be specified under a temporary removal. Permanent removal is a permanent separation of the student from the residential halls with no eligibility for return. Conditions for return will not be specified under a permanent removal since the student is ineligible to return.
7. **University Removal-** This may be either temporary or permanent. Temporary University Removal is separation of the student from Haskell for a definite period of time, after which the student is eligible to return. Conditions for return must be specified under a temporary removal. Permanent removal is a permanent separation of the student from Haskell with no eligibility for return. Conditions for return will not be specified under a permanent removal since the student is ineligible to return. A student that has been removed will automatically receive a notice of trespassing if the student is found to enter or loiter on Haskell premises without prior authorization from Haskell's President.
8. **Revocation of Admission and/or Degree-** Admission to or a degree awarded from Haskell may be revoked for fraud, misrepresentation, or violation of Haskell standards for obtaining the degree or for other specified violations committed by a student before graduation. Revocation of admission and/or degree may be coupled with temporary or permanent University banishment.
9. **Withholding Degree-** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed.
10. **Loss of Organizational Recognition:** Student organizations that violate the Code of Student Conduct may lose their status as a student organization.

11. “No Contact Order” - A “no contact order” may be imposed to prohibit a student from being in contact with another student or Haskell employee. This includes personal, electronic, postal, or any other types of contact. The no-contact order may be temporary or permanent.
12. Guest Restriction: A student may be restricted from hosting guests in the residential halls if the student violates the guest policy. The guest restriction may be temporary or permanent.

### **Educational Sanctions**

1. Reflection Essay: A reflection essay may be assigned to help a student reflect on what choices he or she has made to get into a situation, what he or she could do instead to avoid situations like this in the future, and what he or she learned in this situation. The essay cannot serve to blame others for the actions of the student. Length will be assigned by the Student Conduct Administrator or Housing staff.
2. Policy Review: A policy review may be assigned in order to help students understand the motivation behind the Code of Student Conduct. In this essay, the student must reflect on why the policies he or she violated exist in Code of Student Conduct and what would happen if the policy did not exist. The review cannot be used to argue against the Code of Student Conduct. It is meant to challenge the student to think from many perspectives. Length will be assigned by the Student Conduct Administrator or Housing staff.
3. General Essay: A General Essay may be assigned about any topic the Student Conduct Administrator deems appropriate for the violation. Length will be assigned by the Student Conduct Administrator or Housing staff.
4. Interview: An interview with a relevant campus resource may be assigned to help the student learn from this situation and relevant campus resources. The length and number of questions will be assigned by the Student Conduct Administrator or Housing staff.
5. Flyer: An 8.5”x11” flyer about the violations committed may be assigned in order to help the student better explain a policy and to educate the Haskell or residential hall community about the violation.

### **Restorative Sanctions**

1. Letter of Apology: A letter of apology will be assigned as a sanction when the student showed disrespect to other members of the Haskell community. The letter must be sincere and will be reviewed by the Student Conduct Administrator before it is delivered.
2. Community Service: Community services hours will be assigned to help the student to repair harm done through his or her actions. The Student Conduct Administrator will assign the specific location where hours are to be completed and specify a date by which the community service hours must be completed.
3. Recommended Counseling: Counseling will be recommended in writing to students for assistance in resolving any potential mental or emotional issues. The recommendation will be maintained in the student’s file.
4. Haskell Chemical Abuse Prevention Program (HCAPP): HCAPP or another licensed and/or certified Alcohol Assessment program will be required of students for severe

alcohol violations. This program assists students in understanding if they have problems with alcohol.

5. Conference: A conference between the person harmed and the person who violated the Code of Student Conduct will be assigned in cases where the person harmed agrees to have a conference with the student who violated the code. The main objective of a conference is to have the student who violated the code understand how his or her choices have affected others.
6. Restitution- Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
7. Haskell Mental Health Assessment (HMHA) - HMCA or another licensed and/or certified mental health assessment program will be required of students for severe incidents involving violence and other threatening behavior. This program assists students in understanding if they have problems with anger management, and/or patterns of behaviors associated with violence.

## **J. Emergency Suspension**

Any action to separate a student from the campus before a hearing is known as emergency suspension. An emergency suspension can only come from the Student Conduct Administrator. For more information regarding emergency suspensions please see the residential hall handbook. There are three levels of Emergency Suspension. Please see the form at the end of this handbook for details.

Interim banishment may be imposed only: a) to ensure the safety and wellbeing of members of the Haskell community; b) to ensure the student's own physical or emotional safety and wellbeing; or c) if the student poses an ongoing threat of serious disruption of, or interference with, Haskell's normal operations.

During the interim banishment, a student shall be denied access to the residential halls and/or to the campus (including classes), food service, community activities and all other Haskell activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator determines to be appropriate.

## **K. Trespassing Procedures**

A temporary, interim, or permanent "University Banishment" order will include a "no trespassing notice." The notice shall state that (a) the student will be charged with trespassing if he or she is found to enter or loiter on Haskell premises without prior authorization from Haskell's President and (b) Haskell will notify local, state or federal law enforcement units to enforce the law if the student violates a "no trespassing notice." The "no trespassing notice" will expire when the "University Banishment" order is lifted, expired or dismissed.

Similarly, a temporary, interim, or permanent "Residential Hall Banishment" order will include a "no trespassing notice." The notice shall state that (a) the student will be charged with trespassing if he or she is found to enter or loiter on the residential hall premises without prior authorization from Haskell's President and (b) Haskell will notify local, state or federal law enforcement units to enforce the law if the student violates a

“no trespassing notice.” The “no trespassing notice” will expire when the “Residential Hall Banishment” order is lifted, expired, or dismissed.

## **L. Diversion**

The Office of Student Conduct for Haskell Indian Nations University has established the following guidelines for the Diversion Application process. This program is a service that is available only once during a student’s enrollment at Haskell.

Diversion is a privilege and not a right. No presumption in favor of diversion exists in any case, and the burden of proof rests with the student to establish that a diversion agreement will best serve the student, the interests of the university, public safety and the rights of the victim(s).

In determining whether to grant a diversion, the Student Services Department will consider whether the student demonstrates a genuine sense of remorse and is prepared to acknowledge the offense(s) charged and accountability for consequences for his/her actions. Other factors to consider are the nature of the offense and the circumstances surrounding it, the probability that the student will cooperate and benefit from the program, the impact of diversion of the student on the university, the recommendations of the involved parties and that of the victim(s), the amount of restitution/damages which is owed, and any mitigating and aggravating circumstances surrounding the incident/offense.

It is not required that the student have a representative for the purpose of the diversion. However, each student has the right to secure counsel and have him/her represent them through the application process. If the student chooses to hire an attorney or seek legal advice, those costs are assessed to the student.

### **Eligibility**

The Office of Student Conduct will consider a number of factors in determining whether or not diversion is appropriate, which shall include but not be limited to the following:

1. Prior offense(s) and nature of incident.
2. Academic standing.
3. Recommendations or letters of support.
4. Letter of intent by student.
5. Completed application and all materials related to application received in timely manner.

It is presumed by these guidelines that a diversion is **NOT appropriate** in the circumstances that follow:

1. If the student has been found in violation of a substance abuse offense within the last five years.
2. If the incident involved violence and/or weapons.
3. If the student was placed on emergency suspension as a result of the incident.
4. If the student received any prior diversions or has pending incident reports not including matters covered by this application.

5. If the student has been suspended from residential housing within the last five years.
6. If the student had an incident report processed through Office of Student Conduct.

### **Procedures**

The student must attend all conferences set by the Office of Student Conduct in regards to the application process. During the initial conference regarding the incident report a determination will be made as to the disposition of the incident. If the student meets the eligibility criteria an application may be obtained and the diversion process initiated. The student will be need to complete the diversion application within 5 working days of formal adjudication, all necessary documents and materials must be submitted with the application. Partial applications will not be accepted.

#### Assessments

- If the incident involves alcohol or drugs, the student may need to obtain an alcohol or drug evaluation from the Haskell Health Center prior to a final decision.
  
- If the incident involves violence, the student may be required to obtain an anger management assessment which may be done through the Haskell Health Center.

Notification of the application's approval or denial will be issued to the student during a conference to be set by the Student Services Department. In the event the application is denied, due process will continue for the offense.

### **Requirements**

Once the student has been notified of the approval of the application, an appointment will be set for the student to review the requirements and conditions of the diversion.

- If an assessment was required, the recommendations of the assessment must be completed fully by the student as prescribed.
- Monitoring of academic progress by student and Office of Student Conduct, or designee.
- Establish individualized plan for monitoring.
- Failure to adhere to conditions and requirements, or a second report involving substance abuse or similar offense will end diversion and loss of residential housing will be immediate with no appeal process.
- Failure to comply or any requests for extensions will result in the doubling of the fines and community service hours.

Diversion provides an opportunity for students to maintain Good Social Standing and remain eligible for housing. Students may participate in a drug or alcohol treatment program while fulfilling the sanctions for violating the Substance Abuse Policy.

**NOTE:** If a student is in an Honor Residential Hall and violates the Substance Abuse Policy and/or Violence Policy, he/she will have to vacate immediately and move to a regular residential hall. The Haskell Chemical Abuse Prevention Program (HCAPP)

and/or Haskell Mental Assessment (HMHA) may be utilized. Students can choose to use other certified and/or licensed diversion programs at their own expense. Failure to complete a diversion program will result in an immediate “Notice to Vacate” a residential hall and the student will no longer be considered in Good Social Standing. All sanctions must be completed before the student is considered to be in Good Social Standing once again.

Student will need to apply for a diversion, and have that request granted in order to secure it as an option. The Student Conduct Administrator will review all diversion applications and make a determination to approve, or deny. Failure to complete application process, or having the diversion application denied can result in eviction from housing, a notice-to-vacate being issued, or other consequence deemed appropriate.

Application includes:  
Completed Diversion Application  
Personal Statement  
Letter of Support from Instructor

A diversion application needs to be filed within 5 working days of formal adjudication.

## **IV. Substance Abuse**

## **A. Standards of Conduct**

Haskell's substance abuse policy prohibits the unlawful possession, use, or transporting/trafficking of alcohol, illegal drugs, non-prescribed prescription drugs, and other mind-altering substances by students. Haskell does not accept abuse of alcohol or drugs by students and behaviors that occur as a result of such abuse. The most serious consequences of this behavior are the loss of housing and suspension or expulsion from the University.

Haskell seeks to enrich the lives of students by employing programs and services to assist them, referring them to counseling, and having staff conferences with them. See the Counseling Center for information about campus programs to prevent unlawful possession, use or distribution of alcohol and drugs.

Haskell will contact the parents/guardians of students under the age of 21 in regards to violation of the "Substance Abuse Policy."

## **B. Medical Release for Substance Abuse**

Abuse of alcohol and/or drugs is a serious threat to the wellbeing of students and the Haskell community. Accordingly, students who abuse alcohol or drugs to the extent that they become incapacitated and/or require monitoring shall be referred to the Counseling Center. The Counseling Center shall determine if students should be medically released from Haskell. Any student who is medically released must provide proof of treatment at a certified or licensed treatment facility and a written recommendation for return to Haskell from a licensed mental health professional before readmission to Haskell.

## **C. Sanctions for Violation of the Substance Abuse Policy**

### **1. First Violation:**

- Student can participate in a Diversion Program in order to maintain housing.
- A student who does not participate in a Diversion Program will receive a "Notice to Vacate", or "Eviction" resulting in immediate loss of housing for one year from the date of issuance.
- A student may appeal the loss of housing. The student shall remain in housing pending the outcome of the appeal. Should the student lose the appeal, the previous "Notice to Vacate" will go into effect immediately.

**2. Second Violation:** Student will receive an order that includes the items below; this sanction is mandatory.

Notice to Vacate, resulting in immediate loss of housing for one year from the date of issuance, also includes:

- Loss of the privilege of visiting in the residential halls.
- Loss of the privilege of being on campus after regular business hours, unless student is attending a class.

- Loss of the privilege to participate in any extracurricular activities, including athletic teams, intramural sports, etc. and loss of the use of Haskell facilities (i.e., Tecumseh Gym, Coffin Sports Complex, and Stidham Union). Student shall inform the Office of Student Conduct when the student has a class or class assignment or project in any of these facilities.
- Loss of Good Social Standing.
- Requirement to complete an Alcohol Assessment and Treatment Plan.
- Double the fine and community service hours from the diversion program.

**3. Third Violation:**

- Referral to Student Conduct Committee with a recommendation of mandatory suspension for two academic years with a double fine and community service hours from the previous violation.
- Completion of an alcohol/drug treatment program or other appropriate treatment program before readmission to Haskell, or depending on the severity, expulsion from Haskell.

## **V. Campus Violence Policy**

### **A. Purpose of the Policy**

Haskell Indian Nations University and its respective entities are committed to maintaining a safe working and learning environment for all members of the Haskell community. In this regard, HINU will take reasonable action to provide an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

### **B. Policy Statement**

HINU will not tolerate violence, threats, harassment, intimidation and other disruptive behavior on its campus or in its programs, whether by students, faculty, staff or visitors. Such behavior may include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm or intimidation. Individuals who commit such acts may be subject to sanctions including, but not limited to, removal from the premises; exclusion from the premises; criminal prosecution; corrective and/or disciplinary action; and suspension or expulsion.

Haskell seeks to enrich the lives of students by employing programs and services to assist them, referring them to counseling, and having staff conferences with them. See the Counseling Center for information about campus programs of harassment and violence.

### **C. Sanctions for Violation of the Violence Policy (That does NOT involve an arrest or emergency medical personnel)**

#### **1. First Violation:**

- Student will have an opportunity to participate in a Violence Diversion Program in order to maintain housing.
- A student who does not participate in a Violence Diversion Program will receive a “Notice to Vacate”, or “Eviction” resulting in immediate loss of housing for one year from the date of issuance.
- A student may appeal the loss of housing. The student shall remain in housing pending the outcome of the appeal. Should the student lose the appeal, the previous “Notice to Vacate” will go into effect immediately.

**2. Second Violation:** Student will receive an order that includes the items below; this sanction is mandatory.

Notice to Vacate, resulting in immediate loss of housing for one year from the date of issuance, also includes:

- Loss of the privilege of visiting in the residential halls.
- Loss of the privilege of being on campus after regular business hours, unless student is attending a class.
- Loss of the privilege to participate in any extracurricular activities, including athletic teams, intramural sports, etc. and loss of the use of Haskell facilities (i.e., Tecumseh Gym, Coffin Sports Complex, and Stidham Union). Student shall inform the Office of Student Conduct when the student has a class or class assignment or project in any of these facilities.
- Loss of Good Social Standing.
- Requirement to complete a Mental Health Assessment and Treatment Plan.

**3. Third Violation:**

- Referral to Student Conduct Committee with a recommendation of mandatory suspension for one academic year.
- Completion of an anger management treatment program or other appropriate treatment program before readmission to Haskell, or depending on the severity, expulsion from Haskell.

## **VI. Campus Sexual Assault and Sexual Harassment and Title IX**

## **A. Jurisdiction**

Haskell shall adjudicate cases involving alleged violators who are students or Haskell employees. There is no “statute of limitation” for violation of the sexual misconduct policy. This is in recognition of the severe psychological harm that sexual misconduct can have and to empower those against whom sexual misconduct is perpetrated to report when they have been harmed.

## **B. Campus Sexual Assault/Harassment Policy**

The following actions are violations of the sexual assault/harassment policy of Haskell.

1. Non-Consensual Sexual Touching
2. Non-Consensual Sexual Intercourse
3. Non-Consensual Sexual Contact (sexual contact without effective consent).
4. Sexual Exploitation.
5. Any attempt or aiding in attempt of any of the actions listed in this policy.

## **C. Definitions**

1. Intercourse: includes vaginal or anal penetration by penis, object, tongue, or finger; or contact between genitals and mouth).
2. Sexual Touching: any *intentional* contact with breasts, buttocks, groin, genitals, mouth, or other bodily orifice of another, or touching another with any of these body parts, or making another touch you or himself or herself with or on any of these body parts.
3. Consent: is informed agreement to do the same things, at the same time, in the same way, with each other, is freely given without coercion, uses mutually understood words or actions. One cannot engage in sexual intercourse or sexual touching, without violating the sexual misconduct policy, if one knows the other cannot give consent.
4. Sexual Misconduct includes non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and sexual harassment.
5. Non-Consensual Sexual Intercourse is any sexual intercourse (vaginal, anal, or oral), however slight, between persons of whatever sex, without consent.
6. Non-Consensual Sexual Contact is any sexual touching, however slight, between persons of whatever sex, without consent.
7. Sexual Exploitation includes prostitution, video taping without consent, peeping tommery, intentional transmission of any sexually transmitted diseases, and inducing incapacitation for the purpose of having sex with a person.
8. Initiator: The person, of whatever sex, who initiates any sexual touching, contact, or intercourse.

9. Respondent: The person, of whatever sex, who must consent before any sexual touching, contact, or intercourse may occur.

#### **D. What does consent mean?**

1. In the absence of mutually understood actions or words, it is the responsibility of the initiator of any sexual contact to ensure consent is given by another person.
2. Consent to one form of sexual activity does NOT imply consent to other types of sexual activity.
3. Past consent to sexual activity does NOT imply consent to future sexual activity.
4. Consent must be given at each stage of sexual contact.
5. Consent given under the threat of physical force, any form of coercion, or intimidation is not effective consent.
6. Consent cannot be given by minors (persons under age 18), mentally disabled persons, or physically incapacitated persons.

#### **E. How do I know if someone cannot give consent?**

Is the other person:

1. Unconscious?
2. Under the legal age of consent?

In these two cases, the other person cannot give consent.

Do you perceive in the other person:

1. Slurred speech
2. Bloodshot eyes
3. Smell of alcohol on breath
4. Inability to stand up straight
5. Vomiting
6. Outrageous or unusual behavior

Or, is the other person:

7. Physically impaired?
8. Physically incapacitated?
9. Mentally disabled?

This is not a comprehensive list. None of these characteristics necessarily means that the person cannot give consent. However, it is the responsibility of the initiator of sexual contact to ensure that the respondent can consent and that he or she gives consent. Sexual misconduct does NOT necessarily have to be intentional. If the initiator does not ensure consent, the initiator can be found in violation of the sexual misconduct policy.

In other words, **it is always the responsibility of the initiator of sexual contact to ensure that consent can be and is given.** It does not matter if the initiator is incapacitated or not; it is always the responsibility of the initiator to get consent from the partner.

## **F. Other Important Information to Consider**

1. Any person is not required to resist sexual advances. Silence is NEVER implied consent.
2. Silence, previous sexual relationship, current relationship, style of dress, or money spent on the respondent does not imply consent to any sexual activity.
3. Intentional or unintentional use of alcohol or drugs does not imply consent on the part of the respondent.
4. Consent may be revoked at any time by any party involved.
5. Consent has an expiration date. Consent only lasts for a reasonable amount of time. Reasonable amount is defined by circumstances. If a person consents to sexual activity, but no sexual activity occurs, the initiator should reconfirm consent before again initiating sexual activity.

## **Possible Sanctions for Sexual Assault/Harassment**

1. Any student found responsible for violating the Sexual Exploitation, the Non-Consensual Sexual Contact or the Non-Consensual Sexual Touching policy will face sanctions ranging from warning and probation to expulsion, depending on the severity of the incident and previous conduct records.
2. Any student found responsible for violating the Non-Consensual Sexual Intercourse policy will face sanctions ranging from suspension to expulsion, depending on the severity of the incident and previous conduct records. The recommended sanction will normally be expulsion.

## **TITLE IX REQUIREMENTS:**

### **NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

#### **I. Policy Statement**

Haskell Indian Nations University is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. Haskell considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated.

Sexual harassment (as defined below), whether verbal, physical, or visual, is inconsistent with the expectations of Haskell and may constitute a form of sex discrimination prohibited by this policy. Sexual harassment also includes sexual violence/assault (as defined below). Examples of specific conduct that constitutes sexual harassment and sexual violence/assault are set forth below.

#### **II. Title IX Statement**

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the College's educational programs and activities. Title IX and its

implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The College has designated the following Title IX Coordinator for the entire College system to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Brenda Schildt  
Acting Vice President of University Services  
155 Indian Avenue  
Lawrence, KS 66046  
(785)749-8485  
[bschildt@haskell.edu](mailto:bschildt@haskell.edu)

Students who wish to report sex discrimination or sexual harassment should file a complaint with the Title IX Coordinator at 785-749-8485.

### **III. Content of the Complaint**

So that the Haskell has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the Haskell may follow up appropriately.

A complainant will be given a copy of the document titled “Explanation of Rights and Options After Filing a Complaint Under the Title IX: Non-Discrimination and Anti-Harassment Policy.”

#### **Conduct that Constitutes a Crime**

Any person who wishes to make a complaint of sex discrimination or sexual harassment that also constitutes a crime—including sexual violence/assault, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, Haskell will assist the complainant in notifying the appropriate law enforcement authorities. A victim may decline to notify such authorities.

#### **Special Guidance Concerning Complaints of Sexual Violence/Assault, Domestic Violence, Dating Violence, and Stalking**

If you are the victim of sexual violence/assault, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim’s fault. Haskell recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime

or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence/assault, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

#### A. Protecting the Complainant

Pending final outcome of an investigation, the Haskell will take steps to protect the complainant from any further harassment or retaliation. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus. Haskell will take all reasonable and legal action to implement the order.

#### B. Timing

Haskell encourages persons to make complaints of sex discrimination and sexual harassment as soon as possible because late reporting may limit Haskell's ability to investigate and respond to the conduct complained of.

#### C. Investigation and Confidentiality

All complaints of sex discrimination and sexual harassment will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures (see

page 20 below). Haskell will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints. In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College 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 complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the Haskell community.

#### **D. Resolution**

If a complaint of sex discrimination or sexual harassment is found to be substantiated, the College will take appropriate corrective action. Students, faculty, and staff found to be in violation of this policy will be subject to discipline up to and including termination, expulsion, or other appropriate institutional sanctions; affiliates and program participants may be removed from the College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

#### **E. Bad Faith Complaints**

While the College encourages all good faith complaints of sex discrimination and sexual harassment, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

#### **IV. Retaliation**

It is a violation of this policy to retaliate against any person for making a good faith complaint of sex discrimination or sexual harassment and/or cooperating in the investigation of (including testifying as a witness to) such complaint.

#### **V. Vendors, Contractors, and Third Parties**

This policy and the Complaint Resolution Procedures (see page 20 below) apply to the conduct of vendors, contractors, and third parties. If a member of the College community believes that he or she has been subjected to sex discrimination or sexual harassment by a vendor, contractor, or third party, the person should make a complaint in the manner set forth in Section V above. The College will respond to the complaint as appropriate, given the nature of its relationship to the vendor, contractor, or third party.

## **VI. Academic Freedom**

While the College is committed to the principles of free inquiry and free expression, sex discrimination and sexual harassment are neither legally protected expression nor the proper exercise of academic freedom.

## **VII. Education**

Because the College recognizes that the prevention of sex discrimination, sexual harassment, sexual violence/assault, domestic violence, dating violence, and stalking is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus.

## **VII. Fire Safety**

## A. MAJOR VIOLATIONS

**1. Fire Protection Equipment** – Fire extinguisher’s, pull stations, smoke detectors, automatic sprinkler systems, and fire alarms are located throughout the campus for the protection of human life and property. To use this equipment for non-emergency purposes is prohibited. Immediate action will be taken against anyone who falsely, whether intentionally or negligently, activates or tampers with fire safety equipment, exit signs, horns, strobes, notification devices, and fire exit doors. Tampering means to intentionally disable, alter, or change the fire alarm system, fire protective device, the station or signal box. Fire doors and any door with a closing mechanism must not be propped open or disabled. In addition, initiating, causing or contributing to a false report, warning or threat of fire, explosion, or other emergency is grounds for disciplinary action.

Typical Sanctions: Emergency suspension, \$100 fine plus all costs associated with the repair or replacement of misused or damaged equipment, cleaning of the facility.

Possible eviction from University housing and possible criminal charges.

**2. Fire Hazards** – All campus facilities, including student rooms and balconies, are smoke-free. Smoking of tobacco products is permitted only in designated outdoor smoking areas (50 feet from buildings). Cigarette butts and ashes shall be considered *prima facie* evidence of smoking. Open and smoldering flames, including lit candles, incense, plants/herbs, pipes, grills, and hookahs are prohibited in all campus facilities, including student rooms and balconies. A student must receive prior approval from the Director of Housing to burn material for religious purposes. No heat-producing appliances will be permitted in student rooms, unless authorized by the Haskell Safety Office. This includes hot plates, coffee pots, popcorn poppers, electric skillets, heaters, air fresheners (“Sensies”), etc. Any items confiscated WILL NOT be returned.

Typical Sanction: \$50 fine.

**3. Endangerment (Emergency Evacuation)** – When a fire alarm is sounded, residents must assume that there is a fire in the building and are expected to evacuate the building. Residents may return to the building only when instructed to do so by Residential hall staff or Haskell Security/Safety personnel. Endangerment includes failure to follow these procedures for fire safety, as well as failure to take cover during severe weather upon notification by Residential Hall staff, Haskell officials, tornado siren, or television/radio severe weather instructions.

Typical Sanction: \$50 fine.

**4. Fires (Intentional – Arson)** – Any willful or malicious burning or attempt to burn any building or government property on or around campus, any motor vehicle, and/or personal property of another is subject to expulsion from Haskell, as well as criminal charges.

Typical Sanction: Expulsion from Haskell as well as criminal charges.

5. **Fires (Unintentional)** – All other fires will be handled on a case-by-case basis, based on fire department reports. If it is determined that the fire was the result of violations listed above, sanctions will be at minimum: emergency suspension, \$50 fine plus all costs associated with the repair or replacement of the damaged area, cleaning of the facility and other damaged property, possible eviction from Haskell housing, and possible criminal charges.

Typical Sanctions: Emergency suspension, \$50 fine plus all costs associated with the repair and replacement of the damaged area and property, and cleaning of the facilities. Possible eviction from Haskell housing and possible criminal charges may apply.

## **VIII. Residential Life Policies**

## A. Authority to Enter Rooms

Residential hall staff or other University employees may enter rooms for several reasons as described below. **As a courtesy**, these officials will knock and will identify themselves and verbally request entry before entering the room.

**Not hearing a knock or verbal request to enter is not a viable defense in disciplinary proceedings.**

1. For probable cause that a violation of the Code of Student Conduct or local, state, or federal law has occurred in the room or that evidence of the violation is in the room (see details below).
2. For emergencies such as fire drills.
3. For pre-announced health and safety checks.
4. For maintenance requested by the student or pre-announced requests by staff for maintenance work.
5. To conduct room inspections every two weeks.
6. To accompany a police officer who has a search or arrest warrant.
7. To ensure the safety of the student or others, if there is no response to the staff's knock or verbal request to enter.

## B. Search and Seizure in Student Rooms

**General Procedures:** These procedures apply when Residential Hall staff and other Haskell officials enter a room because of an emergency, or for a weekly room check, or to determine the location of a repair job.

1. Residential Hall staff and other Haskell officials shall use prudent judgment to determine if Security should be present.
2. Illegal items in "plain view" shall be seized.
3. Violations of the Code of Student Conduct that are in "plain view" shall be written into an incident report.
4. Care shall be taken to ensure that the student's room is left in the same shape as it was found.

**Procedures Related to Search Based on Probable Cause of Violation of the Code of Student Conduct:** Residential Hall staff and other Haskell officials have authority to search a room when there is **probable cause that** a violation of the Code of Student Conduct has occurred and there is probable cause that evidence of the violation will be found in the room.

1. Residential Hall staff and other Haskell officials shall use prudent judgment to determine if Security should be present. Upon entering, if occupants are present, the occupants must be informed of the intent to search the room.
2. The article/item must be defined before a search begins. (i.e. alcohol, drugs, weapons, etc.)
3. After beginning the search, an illegal item in "plain view," even if unrelated to the purpose of the search, shall be seized and included in the incident report.

4. The area to be searched is the area where the article could be found. For example: if the article was a jacket, only those spaces of the student's room where a jacket could be found can be searched; e.g., closet, under the bed, suitcases; however, the search cannot extend to a small purse or makeup cases.
5. Care shall be exercised to leave the room in the same shape as it was found.

**Procedures Related to Probable-Cause Search for Lost or Stolen Property:**

If there is probable cause to believe that a room contains lost or stolen student or Haskell property, the following procedure is to be followed to locate the property and to return it to its owner.

1. The Vice President of University Services may authorize Haskell officials with probable cause to search the room after a reasonable attempt is made to inform the student whose room is being searched and to have the student present for the search.
2. Residential Hall staff and other Haskell officials shall use prudent judgment to determine if Security should be present. Upon entering, if occupants are present, the occupants must be informed of the intent to search the room.
3. The complaining party must clearly identify the property before the search begins.
4. The complaining party must request the particular room(s) to be searched or name(s) of residents whose rooms are to be searched. A BLANKET SEARCH OF A RESIDENTIAL HALL OR WING IS NOT ALLOWED.
5. The area searched is the area where the article likely could be found. If the article was a jacket, only those spaces of the student's room where a jacket could be found can be searched; e.g., closet, under the bed, suitcases; however, the search cannot extend to a small purse or makeup cases.
6. After beginning the search, illegal items in "plain view," even if unrelated to the purpose of the search, shall be seized and included in the incident report.
7. Care shall be taken to ensure the student's room is left in the same shape as it was found.
8. Violations of the Code of Student Conduct that are in "plain view" shall be written into an incident report.
9. In the event the searched-for article is found, it will be held in the Security Office until the matter is disposed of.

## **C. Search of Belongings**

### **Scope of Policy**

This policy concerns search of a student's belongings by Haskell officials in the residential hall or anywhere on campus grounds. **This policy does not cover room searches or searches of vehicles.**

### **Procedure**

1. No Haskell employee shall search a student's personal belongings unless there are clear and convincing articulated reasons (probable cause) based on the five senses to believe that a student has items subject to confiscation in a closed container, belongings, etc.

2. Examples of where there is **no** probable cause:
  - a. Sound of cans, bottles, visual shape of cans, bottles in back pack, purse, bag, etc.
  - b. Prior substance abuse write-ups
  - c. Walking to or from a known drinking area with a bag, backpack or purse
  - d. Walking across campus late at night with a bag, backpack, etc.
3. Examples of probable cause:
  - a. Odor of alcohol clearly emanating from the bag, purse, backpack
  - b. Clear view of beer can or other alcohol container through clear or slightly opaque bags evidenced by a name brand, labels and/or color of can or bottles clearly identified to be that of a known brand
  - c. Open container of liquid smelling of alcohol
  - d. Combinations of the above
4. The Student Conduct Administrator will dismiss incident reports where there are violations of a student's right of privacy.
5. A request to search an item (back pack, purse, bag, luggage) may be done with phrases, "May I have your consent to search (item such as backpack, purse, etc.)?" If a student refuses and there is no probable cause, a search cannot be conducted.

## **D. Visitation and Guests**

Hosts and visitors who violate the Residential Halls visitation policy and other visitation conditions will be subject to Haskell disciplinary process. Non-student visitors may be subject to formal charges under local, state, or federal law.

### **Visitation Hours will be:**

**Sunday through Thursday 12 p.m. – 12 a.m.**

**Friday and Saturday 12 p.m. – 2 a.m.**

**Holidays 12 p.m. – 2 a.m.**

**Spring Break 12 p.m. – 2 a.m.**

## **E. Frequently Asked Questions about Visitation**

### **1. Who is a Visitor?**

A visitor is any individual who is not a resident of the residential hall visited or occupant of the room visited.

### **2. What if I live in a Co-ed hall?**

Residents of co-ed residential halls also have to abide by "inter-visitation" rules.

### **3. What is "inter-visitation" and are there specific rules?**

This term is used to describe visitation between/among residents of that specific co-ed hall. Co-ed hall residents must not only adhere to the rules of visitation but also follow "inter-visitation" regulations. Students residing in co-ed housing may visit in their residential hall without signing the visitation

logbook during the designated time for visitation. Residents in co-ed halls are not allowed to be on wings/floors/rooms or study areas before and/or after visitation hours or in areas delegated to members of the opposite sex.

**4. What do I need to do to sign in the visitor?**

Present your Haskell Student Identification card to staff. Staff will secure and return it after **you** have signed out your visitor.

**5. Where can I take my visitors once they are signed in?**

Visitors may visit in the floor lounges and, with the consent of roommate(s), in the private room of a student.

**6. Are minors allowed to visit?**

Under state law, minor children are those under the age of eighteen (18). Minor children are not permitted in residential halls without the supervision of parents, legal guardians or other appropriate adult supervision.

**F. Visitation Shall Be Governed by the Following Stipulations:**

1. Student Services will poll students and determine those who prefer visitation and those who do not. From this data residential halls and residential hall wings will be identified for visitation or not. Student Services will assign students based upon their preference to the maximum extent practical.
2. All student-hosts and visitors shall be required to abide by the Code of Student Conduct and residential rules related to hours of visitation, areas in which visitation is allowed and procedures for visitation.
3. The student-**host** shall be responsible for his/her visitor's behavior. **The student-host must escort their visitors at all times.**
4. **Every visitor** must be **checked/signed in** at the residential hall's office before visitation and **checked/signed out** when leaving. Students currently enrolled at Haskell will leave their Haskell identification card when checking in to visit and may retrieve their Haskell identification card upon leaving. Non-student visitors will be required to be signed in by student-host. **Student-hosts** are responsible for checking/signing in visitor(s).
5. All visitors are required to enter through the main (front) entrance of the residential hall.
6. Residential hall staff have the authority to make reasonable decisions on who should/should not be in the residential hall subject to due process for currently enrolled students.
7. For purposes of this section, sleeping areas are defined as individual rooms and corridors/hallways adjacent to individual rooms. Common areas are defined as TV rooms and lounges.
8. Failure to adhere to or abide by this or other Residential Housing policies for visitation will result in disciplinary action, which could include an official warning and/or incident report.
9. Non-Students who continually violate residential rules and/or campus rules may be subject to criminal trespassing charges and/or banishment from the campus. (Also see Residential Housing Policies and Procedures Handbook).

## **G. Prohibited Items in the Residential Halls**

Due to fire hazard, safety, and energy use, the following items are prohibited while in the residential halls.

- More than one refrigerator per room.
- Any appliance with an open heating coil.
- Broiler ovens, toasters/toaster ovens
- Alcohol
- Candles, incense, candle warmers
- Air fresheners (“Sensies”)
- Four-way or cheater plugs
- Any type of extension cord without breaker
- Sun or heat lamps
- Any appliance not clearly marked as U/L approved
- Tacks or nails in walls or ceilings
- Electronic items that cause electrical outages
- Contact paper on walls/furniture
- Any type of grill
- Electric blankets
- Electric sauce pans
- Laser pointers
- Halogen lamps
- Hot plates
- Space heaters
- Paint ball, BB-guns, or other weapons
- Oil popcorn poppers
- Flammable liquids and chemicals
- Cut Christmas trees or boughs
- Extension cords
- Firearms and fireworks
- Hookahs

## **H. Other Policies**

The following are general regulations common to all of the residential halls.

**Students violating these regulations are subject to the disciplinary process.**

- 1. Authority of Staff to Enter Rooms** – See Authority to Enter Rooms (Section II Authority to Enter Rooms p. 13).
- 2. Baby-Sitting:** Baby-sitting is not allowed in the residential hall.
- 3. Checkout Items:** Student identification cards shall be left at the residential hall staff to assure the return of items checked out from the office.
- 4. Door Opening Charge:** All requests to open doors will be \$3.00.

Student doors will be opened two (2) times before they are required to buy another key.

**5. House Meetings:** Attendance at the initial house meeting each semester is mandatory. Failure to obtain attendance by 75% of residents will result in no visitation privileges for all residents until after the first successful meeting is held. In addition, the Residential Housing Supervisors will host House Meetings to provide information related to changes in policy or other areas of concern for students and staff.

**6. Laundry:** Clothes may not be left unattended while doing laundry. The University is not responsible for lost or stolen articles. Doing laundry of non-residents is prohibited. Any student unauthorized to use the laundry facilities will be automatically charged for the residential hall fee.

**7. Leave:** Residents shall sign out when leaving for holiday and/or long weekends or any extended leave of absences.

**8. Paging and Intercom:** Paging in the residential halls will be allowed only during the hours of: Monday through Friday- 8 a.m. to 10 p.m., Saturday & Sunday – 10 a.m. to 10 p.m.

**9. Pets:** No pets are permitted in the residential halls including, but not limited to, fish, reptiles, birds, gerbils, spiders, and insects. Students will be responsible for removal of pets from the residential hall and for any damages caused by pets. Every individual with a disability has the right to be accompanied by a guide dog, signal dog, or service dog, trained and certified for the purpose. However, the individual shall be liable for any damage done to the premises or facilities by his/her dog. Guide Dog means any guide dog or Seeing Eye Dog that was trained and certified by a licensed person. Signal Dog means any dog trained or certified to alert a deaf person, or a person whose hearing is impaired, to intruders or sounds. Service Dog means any dog trained and certified to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

**10. Proper Use Of Entrances:** The back and side entrance(s) will be locked at 10:00 P.M. The front entrance will be used to enter and exit the building after these hours. The front entrance will be locked on Monday-Friday at midnight and Saturday and Sunday at 2:00 A.M. Staff is available to open the front entrance after closing hours. The use of other entrances after those times is a code violation. Windows are not to be used to get in or out of a building except for life-threatening situations. Use of windows for entrance or exit in other

situations is a code violation. Identification may be requested by staff to assure residency within the hall.

- 11. Public Displays:** Public displays of behavior such as fondling, passionate kissing and exposure are potentially embarrassing to other students. Visitors may lose visiting privileges if they do not properly respond to official warnings received.
- 12. Quiet Hours:** The observance of quiet hours in all residential halls will begin at 11:00 P.M. and end at 11:00 A.M. Each residential hall will decide quiet hours during holidays and spring break sessions.
- 13. Residential Room Keys:** Each student will be assigned a key to his/her residential hall room. If this key is lost or stolen, residents are responsible for reporting the loss immediately to the Residential Hall staff. Replacement keys will cost \$25.00. Entry/room doors should be locked at all times to secure valuables and enhance individual safety. The University is not responsible for lost or stolen articles. Student must present a receipt from the Business Office to the Residential Hall staff before a key is given to the student. If a key is not available from the locksmith, the student will not be charged until the key is received. All funds collected will be transferred to the House Council account of each respective hall.
- 14. Room Clearance:** Students are expected to check out of residential halls and follow procedures that include, but are not limited to, clean room/bathroom, return of key and payment for damages and repairs to room. Failure to do so may result in an assessment of charges to cover such costs.
- 15. Study Room:** The study room is available 24 hours a day and is to be utilized for STUDYING ONLY (See inter-visitation in Code Violation). Eating or smoking is not allowed nor are radios or stereos permitted, unless using earphones and audio material is related to study material. Non-residents may study with a resident within the designated visitation hours and must sign in.
- 16. Telephone Use:** The office phone is for official use only. Only emergency calls and official calls will be allowed from the office phone. No collect calls shall be accepted from any University telephone. All travel arrangements will be made on the public telephone.
- 17. Tobacco (Any products):** Use of smokeless tobacco, snuff, and

cigarettes are prohibited in residential hall. Use of these product(s) is a Code violation (See Fire Hazard Code in Code Violation Section).

**18. Room Inspections:** Housing reserves the right to conduct room inspections every two weeks to ensure a level of cleanliness, order, and safety are maintained.

## **I. Haskell Not Responsible for Student Property**

Haskell will not be responsible for any damaged, lost, or stolen property. All personal property must be removed from the residential hall on the last day of the student's occupancy. Personal property remaining in residential halls, after the student is no longer residing there, may be discarded. It is recommended that all personal property be appropriately labeled to prevent loss or theft. It is also recommended that all students obtain renter's insurance for their personal property or be insured through their parent's homeowner's insurance.

## **IX. Parking and Traffic Program Policies and Procedures**

## **GENERAL REGULATIONS**

Haskell is authorized to establish campus parking and traffic regulations and to provide parking fines and penalties for infractions of these regulations. Any motorized vehicle, including motorcycles, operated on Haskell property is subject to all campus parking and traffic regulations.

These regulations have been promulgated for the safety, welfare, and health of students, employees, and visitors and to govern traffic on campus. The operation and/or parking of any vehicle on Haskell property is a privilege, not a right.

### **Vehicle Registration:**

All privately owned motorized vehicles operated by Haskell students and employees on Haskell property must be registered at the time of enrollment, employment and/or acquisition. The following information is required to register a motorized vehicle: Name, address, vehicle year, vehicle make, vehicle color, license tag number, and state in which vehicle is registered.

A registration decal will be issued which must be affixed to the inside lower driver side windshield. There is no cost for the initial decal; however, **replacement decals are \$20.00** payable at the University Business Office.

Any students or employee's motorized vehicle not registered with the University Parking and Traffic Office will be subject to ticketing and towing.

### **Responsibility for Vehicles**

Any person operating or parking a vehicle on campus shall be fully responsible for that vehicle and its contents. An individual shall be held responsible for violations by a vehicle registered to him/her either through Haskell registration or tracing through the state Motor Vehicle Department, regardless of the operator at the time of the violation. There will be a \$20 fee if a trace through the Motor Vehicle Department is necessary.

Notify Parking and Traffic if a registered vehicle is sold. If the vehicle remains on campus, any fines or fees incurred will be charged to the person on record and registered with Parking and Traffic.

### **Regulations – Hours in Effect**

Regulations are in effect 24 hours a day and 365 days a year. All parking spaces are available for "open" parking between 5:00pm and 7:00am, except parking for the physically impaired, fire lanes, and where otherwise posted.

## **PARKING**

Subject to modification, the parking permit classifications and parking privileges are shown below. **All zones have color coded signs.**

**GOLD/YELLOW** Student Parking Permit is valid in all **Green** areas, except for spaces designated for the physically impaired, visitors parking, loading zones, fire lanes, roadways, and other marked and designated “no parking” zones.

**PURPLE** Employees Parking Permit. Valid in all **Blue** and **Green** areas except for spaces designated for the physically impaired, visitors parking, loading zones, fire lanes, roadways, and other marked and designated “no parking” zones.

### **Open Parking Lots**

There are two large open parking lots on campus. The lots are located at Coffin Complex and the Cultural Center.

### **Visitor Lot**

The visitor lot is located in the center of campus, between Tecumseh Hall and Hiawatha Hall. Visitors may also park in any open parking lot. A sign indicating either “visitors only” or “visiting staff” is not considered open parking.

### **Parking for the Physically Impaired**

Certain parking spaces have been designated for the physically impaired. Parking in those spaces is reserved for individuals whose vehicle displays either:

- A. A specially issued license plate displaying the international symbol of access to the physically impaired.
- B. A specially issued state identification card with the international symbol of access to the physically impaired clearly displayed in the vehicle.

The permit is only valid for the individual to whom the tag is issued and that individual must be an occupant of the vehicle.

Persons desiring special parking consideration because of permanent disability are advised to obtain a Parking Permit for the Physically Impaired by making application at the State of Kansas, Department of Motor Vehicles.

### **Prohibited Parking**

Parking violation notices may be issued to all vehicles, including GSA, and vehicles may be immobilized and/or removed from campus for:

- A. Double parking or in streets or roads
- B. Parking on sidewalks or grass
- C. Parking in service roads or restricted areas
- D. Parking across drive entrances or sidewalk crossings
- E. Parking outside of marked parking spaces and/or taking up two spaces
- F. Parking in fire lane/fire hydrant zones
- G. Parking over length/oversize vehicle without permit
- H. Parking in an area designated by signs and/or curb markings as a “no parking” zone
- I. Parking in a lot or space for which vehicle is not permitted

- J. Unauthorized parking in physically impaired parking zone
- K. Blocking vehicles, roadway, or trash containers
- L. Parking in an area designated by signs as “visitors only” or “visiting staff only”

### **Parking of Large Vehicles**

Over-length or oversized vehicles, such as buses, trucks, and campers cannot be parked in regular parking spaces. Visiting groups and charter buses may arrange for a special parking assignment and permit with the Parking and Traffic Office.

### **Overnight Camping or Sleeping**

Parking for camping or overnight sleeping in vehicles is prohibited. Designated personnel conduct periodic patrols of the campus in an effort to safeguard all vehicles from vandalism and to protect the health and welfare of any vehicle occupants. The personnel conducting the security patrols are authorized to remove any student, staff or faculty found loitering or sleeping in the parking areas.

### **Vehicle Storage**

All student motorized vehicles on Haskell property must be removed from the campus 72 hours after the closure of residential halls at semester’s end. Any individual violating these policy guidelines will have his/her vehicle removed from the campus by commercial vendor at the student’s expense.

Permission for vehicle storage over the Christmas Holiday period must be obtained from the Parking and Traffic Office. All vehicles stored on campus must be parked in the Blalock Hall parking lot(s) during this period.

Employees’ motorized vehicles may not be stored on campus with the exception of those employees on official travel, business, or by permission from the Parking and Traffic Office. Any individual violating these policy guidelines will have his/her vehicle removed from the campus by commercial vendor at the owner’s expense.

### **Abandoned Vehicles**

A vehicle will be considered abandoned if it appears to be un-drivable (i.e. flat tires, broken windows, damaged, etc.) and has not been moved for five or more days. Vehicle owners will be notified by mail stating the date the vehicle must be moved. If the vehicle is not moved or proven to be drivable, the vehicle will be removed from the campus by commercial vendor.

## **FINES**

### **Payment of fines for Parking Violations**

A fine of **\$50.00** shall be charged for parking without authorization in parking areas for the physically impaired, parking on the patio of the Coffin Sports Complex, and parking in fire lanes/fire hydrant zones. The traffic circles located at Roe Cloud, Osceola/Keokuk, and Winona-Pocahontas Hall are designated as fire lanes, as well as the area north of Coffin Complex. A fine of **\$25.00** shall be charged for all other prohibited parking or for operation of a motor vehicle contrary to the provisions of these regulations.

In the event that there is more than one violation on a parking violation notice, the secondary fine(s) will be **\$10.00** each. Such fines are due and payable at the University Business Office within ten (10) school days following the date the citation is issued.

#### **Late Payment of Parking Violation Fines**

If the parking violation fine is not paid within ten (10) school days following the date the violation is issued, a late payment fee of \$10.00 for a physically impaired parking zone violation and \$5.00 for all other prohibited parking or traffic violations shall be assessed on the eleventh school day and thereafter.

#### **Student Parking Violation Fines – Failure to Pay**

Students with unpaid parking violation fines at the end of any fall, spring, or summer semester shall not be permitted to re-enroll, graduate, or transfer, and a “hold” shall be placed on the student’s transcript or transfer records until such fees are paid in full.

#### **Employee Parking Violation Fines – Failure to Pay**

Employees with unpaid parking violation fines shall be subject to administrative review. If, after administrative review, fines remain unpaid, the vehicle will either be immobilized or removed from the campus by a commercial vendor. An immobilized vehicle may be recovered by obtaining a release from the University Business Office, which will be issued only upon payment of a \$25.00 fee for the removal of the wheel lock and payment of all outstanding fines.

#### **Excessive Unpaid Parking Violations**

Excessive unpaid parking violations exist whenever three or more parking violation notices have been posted to the record of the vehicle’s registered driver. Vehicles will be subject to immobilization or removal from campus.

#### **Towing and Impoundment of Vehicles**

Vehicles may be towed from the campus or immobilized by a wheel lock at any time if they interfere with the efficient operation of the traffic and parking on the Haskell campus or if they are parked in an area not specifically designated for or designed as a parking area. All charges for commercial towing and/or storage are the responsibility of the registered owner. An immobilized vehicle may be recovered by obtaining from the University Business Office a release which will be issued only upon payment of a \$25.00 fee for the removal of the wheel lock and all unpaid fines levied for parking violations posted to the registered owner.

### **VEHICLE OPERATION**

The provisions of the state highway traffic code, Chapter 8 of the Kansas Statutes Annotated (K.S.A. 8-2001) and the Standard Traffic Ordinance for Kansas Cities are applicable to the operation and condition of motor vehicles operated on the University campus except as may be otherwise provided for in these regulations.

Haskell is within the city limits of the City of Lawrence. The Lawrence Police Department and Douglas County Sheriff's Office have the authority to enforce all traffic laws of the State of Kansas and any general ordinances of the City of Lawrence on the University campus.

### **Vehicles, Pedestrians and Bicyclists**

Vehicles shall stop and/or yield to all pedestrians and bicyclists on all campus roadways and crosswalks.

### **Vehicle Speed Limits**

All vehicles shall be driven prudently and not in excess of **20 MPH** on the streets and roads on the University campus. Except as may be otherwise posted, speed limits for vehicles operated in the University parking lots shall not exceed **10 MPH**.

### **Vehicle Operation – Prohibited Acts**

The following is prohibited and may be subject to ticketing:

- A. Driving over the curbs or sidewalk
- B. Driving on grass or seeded areas
- C. Driving in excess of the speed limits
- D. Reckless Driving or speeding
- E. Failing to yield to a pedestrian in a crosswalk or at an intersection
- F. Failure to stop at a posted stop sign
- G. Driving in violation of the provisions of Chapter 8 of the Kansas Statutes Annotated

**Note:** Delivery and/or service vehicles must notify the Parking and Traffic office before driving or parking in non-designated parking areas for loading or unloading purposes.

### **Reporting of Accidents**

Any accident involving a motor vehicle on the Haskell campus should be reported to the Lawrence Police Department which has jurisdiction over all accidents occurring within the City of Lawrence. A report of an accident should also be made to the Parking and Traffic Office.

### **Appeals**

A parking citation may be appealed in writing within 10 calendar days of receipt of the ticket. Forms may be obtained in the Parking and Traffic Office or in the Outlook Public Folders under "Safety Information."

### **IDENTIFICATION CARDS (ID'S)**

All students and employees are required to obtain an official Haskell Identification Card (ID) at the time of enrollment or employment. IDs are required to be readily available upon request from any university official.

## **Obtaining an ID**

ID photos are taken in the Parking and Traffic Services office located in Winnemucca during posted hours. Proper identification/credentials are needed to obtain a photo ID:

- A. Employees: Verification from supervisor or Human Resources of your appointment.
- B. Students: Current registration, class schedule, or paid receipt.

IDs are valid for:

- A. Employees: Duration of employment.
- B. Students: A period of four years. For example: Fall 2009 IDs will be valid from Fall 2009-Spring 2013.

Initial IDs are free of charge. There is a **\$20** charge for replacement IDs. Payment for a replacement ID is to be made at the Haskell Business Office.

- A. Replacement charges are waived when the information on the ID is incorrect or has been changed (documentation needed) or ID is broken or magnetic strip is damaged due to normal usage and wear and tear (must bring broken ID).
- B. Replacement charges will not be waived for lost or stolen IDs or if the ID is broken because of a hole punch. It is recommended that holes not be punched into IDs.

## **DEFINITIONS**

**Employees** - individuals who are currently employed at Haskell. When an employee resigns or has been relieved of his/her position, without another assignment, his/her parking permit and ID become invalid.

**Parking and Traffic Office** is under the direction of the Facilities Management Department. The office is located in Winnemucca, Building #118. All questions or concerns and/or appeals should be directed to this office.

**Parking Space** - a space where an automobile or motorized vehicle can be parked and so indicated by two parallel white stripes on the ground. Refer to the campus map.

**Students** - individuals who are currently enrolled at Haskell. For Parking and Traffic purposes, one can not be a student and employee at the same time.

**University Business Office** is located in Navarre Hall, Building #121. All fine payments must be paid at this office.

**Visitors** - individuals who are not students or employees of Haskell. Visitor parking passes may be obtained from the Parking and Traffic Office and the President's Office located in Navarre Hall, Building #121.

## **X. Student Grievance Process:**

# Contact Persons and Areas of Concern

## **Instructors**

The instructors are located at:

College of Arts & Sciences- Sequoyah Hall

School of Business Blue- Eagle Hall

School of Education- Parker Hall

They receive concerns about classroom activity, for example: invasion of privacy, grades, not grading papers, excessive canceling of classes, and proselytizing (imposing one's religious belief).

## **Academic Deans**

The Academic Deans are located at:

College of Arts & Sciences- Sequoyah Hall

School of Business Blue- Eagle Hall

School of Education- Parker Hall

They receive less severe concerns that are not initially resolved by Instructors.

## **Vice President, Academic Affairs**

This office is located at Navarre Hall. This office receives concerns not resolved by the Academic Deans.

## **Director of Athletics**

This office is located at Coffin Sports Complex. The Director of Athletics receives concerns about the athletic program.

## **Office of the Chief Information Officer (OCIO)**

This office is located at Pontiac Hall. The Chief Information Officer receives concerns about Computer Services.

## **Admissions**

This office is located at Navarre Hall. The Director of Admissions receives concerns about enrollment policies and discrimination in Admissions.

## **Counseling Center**

This office is located at Stidham Union. The Director of the Counseling Center receives concerns about the counseling programs, services or staff.

## **Financial Aid Office**

This office is located at Navarre Hall. The Director of the Financial Aid Office receives concerns about financial aid appeals and concerns about office staff.

## **Food Service Department:**

This office is located at Curtis Hall. The Director of the Food Service Department receives concerns about food service, kitchen employees, and student helpers.

**Residential Hall Program:**

This office is located at Osceola-Keokuk Hall. The Director of Housing receives concerns not resolved by the residential hall supervisors and security personnel concerns.

**Residential Hall Supervisor**

The residential hall supervisor receives concerns about pest control, Residential Aides, supplies, and physical operation of residential halls.

**Office of Student Conduct**

The Office of Student Conduct is located at Minoka Hall. The Student Conduct Administrator receives concerns about the Student Conduct process in disciplinary matters; violation of the right of privacy; and the behavior of students, such as theft, sexual harassment, and substance abuse.

**Student Recruitment/Placement**

The Career Planning/Placement & Recruitment Office is located at Navarre Hall. The Office supervisors receive concerns about college work study.

**Finance Office**

The Finance Office is located in Navarre Hall. The main number is 749-8451. The Finance Office receives concerns involving the following services: Business Office, Student Bank, Post Office, and Property & Supply.

**Director, Academic Support Center**

This office is located at Tommaney Hall. The Director of the Academic Support Center receives concerns about library policies or hours, library staff, unpaid book fines, book orders, tutors, the Learning Center, peer tutors.

**Vice President of University Services**

The Office of the Vice President of University Services is located in Pushmataha Hall. The telephone number is 830-2753. This office receives concerns not resolved by: Admissions Office, Counseling Center, Financial Aid Office, Food Services, Registrar, Residential Housing Program, and the Office of Student Conduct.

**Office of the President**

This office is located in Navarre Hall-North. Office hours are Monday-Friday, 8 a.m. to 5 p.m. The telephone number is 749-8497. The President's Office receives concerns not resolved by the University Services, Division of Academic Affairs, Director of Athletics, Administrative Services, or Facilities Management.

# **XI. Definitions and Appendices**

## A. Definitions

1. The term “**University**” means Haskell Indian Nations University
2. The term “**student**” means any person taking courses at Haskell either full-time or part-time, pursuing undergraduate, or professional studies. Persons who withdraw after allegedly violating the Code of Student Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with Haskell or who have been notified of their acceptance for admission are considered “students.” The term "student" includes any person with respect to whom Haskell maintains education records or personally identifiable information, but does not include a person who has not been in attendance at Haskell for the purpose of academic study.
3. The term “**faculty member**” means any person hired by Haskell to conduct classroom or teaching activities or who is otherwise considered by Haskell to be a member of its faculty.
4. The term “**Haskell official**” means any person employed by Haskell.
5. The term “**member of the Haskell community**” means any person who is a student, faculty member, or Haskell official, as well as any person employed by Haskell or any person living in Haskell residential halls, although not enrolled at Haskell. A person's status in a particular situation shall be determined by the Director of the Office of Student Conduct.
6. The term “**Haskell premises**” means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Haskell (including adjacent streets and sidewalks).
7. The term “**organization**” means a group of persons that has been registered and approved by Haskell and that is either:
  - a. A registered student organization, which is defined as a group of individuals of which at least 75% of the members are currently enrolled students. The officers of a student organization must be currently enrolled students; or
  - b. A registered campus organization, which is defined as a group of individuals of which at least 75% of the members are from the Haskell community, including currently enrolled students, employees, or spouses of these persons. The officers of a campus organization must be members of the Haskell community as defined in this paragraph.
8. The term “**Student Appellate Board for Hearings**” means a group of persons authorized by the Student Conduct Administrator to determine whether a student has violated the Code of Student Conduct and to recommend sanctions that may be imposed when a violation has been committed. The Student Conduct Committee for Hearings is comprised of a cross-section of employees and students from the Haskell community.
9. The term “**Student Conduct Administrator**” means the Haskell official designated by the Haskell President to be responsible for the administration of the Code of Student Conduct and authorized to resolve all issues of student conduct and to impose or monitor sanctions upon any student(s) found to have violated the Code of Student Conduct.
11. The term “**shall**” is used in the imperative sense.
12. The term “**may**” is used in the permissive sense.

14. The term “**policy**” means written Haskell regulations as found in, but not limited to, the Code of Student Conduct, Residential Life Handbook, the Haskell web page and computer use policy, and Graduate/Undergraduate Catalogs.
15. The term “**Accuser**” or “**Complainant**” means any person who submits a charge alleging that a student violated this Code of Student Conduct. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Code of Student Conduct as are provided to the Complainant, even if another member of the Haskell community submitted the charge itself
16. The term “**Accused Student**” means any student accused of violating this Code of Student Conduct.
17. The term “**Student Conduct Process**” means the procedures for conducting investigations, hearings, and appeals related to alleged violations of the Code of Student Conduct.
18. The term “**Alternative Dispute Resolution**” means a method to resolve disputes outside of the normal SC process. Involves the use of neutral third parties to increase the effectiveness of settlement discussions.
19. The term “**Student Conduct Committee**” means any person or persons authorized to impose or monitor sanctions on any student(s) found to have violated the Code of Student Conduct.
21. The term “**education records**” means records, files, documents, and other materials that contain information directly related to a student and that are maintained by Haskell. The term does not include: (i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute; (ii) records maintained by a law enforcement unit of Haskell that were created by that law enforcement unit for the purpose of law enforcement; (iii) in the case of persons who are employed by Haskell but who are not in attendance at Haskell, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or (iv) records on a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.
22. The term “**directory information**” relating to a student includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student.
23. The term “**disorderly conduct**” means petty offense chiefly against public order and decency that falls short of an indictable misdemeanor

24. **ADJUDICATION** – The action of hearing and deciding a complaint of a violation of the Code of Student Conduct based on information in an incident report, evidence and /or testimony.
25. **ADVOCATE** – One who pleads for someone’s cause, or in support of something.  
See Student Advocate Policy.
26. **APPEAL** – A request by a party to a disciplinary matter to have another designated Haskell official or officials review a disciplinary decision.
27. **BUSINESS DAYS** –Days that Haskell is in full operation. Excludes weekends and holidays.
28. **CALENDAR DAYS** – All days of the week are considered calendar days including weekends and holidays.
29. **CODE VIOLATIONS** –Violations of the rules of the Code of Student Conduct, which subjects students to the Student Conduct Process and which may result in sanctions; see Sanctions on pg. 28-30.
30. **CRIMINAL TRESPASS NOTIFICATION** – A form issued by Haskell staff to an Individual(s) who trespasses on Haskell property or who has been issued a Notice to Vacate or Emergency Suspension. Once a Criminal Trespass Notification is in place, the person who violates the notice may be referred to local authorities and may incur arrest and charges for Criminal Trespass.
31. **DISPOSITION** – A written decision following adjudication.
32. **DISCIPLINARY (Social) PROBATION** –One or more of the following sanctions:
  - A. Restriction, for the duration of probation, from holding any student offices and from representing Haskell in any manner.
  - B. Monitoring of student’s behavior, with a requirement that the student report to a counselor as directed. Any violations while a student is on social probation could result in a Notice to Vacate, removal from campus and Emergency Suspension or expulsion.
33. **DIVERSION PROGRAM** –An alcohol and/or drug program that allows a student to maintain “Good Social Standing,” and/or maintain housing eligibility. Usually applied as a sanction.
34. **EVICTION** – A sanction whereby the student is ineligible for housing for a specified period of time.
35. **EXPULSION** – A sanction that prevents a student from attending Haskell or being on its grounds or in its buildings without permission from the Haskell President. Violators may be referred to local authorities and may incur arrest and charges for Criminal Trespass.
36. **GOOD SOCIAL STANDING** – All students at Haskell have good social standing upon admission. Good social standing can be lost by a violation of the Code of Student Conduct that results in removal, suspension or expulsion from Haskell; not to be confused with good academic standing. The student is restricted, for duration of loss of good social standing, from holding any student offices and from representing Haskell in any manner. Representation of Haskell includes all athletic programs and intramural activities. Good social standing can be regained by completing the sanctions, fulfilling conditions of probation or by re-admission after suspension.

- 37. OFFICIAL WARNING** – A written warning on a disposition form notifying the student that he/she has not maintained acceptable standards of conduct by not complying with sanctions given. Failure to comply will result in immediate “Notice to Vacate” from housing.
- 38. PREPONDERANCE OF EVIDENCE** – Evidence which is of greater weight or more convincing or more believable than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.
- 39. SOCIAL PROBATION**- A period of time when a student may be faced with more severe disciplinary sanctions if the student is found to violate the Haskell regulations while in the designated probationary period.
- 40. SUSPENSION** – A sanction that prevents the student from attending Haskell for a specified time frame. For substance abuse, if the student is found to have committed the violation, the suspension is for a minimum of one (1) full year but not more than two (2) full years.
- 41. NOTICE TO VACATE (NTV)** - An immediate loss of housing for one year from the date of issuance and:
- Loss of the privilege of visiting in the residential halls.
  - Loss of the privilege of being on campus after regular business hours, unless student is attending a class.
  - Loss of the privilege to participate in any extracurricular activities, including athletic teams, intramural sports, etc. and loss of the use of Haskell facilities (i.e., Tecumseh Gym, Coffin Sports Complex, and Stidham Union). Student shall inform the Office of Student Conduct when the student has a class or class assignment or project in any of these facilities.
  - Loss of Good Social Standing.
  - Requirement to complete an Alcohol Assessment and Treatment Plan if NTV was issued for a Substance Abuse Violation.

## **B. Interpretation and Revision**

Any question of interpretation or application of the Code of Student Conduct shall be referred to the Student Conduct Administrator or his or her designee for final determination.

The Code of Student Conduct shall be reviewed every 3 years under the direction of the Student Conduct Administrator.

## **C. Sources**

These sources may be found in the Student Service Policy and Procedures Manual at the Office of the Vice President of University Services. A brief description of each source is provided.

### **1. Drug Free School and Communities Acts Amendments of 1980 – P.L. 101-226**

A federal law that requires Haskell to notify students and employees about campus programs that prevent the unlawful possession, use, or distribution of illicit drugs and alcohol and the standard of conduct.

## **2. E-Mail Regulations**

The Haskell Information Technology Department governs the use of e-mail for Haskell students. All U.S. government rules and regulations pertaining to use/misuse of Federal resources apply.

## **3. Family Educational Rights and Privacy (FERPA)**

A federal law that protects the privacy of student education records.

## **4. Health Insurance Portability and Accountability Act (HIPPA)**

A federal law that requires physicians to ensure they are protecting the privacy and security of patients' medical information and using a standard format when submitting electronic transactions, such as submitting claims to payers.

## **5. Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act**

A federal law that requires all universities to report statistics on murder, sex offenses, robbery, aggravated assault, burglary, and motor vehicle theft, along with statistics on arrests for drug and alcohol violations and weapons violations.

## **6. Violence Against Women Act**

A federal law that requires all universities to report statistics on any crimes committed concerning violence against women. Although this mandate does state women, the jurisdiction covers any victims of violence.

## **D. Acknowledgements**

This Code of Student Conduct is based on the work done by Edward Stoner and John Lowery and their work, "A Twenty-First Century Model Student Conduct Code with a Model Hearing Script." The Code of Student Conduct section was based on the code at the University of Denver, Haskell's core values, and the August 2007 Haskell Indian Nations University Code of Student Conduct. The sexual misconduct policy was based on Brett Sokolow's work, "Creating a Proactive Campus Sexual Misconduct Policy." The "Classroom Expression," "Campus Expression," "Publications," "Freedom of Protest," and "Student and Campus Organizations" sections are based on Dr. Venida Chenault's document, "Haskell Indian Nations University Development of Comprehensive Code of Student Conduct." All other sections are based on the 2008/2009 Haskell Indian Nations University Student Code of Conduct and the August 2007 Haskell Indian Nations University Code of Student Conduct.

Revised 6-30-2014.

## **XII. Forms**

Haskell Indian Nations University  
**INCIDENT REPORT**

**STUDENT INFORMATION**

Student Full Name (LAST, First Middle Initial)

**A00000**

Complete Haskell ID Number

Residential Hall or Local Address

Date of incident

**OFFENSE INFORMATION** – Check the appropriate boxes for the offense and then give a brief description of the account answering who, what when, where, how and why. **Attach narrative to this form.**

<b>Substance Abuse</b>	
<input type="checkbox"/>	Alcohol Misuse
<input type="checkbox"/>	Drug Misuse
<input type="checkbox"/>	Haskell Policies and Fed., State, and Local Law

Facts-

Place-

Time-

Reporting Party-

Witness(es)-

Victim-

Others Involved-

<b>Violence</b>	
<input type="checkbox"/>	Weapons
<input type="checkbox"/>	Disorderly Conduct
<input type="checkbox"/>	Haskell Property
<input type="checkbox"/>	Harassment
<input type="checkbox"/>	Violence
<input type="checkbox"/>	Sexual Misconduct
<input type="checkbox"/>	Hazing

<b>Behavior Indicators</b>	
<input type="checkbox"/>	Odor
<input type="checkbox"/>	Slurred Speech
<input type="checkbox"/>	Impaired Coordination
<input type="checkbox"/>	Other

<b>Health and Safety</b>	
<input type="checkbox"/>	Cooperation with Haskell Employees
<input type="checkbox"/>	Cooperation with Students
<input type="checkbox"/>	Fire Safety
<input type="checkbox"/>	Residential Hall Policies
<input type="checkbox"/>	Harboring

<b>Ethics</b>	
<input type="checkbox"/>	Dishonesty
<input type="checkbox"/>	Academic Integrity
<input type="checkbox"/>	Theft
<input type="checkbox"/>	Misuse of Technology

List items confiscated: \_\_\_\_\_

Date Items released to Student Conduct Office: \_\_\_\_\_

Was Lawrence Police contacted?  Yes  No Was student arrested?  Yes  No

Comments: \_\_\_\_\_

Was Lawrence Emergency Medical Services contacted?  Yes  No

If yes, was student hospitalized?  Yes  No

Was malicious destruction of property incurred?  Yes  No (list of damages and fines attached)

**FOR OFFICIAL USE BELOW:**

Date reviewed by Department Supervisor: \_\_\_\_\_

Supervisor's Signature

Comments: \_\_\_\_\_

Recommendations: \_\_\_\_\_

Referrals made or recommended:  Counseling Center/SAP  Safety Officer  Community Service

Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  Over 21 yrs old  Under 21 yrs old

Date/Time rec'd in SCO: \_\_\_\_\_

SCO Signature



**Haskell Indian Nations University**  
**NOTICE TO VACATE FORM (sample)**

**TO:**

**FROM:** NAME, Student Conduct Administrator

**SUBJECT:** Notice to Vacate Residential Hall

**DATE:**

You did/did not appear for your scheduled conference on \_\_\_\_\_. You are hereby notified that you must vacate your residential hall room effective when the Director of Housing determines you must leave.

***You are no longer eligible for housing because of reason(s) listed below:***

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**You must comply with the Notice to Vacate (NTV) terms and conditions as follows:**

1. You are not allowed visitation in the residential halls. You are not permitted to participate in extracurricular activities including athletic teams, intramural sports, etc. and loss of the use of Haskell facilities. You are not allowed to eat at Curtis Hall.
2. You are able to attend classes, check your campus mailbox, utilize the library and Academic Support Center, and conduct legitimate business on campus during regular office hours.
3. If you are found on campus in areas where you are not supposed to be, the Lawrence Police may be called and you could be arrested for criminal trespass under Kansas Law KSA 21-3721.

***In order to regain Good Social Standing and Re-admission into Housing, you must meet the following conditions:***

1. Present proof of completion to the Student Conduct Office of a substance abuse assessment and proof of completion of treatment recommendations.
2. Loss of housing for one year from the date of incident.  
  
You may be able to continue attending classes if you have not been suspended or expelled from the university. You should check with the Registrar's Office for you academic standing.
3. Petition for re-admission into the residential hall after completion of a substance abuse program ; a decision will be made after you have submitted the request.
4. Pay a \$ \_\_\_\_ fine and complete \_\_\_\_ hours of community service before you can apply for re-entry into the residential hall.

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Student Conduct Administrator

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Date

cc: Director of Housing, Financial Aid, Food Service, Security, Student Activities, Residential Hall Staff, Athletic Director, Business Office, Registrar, Admissions, Counseling, File

**HASKELL INDIAN NATIONS UNIVERSITY**  
***Release of Information Form for Student Advocate***

I, \_\_\_\_\_, student give  
Print Name

\_\_\_\_\_  
Name of Advocate

Permission to act as my advocate/representative concerning my disciplinary matter of

\_\_\_\_\_ concerning \_\_\_\_\_

violation(s).

I understand that no information on my case will be given to anyone unless I have authorized it by signing a "Release of Information" form.

I understand that any investigative interviews conducted by my Advocate will be scheduled with the Student Conduct Administrator. There will be no walk-in appointments.

I understand that by signing a "Release of Information," my advocate will be provided information from the Student Conduct Office.

I understand that Haskell Indian Nations University is not responsible for the acts of the Advocate in handling my case.

I understand that this release applies only to the Student Conduct hearings.

**Advocate Statement:** I, \_\_\_\_\_, Advocate, state that I have no disciplinary matters pending against me at this time. I understand that I may be charged with fraud under the Code of Student Conduct in the event the university discovers that I have misrepresented my status. I agree to notify the Student Conduct Administrator and withdraw from representing the above student in the event I have a pending disciplinary matter.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Advocate Signature

\_\_\_\_\_  
Date

Original – File copy

Copy – Student copy

**Application for Diversion Program**

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

On campus mail box number \_\_\_\_\_ Student Identification Number \_\_\_\_\_

Do you reside on campus? (circle answer) yes no If yes, which hall? \_\_\_\_\_

If no, please list current address \_\_\_\_\_

List the offense for which this application is being submitted \_\_\_\_\_

How long have you attended Haskell? \_\_\_\_\_ List your advisor \_\_\_\_\_

What is your major? \_\_\_\_\_ When do you expect to graduate? \_\_\_\_\_

Are you involved in any organizations or clubs on campus? \_\_\_\_\_yes \_\_\_\_\_no  
If yes, please list and include any offices you hold.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you currently employed? \_\_\_\_\_yes \_\_\_\_\_no If yes, please list employer \_\_\_\_\_

List all offenses for which you have been written up for during your enrollment at Haskell. Include charges that were dismissed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If you are under 21 years of age, and the charge involved alcohol, answer the following questions in detail (Note: any information will be used solely for this application).

From where was the alcohol obtained: \_\_\_\_\_

How did you receive the alcohol (i.e., did you or someone else purchase) \_\_\_\_\_

Were you required to show I.D.? \_\_\_\_\_yes \_\_\_\_\_no Did you use your real I.D.? \_\_\_\_\_

State any facts concerning the incident which in your opinion might excuse your actions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Explain why you feel you could successfully complete the Diversion Program: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The following items will be due within 5 days of formal adjudication to the Office of Student Conduct.**

- \_\_\_\_\_ Letter of intent regarding your academic goals.
- \_\_\_\_\_ Letter of support from Haskell staff or faculty.
- \_\_\_\_\_ Completed diversion application.

I understand that if I fail to submit the above 3 items on the due date – appeal process will begin.

I solemnly swear that I have read the Diversion Program Guidelines and completed the application and all the information contained is true and correct to the best of my knowledge I understand that if any of this information is not true and correct, this will be a basis for denial of diversion or revocation of diversion.

I understand that if the Diversion Application is denied, the disciplinary process will be continued.

I hereby authorize the Student Services Department to release any information to the agency which is performing the drug, alcohol and/or anger management assessment, or any other such agency or persons for use in determining whether I am a suitable candidate for the Diversion Program.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_

Date complete application rec'd: \_\_\_\_\_

Rec'd by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Approved/Denied: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Haskell Indian Nations University

## GRIEVANCE REPORT FORM

**Directions:** (1) Please complete the following information, use additional paper if necessary;  
(2) Give this form to the Supervisor of the person/office related to the complaint.

PLEASE PRINT:

_____	_____
To	Date
_____	_____
From	Complete Haskell ID Number
_____	_____
Residential Hall	Haskell Mailbox

**GRIEVANCE SUBJECT:** (Use additional paper if necessary)

Who or What is the complaint about?

What office or person is responsible for this problem?

Have you gone directly to the person or office you are unhappy with and talk to them about the problem?

Yes  No If no, why? \_\_\_\_\_

If yes, what did the person tell you to do? \_\_\_\_\_

Have you done that yet?  Yes  No If no, why? \_\_\_\_\_

**DESCRIPTION OF COMPLAINT:** (Use additional paper if necessary)

What are you unhappy about? \_\_\_\_\_

When did this happen? \_\_\_\_\_

Where did this happen? \_\_\_\_\_

What would be a satisfactory resolution? \_\_\_\_\_

_____	_____
Name (Please Print)	Complete Haskell ID Number

_____	_____
Signature	Date

**For official use below:**

_____	_____
Supervisor's Signature	Date Supervisor Received Form

Date Request for Status Form: \_\_\_\_\_

Date Rec'd: \_\_\_\_\_ Date Reply Sent: \_\_\_\_\_

Action Taken: \_\_\_\_\_