

HASKELL INDIAN NATIONS UNIVERSITY

STUDENT CODE OF CONDUCT



Fall, 2022 – Summer, 2023



Haskell Indian Nations University

COVERSHEET

Re: **STUDENT CODE OF CONDUCT**

Signatures of parties involved confirm information has been shared, vetted, and discussed and agreed upon, effective date signed.

PDT **DocuSigned by:**
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PRESIDENT APPROVAL

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MGonzales 5/17/2021

Haskell Indian Nations University
Student Handbook
Code of Student Conduct

“The ultimate is not to win, but to reach within the depths of your capabilities and to compete against yourself to the greatest extent possible. When you do that, you have dignity. You have the pride. You can walk about with character and pride no matter in what place you happen to finish.”

-Billy Mills

On the cover: Photo Courtesy of Ron McKinney

| | | |
|-------------|--|-----------|
| I. | Introduction | 6 |
| | A. Preamble..... | 7 |
| | B. Vision Statement | 8 |
| | C. Authority | 8 |
| | D. Jurisdiction..... | 8 |
| | E. Violation of Law and University Discipline..... | 9 |
| | F. Student Rights..... | 9 |
| | G. Student Responsibilities..... | 10 |
| | H. Classroom Expression..... | 11 |
| | I. Free Expression Statement..... | 12 |
| | J. Student and Campus Organizations..... | 12 |
| | K. Publications..... | 13 |
| | L. Freedom of Protest..... | 13 |
| | M. Student FERPA Rights..... | 14 |
| | N. Campus Safety and Security Survey..... | 15 |
| II. | Code of Student Conduct..... | 16 |
| | A. Code of Conduct and Definitions..... | 17 |
| III. | Student Conduct Process..... | 24 |
| | A. Due Process..... | 25 |
| | B. Advocates..... | 25 |
| | C. Alternative Dispute Resolution..... | 26 |
| | D. Restorative Justice Conference..... | 26 |
| | E. E. Adjudication Process..... | 26 |
| | F. Appeal Process..... | 27 |
| | G. Appeal Process following Expulsion..... | 28 |
| | H. Personal Safety during the SC Process..... | 28 |
| | I. Major/Minor Violations..... | 29 |
| | University Process Flow chart | |
| | J. Sanctions..... | 31 |
| | K. Emergency Suspension..... | 33 |
| | L. Trespassing Procedures..... | 33 |
| | M. Diversion..... | 34 |
| IV. | Substance Abuse..... | 37 |
| V. | Violence Policy..... | 43 |

VI. Campus Sexual Assault/Harassment and Title IX..... 46

VII. Fire Safety..... 56

VIII. Residential Life Policies... .. 59

**IX. Parking and Traffic Program Policies and
Procedures..... 68**

X. Student Grievance Process..... 75

XI. Definitions and Appendices..... 80

 A. Policy and General Definitions..... 81

 B. Interpretation and Revision 84

 C. Sources 84

 D. Acknowledgements..... 85

XII. Forms..... 86

Statements of Accreditation, Mission, and Vision



National Accreditation

Haskell Indian Nations University is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools to award associate and baccalaureate degrees



Professional Accreditation

The Haskell Indian Nation University, School of Education is accredited by National Council for Accreditation of Teacher Education (NCATE).



Haskell Indian Nations University Mission Statement

The mission of Haskell Indian Nations University is to build the leadership capacity of our students by serving as the leading institution of academic excellence, cultural and intellectual prominence, and holistic education that addresses the needs of Indigenous communities.

Haskell Indian Nations University Vision Statement

Haskell is a unique and diverse intertribal university committed to the advancement of sovereignty, self-determination, and the inherent rights of tribes.

I. Introduction

A. Preamble

The mission of Haskell Indian Nations University is to build the leadership capacity of our students by serving as the leading institution of academic excellence, cultural and intellectual prominence and holistic education; in order to address the needs of Indigenous communities.

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, due process and impartiality in decision-making. Haskell also prides itself on the focus of learning for students as they relate 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 to ensure they retain the opportunity to reach their academic potential. Students will be treated with fairness and respect throughout the processes of Student Conduct. The Code of Student Conduct helps students understand the conduct expectations of the university and the consequences of your decision-making as a role in student learning. We hope you will think about your choices and decisions and the impact they can have on your leadership potential and ability to complete your degree at Haskell before you engage in actions that violate our standards of conduct.

In October 2014, Haskell adopted new Institutional Values, commonly referred to in the document as "CIRCLE" values, which are aspirational and reflect Haskell's ideals for the conduct of Haskell students, staff, faculty, administrators, and the Board of Regents.

Communication

To successfully convey ideas, opinion, information, results, images and creative expression using multiple strategies for diverse groups and stakeholder.

Integrity

To conduct ourselves in ways that honor the sacrifices of our tribes on which treaty and trust responsibilities are based; and to carry out our responsibilities as students, staff, faculty, administrators, and regents by engaging in action based on the highest standard of conduct.

Respect

To honor and promote the diversity of beliefs, rights, responsibilities, cultures, accomplishments of self and others, including our non-human relations.

Collaboration

The willingness and ability to work successfully with others to accomplish the goals of the university and to meet the needs of our students, the tribes we represent and serve as well as our mission.

Leadership

The willingness to acquire the knowledge and skills required to advocate for, and to advance the sovereignty and self-determination of tribes, Haskell and the students.

Excellence

To strive toward the strongest level of accomplishment in our respective roles on behalf of Haskell, as students, staff, faculty, administration, and the Board of Regents.

B. Vision Statement

Haskell is a unique and diverse intertribal university committed to the advancement of sovereignty, self-determination, and the inherent rights of tribes.

C. Authority

The President of Haskell Indian Nations University has delegated 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 internal policies and procedural rules for the Student Conduct Process and for Student Appeals Committees that are consistent with the provisions of the Code of Student Conduct.

Decisions made by a Student Appeals 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 to Haskell for admission through the actual awarding of a degree. You are accountable for conduct that occurs

before classes begin, after classes end, on or off campus, during the academic year or during periods between semesters of actual enrollment. You are responsible for your conduct throughout your education at Haskell, even if your conduct is not discovered until after a degree is awarded or you have left the university.

While representing the university in off-campus events, you are held accountable for actions that may violate the Code of Conduct. 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. The 5 business days rule does not apply to any complaints alleging sexual misconduct. To learn more about processing sexual misconduct complaints and procedures, please go to page 45.

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 a 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.

In order to be clear, 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 understand the grading process at Haskell.
2. 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.
3. 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.
4. The right to make decisions for themselves where appropriate.
5. The right to freedom of religion and culture.
6. The right to freedom of speech and expression, subject to the Free Expression Statement in Section I.

7. The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.
8. The right to peaceably assemble and to petition for the redress of grievances.
9. 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.
10. The right to due process. Every student, student organization, and campus organization is entitled to due process and appeal in every instance of disciplinary action for alleged violation of Haskell expectations. Please see Code of Conduct section on page 24. 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.
11. 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.
12. The right to have respect for his/her property.
13. The right to have student representation in the decision-making and policy forming groups.
14. The right to be notified of proposed changes to student responsibility and academic policies.

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, 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.
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. Respect the rights of others and behave in accordance with expectations regulating student conduct and guidelines established by this Code of Student Conduct.
8. Make decisions that do not infringe upon the rights of others.
9. Express opinions and ideas in a respectful manner that does not slander, hurt or harm others.
10. Respect the beliefs of others.
11. Arrange a time and place for peaceable assembly that does not interfere with Haskell's normal operations.
12. Recognize Haskell's authority to check student rooms for safety and health reasons.
13. Respect the freedom of expression exercised by others.
14. Maintain updated contact information at Haskell consistent with the application for admission in compliance with the Family Educational Rights and Privacy Act (FERPA).

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 such as campus-wide emails sent to the Haskell community.
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 the Free Expression Statement in Section I. The responsibility of the instructor is to maintain order.

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

Students are encouraged to conduct themselves with communication, respect, cooperation, leadership and excellence. Disruptive behavior which unreasonably interferes with the rights of other students, or substantially disrupts the learning environment, may result in sanctions and will be enforced through the Office of Vice President of Academics. Please refer to the Haskell Catalog for more information.

I. Free Expression Statement

Haskell is committed to protecting the right to freely communicate ideas and fully supports the freedom of all members of the Haskell community to engage in robust, uninhibited discussion and deliberation on any and all topics. However, freedom of expression at Haskell is not without limits. Haskell reserves the right to reasonably restrict student speech and conduct in accordance with longstanding Supreme Court precedent concerning on-campus speech, incitement, defamation, threats and harassment, and any other applicable subject area. Haskell will strive to implement any of these restrictions in a manner consistent with Haskell's foundational commitment to a free and open discussion of ideas.

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 the Constitution of the Student Senate. 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 the Constitution of the Student Senate.

The Student Senate delegates to each organization, residential hall, fraternity, sorority 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.

Residential rules of social conduct shall not be adopted that conflict with the Student

Housing 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 space utilization process, 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. The Space Utilization form can be attained at the Vice-President for University Services Office in Pushmataha Hall.

An organization alleged to have violated provisions of this code is entitled to alternative dispute resolution (ADR), restorative justice conference or a hearing in accordance with procedures established by the Office of Student Conduct. For more information about alternative dispute resolutions, please go to page 25.

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. Copies are not to be distributed to students at any time.
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. For more information regarding the process for filing a complaint, you can find it on Haskell's website in the Office of Admissions.
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. A release of information form can be found on Haskell's website with the Office of the Registrar.
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. For more information about students under the age of 21 in violation of the Substance Abuse Policy, please see page 39.

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 annual report can be requested at the Office of Institutional Effectiveness or it can be found on our website at www.haskell.edu under Consumer Disclosure.

In compliance with the Jeanne Clery Act, Haskell has the Daily Crime Logs that are maintained in the Office of Haskell Security. Please refer to the Haskell website at the Office of Institutional Effectiveness for more information.

II. Code of Student Conduct

Haskell Student Code of Conduct and definitions:

Being under the influence of Alcohol

Reasonable grounds for a person to be considered under the influence of alcohol: odor of alcohol, slurred speech, bloodshot eyes, watery eyes, staggering, incoherence, inability to stay focused on conversation and maintains concentration due to consumption of alcohol. When a person exhibits 2 or more of the above-mentioned descriptions or their Blood Alcohol Content (BAC) is greater than 0.01%, a person may reasonably be considered to be under the influence of alcohol and in violation of this Article.

Possessing Alcohol and/or Alcohol Containers

Possession is when alcohol and/or alcohol containers such as cans, bottles, flasks, etc. are present, or in one's possession, whether full, empty, or partially filled. If these items are found on a student's person while anywhere on campus, in their dorm room, vehicle, or sites off campus as designated by the Haskell Administration, the student is in violation of this Article. All students who are in the immediate vicinity will be issued violation notices. All alcohol and containers are subject to confiscation and will not be returned.

Transporting and trafficking Alcohol

To manufacture, supply, transport, or sell alcohol on campus as evidence by the alcohol itself, ingredients, packaging and distribution material, statements and/or witnessed by those items or transport alcoholic beverages onto campus. This also includes violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor person; using a vehicle for illegal transportation of liquor; and all attempts to commit any of the aforementioned. All items associated with alcohol are subject to confiscation and will not be returned.

Being Under the Influence of Drugs or Inhalants

Reasonable grounds for a person to be considered under the influence of drugs or inhalants: odor of marijuana, slurred speech, bloodshot eyes, watery eyes, staggering, incoherence, inability to stay focused on conversation and maintain concentration due to use of drugs. When a person exhibits 2 or more of the above-mentioned descriptions, he/she may reasonably be considered to be in violation of this Article.

Possession of Drugs and/or Paraphernalia

Possession is having illegal drug(s) and/or prescription medication without a valid prescription, from a doctor or pharmacist, or drug paraphernalia or inhalants are present, or in one's possession. If these items are found on a student's person while anywhere on campus, dorm room, vehicle, or areas off campus as determined by the Haskell Administration and if in the vicinity where these items are present, the student is in violation of this Article. All who are in the immediate vicinity will be issued violation notices. All drugs, suspected drugs, and drug paraphernalia may be turned over to law enforcement agencies. Students in possession of drugs, suspected drugs, and/or drug paraphernalia, may be temporarily detained by Haskell Staff, pending an immediate criminal investigation by appropriate law enforcement agencies.

Transporting and/or Trafficking of Drugs or Inhalants

To manufacture, supply, transport, or sell illegal drugs, prescription medication or inhalants on the Haskell campus, or to bring on to campus, as evidence by the drug(s) and/or inhalant(s) itself, ingredients, packaging and/or distribution paraphernalia, statements and/or witnessed by those items or action. This also includes violation of laws or ordinances prohibiting the manufacture, sale, transporting, maintaining places to

manufacture drugs; furnishing drugs or inhalants to a minor person; using a vehicle for illegal transportation of drugs; and all attempts to commit any of the aforementioned. Any drug packaging and/or distribution paraphernalia may be turned over to law enforcement agencies. Haskell Staff may temporarily detain students that are found in possession of drug packaging and/or distribution paraphernalia, pending an immediate criminal investigation.

Contributing to the delinquency of a Minor

Encouraging, abetting, permitting or assisting a person under the age of 21 to violate any of these articles or to otherwise commit any delinquent act. Persons over the age of 21 who allow such acts performed in their presence without objections are in violation of this article.

Violation of Haskell policy, federal, state or local laws.

Any assisting, violating or having knowledge of a violation of Haskell policy, federal, state and local laws and not reporting it is prohibited at Haskell.

Violating any part of the Code of Student Conduct while on Haskell Probation.

Violence

Having knowledge of or facilitating violence without reporting the incident.

A. Intimidation or Threat

Any willful conduct, which creates a fear of bodily harm, or is verbally abusive, including gesturing, name-calling, threatening, by word or action of a perceived threat to inflict bodily harm.

B. Simple Assault

Assaults and attempted assaults where no weapon is used and which do not result in serious or aggravated injury to the victim.

C. Aggravated Assault

An unlawful attack by one person, upon another, that inflicts severe or aggravated bodily injury. This type of assault may be accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

D. Negligent Manslaughter

The killing of another person through gross negligence.

E. Murder/ Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

F. Self-Destructive Behavior

Inflicting harm on one's self by cuts, burns, or other harmful acts. These include ingesting harmful substances to cause self-injury. This includes statements of suicide, as evidenced by statements and/or witnessed by an individual. A student refusing medical attention could jeopardize his/her residence privileges due to the safety of himself/herself and others involved.

Bringing a Weapon on Campus

All weapons are prohibited on the Haskell campus. Weapons are defined as any item whose primary use is to cause death or injury. Any use of, or having in one's possession or concealing, an instrument or substance, which by nature or use is an offensive or a combative object, even if otherwise legal, is prohibited. All weapons are subject to confiscation and will not be returned.

A. Illegal Weapons Violation

The violation of city, county, state, or federal laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; and all attempts to commit any of the aforementioned.

Haskell Property

Attempting to damage or actually damaging property belonging to Haskell. Willfully marring, destroying, injuring or disturbing any real or personal property of Haskell. This includes moving any property belonging to Haskell or others without permission.

A. Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the affected person in fear.

B. Burglary

The unlawful entry of a structure, or room to commit a felony or a theft. Attempted forcible entry is included.

C. Larceny/ Theft

The unlawful taking, carrying, leading or riding away of property, from the possession of another. It includes crimes such as shoplifting, pocket picking, purse snatching, thefts from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, etc., in which no use of force, violence or fraud occurs.

D. Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on surface streets and roads. Construction equipment and farming equipment are excluded.

E. Fraud

Fraud consists of the intentional misappropriation or taking of anything of value, which belongs to another, by means of fraudulent conduct, practices or representations.

F. Embezzlement

Embezzlement consists of the embezzling or converting to his own use of anything of value, with which he has been entrusted, with fraudulent intent to deprive the owner thereof.

G. Vandalism

Any willful act that defaces, breaks, disables, or destroys any property not belonging to that person.

H. Unauthorized Possession of School Property

Students are not to be in possession of keys to any room or campus office, except for their assigned room in the residence lodge or mailbox key. Other prohibited items include cafeteria utensils, maintenance tools, equipment or other Haskell property.

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 regardless

of race, gender, national origin, tribal affiliation, religion, disability, or sexual orientation. Indicators of harassment include but are not limited to:

- Any action or communication that would cause a reasonable person to fear for his/her safety.
- Any action or communication that causes any reasonable person harm or distress.
- Any repeated attempt to make contact with anyone over his or her objections.
- Intentionally, maliciously, and repeatedly following another person on campus.
- 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.
- 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.

Sexual Discrimination

Includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual Harassment

Involves unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any Haskell employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any Haskell employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator.

1. Hostile Environment: Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;
- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- Whether the speech or conduct deserves constitutional protections.

2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.

- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.

Sexual Violence

Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

1. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
2. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
 - a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
4. Dating violence is violence between individuals in the following circumstances:
The party is or has been in a social relationship of a romantic or intimate nature with the victim; and

- The existence of such a relationship shall be determined based on a consideration of the following factors:
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship
5. Domestic Violence under Haskell policy means violence committed by a current or former spouse of the victim;
- A person with whom the victim shares a child in common;
 - A person who is cohabitating with or has cohabitated with the victim as a spouse;
 - A person similarly situated to a spouse of the victim under Kansas domestic or family violence laws;
 - Any other person against an adult or youth victim who is protected from that person's acts under Kansas domestic or family violence laws.

Stalking

To intentionally, maliciously, repeatedly follow or harass another person in person, by correspondence, or by electronic means.

Lewd, Indecent, or Inappropriate Public Behavior

Acts, words, or gestures which cause anger, shock, embarrassment or humiliation, including electronic communication is prohibited. Included is the excessive public display of affection.

Fire Safety

A. Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, building, motor vehicle, personal property of another, etc.

B. Activating and/or Tampering with a Safety Device

Any willful attempt to block, hinder, or disable or activate a safety device, or use without just cause, such as fire alarms, smoke detectors, fire extinguisher, fire escape route, or any other safety device. Objects are not to be placed with-in 24-inches (2-foot) of a fire suppression device.

C. Burning of Material, Use of Tobacco, and Fireworks

Burning of any material in the residence lodge is strictly prohibited as it may endanger the health and the safety of occupants.

Burning of material means either open flame or smoldering material such as candles, medicinal plants and herbs, cigarettes or pipes containing tobacco or illegal substances, except when authorized by the Director of Housing, or designee, under Haskell's Smudging policy. Please see the Residential Housing Student Handbook for more information. Smoking of tobacco products on campus is allowed only outside of each building, except within 25-feet of entrances and ventilation air intake systems. Fireworks, of any type, are prohibited from use and/or storage on Haskell campus at all times.

D. Opening Exit Doors

Opening an exit door to admit persons or keeping an exit door propped open for any reason, other than emergency, will be in violation of this policy.

At no time will any type of furniture or other item be placed within 24-inches (2-feet) of an automatic sprinkler head used for fire suppression. Students may be held financially liable for any damage caused by the movement of furniture or other object, with or without prior authorization.

Hazing

Hazing constitutes doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

Residential Hall Policies

This is not an all-inclusive list. Please refer to the Residential Housing Student Handbook for more detailed information.

A. Unauthorized Visitation

Bringing or allowing into the residence lodge unauthorized person in a restricted areas of the residential hall, such as a member of the opposite sex in the living areas of the hall or allowing visitors to remain in the unauthorized areas past visiting hours.

B. In the Private Living Area of the Opposite Sex

Being anywhere in the private living areas of the opposite sex. This includes dorm rooms, showers, restrooms, windows, and dorm wing hallways.

C. Failure to Maintain a Clean Room or Failure to Clean Assigned Area Students residing in the Haskell residential halls that fail to maintain a neat and clean room and/or are assigned to clean an area and fail to do so, or properly complete the assignment, will be in violation of this policy. Repeated violations will result in suspension of housing privileges.

D. Gambling

All gambling is prohibited on Haskell campus.

E. Littering

Leaving trash or litter on campus except in appropriate receptacles. Residents who place their room trash in hall waste receptacles instead of the dumpster are in violation of this article.

F. Excessive Noise

Quiet hours are observed starting 10:00 p.m. to 8:00 a.m. All those making loud, excessive, obnoxious, repeated, or unnecessary noise, which interferes with the rights of those who want to sleep, study, or relax, even if outside the posted quiet hours are considered in violation of this article.

G. Failure to Identify and/or Give False Identity

At all times Haskell students are required to visibly display their Haskell Student Identification cards while on the Haskell Campus. Students are required to show identification upon demand, or when entering/exiting the campus.

Failure to visibly display their Haskell Student Identification Card; being in possession of another person's Haskell student Identification Card; allowing someone else to use your Haskell Student Identification Card and refusing to provide your name or providing a false

name, are all violations of this policy. Persons refusing or unable to provide suitable identification may be detained by Haskell employees until their identification can be satisfactorily verified by law enforcement authorities.

Trespassing

Entering on or loitering in unauthorized areas on campus is a violation of this policy. Students that have been suspended from the residential halls are not allowed in either residential areas including balconies, patios, windows, exit doors, or all other areas immediately adjacent to the dorm. Students that have been expelled from Haskell are in violation of a current Emergency Suspension (any levels), Notice to Vacate, or are on the ineligible for housing master list.

Cooperation with Haskell Employees

Any attempt to misdirect, delay, misinform, hinder, or obstruct in any way Haskell staff in the performance of their duties will be in violation of this article.

Cooperation with Haskell Students

Any attempt to misdirect, delay, misinform, hinder, or obstruct in any way Haskell students in the right to gaining an education will be in violation of this article.

Harboring

Harboring a person, such as a student who has been suspended from the dormitories or former student expelled from Haskell, or other person who has been evicted/ banned for disciplinary reasons from the campus.

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 in a formal disciplinary proceeding pursuant to 25 C.F.R. 42.8:

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 42.7 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 have produced witnesses on the student's behalf and to confront and examine all witnesses.
5. **Records.** The right to the minutes and record of all disciplinary proceedings (including appeal hearings) 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.

D. Restorative Justice

Haskell may offer another alternative to addressing a student violation using the Restorative Justice model. This model focuses on understanding and repairing the harms created by inappropriate conduct. The Student Rights Specialist and the Dean of Students can determine if the Restorative Justice model will work in situations, and will be dealt with on a case by case basis.

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

- the act requires immediate removal or emergency suspension.
- **OR**
- all parties do not agree to using an ADR process.

E. 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 based on preponderance of the the evidence. 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.

F. 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, Pushmataha Hall, no later than 12:00pm noon 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 as an advocate at 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, an Alternative Dispute Resolution Board or a Restorative Justice Conference.
12. The decision of the Student Conduct Committee is final and there are no additional appeal rights to pursue.

G. 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 (or student paid attorney) 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.

H. Personal Safety during the Student Conduct Process (Affected Person's Rights)(25 C.F.R. 42.9)

In formal disciplinary proceedings, each school must consider affected person's rights when appropriate.

- (a) The affected person's rights may include a right to:
 - (1) Participate in disciplinary proceedings either in writing or in person;
 - (2) Provide a statement concerning the impact of the incident on the affected person;and
 - (3) Have the outcome explained to the affected person and to his or her parents or guardian by a school official, consistent with confidentiality.
- (b) For the purposes of this part, the affected person is the actual affected person, not his or her parents or guardians.

The decision maker may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, 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. Students should contact the Title IX Coordinator Tonia Salvini at Pushmataha Hall for a listing of affected person's rights.

I. Major/Minor Violations

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

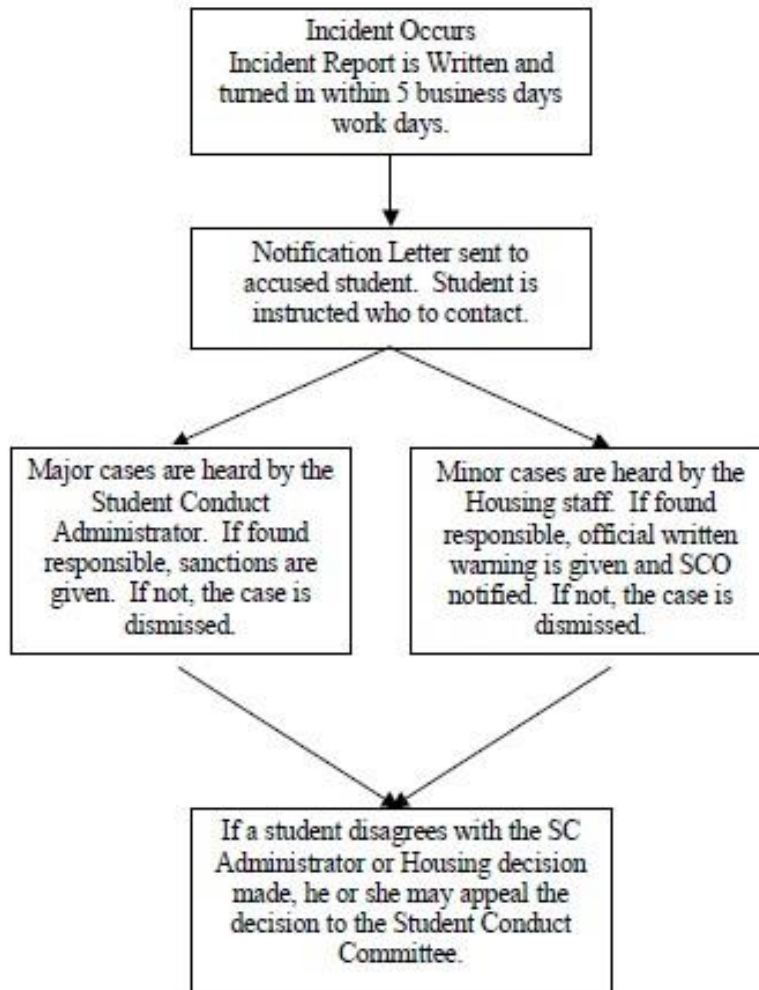
- Substance Abuse pg. 17
- Weapons pg. 18
- Haskell Property pg. 18
- Haskell Policy, State, and Local Laws pg. 17
- Intimidation pg. 17
- Violence pg. 17
- Harassment pg. 19-20
- Sexual Misconduct pg. 19
- Fire Safety pg. 20
- Haskell Property pg. 18
- Cooperation with Haskell employee pg. 21
- Cooperation with Students pg. 22

Minor Violations - Minor violations will be documented by the Housing staff. - Residential Halls Violations (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 Student Notification warning is presented to the student. A copy is forwarded on to the College Resident Assistant Supervisor.
- Second offense- \$25.00 fine and 10 hours community service (In order for a violation to be considered at 2nd offense, the staff must include a copy of the first offense notification along with the incident report)
- Third offense- eviction

Haskell University Conduct Flow Chart



J. 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 Connection Activities:** Community Connection hours will be assigned to help the student to repair harm done through his or her actions, but more importantly will help the student find better connections to help the student be successful at Haskell. The Student Conduct Administrator will assign the specific location where hours are to be completed and specify a date by which the community connection 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.

K. 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. The forms for the Emergency suspension can be found on the website under the Student Conduct Office. There are three levels of Emergency Suspension. Please refer to page 94 for more information.

The emergency suspension 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 emergency suspension, 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.

L. 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.

M. 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, and is designed to be a learning experience for students to help them be successful in their educational endeavor.

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 that resulted in arrest.
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 Rights in regards to the diversion 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 during that initial conference the diversion agreement can proceed

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 Rights, 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. For more information please turn to page 37.

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 Online Curriculum by Vector Solutions, Developing Caring Communities Committed to Action (DCCCA) 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 request a diversion, and have that request granted in order to secure it as an option. The Student Conduct Administrator will review and make a determination to approve, or deny. Failure to complete the sanctions outlined in the diversion contract can result in eviction from housing, a notice-to vacate being issued, or other consequence deemed appropriate.

IV. Substance Abuse

A. Standards of Conduct

Haskell's substance abuse policy prohibits the 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 the 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. In some cases, violations of the code of conduct for medical reasons could be removed from the record.

C. Sanctions for Violation of the Substance Abuse Policy

1. First Violation:

- Student can participate in a Diversion Program in order to maintain housing. The Diversion Program includes a fine, community service hours and/or an alcohol assessment program.
- 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.
- Any time a student is found in violation of the Substance Abuse Policy, he/she will lose their housing privilege. However, a student may appeal the loss of housing on their first violation only. 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: This sanction is mandatory; however a student may appeal to the appellate board for review. The Student will receive an order that includes the items below:

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 privilege to Curtis Hall.
- 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 Appellate Board 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.

D. Medical Amnesty

The Medical Amnesty Program (MAP) represents the Haskell's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or drug-related emergency. Every student, as a part of the Haskell community, has a responsibility for caring for self and others. In alcohol or drug related incidents, the primary concern of the University is the well-being, health, and safety of students.

Haskell has an obligation to make mandatory administrative referrals of students for incidents related to alcohol and other drug-related emergencies. The potential for student conduct action by the University against the student in need of medical attention and/or the student reporting the incident may act as a barrier to students getting the immediate medical attention they need. In order to alleviate the behavioral consequences associated with these alcohol and other drug-related emergencies, and increase the likelihood that students will get the medical attention they need, Haskell has developed a Medical Amnesty Program. This policy applies to all students who call on behalf of themselves or another student in need of immediate medical assistance including being transported by EMS.

In order to receive Medical Amnesty, students must use the policy proactively. This means that students must take the initiative to get assistance and that asking for medical amnesty after being confronted for possible alcohol or drug policy violations will not result in application of MAP.

If a student calls on behalf of another student, he or she is **REQUIRED** to remain with the student experiencing the medical emergency until medical personnel arrive.

Medical amnesty applies only to possession or consumption of alcohol and drugs. In addition, the policy does not prevent action by police or other law enforcement personnel.

Frequently Asked Questions about the Medical Amnesty Program

Why do we have a Medical Amnesty Program?

At Haskell, the health and safety of every student is of primary importance and all students are strongly encouraged to be empowered bystanders who respond in a potentially dangerous situation without fear of reprisal from Haskell. Haskell supports students who act responsibly by reaching out for assistance in the case of a medical emergency, as well as supports the student who is helped. A student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in the Substance Abuse Policy. This rule applies to emergencies both on and off campus.

A student is eligible to use the Medical Amnesty Program on more than one occasion and students are always strongly encouraged to report a medical emergency. The positive impact of reporting a medical emergency will always hold the highest priority when determining the appropriate response for Haskell policy violations. In a situation where there are repeated violations, Haskell reserves the right to take disciplinary action on a case by case basis.

Because parents are vital partners in the educational process and because the student can be best supported from home, Haskell typically contacts parents of students under 21 years of age in instances where there is evidence of risk to health, welfare or safety. In addition, the University reserves the right to record names of those students involved to enable the University to follow up with the students as deemed necessary to ensure a student's well-being.

A student who receives medical assistance for alcohol use under the Medical Amnesty Program will be referred by the Student Conduct Office or their representative to a mandatory intervention program, such as the Red Road Program at the University Counseling Center. Additionally, a student who qualifies for the Medical Amnesty Program by calling for medical assistance for another student may be referred to this program at the discretion of the Student Conduct Office.

Frequently Asked Questions

Q. What if I am underage and drunk when I call for help for a friend?

A. In this situation, emergency personnel might want to ask you a few questions about how much the sick person had to drink or if they mixed the alcohol with any other drugs, for example. This

information will be critical to helping your friend. In such a case, Haskell will not refer you or the person you called for an alcohol violation.

Q. Will my name be recorded if I call for help for my friend?

A. In most situations, if you are level-headed enough to call for help and you are not showing signs of alcohol or other drug overdose, emergency personnel will thank you for your assistance and simply help your friend.

Q. How will anyone know I was the one who called for help?

A. In most cases, a professional staff members from Residential Halls will know that you called for help. If they do not know, you can simply inform them of your role in helping your friend or yourself.

Q. Does the Medical Amnesty Program apply if I call for help for myself?

A. Yes

Q. Does Haskell contact my parents if I am transported to the hospital?

A. Haskell does not automatically contact your parents when you are transported to the hospital. However, your parents would eventually be notified by mail if you are under 21 and had a hospital transport for alcohol or drug use.

Q. What happens if I am transported to the hospital for the second time – does the Medical Amnesty Program apply?

A. While the main concern is the health and safety of every student, a pattern of behavior for hospital transports will require a staff member to review the situation and follow up using professional judgment for each individual situation.

Q. What should I do if a friend is showing signs of alcohol poisoning or overdose?

A. Remember to **Check**, **Call** and **Care**. Alcohol overdose can be scary, but getting help is not.

CHECK: Watch out for your friends throughout the night. Encourage healthy choices. If someone you know has consumed too much alcohol, check for signs of overdose.

CALL: If you discover any one of the above problems, call for medical help immediately. Call 911. The above indicators of alcohol overdose are very serious and time is of the essence. If you are unsure and are on campus, call Haskell Security at 785-760-6192.

CARE: Continually talk to the person and monitor their skin color, temperature and breathing. Turn and keep the person on his/her left side as this will help to keep the person from choking should they vomit. Wait with your friend until help arrives; never leave a sick friend alone.

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 Level I Violence Diversion Program in order to maintain housing, if the incident does not warrant intervention to keep the campus safe.
- A student who does not participate in a Level I 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.
- Any time a student is found in violation of the Violence Policy, he/she will lose their housing privilege. However, 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: This sanction is mandatory; however a student may appeal to the appellate board for review.

The Student will receive an order that includes the items below:

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 use of Curtis Hall.
- Loss of Good Social Standing.
- Requirement to complete a Mental Health Assessment and Treatment Plan.
- Fine
- Community Service Hours

3. Third Violation:

- Referral to Student Appellate Board 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

Purpose

This policy informs all prospective students, current students, and all Haskell Indian Nations University (Haskell) employees of college policies and procedures regarding sex discrimination and sexual harassment to which all students, members of the faculty, and non-faculty personnel are expected to adhere during their time at Haskell. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

Haskell Indian Nations University will address all incidents of sex discrimination and sexual harassment reported to the Haskell Title IX Coordinator in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

Scope

Haskell must respond when sex discrimination and harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the discrimination or harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the Haskell Title IX Coordinator identified in this policy which covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where Haskell has control over the respondent or the context of the harassment.

Haskell Indian Nations University encourages victims of sexual harassment to talk with a counselor. Different individuals within the scope of Haskell's resources (Haskell Health Center, Lawrence Memorial Hospital, Willow Domestic Violence Women's Shelter, Sexual Trauma and Care Center) have different abilities to maintain a victim's confidentiality.

- Haskell Health Center Counselors are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Willow Domestic Violence Center and Sexual Assault and Care Center of Lawrence, Kansas Employees may talk to a victim in confidence, and generally only report to

Haskell that an incident occurred without revealing any personally identifying information. Disclosures to these employees most likely will not trigger a University investigation into an incident against the complainant's wishes.

- Haskell Employees, including Haskell Counseling Center employees are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to Haskell employees (called "Campus Security Authorities") constitutes a report to the Haskell Title IX Coordinator and places Haskell on notice to take appropriate steps to address the situation.

Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent. This policy also applies to retaliation by Haskell or any person against any other person when for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

Assistance Following an Incident of Sexual Harassment

- **Immediate Assistance:**
Persons who have complaints of sexual harassment may file their complaints with the Acting Title IX Coordinator (Danelle McKinney) located in the Pushmataha Administration Building, 2425 Barker Avenue, Lawrence, KS, phone number 785-749-8415, or email dmckinney@haskell.edu.

Victims of a sexual violence should get to a place of safety and call Haskell Security at 785-760-6192 or 911. Students should obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Kansas law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

COMPLAINANT OR WITNESS: CALL HASKELL SECURITY (785-760-6192) FOR IMMEDIATE ASSISTANCE.

- **Ongoing Assistance:**
In order to ensure the safety and well-being of the complainant, Haskell Indian Nations University may take interim measures such as changing living arrangements, work schedules, academic schedules, addressing transportation issues, withdraw

from/retake a class without penalty, and access academic support (e.g., tutoring), leaves of absence, campus escort services, or similar measures. In addition, while an investigation is pending Haskell may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

Haskell does offer limited internal counseling options, but law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through Haskell Health Center at 785-843-3750, Willow Domestic Violence Women’s Shelter at 785-843-3333, Sexual Trauma and Abuse Care Center of Lawrence at 785-843-8985. Haskell Title IX Coordinator or Haskell Counseling Center will assist any interested person in contacting these agencies.

- Additional Support Services:
National Domestic Violence Hotline - 1-800-799-7233 (SAFE)
Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)
Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)
Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)

Title IX Coordinator and Staff

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating Haskell’s compliance efforts, receiving complaints, referring investigations to our contracted investigators, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Acting Title IX Coordinator (Danelle McKinney) located in the Pushmataha Administration Building, 2425 Barker Avenue, Lawrence, KS, phone number 785-749-8415, or email dmckinney@haskell.edu.
- Title IX Assistants have the secondary responsibility and assist in the duties of the Title IX Coordinator. Title IX Assistants are located throughout campus, but can be obtained by the Title IX Coordinator in the Pushmataha Administration Building, 2425 Barker Avenue, Lawrence, KS, phone number 785-749-8415, or email dmckinney@haskell.edu.
- Title IX Investigators are contracted by independent agencies. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Officer may include a Haskell administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Member may include Haskell faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each hearing member will evaluate the information being provided by both parties to make

a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

Definitions

Haskell Indian Nations University defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect. Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Offenses prohibited under Haskell's policy include, but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

A. **Sex Discrimination:** includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. **Sexual Harassment:** is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any Haskell employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any Haskell employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator.

1. **Hostile Environment:** Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;
- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;

- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- Whether the speech or conduct deserves constitutional protections.

2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.
- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.

C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

1. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.

2. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

4. Dating violence is violence between individuals in the following circumstances: The party is or has been in a social relationship of a romantic or intimate nature with the victim; and

- The existence of such a relationship shall be determined based on a consideration of the following factors:
- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship

5. Domestic Violence under Haskell policy means violence committed by a current or former spouse of the victim;

- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under Kansas domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under Kansas domestic or family violence laws.

D.Advisor: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a Haskell faculty or staff member, a friend or an attorney.

E.Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

F. Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

G. Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the

allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.

- H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Consent

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent.
Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication or drugs consumed,
- Imbalance or stumbling,
- Slurred speech,
- Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
- Mental disability or incapacity.

- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

Procedure

Haskell Indian Nations University seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, Haskell condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Notice of a sex discrimination or sexual harassment incident to the Haskell Title IX Coordinator charges Haskell with actual knowledge and triggers Haskell's response obligations as described in the institutional action section.

Reporting

A. Mandatory Reporting

All Haskell employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All Haskell employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

B. Confidential Reporting

Resources are available through Haskell Health Center to speak with any licensed counselor who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, Haskell should be made aware of possible threats to the campus community in order to issue timely warnings. These reports are made through the Title IX Coordinator or the Haskell Clery Compliance Committee

C. Reporting to the Police

Haskell strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, University disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to Haskell Security at 785-760-6192. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Know that the information you report can be helpful in supporting other reports and/or preventing further incidents.

- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, Haskell also strongly encourages reporting any instances to the police.

- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.

D. Reporting of Student Instances

Students shall report any instances of sex discrimination or sexual harassment to any Haskell employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the Haskell investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

Haskell will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, Haskell will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. Haskell will provide the complainant with any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

Written Notice of Complaint

Upon receipt of a formal complaint, Haskell will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and

e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct and subject to disciplinary action.

Investigation

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions Haskell will take. The burden of gathering evidence and burden of proof must remain on Haskell and the investigators, not on the parties.

An investigation will be conducted by an independent contractor that specializes in Title IX. This investigation will include:

- Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),
- Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The investigation process will vary, depending the severity of the case. When investigating a complaint and throughout the complaint grievance process, Haskell must: (1) ensure that the burden of proof and of gathering evidence rests on Haskell and investigators rather than the parties; (2) provide an equal opportunity for the parties to present witnesses and evidence (3) not restrict either party's ability to discuss the allegations or gather and present evidence; (4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor; (5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate; (6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and (7) prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility. Haskell will determine if a Title IX hearing is necessary.

If it is determined that Haskell will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

Mandatory or Permissive Dismissal

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) did not occur in Haskell's program or activity; (2) did not

constitute sexual harassment as defined; or (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; or (2) the respondent is no longer enrolled or employed by Haskell; or (3) specific circumstances prevent Haskell from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

Haskell may still address allegations of misconduct under the Student Code of Conduct. Other actions to mitigate any risks may also be considered and implemented as needed.

Haskell Officers and Designees

The designation of a Haskell official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy.

Institutional Action

A. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory, but will only take place with the consent of both parties involved. Mediation may only be used:

1. Prior to a Notice of hearing being issued;
2. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
3. When the complaint does not involve sexual violence as defined in the Title IX Policy.
4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
5. Mediation is not available when the complaint alleges a Haskell employee harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

B. Title IX Hearing

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that Haskell will proceed with a hearing, the

complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

The hearing members shall include at least one trauma-trained individual in sex discrimination or sexual harassment adjudication to include a trained Title IX Officer as the hearing officer and three members of faculty and staff as hearing members. The Title IX Coordinator will make the selection of the hearing members. Criteria for the hearing committee will include: 1) have received all appropriate training, 2) not be a current instructor of either party involved, 3) have no previous substantive or direct knowledge of the incident, and 4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

Description of the duties of the Title IX Hearing Members will include but not limited to the following:

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the Haskell Title IX Policy.
- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide Haskell with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, Haskell's attorney (or designated administrator) will also be present for the hearing);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;

- Written notification of an avenue for appeal.

Respondent's Rights:

- Be given written notice of the allegations and the hearing process ;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide Haskell with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, Haskell's attorney (or designated administrator) will also be present for the hearing); Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations, if situations, if reasonable;
- Written notification of an avenue for appeal.

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to have an advisor accompany the student throughout the disciplinary hearing. Students should provide CMN with the name and contact information for the Student's advisor at least 3 days prior to the hearing. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing, which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in Haskell Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate hearing mode.

Prevention and Education

A. Education

Haskell requires all employees to take the following educational- training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

B. Bystander Intervention

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g. “help me out of here; I don’t feel well”)
- Distract the perpetrator (e.g. “looks like your car is being towed”)
- Delegate to a person of authority (e.g. if at a nightclub let the bartender/bouncer know of the situation)
- Direct, confront the perpetrator (e.g. “don’t speak to him/her in that manner; you are going to get yourself into trouble”)

C. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends or colleagues and ask that they take care of you.

D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don’t abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Training

Training on sexual misconduct: discrimination, harassment, and violence is included in Haskell’s education program. EVERFI is one of Haskell’s online training system available for all students, staff and faculty members.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person training is neither practical nor safe, alternative modes of training shall be utilized.

Mandatory training for employees will be provided through In-person training on sexual misconduct: discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating employees.

Available Resources to all of the Haskell community:

Retaliation

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, sponsor coach, or other individual complains formally or informally about sexual harassment or participates in an OCR or school's investigation or proceedings related to sexual harassment, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with Haskell, engage in retaliatory activities will also be subject to Haskell's policies insofar as they are applicable to third party actions.

Haskell will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal. If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Emergency Suspension Level 3– If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from Haskell Indian Nations University are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period

of suspension, unless otherwise directed by the President of Haskell. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees are not applicable per Haskell Code of Conduct.

Free Speech and Academic Freedom

Members of the Haskell community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the Haskell community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

Availability of other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, members of the Haskell community may also file complaints with the following entities regardlessirrespective of whether they choose to file a complaint under this procedure:

Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Email: OCR@ed.gov

Office of Civil Rights:
Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;
Washington D.C.: OCR@ed.gov 1-800-421-3481

Sanctions and Notifications

Outcome

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of the student(s) found responsible.

- Social Probation – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent Haskell Indian Nations University, or denial of participation in extracurricular activities. Haskell can also impose that further violations of regulations will subject him/her to suspension or expulsion from the University.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Emergency Suspension Level 1 – If applicable and warranted by the severity of the incident, student may be able to retain housing for a specific period of time. This includes sign-in times with the residential housing program and can also limit areas of the campus that will not be accessible for the student.
- Emergency Suspension Level 2 – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Emergency Suspension Level 3– If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from Haskell Indian Nations University are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the President of Haskell. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees are not applicable per Haskell Code of Conduct.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees are not applicable per Haskell Code of Conduct. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Social Probation – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent Haskell Indian Nations University, or denial of participation in extracurricular activities. Haskell can also impose that further violations of regulations will subject him/her to suspension or expulsion from the University.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Emergency Suspension Level 1 – If applicable and warranted by the severity of the incident, student may be able to retain housing for a specific period of time. This includes sign-in times with the residential housing program and can also limit areas of the campus that will not be accessible for the student.

- Emergency Suspension Level 2 – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Emergency Suspension Level 3– If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from Haskell Indian Nations University are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the President of Haskell. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees are not applicable per Haskell Code of Conduct.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees are not applicable per Haskell Code of Conduct. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees are not applicable per Haskell Code of Conduct. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

Appeals and Deadlines

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from Haskell to the student(s) found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

A. Appeals must be submitted in writing to the Dean of Students/Student Appellate Board within five (5) Haskell Indian Nations University working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):

1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.

3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.

4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with Haskell procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

C. The Dean of Students/Appellate Board will review the record of the original hearing, including documentary evidence. It is the Student Appellate Board's discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was "insufficient" to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice did occur, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee's decision to the Dean of Students/Student Appellate Board and the procedures set out above shall control the appeal.

D. The final decision will be communicated in writing by the Dean of Students/Student Appellate Board to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.

F. The decision of the Student Appellate Board on appeal shall be final.

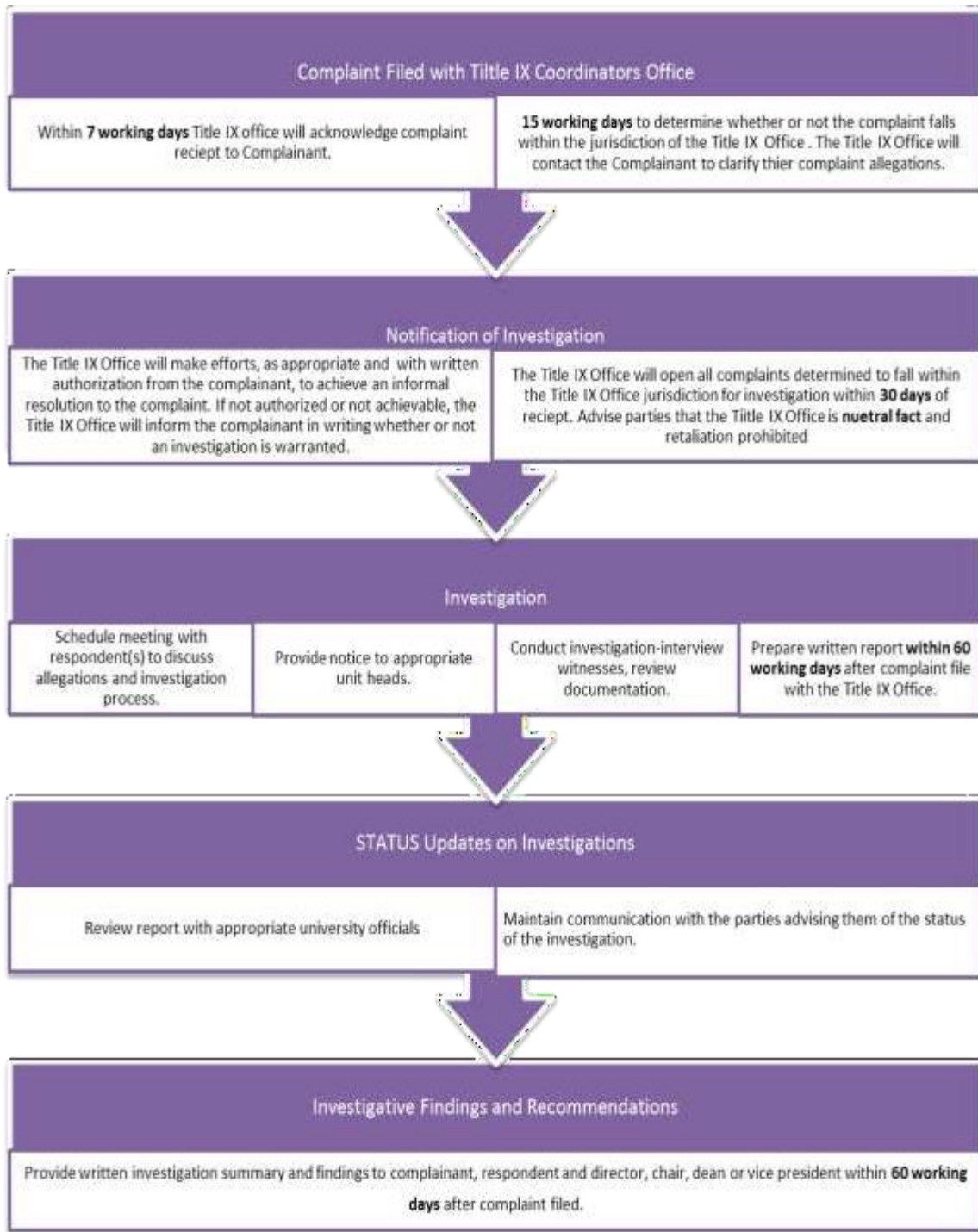
Recordkeeping Authority and Designation

Haskell Indian Nations University will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. Haskell Title IX Office will maintain a secured physical and/or electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of Haskell's final action or decision (whether through report of the investigation, mediation, or hearing). The confidential reporting of the number of incidents and types will be sent to the Haskell Clery Compliance Committee for the preparation of the Annual Crimes Report.

HASKELL INDIAN NATIONS UNIVERSITY

Title IX Coordinator's Office

COMPLAINT PROCEDURE



VII. Fire Safety

A. MAJOR VIOLATIONS

1. Fire Protection Equipment – Fire extinguishers, 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/or 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, e-cigarettes 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 skillet, heaters, air fresheners (“Sensies”), etc. Any items confiscated WILL NOT be returned. **BLOW TORCHES (regardless of size) is STRICTLY prohibited. Any violation will result in Emergency Suspension Level 2 minimum with a minimum fine of \$100.** 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 non-law enforcement 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 reasonable suspicion 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 room check (every two weeks), 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 Reasonable suspicion of Violation of the Code of Student Conduct: Residential Hall staff and other Haskell officials have authority to search a room when there is **reasonable suspicion that** a violation of the Code of Student Conduct has occurred and there is reasonable suspicion that evidence of the violation will be found in the room. Reasonable suspicion: A school official must have specific and articulable facts or inference, obtained from either personal observation or a reliable informant, that leads him/her to conclude – based on his/her experience the totality of the circumstances – that the search will lead to a discover of a violation of the Student Code of Conduct.

1. Residential Hall staff and other Haskell officials shall use prudent judgment to determine if non-law enforcement staff 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 reasonable suspicion Search for Lost or Stolen Property:

If there is reasonable suspicion 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 Reasonable suspicion 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 non-law enforcement 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 contraband 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 is reasonable suspicion 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 **not** reasonable suspicion:
 - 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 reasonable suspicion:
 - 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 not reasonable suspicion, 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, Including NERF guns or other weapons (knives, arrows, etc.)
- Oil popcorn poppers
- Flammable liquids and chemicals
- Cut Christmas trees or boughs
- Extension cords
- Firearms and fireworks
- Hookahs
- Blow torches (IMMEDIATE removal from Housing)

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 with

residential hall staff to ensure 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. **NOTE:** Emotional Support Animals (ESA) MUST BE PRE-APPROVED with documentation from the ADA Coordinator. Any violation of the Emotional Support Animal (ESA) policy will result in immediate loss of housing.

- 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 (including e-cigarettes and other vapor products) 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.
- 19. Harboring:** Harboring a person, such as a current student or a student who has been suspended from the dormitories or even a former student expelled from Haskell, or other person who has been evicted/barred for disciplinary reasons is prohibited.

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 2015 IDs will be valid from Fall 2015-Spring 2019.

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:

In the interest of better serving students, Haskell has established and published a Student Grievance Process whereby students can be assured a prompt, impartial and fair hearing of their complaints. More specifically, a complaint is a written concern or formal charge of dissatisfaction with a person, service, or process that requires clarification, investigation, and resolution. If a student has attempted to work out an issue or problem by first discussing it with those most involved [individual(s) and/or office(s)] in a calm and honest way, but continues to feel that the issue or problem continues to exist, then the student may submit a written complaint to the supervisor of the various departments where the issue or concern took place.

The grievance can be submitted during normal operation hours (7:45am- 4:30pm M-F) within five (5) business days from the date of the occurrence or matter. The complaint shall be routed to the appropriate official for review and response within five (5) business days in receipt of the complaint. The official-within the department- to whom the complaint was forwarded to review and address, will submit a response to the person who wrote the complaint within five (5) business days in receipt of the complaint. A student may pick up a copy of the Student Complaint Policy and Procedures and a copy of the Student Complaint form on the Haskell website under University Services or in the Office of Student Rights.

For questions or additional information contact the Student Conduct office at (785)749-8415. Haskell will not allow any form of retaliation against individuals who file a complaint to Haskell management, or who cooperate in the investigation of such reports. To the extent possible, the confidentiality of the reports will be maintained.

SPECIAL NOTE: Conversely, sometimes Haskell students find they are particularly pleased with how something has been handled for them, how they were assisted by a particular staff member, the positive experience they had in a specific class, or some other outstanding thing that happened to them at Haskell. As a student you should know that you are also encouraged to submit a written compliment or note of appreciation through the Vice President of University Services.

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- Tommaney Library
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 Pushmataha Hall. The Director of the Counseling Center (Director of Student Services in Pushmataha Hall is currently acting in this position) receives concerns about the counseling programs, services or staff.

Dean of Students

This office is located at Pushmataha Hall. The Dean of Student Services receives concerns about the Housing Program, Counseling Center, Student Rights and Conduct, Recreation, Little Nations, and Haskell Campus Shop.

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.

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 Pushmataha 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 785-830-2753. This office receives concerns not resolved by: Admissions Office, Financial Aid Office, Food Services, Haskell Security and Registrar.

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 785-749-8497. The President's Office receives concerns not resolved by the University Services, Division of Academic Affairs, Director of Athletics, Administrative Services, or Facilities Management.

Title IX Office (Sexual Harassment and Sexual Violence)

Acting Title IX Coordinator Danelle McKinney is located in Pushmataha hall, 785-749-8415. Students can file a complaint and talk with the Title IX Coordinator about concerns involving sexual harassment, sexual assault, and domestic violence.

Office of Civil Rights, Public Civil Rights, Washington, DC

No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or tribal affiliation, status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a federally conducted education or training program or activity. (Executive Order 13160)

If a student believes he or she has been discriminated against because of a violation of Executive Order 13160, he or she may, personally or through a representative, file a written complaint with the Public Civil Rights Office, U.S. Department of the Interior, 1849 C. Street, NW Washington, DC 20240. All written complaints must cite EO 13160, include the complainant's name, address, and phone number, and must describe the alleged discriminatory conduct in sufficient detail to inform the Civil Rights Office as to the nature and approximate date of the alleged violation.

Department of Interior, 1849 C. Street, NW Washington, DC, 20240 (Sloan Farrell,
Director, Public Civil Rights 202-208-3455)

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 Appeals Committee for Hearings**” means a group of persons authorized by the Student Conduct Administrator to determine appeals after initial adjudication. The Student Appeals Committee can 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 in situations where the Student Conduct Administrator is unable to do so. The Student Appeals 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 initial adjudication of violations of the Code of Student Conduct. The Student Conduct Administrator is 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 “**Affected Person or Parties**” 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 an affected person of another student's misconduct, the student who believes s/he has been an affected person 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 “**Respondent**” 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 Appeals 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 or campus violence 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 INFORMATION** – 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. REASONABLE SUSPICION** - : A school official must have specific and articulable facts or inference, obtained from either personal observation or a reliable informant, that leads him/her to conclude – based on his/her experience the totality of the circumstances – that the search will lead to a discover of a violation of the Student Code of Conduct.
- 40. 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.
- 41. 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.
- 42. 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 use of Curtis Hall. Charges for the food service program will not be refunded.
 - 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 Clery 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 / Campus SaVE 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. The Campus SaVE Act is designed for Sexual Violence Elimination on our campus.

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 5/20/2021.

XII. Forms

Incident Report Form

Anyone can report an incident, whether it be a crime, a violation of student conduct, documenting a positive COVID-19 or Monkeypox case, a mental health incident, or even a medical injury. This will assist the team with a proper delegation and response to those incidents that need special attention.

Please go to this address to file online:

https://forms.office.com/Pages/ShareFormPage.aspx?id=WmbPisNmeUyeI9tOx_SR3B29xW2DsJVdsBv8rhhS5qBUMlhXTTNKRTVWNE9FMIRaUTNXRINMTEFaSy4u&sharetoken=fO7jGPK1H9OZTAvmq4de

You can also scan the code to report an incident on your phone.

If you have any questions or concerns regarding the incident report form, please contact the Student Conduct Office at 7858-749-8415. Everything we can do to report incidents will go a long way to keeping our campus safe.

Haskell Indian Nations University
NOTICE TO VACATE FORM (sample)

TO:

FROM: Name, Student Conduct Administrator

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:

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 connection before you can apply for re-entry into the residential hall.

Student Conduct Administrator

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

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: _____

**HASKELL INDIAN NATIONS UNIVERSITY
EMERGENCY SUSPENSION NOTIFICATION**

TO: _____ Student

FROM: _____ Student Conduct Administrator

RE: **EMERGENCY SUSPENSION**

DATE: _____

The following is to inform you that you are hereby placed on temporary emergency suspension as outlined in 25 CFR 42.7 Due Process and the Haskell Code of Conduct. The facts that support your placement on Emergency Suspension, which we believe are creating an immediate danger of risk to the campus community or yourself are:

The conditions of your Emergency Suspension are:

_____ **Level 1** – Emergency Suspension (in-house) where student is confined to their residential hall but, may attend classes, use the library and go to the dining room. Visitation privileges are suspended and student is not allowed to attend any activities on-campus until suspension status is withdrawn. Must sign in as scheduled by residential hall staff. NOTE: Student may or may not be moved to another room or even building in cases of violence.

_____ **Level 2** – Emergency suspension where student must be out of residential hall room, but still can attend classes, eat meals, use the library and be on the Haskell grounds for other school related purposes.

_____ **Level 3** – Emergency suspension where the student **MUST BE OFF CAMPUS COMPLETELY**; they cannot eat meals, attend classes, use the library or be on the Haskell grounds for any reason.

Any violations of the above will automatically result in an off campus suspension. If you come back on campus during your emergency suspension at times that you are not supposed to be here, you may be prosecuted for criminal trespassing under Kansas Law KSA 21-3721.

You will remain on suspension until such time as you are offered a hearing. This will require a conference with the Student Conduct Administrator. A mutual agreement will be reached by the Housing Director and the Student Conduct Administrator for lifting of the Emergency Suspension or for placing conditions for on campus housing privileges.

Please check your campus mailbox daily for a notice from the Student Conduct Office regarding a disciplinary conference. If you are on a Level 3 suspension, you may make contact with the Student Conduct Office by calling 785-749-8415 for an appointment.

Student Conduct Administrator
Revised 08/2015

Date

Student Signature

Date

**Haskell Indian Nations University
CODE OF STUDENT CONDUCT FORM**

The Haskell Indian Nations University Code of Student Conduct emphasizes each student's individual responsibility for maintaining behavior while attending and representing the university. These are guidelines based on regulations and laws of the State of Kansas, ordinances of the City of Lawrence, and regulations found in the **Haskell Code of Student Conduct**. **Knowledge of these regulations, laws, ordinances, and Haskell Code of Student Conduct are the responsibility of the individual student.**

Students found in violation of the Substance Abuse policy related to being intoxicated, possession and/or transportation and trafficking of alcohol or illegal drugs risk the loss of residential housing and/or suspension or expulsion. The university will inform parents/guardians of students under the age of 21 of incidents involving substance abuse.

Violent or disruptive actions such as fighting, intimidation, and unlawful assembly are not permitted on the Haskell campus and may result in Emergency Suspension and/or expulsion from the campus. The use of possession of firearms or other lethal weapons are prohibited on campus and in the residential halls and could result in emergency suspension and/or expulsion. Harassment based on gender, tribal affiliation, degree of Indian blood, sexual orientation, disability, marital or parental status or age is not tolerated. All cases involving issues of gender and discrimination, dating and domestic violence, stalking, sexual harassment and sexual assault will fall under the 34 CFR (Title IX and EO13160) and Violence Against Women Act.

Theft of personal, private and/or institutional property will not be tolerated and may lead to legal prosecution. Show respect for property by not engaging in its defacement or destruction. Student will be liable for all costs associated with damage.

Each student will be given the instructions on how to find the Code of Student Conduct online and follow regulations. Haskell will not be responsible for any individuals who fail to read and understand the policies. **Any statements indicating not having the knowledge of policies is not grounds for dismissal or even consideration in the due process.**

STUDENTS ARE RESPONSIBLE FOR THEIR OWN HEALTH AND HEALTH CARE.

Residents acknowledge that the COVID-19 pandemic and Monkeypox is a life-threatening situation that may change throughout the academic year. Residents stay in campus housing at their own risk and agree to follow all regulations relating to protecting themselves and fellow residents from COVID-19 infection. To be clear, this means that:

RESIDENTS AGREE TO FOLLOW ALL VERBAL OR WRITTEN INSTRUCTIONS FROM HOUSING STAFF, EVEN IF THE INSTRUCTIONS CHANGE FROM ONE DAY TO THE NEXT. And...

THOSE INSTRUCTIONS MAY INCLUDE VACATING THE RESIDENCE HALLS.

In the case of mandatory evacuation from the residence halls, there may be no financial assistance or compensation to help students move off campus. Returning to campus housing in violation of an evacuation order may result in the issuance of a Criminal Trespass Form and possible arrest and legal prosecution.

All Haskell students agree to:

- Follow all residential housing rules
- Follow all academic instructions and regulations
- Present their university ID to Haskell officials when requested to do so.

I understand that the privilege to stay in Haskell Housing is at my own risk. I have read and understand the above-mentioned regulations and I agree to abide by them. **I further understand that failure to observe the regulations of the Haskell Code of Student Conduct could affect my status in the residential housing program and/or student at the university.**

Student Print Name

Student Signature

Date