



LINCOLN UNIVERSITY STUDENT CODE OF CONDUCT VIOLATIONS

B. Rules and Regulations

Violations include:

1. **Stealing:** Stealing or attempted stealing, unauthorized possession, misuse or wrongful appropriation, vandalism or malicious destruction, or sale of property belonging to the university, an organization affiliated with the university, or a member of the university community (student, faculty, staff and/or campus visitor).
2. **Illegal Drugs & Other Substances:** Being in the presence of any drug that is prohibited by law. The manufacture, use, possession or sale of any drug that is prohibited by law. Possessing drug paraphernalia or other paraphernalia used to facilitate illegal use, and attempting to manufacture or sell counterfeit drugs are also included in this violation.
3. **False or Withheld Information:** Knowingly providing false information or withholding information from a Lincoln University Police Officer(s), university official or disciplinary committee. This includes falsely reporting a fire, bomb threat or other emergency.
4. **Tampering:** Tampering with witnesses, evidence, the Judicial Officer and/or any other aspect of the adjudication process.
5. **Disorderly Conduct:** Excessively loud, lewd, indecent, obscene or inappropriate conduct for an institution of higher learning off campus, on university owned or controlled property, or at a university sponsored or supervised event. Music or other noise played excessively loud is included in this violation.
6. **Obstruction:** Disruption, or prevention of teaching, research, administrative disciplinary proceedings, meetings, interviews, ceremonies, emergency responses, other university activities (including public service events), or other authorized activities on university property. This violation includes resisting arrest and/or interfering with law enforcement officer or university official acting in performance of their duties.
7. **Assault:** defined as the use of physical force against another person that places the person in danger or in apprehension of bodily harm.
8. **Harassment:** threats of violence directed to an individual or group, cyber bullying, intimidation, coercion. Examples: Stalking, false imprisonment, intimidation and domestic abuse.
9. **Sexual Misconduct:** Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, including but not limited to:
 - a. Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any person without consent.

- b. Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object by any person upon any person without consent.
- c. Sexual exploitation (a form of sexual harassment), defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.
- d. All other forms of Sexual harassment, as defined in [Lincoln University Title IX Sexual Harassment, Sex Equity, and Gender Based Discrimination Processes & Procedures](#).
- e. Indecent exposure, defined as the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the respondent may be readily observed.

Consent: is a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior.

1. Consent or lack of consent may be expressed or implied
 2. Consent **cannot** be given by:
 - a) a person who has been **incapacitated** by mental disability, alcohol, drugs, or any other reason is manifestly unable or known by someone to be unable to make a reasonable judgment about consent (*e.g., a person is asleep or unconscious*).
 - b) a person under force, threat, duress, coercion, or deception;
 - c) a person under the legal age of consent in Missouri (currently under 17 years of age)
- ✓ **“No”** means **“No”**
- ✓ **“Yes” or “No”** can be expressed or implied (***can be given verbally or by actions***)
- ✓ **“Yes”** means **“No”** if conditions **2a, 2b, or 2c** listed above exist

Individuals that engage in sexual activity or behavior must understand that:

- consent must be mutually understood;
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- consent to engage in one form of sexual activity does not imply consent to engage in other forms of sexual activity; and
- consent can be withdrawn at any time



Incapacitation: the physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act.

Please review the [Lincoln University Sexual Assault, Domestic Violence, Dating Violence, and Stalking Processes and Procedures, trifold handout summary of Victim's Rights, and the Victims' Rights in cases of Sexual Assault, Domestic Violence, Dating Violence, and Stalking for more information.](#)

10. **Self-Harm:** Any conduct that threatens or endangers the health or safety of oneself on or off university property, or at a university sponsored or supervised activity. Examples: self-mutilation, attempted suicide etc.
11. **Weapons:** Possession or use of a weapon, including, but not limited to firearms, knives, bows, arrows, BB guns, paint ball guns and air guns, dangerous chemicals, incendiary devices, or other explosive substances including fireworks, sling shots, martial arts devices or other objects classified or used as weapons with potential danger or harm.
12. **Failure to comply:** Failure or refusal to comply with verbal or written request/directions from a university official.
 - Each student is required to have a Lincoln University e-mail account which is considered the central communication point through which he or she may always be reached. It is the student's responsibility to check his/her e-mail daily and respond to notices. This includes communication systems used by faculty and staff to communicate with students.
 - All students are required to have a Lincoln University identification card and to carry it with them at all times while on university property. Each student should be prepared to identify him/herself and surrender his/her student ID upon request of a university official, including but not limited to Lincoln University Police Officers, faculty/staff members and resident directors and resident assistance.
 - Students must evacuate a building or residence hall during a fire alarm.
 - Students must comply with all official safety drills on campus.
13. **Unauthorized Entry or Use:** Unauthorized entry or use of university buildings, facilities and equipment, including unauthorized possession and/or duplication or use of university keys.
14. **Forgery:** Forgery, alteration, falsification, destruction, misuse, unauthorized use or reproduction of a university document, record or identification; unauthorized use of Lincoln University stationery, seal, business cards, or logo; or misrepresenting oneself as a university official.
15. **Alcohol:** The possession, use or distribution of alcohol by students on university property or as a part of any university activity is prohibited. Any student who violates this standard of conduct shall be subject to disciplinary sanctions. Sanctions may include suspension and/or referral for prosecution. This sanction includes the distribution of alcohol to minors on or off campus.



16. **Vandalism:** Participation individually or in groups on or off university property which causes damage to public or private property. Vandalism includes misuse of, vandalism to, or tampering with fire equipment, including fire extinguishers, alarms, hoses and smoke detectors.
17. **Solicitation:** Of and by students or student organizations for money, goods or services without authorization from the Dean of Students. Solicitation by non-students must also be approved by the Dean of Students.
18. **Fraudulent Business Transactions:** Forgery or recognized student organizations failing to meet contractual obligations. This violation includes illegal sale of textbooks.
19. **Computer Security Violations:** Accessing without authorization a file to use, read or change contents, unauthorized transfer of a file; use of computing facilities to interfere with the work of another student, faculty member or university official; use of computing facilities to send obscene or abusive messages; cyber bullying, intentional introduction or spreading of a computer virus to the university computing system; use of computing facilities to view any pornographic material over the internet; unauthorized use of another individual's computer account, misuse of one's own computer account or any violation of the policies for using computing and network resources provided by Lincoln University.
20. **Disciplinary Sanction Violation:** Failure to comply with or complete sanctions imposed under the Student Code of Conduct, housing policies or university policies.
21. **Policy Violations:** Failure to adhere to any university policy, rule or regulation (e.g., Lincoln University Residence Hall Rules and Regulations and [Tobacco/Smoke Free Campus Policy](#))
22. **Criminal Violation:** Violation of any state, federal or local law while on university property or at any university sponsored or controlled activity.
23. **Gambling:** Knowledge of, being in the presence of or directly involved in any form of gambling involving the exchange of currency or anything of value.
24. **Hazing:** Willful act occurring on or off campus directed against a student or a prospective member of a registered student organization, athletic or band program. Acts of hazing shall include the following:
 - A. Any activity by one student acting alone or acting with others that recklessly endangers the physical health or safety of the student or prospective member including physical brutality, whipping, beating, branding, exposure to elements, forced consumption of food, alcoholic beverages, drug or other substances, or forced smoking or chewing of tobacco products;
 - B. Any activity which recklessly endangers the mental health of the student or prospective member, including sleep deprivation, physical confinement or other extreme stress-inducing activity;
 - C. Any activity that requires the student or prospective member to perform a duty or task that involves a violation of the criminal laws of Missouri;



- D. Any activity by one student acting alone or acting with others that is directed against any other student for the purpose of humiliating or impairing the self-confidence of the student attacked; and
- E. Any willful act by one student acting alone or with others attempting to commit any of the above acts.

Prohibited Conduct:

1. No student shall knowingly engage in hazing either as a perpetrator or a recipient.
 2. No student shall encourage, aid or assist any other student(s) in the commission of any act of hazing.
 3. Any violation of (1) and (2) above shall be deemed “hazing” within the meaning of university policy.
25. **Arson:** The malicious or fraudulent burning of property, creating fires or open flames, and/or lighting flammable materials in a building or facility on University premises. Causing or creating a fire or any other condition that jeopardizes the safety of individuals.
26. **Hate Crimes Incidents:** A hate crime incident is an act motivated by a bias against a member of a federally protected class of people. The incidents are coupled with overt actions motivated by bigotry and bias including, but not limited to a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, disability, gender or sexual orientation prejudice, or which otherwise deprives another person of his or her constitutional rights by threats, intimidation or coercion, which seek to interfere with or disrupt a rights through harassment or intimidation.
27. **Retaliation:** any adverse actions (by an organization or any individual) against another individual that has the effect of making an individual afraid to assert their rights or participate in the student conduct process in cases that involve a federally protected class under the University’s Non-Discrimination Policies. It also includes adverse actions (by an organization or any individual) against another because of their participation in the student conduct process that involves a federally protected class. Retaliation includes adverse actions against all participants in the student conduct process.

Examples include harassing, coercing, or in any way discriminating against an individual because of the individual’s complaint or participation in the student conduct process in cases of sexual misconduct or hate crime incidents.

Lincoln University does not tolerate retaliation and will take strong action against those that are found responsible for these actions. Persons who believe they have been retaliated against in violation of this policy should file a complaint via the [Incident Report Form](#) or speak with the Coordinator of the Office of Judicial Affairs.