

Conduct Guidelines and Grievance Procedures for Students

Policy: MSU Conduct Guidelines and Grievance Procedures for Students

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Introduction and Purpose:

The Dean of Students Office reviews the MSU Conduct Code and Grievance Procedures for Students annually. As changes occur in the organizational, operational, educational, and legal environments, the guide is revised.

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100.00 Instructor Responsibilities

110.00 Course Outline and Syllabus

The general content of a course or academic program must be described with reasonable accuracy in catalogs and other written documents available to students. Instructors must state, in writing or by electronic means, the course content and objectives. This material must be given (or otherwise made available) to the students at the first or second class meeting.

120.00 Course Expectations

A. Classroom Behavior

Instructors may establish additional reasonable rules for classroom behavior and must articulate such rules as part of the other course materials provided to the students. In the absence of any such written expectations, the expectations outlined in Section 310.00 AF, and Section 610.00 shall apply.

B. Collaboration Among Students

Unless otherwise specified, students may not collaborate on graded material. Instructors are encouraged to provide collaborative learning opportunities but must state, in writing or by electronic means, the limits of assistance permitted between and among students in a course assignment or academic evaluation.

C. Instruction Responsibilities

Unless otherwise stated, students are expected to be prompt and regular in attending classes, turning in assignments on time and in taking exams when scheduled. Instructors may establish additional rules for attendance and make-up exams and must articulate these clearly in writing. Instructors must be prompt in meeting their scheduled classes, be available for appointments with students at designated times, be well prepared for classes, and be fair and prompt in grading class assignments and tests. The scheduled final examination period must be used for final examinations in the class or other instruction.

130.00 Personal Information About Students

Factors such as race, creed, color, religion, sex, age, national origin, disability, political beliefs or personal relationships must not be considered in matters of academic evaluation, academic assignments, or classroom procedures. If an instructor learns personal information about the student (religious and political views, sexual orientation, etc.) during the progress of the course, he or she must not share such information with the other students nor should such knowledge influence the evaluation of the student. Additionally, all university employees—including faculty, instructors and staff—must abide by the Family Educational Rights and Privacy Act of 1974 (FERPA). This Act affords students certain rights with respect to their education records.

140.00 Office Hours

Instructors are required to make time available for student conferences preferably through regularly scheduled office hours. Office hours should be convenient to both students and the instructor with the opportunity provided for prearranged appointments. Available office hours should be communicated to students.

150.00 Absence From Class

Instructors are required to meet their classes regularly and at scheduled times. In case of illness or emergency, the department should be notified and arrangements should be made to have another staff member instruct the class or promptly notify students of cancellation. Classes may not be canceled for the convenience of the instructor. When an instructor knows in advance that he or she will miss a class, arrangements must be made to have the work of the class continue, either by arranging for a substitute instructor, by scheduling an examination for that day, or by providing some alternate work assignment for the students.

160.00 Grading

Instructors must specify in writing, as part of the syllabus, the specific grading policies for the class. Grading is the prerogative and responsibility of the instructor. Instructors are responsible for the assignment of the final course grade. The assigned grade must reflect the performance of the student in the course commensurate with the content and objectives of the course. If a student questions his or her grade, the instructor has a responsibility to discuss the matter with the student. If the instructor cannot satisfactorily resolve the matter, the student must be advised of the grievance procedures, [see section 530.00](#).

Should a grievance be filed, the instructor will provide assistance as necessary to process the grievance. Graded examinations, papers, and other sources of evaluation are to be available to the student for inspection and discussion. If the instructor chooses ultimately to retain these materials, they must be kept for a period of one year. If graded materials become the property of the student, then uncollected materials must be kept for one semester. Adjunct and part-time instructors should arrange for storage with the department in their absence. The grade records will be retained for at least one year to provide the opportunity for review and resolution of grade disputes.

200.00 Instruction Complaint Procedures

Students who have complaints about instructors who have failed to meet their instructional responsibilities may submit an Instruction Complaint to the instructor's Department Head. The complaint must be presented in writing to the Department Head or Director no later than the fifteenth day of university instruction of the following term. The Department Head will address the matters raised in the complaint with the instructor and will advise the student of his or her determination regarding the complaint within ten (10) business days. If the Department Head fails to act or the student is dissatisfied with the Department Head's action, the student may forward the complaint to the Dean of the College within five (5) business days of receipt of the Department Head's determination. The Dean will submit a written decision to the student within ten (10) business days of the receipt of the appeal. The Dean's decision is the final decision of the University.

300.00 Student Responsibilities

310.00 Academic Expectations

Students must:

- A.** Be prompt and regular in attending classes;
- B.** Be well prepared for classes;
- C.** Submit required assignments in a timely manner;
- D.** Take exams when scheduled, unless rescheduled under 310.01;
- E.** Act in a respectful manner toward other students and the instructor and in a way that does not detract from the learning experience; and
- F.** Make and keep appointments when necessary to meet with the instructor. In addition to the above items, students are expected to meet any additional course and behavioral standards as defined by the instructor and listed in the syllabus.

310.01

A student officially representing MSU in athletic events, government, performance, or in similar official capacities, is entitled to the rescheduling of exams or important assignments due to required absences, only if a student has met the academic expectations outlined in section 310.00 of the Student Conduct Code. Students who do not meet the academic expectations, however, may not be entitled to special accommodations. Students are expected to provide course instructors with official notification of scheduled activity(ies) as early as possible, preferably at least ten (10) days in advance of the event.

Students participating in official MSU activities should not expect any special accommodation for attendance at regularly scheduled practice sessions or meetings (i.e., the routine activities required for performance, athletic pursuits, etc.). However, students who are official representatives of MSU who have regularly scheduled meetings or practices that conflict with a Common Hour exam may request of their instructor that they be allowed to arrive up to 30 minutes late for a Common Hour Exam. The approval of such a request is entirely at the discretion of the instructor. The instructor must be notified at least ten days in advance. Students and instructors are encouraged to work with the Testing Center to assist with any accommodations if alternate testing possibilities cannot be arranged readily within the program or department.

320.00 Assistance

Students should seek assistance from the instructor and from the appropriate University support services (e.g., tutors, study skills counseling, career development, etc.), if the need for such services arises.

330.00 Evaluation

Students should follow fair and appropriate procedures when evaluating their courses and instructors. Factors such as race, ethnicity, color, religion, sex/gender, sexual orientation or preference, age, national origin, disability, marital status, political beliefs, veteran status or personal relationships may not be considered.

340.00 Academic Honesty

The integrity of the academic process requires that credit be given where credit is due. Accordingly, it is academic misconduct to present the ideas or works of another as one's own work, or to permit another to present one's work without customary and proper acknowledgment of authorship. Students may collaborate with other students only as expressly permitted by the instructor. Students are responsible for the honest completion and representation of their work, the appropriate citation of sources and the respect and recognition of others' academic endeavors.

400.00 Academic Misconduct & Classroom Disruption Procedures

The administration, faculty and students of Montana State University believe that academic honesty, integrity and appropriate behavior in the classroom are fundamental to the mission of higher education. The University has a responsibility to promote academic honesty and integrity and to assure the highest ethical and professional standards and behavior in the classroom. Accordingly, the University has developed procedures that address instances of academic misconduct and disruptions in the classroom. Students who violate these standards violate this policy and will be subject to academic and/or disciplinary sanctions.

410.00 Academic Misconduct Policy

Includes cheating, plagiarism, forgery, falsification, facilitation or aiding academic dishonesty; multiple submission, theft of instructional materials or tests; unauthorized access to, manipulation of or tampering with laboratory equipment, experiments, computer programs, or animals without proper authorization; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means.

420.00 Descriptions and Examples

A description of some forms of academic dishonesty and some examples are provided to help the student understand their responsibilities for academic honesty:

A. Cheating - giving, using or attempting to use unauthorized materials, information, notes, study aids or other devices in any academic exercise including unauthorized communication of information. Examples of cheating include copying from another student's paper or receiving unauthorized assistance during a quiz, test or examination; using books, notes or other devices such as calculators, unless authorized; acquiring without authorization copies of tests or examinations before the scheduled exercise; or copying reports, laboratory work or computer programs or files from other students.

B. Falsification / Fabrication - the invention or unauthorized alteration of any information or citation in an academic exercise. Examples of fabrication include inventing or counterfeiting data or research procedures to give the appearance of results being achieved from procedures that were not undertaken. Examples of falsification include the false citation of a source of information; altering the record of, or reporting false information about practicum or clinical experiences; altering grade reports or other academic records; submitting a false excuse for absence or tardiness; or altering a returned examination paper and seeking a better grade.

C. Tampering - interfering with, altering or attempting to alter university records, grades, assignments, laboratory experiments or other documents without authorization. Examples of tampering include using a computer or false-written document to change or affect the grade recorded for a student; forging the signature of a university official on a drop/add sheet or other official university record; erasing records or information of a student; unauthorized access to a university record by computer or unauthorized entry into an office or file; or obtaining information from the university without proper authorization.

D. Plagiarism - presenting the work of another as one's own without proper acknowledgment. Examples of plagiarism include submitting as one's own work the work of another student, ghost writer or commercial writing service; directly quoting from a source without acknowledgment; paraphrasing or summarizing another's work without acknowledging the source; or using facts, figures, graphs, charts or information without acknowledging the source. Plagiarism may occur orally or in writing and may involve computer programs and files, research designs, distinctive figures of speech, ideas and images or any other information that belongs to another person and is not acknowledged as such. Inadvertent or unintentional misuse or appropriation of another's work (such as relying heavily on source material that is not expressly acknowledged) is still considered plagiarism. It is also considered Plagiarism when collaborating on work with the knowledge that the collaboration is not authorized or will not be reported.

E. Facilitating academic misconduct - giving assistance or attempting to assist another in the commitment of academic misconduct.

F. Multiple submission - submitting the same paper or oral report for credit in two University courses without the instructor's permission; making minor revisions in a paper or report for which credit has already been received and submitting it again as a new piece of work.

G. Other Academic Misconduct - Examples of academic misconduct include allowing another student to copy from one's paper during an examination or test; distributing test questions or substantive information about the material to be covered on a test before the scheduled exercise; or taking an examination or test for another student or signing a false name on an academic exercise.

430.00 Academic Misconduct Procedures

431.00 Instructor Adjudication

If an instructor has reason to believe that a student has engaged in academic misconduct, the following procedures apply.

432.00 Informal meeting

The instructor must attempt to personally and privately meet with the accused student and explain that there is reason to believe that the student has allegedly committed an act that constitutes academic misconduct. During this informal meeting, the accused student is allowed a reasonable opportunity to respond or explain the circumstances that lead to the accusation. If, after hearing the student's response (if any is provided), the instructor continues to believe the student engaged in academic misconduct, they will inform the student of their determination of any intended sanction(s).

The instructor will submit the [Academic Misconduct Notification](#) form on the Dean of Students' website. The Dean of Students' office will forward a copy of that form to the student and the appropriate Academic Dean. The Dean of Students' office will forward a copy of the report to the Dean of the Graduate School when the finding involves a graduate student.

The instructor has the right to refuse to sign a drop form for the class in question. The Academic Misconduct Notification form shall be kept for seven years from the date of receipt.

433.00 Instructor Imposed Sanctions

The following sanctions may be imposed by instructors when a finding is made that academic misconduct has occurred.

- A. Oral reprimand;
- B. Written reprimand;
- C. An assignment to repeat the work or an alternate assignment;
- D. A lower or failing grade on the particular assignment or test;
- E. A lower grade or failing grade in the course;

434.00 Additional Sanctions Under Student Code of Conduct

434.01 Referral by Instructor

In addition to the imposition of the academic sanctions, an instructor may request in writing that the Dean of Students file a charge against the student for violation of the Code of Student Conduct pursuant to Sec. 600.00. If the student is found in violation of the Code of Student Conduct through a student conduct hearing in the Dean of Students' office, additional sanctions may be imposed in addition to the instructor imposed academic sanctions.

These additional sanctions may include, but are not limited to:

- A. Removal of the student from the course in progress;
- B. Removal of the student from a major, college or program;
- C. Withdrawal of degree or academic credit previously bestowed; and
- D. Any sanction that may be imposed for violation of the Code of Student Conduct (reference [Section 660.00](#)), including disciplinary probation, suspension or expulsion from the University.

434.02 Recurrence of Academic Misconduct

A student who receives a second or subsequent instructor imposed academic sanction from any instructor will be charged with a violation of the Code of Student Conduct (Section 650.00) and will be subject to additional disciplinary sanctions, including but not limited suspension or expulsion.

440.00 Appeal of Instructor - Imposed Academic Sanctions

441.00 Right to Appeal

A student who receives a sanction for Academic Misconduct under Sec. 433.00 may appeal the instructor's determination that academic misconduct occurred using the procedure outlined below.

442.00 Instructor-Imposed Academic Misconduct Sanction Appeal Procedure

A. Dean's Review for Undergraduate Students

The student may present a formal appeal in writing to the instructor's Dean (or designee) no later than five (5) business days after receiving the Instructor's determination of Academic Misconduct. The student must provide evidence that the instructor's determination of academic misconduct was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean after receipt of the appeal. The instructor shall present their evidence that the charged student committed academic misconduct. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion may interview either or both parties. The Dean shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor, unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean is the final decision of the University in the matter for undergraduate students.

B. Dean's Review For Graduate Students:

The graduate student may present a formal appeal in writing to the Dean of the Graduate School (or designee) no later than five (5) business days after the Instructor's determination of Academic Misconduct. The student must provide evidence that the instructor's determination of academic misconduct was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean of the Graduate school after receipt of the appeal. The instructor shall present his or her evidence that the charged student committed academic misconduct. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion, may interview either or both parties. The Dean of the Graduate School shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean of the Graduate School shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean of the Graduate School is the final decision of the University in the matter for graduate students.

443.00 Appeal of Additional Sanctions/Multiple Violations

Sanctions imposed by the Dean of Students pursuant to part 434.00 may be appealed in accordance with the provisions of the Student Conduct Code part 670.00.

450.00 Grade Pending Resolution

If the student's appeal of the instructor's academic misconduct determination has not been resolved before the instructor submits final grades in the course, an incomplete grade ("I") will be assigned until the matter is concluded. A grade assigned before the instructor's knowledge of academic misconduct may be changed after it was assigned if the grade was obtained through academic misconduct or by fraud.

460.00 Disruptive Student Behavior

461.00 Policy Purpose

Though students and faculty share the responsibility for maintaining professional relationships based on mutual trust and civility, the primary responsibility for managing the classroom environment rests with the instructor. The purpose of this policy is to offer guidance to instructors for maintaining order in the classroom, laboratory, during academic field trips, and throughout the educational process.

Disruptive behavior is defined as any behavior that a reasonable instructor believes substantially interferes with the teaching or learning process, whether in a classroom or other learning environment (such as an online course, laboratory, field experience, internship, instructor's office, computer lab, or other setting whether it is an on-campus or off-campus location) and continues after an instructor's request to cease. Examples of disruptive behavior include, but are not limited to:

- Verbal abuse of or threatening the instructor or other students;
- Damaging classroom furniture or property;
- Creating excessive noise;
- Refusal to comply with instructor direction;
- Persistently speaking without being recognized or called upon;
- Refusing to be seated;
- Unauthorized use of cell phones, laptops or other relevant technology;
- Smoking or vaping in the classroom; and
- Disrupting the class by repeatedly leaving and entering the room without authorization.

It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior. Disruptive behavior also does not include appropriate demonstration of disagreements or differences of opinion, cultural differences, differing values or beliefs, or needing extra time or attention based on reasonable accommodation for disabilities.

470.00 Dismissal From a Course

471.00 Temporary dismissal from a course

When a student engages in disruptive behavior, instructors should warn the student the behavior is disruptive and must cease or the student may face removal from the class. Instructors should document incidents of disruptive behavior as they arise, even though they may appear to be minor at the time.

If a student continues to engage in disruptive behavior, the instructor may direct the student to leave the class for the remainder of the class period. In such instances, and no later than one working day after the dismissal, instructors must report the temporary dismissal to their Department Head and the Office of the Dean of Students. If a student is instructed to leave a class while instruction is ongoing, the student must immediately comply.

After any temporary dismissal from a class, the instructor should attempt to personally and privately meet with the dismissed student in an informal meeting to discuss the disruptive behavior and classroom expectations.

472.00 Permanent dismissal from a course

If a student's disruptive behavior is extreme or continuous, instructors may dismiss students from participating in a course for the remainder of the semester. The procedure for an instructor to permanently dismiss a disruptive student is as follows:

1. The instructor must prepare a Statement of Facts (SOF). The SOF must include:
 1. The name of the individual student engaging in disruptive behavior;
 2. The factual details of the disruptive behavior or incident that justify the proposed dismissal;
 3. The names of any witnesses to the disruptive behavior;
 4. Any applicable dates, times, and locations.
2. Prior to the class period immediately following the disruptive incident, the SOF must be submitted to the instructor's Department Head and the student. The student will have five days to respond to the SOF in writing to explain the disruptive behavior and the student's position on dismissal from the course. The department head will review all evidence provided by the student and instructor, and at the department head's discretion may interview either or both parties. The department head will then approve or deny the permanent dismissal, with a copy of the SOF, the student's written response, and the decision sent to the Office of the Dean of Students. The Department Head's decision must be communicated to the instructor and the student within two business days of receiving the student's written response to the SOF.
3. A student dismissed from a course by an instructor may not continue to attend the course while awaiting a final determination from the Department Head or a final determination of any appeals; however, the student shall be permitted to submit assignments, tests, and other work as appropriate so long as the student does not engage in any disruptive behavior during such submissions. The instructor will facilitate access to necessary materials for homework and tests.

473.00 Appeal of Instructor-Imposed Dismissal from a Course

473.10 Right to Appeal

A student who is dismissed from a course under Sec. 472.00 may appeal the determination using the procedure outlined below.

473.20 Instructor-Imposed Course Dismissal Appeal Procedure

A. Dean's Review for Undergraduate Students

The student may present a formal appeal in writing to the instructor's Dean (or designee) no later than five (5) business days after receiving the department head's approval of the dismissal for disruptive behavior. The student must provide evidence that the dismissal was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean after receipt of the appeal. The instructor shall present their evidence that the charged student committed extreme or continuous disruptive behavior justifying a dismissal from the course. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion may interview either or both parties. The Dean shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor, unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean is the final decision of the University in the matter for undergraduate students.

B. Dean's Review For Graduate Students:

The graduate student may present a formal appeal in writing to the Dean of the Graduate School (or designee) no later than five (5) business days after receiving the department head's approval of the dismissal for disruptive behavior. The student must provide evidence that the dismissal was incorrect and the precise relief sought by the student. The student may attach copies of any relevant documents or evidence. The student shall send a copy of the appeal to the instructor.

The instructor shall have five (5) business days to respond in writing to the Dean of the Graduate school after receipt of the appeal. The instructor shall present his or her evidence that the student committed extreme or continuous disruptive behavior justifying a dismissal from the course. The instructor shall send a copy of the response to the student.

The Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion, may interview either or both parties. The Dean of the Graduate School shall render a written decision within five (5) business days of receipt of the instructor's response.

The Dean's decision may uphold, amend, or overturn the instructor's-imposed sanction. However, the Dean may not impose a higher sanction than the sanction originally imposed by the instructor unless new information is found through the appeal process. If a higher sanction is appropriate, the Dean of the Graduate School shall refer the matter to the Office of the Dean of Students.

The Dean shall send a copy of his/her decision to the student, the instructor and the Dean of Students' Office. The decision of the Dean of the Graduate School is the final decision of the University in the matter for graduate students.

480.00 Recurrence or Multiple Disruptions

A student who is dismissed from a course after multiple disruptive incidents will be charged with a violation of the Code of Student Conduct (Section 650.00) and will be subject to additional disciplinary sanctions, including but not limited suspension or expulsion.

490.00 Retaliation Prohibited

Retaliation against an individual who takes any action in accordance with this policy, including but not limited to witnesses or a student reinstated after appeal, is prohibited. Concerns of retaliation should be reported to the Department Head or Dean. If the Department Head or Dean are alleged to have engaged in retaliatory conduct, the matter should be reported to the Provost.

500.00 Student Academic Grievance Procedures

510.00 Introduction

Students who disagree with an academic decision made by an instructor or administrator, including the assignment of grades or decisions about program or degree requirements or eligibility, may file a grievance under these procedures.

520.00 Academic Decisions Reviewed

These procedures are available only to review allegedly unfair academic decisions and not mere differences of opinion regarding the professional judgment of the instructor in evaluating a student's work or making an academic decision. The academic decision, including the assignment of a grade, will be considered unfair if the decision is made:

- A. On some basis other than performance in the course and/or compliance with course assignments and requirements;
- B. By more exacting or demanding standards than were applied to other students in the same section;
- C. By a substantial departure from the instructor's, department's, college's or university's announced standards as articulated in the course syllabus, catalog descriptions and/or other written materials.

530.00 Student Academic Grievances

531.00 Procedures

A student who wishes to grieve an academic decision must proceed as follows:

531.01 Informal Meeting

The student should attempt to resolve the matter directly with the instructor or administrator through a personal conference as soon as possible after the academic decision is known.

531.02 Department Head/Director Review

If the student and instructor cannot reach a mutually satisfactory resolution to the problem, the student may file a formal grievance. The grievance must be presented in writing to the instructor's Department Head/Director no later than the fifteenth day of university instruction of the following term. The student must describe the grievance, the date(s) of occurrence, why the student believes the decision was unfair, the student's attempts to resolve the grievance informally and the precise relief sought by the student. The student may attach copies of any relevant documents.

The student shall send a copy of the grievance to the instructor. The instructor shall have five (5) business days to respond to the student and Department Head/Director after receipt of the grievance.

Once a student files a grievance, he or she will be assigned an incomplete grade ("I") until the matter is concluded. A grade assigned before the filing of the grievance may be changed by the Dean or Graduate Dean, if, after the grievance procedures have been completed, the grade is found to be unfair or otherwise improper.

The Department Head/Director will receive and review all evidence, interview each party, if possible, and render a written decision with recommendations as to resolution within five (5) business days of receipt of the instructor's response. If the grievance is not concluded within this time, the student may carry it forward to the Dean or Graduate Dean for resolution.

531.03 Dean's Review

A. For Undergraduate Students:

Either party may appeal the Department Head/Director's decision in writing to the instructor's College Dean, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head / Director's determination. The Dean will submit a written decision to the student, instructor, and the Department Head/Director within five (5) business days of receipt of the appeal.

The decision of the Dean is the final decision of the University in grievances for undergraduate students.

B. For Graduate Students:

Either party may appeal the Department Head/Director's decision in writing to the Dean of the Graduate School, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head/Director's determination. The Graduate Dean will discuss the appeal with the Dean of the student's academic college and will subsequently submit a written decision to the student, instructor, and the Department Head/Director within five (5) business days of receipt of the appeal.

The decision of the Graduate Dean is the final decision of the University in grievances for graduate students.

600.00 Code of Student Conduct

(Revised March, 2015; Effective July 1, 2015)

The Montana State University academic community seeks to foster a campus environment conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The student conduct process at MSU is an educational and developmental process that balances the interests of individual students with the interests of the academic community.

Students are essential members of the MSU community and are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. The student conduct process at MSU is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exists for members of our academic community. Sanctions are intended to improve the students' moral and ethical decision-making and to help them learn more about what is expected as members of our community. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the academic community, the conduct process may determine that the student should no longer share in the privilege of being a member of this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness, but do not include the same protections of due process afforded by the courts in criminal cases. Due process, as defined within these procedures, assures written notice and a hearing before an impartial board or hearing officer. No student will be found in violation of the MSU Code of Student Conduct without a determination that is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Students at Montana State University are responsible for reading and adhering to this Code of Student Conduct. Annually, students are provided a link to this Code of Student Conduct on the University website. Hard copies are available upon request from the Office of the Dean of Students.

610.00 Judicial Authority and Jurisdiction

A. The Code of Student Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University-affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and during the student's attendance.

B. The University retains conduct jurisdiction over students who 1) are on University holidays and during summers between enrolled semesters;

and/or 2) choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, or graduate and all directives and/or sanctions must be satisfied prior to re-enrollment eligibility. If serious misconduct was committed while the student was enrolled but reported after the accused student has graduated or withdrawn, the University may invoke these procedures.

C. The Code of Student Conduct applies to behaviors that take place on campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others;
- Any conduct that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.

D. The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University shall not regularly search for this information but may take action if and when such information is brought to the attention of University officials. No violation of the Code of Student Conduct can occur when the speech that is subject to the complaint is protected by the student's free expression rights under the First Amendment.

E. Students who commit offenses that violate the laws of the city, state or United States are subject to prosecution by those authorities and may be subject to disciplinary action under this code if the offenses are also violations of this code. University disciplinary proceedings may precede, follow, or take place simultaneously with criminal investigations or proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

F. When a student has been charged by a civil authority for a violation of law, the University will neither request nor agree to special consideration for the student solely because of his or her status as a student.

G. When a complaint is filed with appropriate University officials charging a student with violating the Code of Student Conduct, the University is responsible for conducting an investigation, initiating charges and adjudicating those charges. Charges under the Code of Student Conduct that are filed by the University are brought forward by the University and not an individual complainant. If the complainant decides to withdraw the complaint, the University may proceed with the case.

H. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their designated University email address.

620.00 Proscribed Conduct

Any student found to have committed a violation of the Code of Student Conduct is subject to disciplinary sanctions outlined in Section 660.00. The following offenses constitute violations of the Code of Student Conduct and can lead to serious disciplinary action, including suspension or expulsion from the University.

621.00 Acts of Dishonesty

Acts of dishonesty include but are not limited to:

- A.** Cheating, plagiarism or other breaches of academic integrity, such as fabrication, facilitating or aiding academic dishonesty; theft, unauthorized possession or use of instructional materials or tests; unauthorized access to or manipulation of laboratory equipment or experiments; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means. (Refer to Academic Misconduct Procedures, 420.00 for additional definitions)
- B.** Knowingly furnishing false information to any University official, faculty member or office.
- C.** Forgery, alteration or misuse of University documents, records, instruments of identification, computer programs or accounts.

622.00 Harassment, Hazing, and Bystanding

A. Harassment includes but is not limited to verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion, which:

1. Is threatening or carries with it the intention to do bodily harm; or
2. Disrupts or undermines a person's exercise of their responsibilities as a student, faculty or staff member including unreasonably interfering with a person's educational or work performance.

Harassment which is based upon discrimination as defined in MSU's [Discrimination, Harassment and Retaliation Policy](#) is also proscribed conduct, but that type of harassment is covered in Section 624.00 below; it is a separate offense from Harassment under this section and such conduct is investigated and adjudicated as provided in the [Discrimination, Harassment and Retaliation Policy](#).

B. Hazing includes, but is not limited to, any conduct or method of initiation, admission or condition of continued membership in any student organization which:

1. Endangers the physical or mental health or safety of any student or other person, including extended deprivation of sleep or rest; forced consumption of food, liquor, beverage, or drugs; beating or branding; involuntary confinement or imprisonment; or
2. Destroys, vandalizes or removes public or private property

C. Bystanding includes, but is not limited to:

1. Conduct of a student who is present when a serious violation of the code of Student conduct occurs and who encourage, assists, or fails to take reasonable actions to prevent or stop conduct that: 1) could result in serious injury to person, including sexual misconduct; or
2. Conduct of an organized group that encourages, assists, or fails to take reasonable actions to prevent or stop conduct that could result in serious injury to a person, including sexual misconduct.

623.00 Assault and Harm to Persons

A. Physical assault which includes, but is not limited to: physical contact of an insulting or provoking nature or physical interference with a person which prevents the person from conducting his/her customary or usual affairs, puts the person in fear for his/her physical safety, or causes the person to suffer actual physical injury.

B. Threatening and Intimidating Behaviors

1. **Threat** is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
2. **Intimidation** is defined as implied threats or acts that cause a reasonable fear of harm in another.

C. Bullying and Cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

624.00 Discrimination, Harassment and Retaliation Policy Offenses

Violation of Montana State University's Policy on [Discrimination, Harassment and Retaliation Policy](#) is a violation of this Code of Student Conduct. The definitions of discrimination, harassment and retaliation are defined in the [policy](#).

625.00 Alcohol and Drug Offenses

A. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This also includes the abuse, distribution or improper use of prescription drugs.

B. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana State University except as expressly permitted by law or University policy.

C. Smoking or tobacco use on campus in violation of the University's Tobacco Free Campus Policy.

626.00 Firearms, Explosives, and Weapons Offenses

See: [University Weapons Policy](#)

627.00 Illegal and Disruptive Conduct

A. Violation of federal, state or local law on University premises or at University sponsored activities; violation of published University policies, rules or regulations.

B. Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University, including but not limited to:

1. Violence or threat of violence against self or any member or guest of the University community.
2. Interference with the freedom of movement of any member or guest of the University.
3. Interference with the rights of others to enter, use or leave any University facility, service or activity.
4. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures or other University activities, or of other authorized activities on University premises.
5. Use of public address systems on the campus outside of University buildings except with written permission of the Office of Student Activities.
6. Failure to comply with directions of law enforcement officers and University officials acting in the performance of their duties and/or failure to identify oneself to those persons when requested.
7. Failure to comply with any authorized Student Conduct Code sanction(s)/condition(s).
8. Trespassing or unauthorized entry into University buildings or property.
9. Unauthorized use (including misuse) of University or organizational names, trademarks, and images as specified in the [Graphic Identity and Branding Policy](#) and [Use of University Name and Logos by Registered Student Organizations Policy](#).

628.00 Theft/Misuse of Property

A. Theft, attempted theft, unauthorized possession, use, or removal of University property or the property of any member of the University community.

B. Defacing, tampering, damaging or destroying University property or the property of any member of the University community.

C. Unauthorized presence in or use of University grounds, facilities, or property.

D. Theft or other abuse of computer facilities, capabilities and/or computer time, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.
3. Unauthorized use of another individual's identification or password.
4. Use of computing facilities to interfere with the work of another student, faculty member or University official.
5. Use of computing facilities to send harassing or abusive messages.
6. Use of computing facilities to interfere with the normal operation of the computing system.
7. Unauthorized use of computer resources, or the unauthorized use or copying of computer data or software. Examples of unauthorized use or copying include: attempts to alter systems, unauthorized access or copying of data or software, attempts to release data, text, files or software in violation of copyright protection and the condoning, approving, or directing of unauthorized use or copying.
8. Unlawful downloading and distribution of copyrighted digital media via peer-to-peer (P2P) file sharing applications including, but not limited

to video (movies) and sound (music) files.

9. Attempts to circumvent or defeat any University owned system firewall or any other mechanism put in place to manage the network.

E. Theft of telephone services or other auxiliary services, including food services, housing, parking, etc.

629.00 Other Proscribed Conduct

A. Fire Safety - Violation of local, state, federal or campus fire policies including, but not limited to:

1. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury;
2. Failure to evacuate a University building during a fire alarm;
3. Improper use of University fire safety equipment; or
4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions.

B. Wheeled Devices – Skateboards, roller blades, roller skates, bicycles and similar devices are not permitted to be ridden inside University buildings. Bicycles are not permitted inside University buildings for storage, except as allowed in the residence halls and family housing by Residence Life Policy. Additionally, skateboards and other wheeled items may not be operated in a dangerous or reckless fashion, or on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to University property caused by these activities. Failure to yield to pedestrians or failure to abide by traffic laws/rules on campus is considered a conduct violation.

C. Abuse of Conduct Process - Interference with, or failure to comply in, University conduct and academic misconduct hearings including, but not limited to:

1. Falsification, distortion, or misrepresentation of information;
2. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
3. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
4. Harassment (verbal or physical) or intimidation of witnesses or a member of a conduct hearing board prior to, during or following a conduct proceeding;
5. Failure to comply with the sanction(s) imposed by the conduct program;
6. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

D. Failure to Comply – Students must comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

E. Financial Responsibilities - Failure to promptly meet financial responsibilities to the institution, including, but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

F. Arrest - Failure of any student to accurately report the student's arrest by any law enforcement agency to the Office of the Dean of Students within seventy-two (72) hours of for any felony crime that occurs 1) on University premises, 2) at University sponsored activities, or 3) off-campus. A felony crime is a crime for which more than one year in prison may be imposed.

630.00 Student Conduct Programs

The University shall establish appropriate procedures to adjudicate alleged violations of the Code of Student Conduct under the direction of the Dean of Students in a unified manner. All conduct programs must follow the procedures as outlined the Code of Student Conduct.

631.00 Residence Life Student Conduct Program

A. In addition to this Code, students who reside in the Residence Halls are subject to the conduct requirements set forth in the Residence Life Handbook. Residence Life staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the Residence Life Handbook and may impose sanctions related to a student's use of the Residence Halls.

B. All allegations of violations of the University's Code of Student Conduct reported to Residence Life Staff will be promptly referred to the Dean of Students. In such cases, the Dean of Students may delegate the investigation and adjudication to the Residence Life staff. When such matters are delegated, the investigation and adjudication shall be conducted in accordance with the procedures of this Code.

C. The Director of Residence Life will coordinate the delegated Residence Life Conduct Program and will work closely with the Dean of Students to assure consistency.

632.00 Department of Athletics

A. In addition to the requirements of this Code, student athletes are also subject to the Department of Intercollegiate Athletics conduct requirements found in team rules, NCAA policies, and the Student-Athlete Code of Conduct. The Director of Athletics, or designee, will coordinate the Student-Athlete Code of Conduct for alleged violation of departmental conduct requirements and may impose sanctions related to a student's participation in intercollegiate athletics.

B. The Director of Athletics will refer allegations of violations of the University's Code of Student Conduct to the Dean of Students for processing under the Code of Student Conduct. Additional University sanctions by the Dean of Students may be in addition to, or in lieu of, the process outlined in the Student-Athlete Code of Conduct.

633.00 Office of the Dean of Students

A. The Dean of Students is responsible for administering the University's Student Conduct Program, including the investigation and adjudication of cases involving alleged violations of the Code of Student Conduct except alleged violations of MSU's Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy in which case Section 640.00 below will apply.

B. The Dean of Students may appoint either a Hearing Officer or a Hearing Board to adjudicate violations of the Code of Student Conduct. The Hearing Officer or Hearing Board will conduct hearings using the procedures outlined in Sections 653.00 through 655.00.

C. For the purposes of deadlines in this Code, days shall mean "calendar" days unless stated otherwise, and the Dean of Students or designee may extend or waive any deadline herein upon a showing of good cause, the responsibility and burden of proof of "good cause" will be upon the

party requesting the extension. Good cause will include circumstances such as the impact of academic calendar breaks or holidays or other causes beyond the party's control (e.g., illness, death in the family).

634.00 Composition of University Student Conduct Hearing Board

- A.** A University Student Conduct Hearing Board is appointed by the Dean of Students with five members comprised of:
 1. One (1) professional staff member selected by the Dean of Students after consultation with the Professional Council;
 2. Two (2) faculty members selected by the Chair of Faculty Senate after consultation with the Dean of Students; and
 3. Two (2) student members selected by the President of ASMSU after consultation with the Dean of Students.
- B.** One member of each Hearing Board shall be appointed as the Presiding Officer by the Dean of Students.
- C.** A non-voting recording secretary will be provided by the Dean of Students to take minutes during conduct hearings.
- D.** The Dean of Students will select replacements for any board members for good cause.

A quorum is considered to be three members.

640.00 Investigation and Adjudication of Allegations of Discrimination, Harassment, and Retaliation Policy Violations

A. Complaints against student(s) accused of violations of MSU's Discrimination, Harassment and Retaliation Policy will be referred to the Office of Institutional Equity who will follow the procedures for reports and complaints in accordance with MSU's [Discrimination, Harassment and Retaliation Procedures](#). The Student Conduct Adjudication Procedures, Appeals, and Interim Sanctions found in Sections 650.00 STUDENT CONDUCT ADJUDICATION PROCEDURES, 670.00 APPEALS, and 680.00 INTERIM RESTRICTIONS shall not apply in allegations of violations of the Discrimination Harassment and Retaliation Policy and shall be replaced by [Discrimination, Harassment and Retaliation Procedures](#).

B. When a student is found to have violated the [Discrimination, Harassment and Retaliation Policy](#), sanctions as allowed by the Code of Student Conduct in Section 660.00, including suspension or expulsion from the University will be applied as outlined in the [procedure](#).

650.00 Student Conduct Adjudication Procedures

651.00 Filing of Charges

On its own initiative or upon receiving a complaint from any student, faculty or staff member, the University, through the Office of the Dean of Students, may, after an investigation, file appropriate charges against a student accused of violating the Code of Student Conduct.

A. Charges should be filed no later than four months after the alleged violation of the Code of Student Conduct, unless good cause is shown to justify the delay. When charges are referred to the Dean of Students for investigation and adjudication, any resulting hearing will normally be convened within seventy-five (75) calendar days from the date the charges were filed, unless good cause can be shown for delay.

B. If a student has withdrawn or withdraws from the University after charges have been filed, the University may:

1. Place a hold on the student's academic record, re-enrollment and notify the student that disciplinary action will be initiated before the student's re-enrollment in the University; or
2. Upon notice to the charged student, proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.

C. The Dean of Students may order that University administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc., be withheld to compel students accused of violation(s) of the Code of Student Conduct to meet with the Dean of Students as necessary to properly investigate and adjudicate the alleged violation(s).

652.00 Preliminary Investigation and Administrative Adjudication Procedures

A. Whenever a complaint is filed or when it appears that a student may have violated the Code of Student Conduct, the Dean of Students will designate a Conduct Officer to conduct an investigation of the incident. The Conduct Officer conducting the investigation:

1. Determines the facts through interview, reports and other information collected.
2. Informs the student of the findings of the investigation.
3. Allows the student an opportunity to respond to the evidence and potential charge(s).
4. Makes a determination whether there is reasonable cause to believe that a violation of the Code has occurred.

B. The Conduct Officer conducting the investigation may withdraw any charge determined to be without reasonable cause. No reasonable cause means that there is insufficient credible evidence to support the charge or even if proved, the conduct does not violate the Code. The complainant, if any, who filed the charge initially may appeal this decision to the Vice President for Student Success under the appeal processes set forth in Section 670.00.

C. After the conclusion of the investigation the Conduct Officer may propose an Administrative Agreement for the accused student(s). If the student agrees with the facts and any sanction(s) proposed, the Administrative Agreement will be agreed to by both the student and the Dean of Students, or designee. By agreeing to the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).

D. After the conclusion of the preliminary investigation, an Administrative Agreement can be proposed between the Officer and the accused student(s) if the student agrees with the facts and any sanction(s) proposed. The Administrative Agreement will be signed by both the student and the Dean of Students. By signing the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).

E. If the student denies the charges or the sanctions, the case will be referred for a hearing under section 654.00 and 655.00.

If an Administrative Agreement is not signed within seven (7) calendar days following its submission to the student, the matter shall be referred for a hearing under sections 654.00 and 665.00, unless the charged student(s) can show good cause for the extension of the deadline as provided

in Section 633.00 D.

653.00 Notice

In the event of a student conduct hearing, the charged student shall be notified at least seven (7) calendar days prior to the date of the hearing (except a hearing on the alleged violation of Interim Restrictions imposed under Section 680.00 which may be called with one (1) calendar day notice to the student). Such notice shall be in writing and shall include the following:

- A.** The specific charge(s) citing the Student Conduct Code provisions allegedly violated.
- B.** A description of the alleged violation(s), including the time and place of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the charges are based.
- C.** The time and place of the pre-hearing conference.
- D.** The procedures to be followed in the hearing.
- E.** Notice of the student's right to be assisted throughout the hearing and appeal process by any advisor the student chooses at the student's own expense. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor (including attorneys).

654.00 Pre-Hearing Conference

The Presiding Officer of the Hearing Board or the Hearing Officer may convene a pre-hearing conference (in person, by electronic, written or other means) including the Complainant (if any) and the charged student to:

- A.** Narrow and define the issues to be presented at the hearing.
- B.** Identify and list all witnesses for the hearing. The Presiding Officer or Hearing Officer may establish restrictions on the numbers of witnesses and may disallow witnesses who have not been identified at the pre-hearing from providing testimony at the hearing.
- C.** Identify and list all documents to be presented at the hearing.
- D.** Provide for a pre-hearing exchange among the parties of any documents to be presented at the hearing. The Presiding Officer or Hearing Officer may prohibit the presentation of evidence that is not provided to the parties before the hearing.
- E.** Set a time and place for the hearing.

655.00 Hearing Procedures

Hearings are conducted by the Student Conduct Board or Hearing Officer according to the following guidelines:

- A.** The member(s) of the Hearing Board or Hearing Officer shall be impartial, i.e., without personal bias in favor of or against the charged student. Any participant in the hearing who believes the members of the Hearing Board or Hearing Officer have a personal bias must raise the issue before the hearing or as soon as the knowledge of personal bias is known to the participant, whichever is sooner; failure to do so will result in a waiver of such claim.
- B.** Hearings will be closed to the public unless all parties, witnesses and other participants waive their rights to privacy. Admission to the hearing of persons other than the parties involved will be at the discretion of the Presiding Officer or the Hearing Officer.
- C.** Minutes will be kept by the recording secretary and an audiotape may be used to record the hearing. The audiotape is the property of the University.
- D.** The University bears the burden of proving by a preponderance of the evidence that the charged student violated the Code of Student Conduct. A preponderance of evidence is described as evidence that is of greater weight or is more convincing than the evidence that is offered in opposition to it. A staff member from the Office of the Dean of Students will present the case to the Student Conduct Hearing Board or the Hearing Officer on behalf of the University. The presenting staff member shall not be a member of the Hearing Board.
- E.** The University may proceed with a hearing in any case in which the charged student fails to appear after receiving proper notice. Proper notice is defined as notice sent to the student's official University email address.
- F.** Students, even those who are accompanied by an advisor (including attorneys), are responsible for presenting the student's own case. Advisors are not permitted to speak or participate directly in any hearing. The advisor may not make a presentation, speak for or represent the party bringing the complaint or responding student during the hearing. Advisors may confer with their advisee, exchange notes, and clarify procedural questions with the Presiding Officer or Hearing Officer.
- G.** The complainant (if any) and the charged student(s) shall have the opportunity to review all statements and written evidence collected or prepared during the investigation prior to the hearing, to present witnesses and evidence at the hearing, and to question the evidence and witnesses during the hearing.
- H.** The Presiding Officer or Hearing Officer may preclude the presentation of duplicative, irrelevant or unnecessary evidence and may limit the number of witnesses.
- I.** The Presiding Officer or Hearing Officer shall control the hearing, and shall make all decisions regarding evidentiary and procedural questions.
- J.** Every reasonable effort will be made to elicit and consider the most reliable evidence. The statutory Rules of Evidence, rules of discovery and rules of procedure that govern state and federal court proceedings do not apply during student conduct hearings.
- K.** The charged student and complainant (if any) must submit all evidence either intends to submit to the Presiding Officer or Hearing Officer no later than five (5) calendar days before the hearing date for the Presiding Officer's or Hearing Officer's review to determine admissibility. Evidence not submitted five (5) calendar days before the hearing date will not be allowed at the hearing unless there is good cause for exception, as determined by the Presiding Officer or Hearing Officer. All parties will have opportunity to review such evidence prior to the hearing. The decision of the Presiding Officer or Hearing Officer on the admissibility of the evidence and procedural matters is final.
- L.** Any person, including the charged student, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer or Hearing Officer may be excluded from the proceedings.
- M.** The determination of the hearing shall be made on the basis of whether it has been proven by a preponderance of evidence that the charged student violated the Code. Any decision shall be based only upon evidence and testimony presented at the hearing.

N. The decision of the Student Conduct Hearing Board or Hearing Officer shall be in writing. If the charged student is found to have violated the code, the Hearing Officer or Hearing Board may recommend sanction(s) to the Dean of Students.

O. The record of the hearing shall consist of written minutes of the hearing, any documentary evidence presented, the audiotape, if made, and the written decision of the hearing board or Hearing Officer.

P. The Dean of Students shall, within seven (7) calendar days after receiving the decision and recommendation, determine what sanction(s), if any, will be imposed if a violation is found to have occurred. The Dean shall send a copy of the decision and the sanction(s) to be imposed to the charged student(s) and complainant, if any.

Q. The decision of the Student Conduct Hearing Board or Hearing Officer and the sanctions imposed by the Dean of Students may be appealed to the Vice President for Student Success as set forth in section 670.00.

660.00 Sanctions

A. Individual Sanctions - In determining a sanction, the Dean of Students may consider the student's present and past disciplinary record, including Residence Hall disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the violation, and other factors relevant to the case.

B. If the student is found to have violated the Code of Student Conduct, the Dean of Students may impose one or more of the following sanctions:

1. Expulsion - Permanent separation of the student from the University. The student may also be barred from University premises, events or activities. This sanction may be enforced with a trespass action as necessary.
2. Suspension - Separation of the student from the University for a specified period of time, but not less than the remainder of the semester. Eligibility for return to the University may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within twenty-four (24) hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students. During the suspension period, the student is banned barred from University property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary.
3. Conduct Probation/Suspension Warning - A status that is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Code of Student Conduct during the period.
4. Disciplinary Reprimand - A formal reprimand which may be imposed either in verbal or written form for violating the Code of Student Conduct and a warning that further misconduct may result in more severe disciplinary action.
5. Restitution - Compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. Residence Hall Sanctions - Disciplinary action may consist also include residence hall sanctions such as a Warning, Residence Hall Probation, Residence Hall Suspension, Restrictions of Residence Hall Privileges, Constructive Work Projects, Removal from Floor, Hall, or Residence Hall System, or a combination of sanctions.
7. Community or University Service Requirements - Completion of a specific, supervised University or community service.
8. Loss of Privileges - The student will be denied specified privileges for a designated period of time.
9. Other Sanctions - Other sanctions may be imposed instead of, or in addition to, the sanctions specified above, such as withholding registration, limitation of access to University housing facilities or other property, imposition of mandatory educational or counseling requirements or other sanction appropriate under the circumstances.

C. Group Sanctions - The following sanctions may be imposed upon sororities, fraternities, groups or organizations registered with the University:

1. Those sanctions listed in subparagraphs 3 - 5 and 7-9 above.
2. Deactivation - Loss of all privileges, including University recognition or registration, for a specified period of time.

670.00 Appeals

A. The student who is found responsible for violating the Code of Student Conduct may appeal the decision of the Student Conduct Hearing Board or Hearing Officer and/or the sanction imposed by the Dean of Students following a student conduct hearing by emailing a letter of appeal to the Vice President for Student Success within seven (7) calendar days of the official's decision. Sanctions shall be kept in abeyance pending the determination on appeal, except that any interim sanctions shall continue. The letter of appeal must specifically allege and factually support one or more of the following grounds:

1. The student's rights as set forth in this Code of Student Conduct were violated (i.e., there was an error in the procedure or the interpretation of the Code of Student Conduct which substantially affected the student's ability to receive a fair hearing);
2. New evidence, unavailable during the original hearing or investigation, has been discovered that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in their letter of appeal.

B. If a sufficient claim is presented under one or more of the specified grounds, the Vice President for Student Success shall accept the appeal, notify the student and complainant, if any, and request a copy of the record of the hearing. If sufficient claim is not presented, the appeal shall be dismissed with written notice to the appealing student and complainant, if any.

C. Within twenty (20) calendar days from receipt of the record, the Vice President for Student Success shall review the entire record and render a written decision. The Vice President for Student Success may remand the case to the original Hearing Board or Hearing Officer for further findings of fact or clarification.

D. The decision of the Vice President for Student Success shall be based on the record only and is the final decision of the University. A copy of the decision shall be sent to the charged student, the complainant (if any) and included in the record.

680.00 Interim Restrictions

A. The Dean of Students or designee may impose interim Residence Hall restrictions or University suspension or other restriction(s) upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student's conduct poses an imminent and

substantial threat of injury to, or interference with, persons or property.

B. Interim restrictions may include, but are not limited to, the following:

1. Residence Hall and/or University suspension;
2. Assignment to alternate housing for students residing in University housing;
3. Limitation of access to University housing facilities, other campus facilities or University property in general;
4. Restriction of communication with named individuals or groups within the University community;
5. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment.

C. The official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within three (3) calendar days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting or the hearing will be held as soon as the student is able to attend.

D. At the meeting the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his or her position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the official believes the imposition of the Interim Restrictions was made in error or is too restrictive, the official may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in a future student conduct proceeding.

E. In cases where interim restrictions have been imposed, the disciplinary hearing shall be held as soon as possible, but not later than thirty (30) calendar days from the date of the imposition of interim restrictions.

F. The time limitations set forth in this section may be expanded upon the consent of the student.

690.00 Records and Confidentiality

A. The Office of the Dean of Students shall maintain student conduct records. Relevant student conduct records and related information shall be made available to hearing boards to assist in recommendation of an appropriate sanction, and to other University personnel who require such information to fulfill their official duties.

B. Students may arrange to review their own student conduct records and related information by contacting the Office of the Dean of Students.

C. Except as provided elsewhere in this Code and/or as required by law, the University shall not communicate a student's conduct record to any person or agency without the prior written consent of the student.

D. Student conduct records shall be maintained for seven (7) years from the last recorded entry, then destroyed.