
The student agrees to observe all University and residence hall regulations as set forth in the Montana State University Bulletin, the Student Conduct Code, the Residence Hall Handbook and the Food Service Handbook. **Failure to do so may result in disciplinary action, including eviction from the residence halls and/or suspension/expulsion from the University.** The Residence Hall Handbook supplements the Montana State University Student Conduct Code which fully outlines disciplinary infractions and possible outcomes resulting from these infractions. In the University housing system, discipline can be handled by Residence Life staff, or the designee of the Dean of Students.

This section features information intended to assist students in navigating the Residence Life student conduct process.

1. Residence Life (RL) staff will decide if there is enough information to indicate that a resident violated the Student Code of Conduct and/or the Residence Hall Handbook. RL staff may decide to interview students affected by the potential policy violation or to request additional information from anyone who may have been present.

2. If RL staff have reason to believe a policy violation did occur, the staff will notify residents who may have been involved. This notification will include a list of the policies the staff believes may have been violated (known as “charges”), based on the initial information about what took place. RL staff may continue to gather information about the incident; members of the University community are expected to comply with any request from RL staff related to the conduct process if they are reasonably able to do so.

3. A resident who is accused of violating the Student Code of Conduct and/or the Residence Hall Handbook may meet with a Residence Life Conduct Officer. This meeting is called a Residence Life Conduct Hearing. A case may be referred the Dean of Students office if:
   - The student is an MSU student, but not a resident in University housing
   - The incident was severe and may result in suspension or expulsion from Montana State University.

4. A resident can attend the hearing or can submit a written statement with any information they wish to share about the incident. If the resident chooses not to attend the meeting and does not submit a written statement before the meeting time, the resident will not have the opportunity to share their perspective on what took place.

5. During the conduct hearing the resident(s) can share with the RL Conduct Officer any information they have about what took place and can also invite any witnesses to do the same. The hearing is meant to be informal in nature, so it will not involve a formal presentation process (the way that a court hearing typically would).

6. During the RL conduct hearing, the resident will be provided with the following:
a. An explanation of the charges (possible policy violations), which were listed in the hearing invitation letter
b. A summary of the information the RL Conduct Officer has so far.
c. An opportunity for the resident to reflect on the possible policy violations and also to respond and share their perspective on what occurred
d. An explanation of the rest of the conduct process, which includes possible outcomes from the situation (called sanctions) and the resident’s right to appeal if the outcome is termination of their housing contract

7. Residents are not required to attend the RL conduct hearing and are also not required to answer any questions during the hearing if they do attend. Choosing not to attend the hearing or choosing not to answer questions will not automatically result in the resident being considered responsible for a policy violation. If a resident does not attend the hearing or does not answer any or some questions, the RL Conduct Officer will make a decision based on the information they do have.

8. Residents may choose to bring one person for their consultation or support to the conduct hearing. This person may not speak on behalf of the resident and may not be someone who is also involved in the conduct incident. Residents should notify the appropriate RL staff member at least 24 hours in advance if they plan to have a support person attend the hearing with them.

9. After the hearing, the RL staff member may need to gather more information about the situation. If so, the staff member will provide any new information to the resident and will give the resident an opportunity to respond to it.

10. Based on all of the information the RL Conduct Officer has about the incident, they will decide if the resident did or did not violate the Student Code of Conduct and/or the Residence Hall Handbook. The RL Conduct Officer will base this decision on a standard known as a preponderance of evidence, which means “more likely than not”.

11. If a resident is found responsible for a policy violation, there will likely be outcomes known as sanctions. A sanction may be related to a resident’s status within housing (such as Contract Probation) or the university (such as University Probation) or may require follow-up action on the resident’s part. The written decision will include the following:
   o The decision as to whether or not the resident was found responsible for any violation
   o A statement of the policies the resident was found to have violated
   o Any sanctions (follow-up steps) assigned to the resident
APPEALS PROCESS – HOUSING AND RESIDENCE LIFE

A resident has the right to appeal. All appeals of Housing and Residence Life decisions are made online. To appeal, the resident selects the “Appeals Link” in their official sanctions letter. The resident has 48 hours (2 business days) from the notice of sanction to appeal. The online appeal must specify in detail the grounds on which the appeal is based. The grounds are outlined in this section.

In the event that any technical problems prevent online appeal submission, the resident is responsible for submitting a written appeal to Residence Life within that 48-hour (2 business days) window for an appeal.

The IRHA Appellate board is made up of the Interhall Vice-President of Personnel, the Assistant Director of Residence Life.

A decision or judgment may be appealed on the following grounds:

- the student’s rights as set forth in the Residence Hall Handbook were violated;
- belief that Residence Hall and/or University policies were misinterpreted;
- or belief that the sanction imposed was too severe

The Appellate Board will not "retry" the case, but will limit its review to the paperwork and input of the hearing officer. Cases may be remanded to the original board if specified errors or errors in interpretation of Residence Hall/University policies or regulations were so substantial as to effectively deny the student a fair hearing.

Where there is an appeal of the sanction imposed, the Appellate Board can uphold the original sanction or reduce it; and in limited circumstances make it more severe. It is expected that only in rare instances will the Appellate Board overrule the sanction of the original board.

For cases that are appealed, the decision of the original hearing is implemented only after the Appellate Board has heard the case. The decision made at the last level of appeal is the final decision of the University. The decision is final, unless the resident has been evicted from hall, or system; in the case of eviction from hall or campus, the resident has the right to a second level of appeal to the Assistant Director of Residence Life.

A resident has the right to a second level of appeal for a housing conduct decision resulting in removal from hall or system. This appeal will be heard by an appointed Assistant Director of Residence Life. Students will have the opportunity to meet with an Assistant Director of Residence Life, based on the following grounds:

- the student’s rights as set forth in the Residence Hall Handbook were violated;
- belief that Residence Hall and/or University policies were misinterpreted;
- or belief that the sanction imposed was too severe
DEAN OF STUDENTS REFERRALS

When a case is referred, a University Officer designated by the Dean of Students will investigate the incident. The Officer conducting the investigation:

- determines the facts through interview, reports and other evidence.
- informs the student of the findings of the investigation.
- allows the student an opportunity to respond to the evidence and potential charge(s).
- makes a determination whether a violation of the Code has occurred and, if so, the appropriate sanctions.
- The Officer shall notify the complainant, if any, and the charged student(s) that a preliminary investigation will be conducted.
- The University Officer conducting the preliminary investigation may withdraw any charge determined to be without basis. The complainant 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.
- 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).
- If the student denies the charges or the sanctions, the case will be referred for a hearing under section 664.00 and 665.00.
- If an Administrative Agreement is not signed within five business days following its submission to the student, the matter shall be referred for a hearing under sections 664.00 and 665.00.