



**Michigan
Technological
University**

Academic and Community Conduct

Student Code of Community Conduct 2018-2019



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Student Affairs and Advancement

Michigan Technological University is a globally recognized technological university that educates students, advances knowledge, and innovates to improve the quality of life and to promote mutual respect and equity for all people within the state, the nation, and the global community. The Student Code of Community Conduct supports the University's role in preparing students to create the future. The Code is supported by Student Affairs and Advancement and its four departments: Advancement; Dean of Students; Alumni and Friends; Athletics and Recreation. Student Affairs and Advancement seeks direction from its mission vision, and values to provide innovative student centered activities, programs and services; promote civic engagement and responsibility; and develop strong leadership and team-building capabilities, critical thinking, and ethical awareness.

Our Mission

We prepare students to create the future and we make their success our highest priority.

Our Vision

Create Possibilities. Inspire Learning. Exceed Expectations.

Our Goals

- Create Pride and Affinity
- Foster Student Success
- Cultivate a Culture of Philanthropy
- Provide the Michigan Tech Experience

Our Values

The success of Michigan Tech students is the most important measure of our progress. Given this, we are committed to inspiring:

- An engaged community that actively seeks improvement through acceptance and understanding.
- Students to achieve world-class scholarship through academics, research, and continued learning.
- The creation of all conceivable possibilities through innovative use of their skills and knowledge.
- Individuals to hold themselves accountable, and to act with integrity, honesty, and diligence.
- The tenacity required to make ethical choices and to persevere through all obstacles.

Our Learning Outcomes

Students engaged in programs, initiatives, and experiences offered by Student Affairs and Advancement will:

- Exemplify qualities of ethically and civically engaged leaders.
- Develop communication skills necessary to adapt and engage effectively in groups.
- Acquire and demonstrate personal responsibility and accountability.
- Obtain and apply intercultural knowledge to thrive in our global society.
- Exhibit a sense of pride and affinity for Michigan Tech.

Introduction

Michigan Technological University “prepares students to create the future.” In doing so, the University inspires the values of community, scholarship, possibilities, accountability and tenacity. These values should serve to guide decisions and foster learning. Standards of conduct are set forth in the Student Code of Community Conduct to assist the University community in furthering its mission and values. The Office of Academic and Community Conduct has been given the responsibility for enforcing these standards.

Attendance at the University is both voluntary and a privilege. Upon enrollment, students have the responsibility to uphold the rules and values of the University, and the right to a fair and equitable conduct process. Students, student groups, and/or student organizations are responsible for knowing and complying with the information, policies, and procedures outline in the Code.

The student conduct process is not intended to punish students; rather, it exists to protect the interests of the community and to guide and educate students whose behavior is not consistent with our policies. The purpose of the student conduct process is to determine responsibility, not guilt or innocence. This is not a criminal or civil trial; it is educational in nature, although non-criminal sanctions can be imposed if a student is responsible for a conduct violation. Sanctions are intended to challenge student’s moral and ethical decision-making and to help them bring their behavior into accord with the University’s values.

While the University has a primary duty to supervise behavior on its premises, there are many circumstances where the off-campus behavior of students affects the University and warrants action. The University expects students, groups/organizations to conduct themselves in accordance with the law. Engaging in conduct prohibited under local, state, or federal laws as well as conduct prohibited under University regulations is a clear violation of the Code.

The Code may be applied to conduct online, via email or other electronic media. 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 does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. Most online speech by students not involving University networks or technology is protected as free expression and not subject to this Code, with two notable exceptions:

1. A true threat, defined as “a threat a reasonable person in the circumstances would interpret as a serious expression of intent to inflict bodily harm upon specific individuals.”
2. Speech posted online about the University or its community members that causes or is clearly intended to cause a significant on-campus disruption of the University’s educational activities.

The University will take all actions that it deems necessary and appropriate to protect the integrity and best interests of the University and the University community. The Code (which also encompasses behavior that might constitute a violation of law) provides ample interpretive latitude. If desired, an expedited review and modification process can be created with advance notice and opportunity to comment provided. While some deviation from practices described in the Code may at times be necessary, every effort will be made to ensure that the intent of fairness of the Code is maintained. The Code is a dynamic document, and as such is periodically reviewed, and can be modified. It is the responsibility of every member of the University community to periodically review the Code. Final authority in conduct matters is vested in University administration and the Board of Trustees.

Good Samaritan Provision: Intent Regarding Medical Emergency

Student welfare is the University's primary concern. When students and other individuals need emergency medical help, the University encourages students to offer assistance to others in need and to seek assistance for themselves. Sometimes students may be hesitant to seek or offer assistance due to concerns that their conduct violates University rules, or that a student in a medical emergency will be charged with a rule violation. This provision is included to address that concern.

Any situation where a reasonable person would believe an individual's physical and/or psychological health is at serious risk and immediate action must be taken to protect the individual or others is defined as a medical emergency. In cases of medical emergency, the University will use considerable discretion to avoid a finding of responsibility under the provisions of the Code.

This statement of intent is broadly defined to allow for generous interpretation and consideration of individual circumstances and the intent of those involved. It applies to the student(s) providing, as well as receiving medical assistance. Educational conditions may be imposed rather than conduct sanctions, if appropriate, based on the professional judgment of the Dean of Students or designee. This statement of intent applies only to administrative enforcement of the Code and does not provide immunity/amnesty from arrest or criminal prosecution.

Definitions

1. **Charge** means reasonable cause has been established that a violation of the Code has occurred.
2. **Code** means any and all University codes, regulations, rules, or policies, including this Student Code of Community Conduct, which incorporates or reference many of them.
3. **Consent** is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active not passive. Silence in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) the activity. Consent to any one form of an activity cannot

automatically imply consent to any other forms of the activity. Previous relationships or prior consent cannot imply consent to future acts. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, activity must stop reasonably immediately. In order to give consent, one must be of legal age, not mentally disabled, and/or, not physically incapacitated.

4. **Crime of violence** refers to prohibited conduct where the responding student uses, or threatens to use, violent force against another person. Crimes of violence include crimes committed with and without weapons. Crimes of violence include, but are not limited to: murder, rape, robbery, and assault and battery.
5. **Federally Illegal Drugs** are set forth by the FDA Controlled Substances Act (2009), and any amendments to that act. Under CSA, marijuana is classified as a Schedule I controlled substance: all forms of cannabis are federally illegal, including medical marijuana regardless of state drug policies. In compliance with the Drug-Free Schools Act, the possession, use, manufacture, and/or distribution of any federally illegal drug on University property is strictly prohibited.
6. **Group violation** means a Code violation where a student group/organization and its officers and/or membership may be held collectively and individually responsible when such violations of the Code: take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or implied; and/or have received the consent or encouragement of the organization or of the organization's leaders or officers; and/or were known or should have been known to the membership or its officers.
7. **Hearing officer** means all administrative staff with delegated authority to resolve academic and community conduct issues.
8. **Interim action** means any lawful action, order, restriction, or demand made pursuant to the Code, as a means to protect individuals, property, and/or the best interests of the University.
9. **Maxient** is the conduct management system used by the University. All email correspondence generated from the address **Maxient System** <notifications@maxient.com> should be treated as official communication.
10. **Mediation** means utilizing a neutral third party to assist in reaching an agreement on actions to be taken to resolve conflict where the allegations of misconduct do not fall within the definitions of sexual and/or relationship misconduct.
11. **Medical emergency** is defined as any situation where a student's physical and/or psychological health is at serious risk and immediate action must be taken to protect the individual or others.
12. **PERC** stands for Probation Early Release Certification. This is a program for students sanctioned to conduct probation to complete a series of educational conditions that will in

turn release them early from their term of conduct probation, and restore them to good conduct standing.

13. **Preponderance of evidence** means a party has shown that its version of facts, causes, damages, or fault is more likely than not the correct version. The concept of “preponderance of the evidence” can be visualized as a scale representing the burden of proof, with the totality of evidence presented by each side resting on the respective trays on either side of the scale. If the scale tips ever so slightly to one side or the other, the weightier side will prevail. If the scale does not tip toward the side of the party bearing the burden of proof, that party cannot prevail.
14. **Property** means all tangible and intangible property.
15. **Reasonable** means fair and appropriate given all facts and circumstances.
16. **Reasonable cause** means there is sufficient information alleged by a reporting party to warrant belief by a reasonable person that a responding party has violated the Code. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.
17. **Reasonable person** is a person who behaves in a way that is legally appropriate. Such person exercises average care, skill and judgement in conduct.
18. **Reporting Party** refers to any member of the University community, of the public, or any law enforcement agency representative who makes a report to the Office of Academic and Community Conduct. In situations where the individual(s) reports information, but wishes not to be involved in the conduct process, the University may choose to become the reporting party.
19. **Responding Party** means the student(s)/group(s)/organization(s) alleged to have violated the Code.
20. **Student** means any individual who is an admitted applicant, is currently enrolled, or was enrolled at the time of the conduct in issue regardless of their age or status in regard to parental dependency. Student status is maintained during semester breaks.
21. **Support person** means any member of the University community (faculty/staff/student) chosen by the reporting party or responding party to provide moral support to a reporting party or responding party during a conduct hearing process. The support person may not be an immediate family member. When criminal charges have been filed against the accused student, their attorney may be present during the hearing as their support person. The reporting party may also invite an attorney present as their support person. Support persons, including attorneys, if allowed to be present throughout the proceedings, may not participate directly in the conduct process, but may offer advice, guidance, and/or support to the student (reporting party/responding party).

22. **University** includes all schools, programs, and divisions of Michigan Technological University, be they on-campus, online learning programs, or on a foreign campus, and at all levels, undergraduate, graduate or professional.
23. **University community** means students, faculty and staff.
24. **University Conduct Board** means a group of trained University faculty, staff, and/or students convened for the purpose of reviewing the conduct violation and determining appropriate consequences as needed.
25. **University premises** means buildings, facilities, or grounds owned, leased, operated, controlled, or supervised by the University. University premises also include websites operated by the University, including the official University website and online courses offered by the University.
26. **University sponsored activity** means any activity on or off University premises that is directly initiated or supervised by the University.
27. **Written notice** means all written communication in any form whatsoever, including and without limitation, communication through campus and/or U.S. mail, and all forms of electronic communication to the student's or organization's last known University address. Students will be held accountable for retrieving their University mail/email in a timely manner. Email sent to a student's University email address constitutes official communication, and is deemed delivered at the moment the email is sent and/or date of the mailing of the notice.

Standards of Conduct

The purpose of publishing conduct rules is to give students, student groups, and/or student organizations general notice of prohibited conduct. The University considers the behaviors described in the following subsections as inappropriate for the University community. These inappropriate behaviors are in opposition to the core values set forth in this document. These expectations and rules apply to all students, student groups, and/or student organizations. The University's rules are not written with the specificity of a criminal statute. Students, student groups, and/or student organizations are responsible for choices they make about their actions and accepting the consequences of those choices. Attempts to commit acts prohibited by these rules may be sanctioned to the same extent as completed violations. Repeated or aggravated acts of prohibited conduct may result in progressively more severe sanctions. The following activities are prohibited:

1. **Academic Misconduct** <http://www.admin.mtu.edu/usenate/policies/p109-1.htm>.
 - 1.01 **Plagiarism:** Knowingly copying another's work or ideas and calling them one's own or not giving proper credit or citation. This includes, but is not limited to, reading or hearing another's work or ideas and using them as one's own; quoting,

paraphrasing, or condensing another's work without giving proper credit; and purchasing or receiving another's work and using, handling, or submitting it as one's own work.

- 1.02 Cheating:** Intentional, unauthorized use of any study aids, equipment, or another's work during an academic exercise. This includes, but is not limited to, unauthorized use of notes, study aids, electronic or other equipment during an examination; copying or looking at another individual's examination; taking or passing information to another individual during an examination; taking an examination for another individual; allowing another individual to take one's examination; and stealing examinations. Cheating also includes unauthorized collaboration. All graded academic exercises are expected to be performed on an individual basis unless otherwise stated by the instructor. An academic exercise may not be submitted by a student for course credit in more than one course without the permission of all instructors.
 - 1.03 Fabrication:** Intentional and/or unauthorized falsification or invention of any information or citation during an academic exercise. This includes, but is not limited to, changing or adding an answer on an examination and re-submitting it to change the grade; and inventing data for a laboratory exercise or report.
 - 1.04 Facilitating Academic Misconduct:** Knowingly or recklessly allowing or helping another individual to plagiarize, cheat, or fabricate information.
- 2. Alcohol Misuse** <http://www.admin.mtu.edu/admin/policy/student/7001.htm> See also the [Good Samaritan Provision regarding medical emergencies](#). Alcohol misuse includes, but is not limited to:
- 2.01 Possession and/or use of alcohol** except as expressly permitted by law or [University Policy](#). Alcoholic beverages may not be used by or possessed by any person under the legal drinking age (i.e., 21 years of age in Michigan).
 - 2.02 Manufacture, sale and/or distribution of alcohol** except as expressly permitted by law or [University Policy](#). Alcoholic beverages may not be distributed to any person under the legal drinking age (i.e., 21 years of age in Michigan).
 - 2.03 Intoxication** to the point of endangering one's own health or safety , causing a disruption to the University community, and/or having a negative impact on other members of the surrounding community, regardless of age.
 - 2.04 Causing involuntary intoxication** by any act which causes a person to consume alcohol without their effective consent.
 - 2.05 Violation of the Code while intoxicated** regardless of age.
- 3. Animals** The unauthorized bringing of any animal into a University building or to a University sponsored event, with the exception of working service animals. "Service animal" is defined by the Americans with Disabilities Act (ADA) as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. "Disability" means a medically diagnosable physical or mental condition or

impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, breathing, working and/or learning.

4. **Bullying** Intentional, repeated and/or severe aggressive electronic, written, verbal or physical acts of physical, social, or emotional domination that are intended to and do objectively and subjectively intimidate, harm, or control another physically or emotionally so as to substantially interfere with or limit their ability to participate in or benefit from an educational program or employment.
5. **Bystanding** Complicity with or failure of any student to appropriately address known or obvious violations of the Code. Complicity with or failure of any organized group/groups to appropriately address known or obvious violations of the Code or laws by its members.
6. **Chalking** Any member or members of the Michigan Technological University community found chalking in a way which is inconsistent with the requirements set forth by the University Chalking Policy. <http://www.mtu.edu/policy/policies/facilities/5-07/>
7. **Community Order** Engaging in conduct prohibited under local, state, or federal laws and/or under University regulations. If a person has been asked by an authorized University official to leave the University premises, a University event, or restricted area and refuses to do so, the person is trespassing and may be lawfully removed to maintain community order.
8. **Dangerous Materials** Unauthorized use, possession, distribution, sale, storage, explosion, or detonation of chemicals, explosives, fireworks, or other hazardous materials on University premises or at University sponsored activities.
9. **Discriminatory Harassment** Engaging in severe, pervasive, or objectively and subjectively offensive conduct that is unwelcome, discriminatory (on the basis of any legally protected status), and directed at an individual or a group of individuals so that it significantly interferes with or limits the student's ability to participate in or benefit from an educational program and/or University activities or opportunities. Discriminatory Harassment includes the creation of a hostile environment as well as attempts to create quid pro quo situations.
10. **Disruptive Behavior** Causing a substantial disturbance or disruption, including without limitation substantially disturbing or disrupting the use or enjoyment of University premises or the surrounding community, research and teaching, university administration, conduct hearings, or fire, police and emergency services.
11. **Drug Misuse** <http://www.admin.mtu.edu/admin/policy/student/7001.htm> See also [the Good Samaritan Provision regarding medical emergencies](#). Drug misuse includes, but is not limited to:
 - 11.01 **Possession and/or use** of any *Federally Illegal Drug*, or any possession or use of any prescription drug or other controlled substance except under the direction of a licensed physician. Marijuana, including Medical Marijuana, is prohibited on campus in all circumstances.

- 11.02 Manufacture, sale, or distribution** of any *Federally Illegal Drug* is prohibited, including cannabis in any form.
- 11.03 Being under the influence** of any *Federally Illegal Drug*, prescription or non-prescription drug, or other controlled substance to the point of endangering one's own health or safety regardless of age.
- 11.04 Causing involuntary drug use** is any act which causes a person to ingest any *Federally Illegal Drug*, prescription drug, or other controlled substance without their consent.
- 11.05 Violation of the Code while under the influence** of any *Federally Illegal Drug*, prescription drug, or other controlled substance in violation of this policy, regardless of age.
- 12. Emergency Alarms, Drills, and Equipment** Misusing, tampering with or unauthorized disabling or impairing of any emergency alarm system or other safety equipment in any campus building or on University property; or failing to leave any University building during any emergency alarm or emergency evacuation procedure.
- 13. Endangerment** Any act that directly or indirectly creates a substantial risk to anyone's medical or mental health or safety (including one's own health or safety) regardless of intent.
- 14. Failure to Comply with Conduct Decisions** Intentionally or recklessly violating the terms of any conduct sanction and/or educational condition(s) imposed in accordance with this Code.
- 15. Failure to Comply with Official Requests** Failing to comply with legitimate official requests, including without limitation requests made by, University administrative staff, faculty, student employees, and/or law enforcement agencies.
- 16. False Reporting** Knowingly initiating or causing to be initiated any false report of a Code violation or violation of law; or any false warning or false threat of fire, explosion, or other emergency.
- 17. Financial Obligations** Failure to promptly meet financial responsibilities to the University, including, but not limited to knowingly passing a worthless check or money order in payment to the University, or to an employee acting in an official University capacity.
- 18. Furnishings and Fixtures** Any unauthorized moving of University equipment or furnishings from room to room; or from rooms, lounges, lobbies or buildings; placing furniture in the hallway; and/or removing window screens.
- 19. Hazing** Violating University policy against hazing.
<http://www.mtu.edu/conduct/policies/student-conduct/hazing/>.
- 20. Host Liability** Failing to inform guests of applicable University rules. Hosts are responsible for their guests' behavior on University property.

21. **Information Technology Resources** Violating the University's standards for the acceptable use of IT resources. <http://www.admin.mtu.edu/admin/policy/gen/1006.htm>.
22. **Littering** Disposing refuse of any kind on University premises, except in receptacles provided for that purpose; and placing any flier in or on any vehicle parked on University property without University authorization.
23. **Misrepresentation** Furnishing false information to any university official, faculty member, or office. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
24. **Misuse of Services** Unauthorized use, or providing such use to another, of official identification, or of the University's properties, services, programs, facilities, supplies, name, logo, insignia, documents, keys, or permits.
25. **Motorized Vehicles** Unauthorized use of a motor vehicle, including but not limited to cars, ATVs, snow vehicles, or similar motorized devices, while on University property, except in designated locations.
26. **Physical Misconduct** Intentionally or recklessly causing physical harm to any person, or any intentional action resulting in non-accidental physical contact with a person without their consent.
27. **Posting** Placing of advertisements, posters, signs, etc. on designated bulletin boards or in other locations, without authorization by the manager of the building.
28. **Property Damage or Destruction** Destroying or damaging University property or the property of a member of the University community.
29. **Public Exposure** Deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
30. **Retaliation** Engaging in adverse action and/or threat of such action against a reporting party, responding party, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of a violation of University policy. Engaging in adverse action and/or threat of such action against any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a reporting party or responding party. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others.
31. **Sexual and/or Relationship Misconduct** Violating University policy on sexual and/or relationship misconduct. <http://www.mtu.edu/conduct/policies/student-conduct/sexual-misconduct/>.

- 32. Solicitation or Commercial Enterprises** Unauthorized selling of any goods or services on University premises. Solicitations or commercial enterprises (including cyber-marketing and telemarketing) in University housing.
- 33. Stolen Property** Theft of property or services; or knowingly possessing, selling, or distributing stolen property.
- 34. Threats** Intentionally or recklessly threatening physical harm to any person; or intentionally or recklessly causing reasonable apprehension of such harm; or communicating to any person (including communicating by any communication device, anonymously or otherwise), with intent to threaten another person for no legitimate purpose.
- 35. Tobacco** Smoking, smoke-free tobacco and/or vapor use are prohibited on all Michigan Tech-owned or leased properties.
- 36. Violating Housing and Residential Life Policies** Both the Residence Hall and the Apartment Living Guide can be found at <http://www.mtu.edu/housing/applications-policies/living-guide/>.
- 37. Violating Student Activities Policies** Policies related to student activities and/or student organizations can be found at <http://www.mtu.edu/student-activities/policies>.
- 38. Weapons** Violating University policy on weapons registration.
<http://www.mtu.edu/bot/governance/policies/chapter12/sections/12.06-12.10.html>
- 39. Wheeled Devices** Skateboards, roller blades, bicycles, and similar wheeled devices may not be used inside University buildings, residence halls, or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden 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.

Conduct Pathways

The University will respond to violations of the Code through a variety of pathways, informally and/or formally, with the goal of educating all parties involved. Resolutions, as well as appeal processes, are administrative functions internal to the University. Students may also face criminal action by the University for violations of Board of Trustees regulations or ordinances, and external, criminal/civil proceedings for violations of federal/state laws and/or city ordinances. Proceedings under the Code may be carried out prior to, simultaneously with, or following criminal/civil proceedings.

Student groups/organizations are expected to comply with the community standards set forth in the Code and may be charged with violations of those standards. Hearings for student groups or organizations follow the same general student conduct procedures. Determinations as to responsibility will be made. Sanctions will be assigned collectively and/or individually, and will be proportionate to the involvement of each individual and the organization.

University community members, law enforcement agencies, or members of the public can report possible Code violations by making a written complaint to the Office of Academic and Community Conduct. https://cm.maxient.com/reportingform.php?MichiganTech&layout_id=0 It is within the discretion of the University to determine the extent to which the complaint will be investigated and/or resolved. If a determination is made by a University official that reasonable cause exists to believe a violation has occurred, then the student alleged to have committed the violation will be provided notice of the violation and an opportunity to respond to the violation. A University official may dismiss the complaint at any stage if they have reasonable cause to believe the complaint is baseless or otherwise unsupported by available evidence. The official may also decide the complaint could be better resolved in a different manner and refer accordingly. Complaints of Sexual Misconduct can also be reported to the Title IX Office <https://www.mtu.edu/title-ix/index.html> , Department of Public Safety and Police Services <https://www.mtu.edu/publicsafety/index.html> , or Houghton Police Department <http://cityofhoughton.com/info-police.php> .

Informal Pathways

Conduct Intervention - After receiving a report, a University official may decide to schedule a meeting with the responding party to discuss the alleged violation(s). At the meeting, the official will: (1) explain the purpose of the conduct intervention meeting; (2) review the incident report and any impacts/harms to individuals and/or community as a whole; (3) listen to the responding party's explanation of what occurred and why; (4) discuss community behavioral expectations and conflict resolution techniques; (5) discuss the consequences of the student conduct process; and (6) assist the student in developing an action plan to: repair the impacts/harms to individuals and or community; avoid recurring behavioral issues; make use of appropriate service referrals, as needed; and reintegrate themselves back in to the community.

No sanctions will be imposed other than a verbal warning during the conduct intervention, and there is no right to an appeal. The official has the authority to change handling the incident at the conduct intervention level to the administrative option, voluntary adaptable resolution, or formal action, based on the information revealed in the conduct intervention meeting. Such actions may also be taken if the student fails to appear for the conduct intervention meeting. If a change is made, the responding party will receive the appropriate notice and opportunity to respond.

Restorative Practices - After receiving a report, the official may offer the option for the reporting party and the responding party to informally resolve the conflict/incident. If the responding party accepts responsibility for violating the Code, and the reporting parties agree to be involved, restorative practices such as mediation, facilitated dialogue, restorative group conferencing, and/or circle processes may be utilized.

Mediation uses a neutral third party to coordinate a structured intervention to assist with resolving conflict between two or more parties. **(Mediation will not be an option for any allegation of sexual misconduct.)** Facilitated dialogue is a structured conversation between two or more parties in which a facilitator guides the parties to a better understanding of their differences. Restorative group conferencing is a scripted dialog led by a facilitator in which the

responsible party(s) and the impacted party(s) engage in collaborative decision making to identify outcomes and develop a formal agreement. The circle process is a means of organizing group communication, decision making, problem-solving and/or conflict resolution.

These voluntary processes allow all parties to be involved in and have influence on the resolution process and outcome. The primary focus is to address the impacts, repair the harm, restore integrity, and reintegrate individuals back in to the community. The outcome is a formal agreement between the parties as to what will be specifically done by the responding party. If all parties are not in agreement as to the outcome of the restorative practices, or at any time during the process the official decides it's not in the best interest of those involved, including the University, then the matter will be handled through formal action.

Formal Pathways

Interim Action – Reasonable cause needs to be present for the University to take interim action prior to any further action or hearing with any responding party to ensure the safety and well-being of all members of the University community; to ensure the responding party's own physical or emotional safety and well-being; or if the responding party poses a threat of disruption of or interference with, the normal operations of the University. If a responding party fails to comply with the requirements of the interim action, the University may immediately take any lawful action to obtain compliance.

A responding party and/or reporting party can request an interim action review to be conducted at any time after interim action is imposed. The responding party and/or reporting party must submit in writing the request for review. During the review process, the responding party and/or reporting party will be given an opportunity to demonstrate in writing why they feel cause no longer exists for the interim action to be in effect. This may include providing additional information not available at the time the interim action was imposed. A separate University official will conduct the review.

“Interim action” includes, without limitation: 1) No verbal/non-verbal/third-party contact with another person(s). 2) Disciplinary hold on the student account that prevents registering for academic courses and/or making any type of academic requests (i.e. transcripts). In order to have the hold removed the student will need to comply with official's request. 3) Mandatory behavioral agreement that reinforces conduct expectations, with any further violations of the Code resulting in formal action. 4) Restriction on student's presence in the residence halls, on University property and/or at University events. 5) A requirement of an individualized psychological assessment through Counseling Services or at another facility and/or a medical assessment. The assessment(s) may be used to determine the appropriateness of withdrawing, sustaining, or altering the interim action. 6) Immediate suspension from the University.

Administrative Option – The official may send a written notice of the alleged policy violation(s), findings based on a preponderance of the evidence, applicable sanctions and educational conditions, with the option for the student to (a) accept the findings and the designated sanctions and educational conditions, (b) request formal action or (c) reject the findings in part or entirely and request formal action. The written notice will be sent by a

University official to the University email address assigned to the responding party. Response must be returned via email to the official within seven (7) business days of the official's emailing of the notice.

If the responding party requests formal action, then an initial conference will be scheduled, and the case may proceed with further formal action. If the response is not returned within the designated time period, it shall be presumed the responding party waives their right to formal action and the sanctions and educational conditions outlined in the email notice will be imposed. If the responding party waives their right to formal action, reporting party may appeal the outcome and request formal action.

Formal Action - The official will send to the responding party notice of the alleged violation(s), the range of sanctions related to the violation(s), the date, time, and location for an initial conference to the University email address assigned to the responding party. If the responding party fails to appear at the initial conference, the official may consider all information true and accurate, if it so appears, and take appropriate administrative action.

The initial conference notice is sent when a report from staff, faculty, law enforcement, or another source that indicates that there is reasonable cause to believe that a student may be responsible for a violation of the Code. At the initial conference, the student will meet with an official. The purpose of the initial conference is to provide the responding party with additional information about the reported incident and explain the procedures that will be followed to determine if they are responsible or not responsible for a violation the Code. At that time, the responding party will respond to the violation by electing one of the following courses of action:

1. To accept responsibility for violating one or more University rules. The case may then be immediately reviewed by the official, who will take appropriate action. A short postponement will be granted if the responding party wishes to demonstrate mitigating circumstance by producing relevant witnesses or information. A decision notice will be sent to the responding party within seven (7) business days, and will include any applicable sanction and condition(s). The official may choose to refer the responding party to a meeting with the University Conduct Board for determination of appropriate sanction and/or educational condition(s).
2. To accept responsibility for a violation(s), and request a restorative practice in lieu of formal sanction/educational condition(s). [See Restorative Practices](#)
3. To deny responsibility for the violation(s), in which case, the official shall determine the next appropriate course of action from the following: a) Hold an immediate formal hearing with the official or if the responding party so requests, postpone the hearing for a reasonable time in order to allow the responding party to prepare a response and/or to arrange for the reporting party who filed the complaint to appear. b) Refer for a formal hearing to another official. c) Refer for a formal hearing before the University Conduct Board. If the board cannot convene, Office of Academic and Community Conduct will arrange a formal hearing by an official. d) Adjourn the conference in order to obtain additional information, and then complete the hearing at a later time after all additional information has been gathered. e) Dismiss the charges.

4. To stand mute on the charge. The case will then be referred for a formal hearing before the University Conduct Board.

* At the formal hearing, the responding party will appear before an individual official or a conduct board. As appropriate to the conduct charges, in most cases a conduct board will be convened to review the possible conduct violation.

Conduct boards generally consist of one member of the professional staff, one member of the faculty, and one full-time student. All conduct board members receive annual training modeled after the Association of Student Conduct Administration's "Best Practices in Student Conduct Hearing Board Training Series."

** Members of the University Conduct Board may be current or former licensed attorneys. These individuals serve on the University Conduct Board in their capacity as a student/faculty staff member of the University, not as an attorney. These individuals do not represent or advise the University on the matters before them as an attorney.

Hearing Guidelines for Participants - The Office of Academic and Community Conduct would like to emphasize that our hearing is not a criminal trial. Formal rules of evidence shall not be applicable in conduct hearings but principles of relevance, credibility and acceptance of information which reasonable persons would accept as having probative value in the conduct of their affairs can be considered in any hearing on responsibility, sanctions, and/or interventions. The standard used to determine if a student is responsible is called preponderance of evidence; this differs from normal court procedures because the hearing officer or committee may simply rule that it is more probable than not that a University regulation has been violated. The purpose of a hearing is to obtain the information necessary to make a decision in a student's case. Often, the student and the hearing officer may simply need to discuss the incident report. Sometimes the reporting party, the individual who makes the incident report, will attend. Additional witnesses or documents are sometimes helpful; however, character witnesses are not allowed.

Hearings are closed to the public. At the discretion of the official, an additional official may be present for the purpose of assisting in managing the hearing, but the assistant shall not otherwise participate in the hearing.

Where a sanction of suspension or expulsion can be imposed, hearings will be recorded. Deliberations will not be recorded. The recording will be the property of the University and maintained according to University records policy.

The official and/or chair of the conduct board shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the student charged with the conduct violation, who disrupts a hearing, may be excluded by the official or chair.

During the hearing, the student may present an explanation of the facts and circumstances relating to the incident, present relevant witness who can speak to the same, and reserve the right to not respond to questions. Both parties are allowed to direct relevant questions to the hearing

officer and/or panel to be asked of each other and/or to witnesses who testify at the hearing. The official and/or chair may determine that witnesses or information is not relevant to the charge(s). The official and/or chair may also call on the reporting party to give an explanation of events.

The official and/or chair are authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant facts; to prevent the harassment of participants; to insure that proceedings are not disrupted; and to see that the interests of fairness are served. These measures may include regulating the timing, length and manner of presentations, objections, declaring recesses in the proceedings, and other appropriate actions. Officials and/or chairs should have training and experiences appropriate to the demands of the office.

The reporting party and responding party may each invite one “support person” to accompany them during the conduct hearing process. A support person is any member of the University community (faculty/staff/student) chosen by the reporting party or responding party to provide moral support to a reporting party or responding party during a conduct hearing process. The support person may not be an immediate family member. When criminal charges have been filed against the accused student, their attorney may be present during the hearing as their support person. The reporting party may also invite an attorney present as their support person. Support persons, including attorneys, if allowed to be present throughout the proceedings, may not participate directly in the conduct process, but may offer advice, guidance, and/or support to the student (reporting party/responding party).

No conduct action shall be taken unless it is established by a preponderance of the information before the Conduct Board or hearing officer that the student is responsible for the violation(s). Formal rules of evidence shall not be applicable in conduct hearings. Information which reasonable persons would accept as having probative value in the conduct of their affairs can be considered.

Written notice of the conduct decision will be sent to the student within seven (7) business days of the hearing. This time may be extended if necessary in the reasonable judgment of the official and/or chair.

Any conduct decision may be appealed and must follow the established procedures as outlined in the [Appeal Procedures](#).

Sanctions and Educational Conditions

Written Warning. A written statement that further violations of University rules will result in more serious sanctions.

Conduct Probation. A status which generally will not exceed 18 months, unless in the discretion of the decision maker, the status should exceed 18 months. Students who violate any regulation while on conduct probation are likely to receive enhanced sanctions for any subsequent violations. Conduct probation means a student is not in good social/conduct standing, and therefore may be ineligible to participate in co- and/or extra- curricular activities, student employment, scholarships, etc. Once a student has completed at least 1/3 of

their total probationary period, they may apply to the PERC program to be reinstated to good conduct standing. Applicants will be required to successfully complete additional educational conditions prior to being released from conduct probation. Please contact the [Office of Academic and Community Conduct](#) for more information on the PERC program.

Conduct Suspension. The termination of a person's status as a student for a definite or indefinite period of time with possibility of reinstatement. The student must submit a petition for reinstatement and have it approved before being allowed to return. If allowed to return, a determination will be made whether or not the student will be placed on conduct probation for a specified period of time.

Conduct Expulsion. The termination of a person's status as a student without possibility of reinstatement.

Educational Conditions. Conduct decisions, in addition to a sanction, may include an educational condition(s) such as: writing assignments, educational/experiential workshops, counseling, fees, community service, restorative practices, loss of privileges, educational projects, and/or assessments. The University has complete discretion to require or to not require educational conditions on a case by case basis. Students with critical financial situations may submit a written petition to the Office of Academic and Community Conduct to demonstrate why they cannot pay University education condition fees. Supporting documentation as to why the student has a critical financial situation and is unable to pay is recommended. The petition and any supporting documentation will be reviewed to determine if their fiscal conditions warrant a reduction or waiver.

Appeal Procedures

The reporting party(s) and/or responding party(s) involved in the conduct process may request an appeal of the conduct decision made by an official and/or board. Appeals must be in writing and submitted to the Office of Academic and Community Conduct within seven (7) business days of the University's transmittal of the conduct decision. Students who have been sanctioned with suspension or expulsion shall, upon request, have access to all written documentation and/or recordings of the original hearing under the supervision of the Office of Academic and Community Conduct prior to submitting an appeal request. The imposition of sanctions will be deferred while an appeal is pending unless, at the discretion of the Dean of Students, Dean of the Graduate School, or designee, the Interim Action provisions are invoked or for other good cause.

After receiving an appeal, the Office of Academic and Community Conduct will conduct an initial review within seven (7) business days to determine if the appeal request meets the limited grounds and is timely. The basis for an appeal is limited to questions of fact, questions of procedure and severity of sanction.

Question of Fact. Appeals will be considered on "questions of fact" by the introduction of new information that would significantly affect the outcome of the case. Information introduced that was not known or could not be reasonably known at the time of the hearing by the appealing student shall be considered new information. Evidence that was known but

withheld by the appealing student shall not constitute a question of fact and will not be considered upon appeal.

Question of Procedure. Appeals will be considered on the basis of “questions of procedure” by the demonstration that a departure from established procedure guidelines occurred, and said breach significantly affected the outcome of the case.

Severity of Sanction. Appeals will be considered on the “severity of sanction” by the explanation of why the sanction should be reconsidered. The appeal must show that the degree of the sanction leveled was not within the exercise of good faith discretion by the University, and that therefore the sanction should be imposed to a lesser extent.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. Notice of this decision will be sent to the appropriate party(s) within seven (7) business days of the decision. If the appeal is timely and alleges the above required grounds, the appeal will be resolved by the Dean of Students, Dean of the Graduate School, or designee within seven (7) business days of receiving the request.

In appeals of suspension or expulsion decisions by the University Conduct Board, an Appellate Board consisting of one professional staff member, one faculty member, and one student will be appointed by the Dean of Students or Dean of the Graduate School to review the appeal.

The Dean of Students, Dean of the Graduate School, designee, or Appellate Board will review the record and render a decision on the appeal. The Dean of Students or designee, or Appellate Board, may (a) remand the case to the original hearing officer or hearing committee; (b) change (increase or decrease) the sanctions and/or (c) dismiss the original charge(s) or find responsible for any charge(s) dismissed. In cases involving more than one charge, an appeal decision may include more than one of the options in (a) through (c). The appellant will be notified in writing of the decision of the Dean of Students, Dean of the Graduate School, or designee, or Appellate Board within seven (7) business days of the appellate decision. The appellate decision action is final and is not subject to further appeal.

Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The party(s) reviewing the appeal may contact the reporting party and responding party to answer questions and/or provide further clarifications. If appropriate, an extension of the timelines may be provided up to an additional seven (7) business days. Notice of an extension will be sent to the reporting party and the responding party.

Procedures for Multiple Violations

In cases of multiple charges where more than one University policy is implicated, the procedures governing Sexual and/or Relationship Misconduct violations will take precedence.

Records

Records of all conduct actions by officials and boards are considered educational records under FERPA. For additional information, see <http://www.mtu.edu/registrar/faculty-staff/ferpa/>. Records of conduct actions shall be maintained by the Office of Academic and Community Conduct in accordance with the Student Affairs document retention policy. Records of incidents reportable under the Campus Security Act will be retained for seven (7) years from the date of the incident; records of incidents resulting in suspension (when the student does not return to the University) or expulsion will be retained indefinitely; and all other records will be retained for two (2) years following graduation or official withdrawal from the University. With the exception of the sanction of Expulsion, and Special Failing Grades (F*, U* and E* under the Academic Integrity Policy), disciplinary sanctions do not appear on University transcripts. In the case of pending actions where an academic grade cannot be assigned, a grade of “M” will be entered into the student’s academic record, which is not calculated into the student’s GPA.

Revocation of Degree

The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious disciplinary violations committed by a student prior to the student’s graduation.

Acknowledgements

The Code is adapted from the NCHERM Group Developmental Code of Student Conduct and is used here with permission. www.ncherp.org. Special acknowledgement to Gary Pavela for his Summer 2015 review and revision recommendations for the Code. *Any questions regarding University rules and student conduct procedures should be addressed to: Office of Academic and Community Conduct, 310 Administration Building, (906) 487-2951, studentconduct@mtu.edu.*

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