

Policy & Procedures

*For Addressing Allegations of Sexual
and/or Relationship Misconduct Against
Michigan Technological University
Students*

Policy & Procedures

Addressing Sexual and/or Relationship Misconduct Allegations
2019-2020

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Guiding Principles

Sexual and/or relationship misconduct have been identified as national problems that significantly impact college and university students. Federal and state laws place requirements upon colleges and universities to address issues of sexual and/or relationship misconduct. The University is committed to educating students, faculty, and staff about this topic, and offering a variety of comprehensive services available on campus and in the surrounding community.

The University's Student Code of Community Conduct expressly prohibits sexual and/or relationship misconduct. Sexual and/or relationship misconduct includes 1) sexual harassment 2) non-consensual sexual contact 3) non-consensual sexual intercourse 4) intimate partner violence 5) stalking 6) sexual exploitation. These terms are defined under **Prohibited Conduct**.

When an allegation of sexual and/or relationship misconduct is brought forward, the University will take thorough, reliable, impartial, and fair steps to investigate in a prompt, effective, and equitable manner. If found to have occurred, the University will take steps to remedy the sexual and/or relationship misconduct, prevent its recurrence, and address its effects, regardless of whether or not the sexual and/or relationship misconduct is the subject of a criminal investigation.

Retaliation against any party involved in the process is strictly prohibited. No one shall engage in adverse 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, which affects their employment, academic/student, or business status that is motivated in whole or in part by their participation in the process. Any complaint regarding retaliation should be reported to the Title IX Coordinator, Office of Academic and Community Conduct and/or Public Safety and Police Services.

Reporting Party

A person who allegedly experienced gender-based discrimination, sexual harassment, and/or sexual misconduct regardless of whether they chose to report the conduct to the university or authorities. The person who reports the alleged violation may or may not be the reporting party. If not, they are considered the person to have brought forward the allegation, a witness, or a third-party reporter.

Responding Party

A student(s) or student organization(s) alleged to have violated the sexual and/or relationship misconduct policy. Student-employees alleged to have engaged in sexual and/or relationship misconduct in their employment capacity may be investigated by the Office of Institutional Equity and Inclusion. A student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, under applicable procedures.

Title IX Coordinator

Kirsti Arko, PhD, serves as the Title IX Coordinator and oversees the implementation of the Sexual and/or Relationship Misconduct Policy and the Sexual and/or Relationship Misconduct Procedures for

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Addressing Allegations against Michigan Technological University Students. The Title IX Coordinator has the primary responsibility for coordinating the institution's efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Allegations of policy violations and inquiries or concerns regarding this policy and procedure may be made internally to:

Kirsti Arko, PhD

Title IX Coordinator, Assistant Director of Institutional Equity

Administration Building 306

906-487-3310

titleix@mtu.edu

Other Reporting Options

Reports of discrimination, harassment and/or retaliation may be made using any of the following options:

1) **Report directly to the Title IX Coordinator**

Kirsti Arko, PhD

Title IX Coordinator, Assistant Director of Institutional Equity

Administration Building 306

906-487-3310

titleix@mtu.edu

2) **Report online**

Title IX/Sexual Misconduct Reporting Form: www.mtu.edu/title-ix/assault-harassment/report/

Report a Concern: www.mtu.edu/concern

3) **Report anonymously through the Tip Line**

Tip Line: www.mtu.edu/tips/

4) **Other Campus Reporting Options**

Department of Public Safety and Police Services

Building

906-487-2216

www.mtu.edu/publicsafety/

Office of Academic and Community Conduct

Administration 310

906-487-2951

studentconduct@mtu.edu

www.mtu.edu/conduct

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Additional Title IX Staff

- 1) Susan Sullivan
Assistant Title IX Coordinator, ADA/504 Coordinator, Assistant Director of Institutional Equity
Administration Building 310
906-487-3310
susulliv@mtu.edu

- 2) Beth Lunde-Stockero
Title IX Director, Executive Director of Institutional Equity
Administration Building 310
906-487-3310
blunde@mtu.edu

- 3) Suzanne Sanregret, PhD
Title IX Coordinator for Gender Equity in Athletics
Student Development Complex
906-487-3070
srsanreg@mtu.edu

Campus and Community Resources

Private Resources

The University will take care to protect the privacy of reporting parties and others participating in or contributing to the investigation and resolution of complaints/incidents. Only individuals with a "need to know," such as the other party(s), witnesses, and appropriate University administrators/investigators, will receive information regarding the complaint/incident. Information will only be shared with these individuals when necessary.

- [Title IX Coordinator](#), Kirsti Arko: titleix@mtu.edu, 906-487-3310, Administration Building 306
- [Public Safety and Police Services](#): 906-487-2216
- [Title IX/Sexual Misconduct Reporting Form](#)
- [Report a Concern](#)
- [Tip Line](#): Members of the Michigan Tech community may report items of concern using the anonymous tip form.
- [Office of Academic and Community Conduct](#): 906-487-2951
- Local Health Care

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Confidential Resources

Details of the complaint/incident are kept confidential. These resources are not required to tell anyone your private, personally identifiable information unless there is a significant cause for fear of your safety or the safety of others.

- [Michigan Tech Counseling Services](#)
- [Michigan Tech Ombuds Office](#)
- [Dial Help](#)
- [Barbara Kettle Gundlach Shelter](#)

External Inquiries

Inquiries may be made externally to:

Office of Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline: (800)-421-3481

Facsimilia: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Students with Disabilities

Michigan Technological University is committed to providing qualified students with disabilities reasonable accommodations and support needed to ensure equal access to academic programs and activities of Michigan Tech. A student requesting any accommodations related to filing a report or participating in the Sexual and or Relationship Misconduct process should contact the Coordinator of Disability Student Services, Christy Oslund, PhD, who coordinates services for students with disabilities. The Coordinator reviews documentation provided by the student, and in consultation with the student, determines which accommodations are appropriate to the student's particular needs.

Christy Oslund, PhD

Administration Building 130

cmoslund@mtu.edu

906-487-1494

www.mtu.edu/success/disability/

Prohibited Conduct

Sexual Harassment

Unwelcome sexual, sex-based, and/or gender-based verbal, written, online and or physical conduct that constitutes Hostile Environment Sexual Harassment or Quid Pro Quo Sexual Harassment, as defined below.

Hostile Environment Sexual Harassment

When sexual harassment is severe, persistent or pervasive, and subjectively and objectively offensive, such that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's education or employment programs.

Quid Pro Quo (meaning "this for that") Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's education or employment progress, development or performance. This includes when submission to such conduct would be, or under the circumstances would reasonably be understood to be, a condition for access to receiving the benefits of any educational or employment program.

Non-Consensual Sexual Contact

Any intentional or reckless sexual touching, however slight, with any object or body part, by a person upon another person, without consent and/or by force. Sexual contact is any intentional or reckless contact with the breasts, buttocks, groin, mouth, or genitals of another person, or intentional or reckless touching of another person with any of these body parts, making another person touch you or themselves with or on any of these body parts, or any other intentional or reckless bodily contact in a sexual manner.

Non-Consensual Sexual Intercourse

Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue, finger or other body part; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Intimate Partner Violence

Defined as any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in or have been in an intimate relationship with each other.

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Stalking

Engaging in a menacing course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for their safety or the safety of others; or (B) Suffer substantial emotional distress.

Sexual Exploitation

Taking nonconsensual, unjust or abusive advantage of another in a sexual or intimate context for the responding party's own advantage or benefit OR to benefit/advantage anyone other than the individual being exploited AND that does not constitute any other sexual and/or relationship misconduct offense addressed in the University's policy , including without limitation: prostituting another person, engaging in, permitting or facilitating non-consensual viewing, photographing, videotaping, audio taping, or posting to the internet sexual or intimate activity (such as dressing, showering and similar activity of oneself or others), knowingly infecting another person with HIV or other sexually transmitted diseases and/or inducing incapacitation of another person with the intent to facilitate nonconsensual sexual intercourse or contact with that person.

Relevant Definitions to the Prohibited Conduct

Coercion

Unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Course of conduct

Two or more acts, including but not limited to, acts in which the alleged responding party directly, indirectly, or through third parties, undertakes action, method, device, or means to commit sexual and/or relationship misconduct.

Emotional/Psychological Abuse

A persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The behavior is intended to terrorize, intimidate, isolate, or exclude an

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intimate partner. This does not include isolating/excluding oneself from a former intimate partner.

Force

The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, and coercion that overcomes free will or resistance or that produces consent.

Group violation

A 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 tacit; have received the consent or encouragement of the organization or of the organization's leaders or officers; or were known or should have been known to the membership or its officers.

Incapacitation

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. A person violates this policy if they engage in sexual activity with someone they know to be, or should know to be, physically or mentally incapacitated. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g. to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Intimate relationship

A relationship that includes some romantic, sexual and/or domestic element.

Menacing

Conduct intended to control someone, restore a relationship at any cost, or obtain some other desired end for which an individual is willing to, or threatens to cause harm if they don't get what they want.

Physical violence or abuse

Intentionally or recklessly (1) causing another bodily harm; (2) attempting to cause another bodily harm; or (3) putting another in fear of imminent bodily harm.

Reasonable person

A person who behaves in a way that is legally appropriate. Such person exercises average care, skill and judgement in conduct.

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Retaliation

Engaging in adverse 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, which affects their employment, academic/student, or business status that is motivated in whole or in part by their participation in the process.

Student

Any individual who is an admitted applicant, is currently enrolled, or was enrolled at the time of the incident regardless of their age or status in regard to parental dependency. Student status is maintained during semester breaks.

Substantial emotional distress

Anxiety, sorrow or pain that is not mild or brief, and is so substantial or long lasting that a reasonable person would not be expected to allow its continuance.

Verbal abuse

Extreme/excessive use of language designed to mock, shame, embarrass or humiliate the other intimate partner. The language must be sufficiently severe, persistent or pervasive, and objectively and subjectively offensive.

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Interpretive Rules for Sexual and/or Relationship Misconduct Charges

The person who is the object of sexual and/or relationship misconduct is not required to physically or otherwise resist a sexual aggressor.

Silence, previous sexual relationships, and/or current relationship with the alleged perpetrator (or anyone else) may not, in themselves, be taken to imply consent. Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.

Intentional use of alcohol/drugs by the student accused of sexual and/or relationship misconduct is not an excuse for violation of the sexual and/or relationship misconduct policy.

A student who deliberately drugs or attempts to persuade another to consume alcohol or drugs for the purpose of rendering that person incapacitated or sexually submissive/passive commits a violation of the sexual and/or relationship misconduct policy.

An "intent" to commit sexual and/or relationship misconduct is not required under this policy. For example, the requisite intent for non-consensual sexual intercourse is demonstrated by engaging in the act of intercourse intentionally, without the other person's consent.

Consent has an expiration date. Consent lasts for a reasonable time, depending on the circumstances. Consent must be contemporaneous with the sexual activity involved.

Nonconsensual sexual contact/intercourse or sexual exploitation is not limited to strangers and can include acquaintances.

Attempts and Enhancements

1. Attempts to commit prohibited conduct may be punished to the same extent as completed violations.
2. Repeated or aggravated acts of prohibited conduct may result in enhanced sanctions.
3. Repeated or intentional failure to comply with imposed sanctions may result in enhanced sanctions.
4. Conduct violations that are motivated by the offender's bias due to race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, disabled veteran status, veteran status, or disability may result in enhanced sanctions.

Jurisdiction

The jurisdiction of the University over sexual and/or relationship misconduct incidents involving a student(s) is broad. The University will investigate and remedy, using the Procedures for Sexual and/or Relationship Misconduct, complaints of sexual and/or relationship misconduct:

- Regardless of the location of the incident.
- Regardless of the incident occurring during the course of a semester or during a semester break.
- As long as the alleged responding party is a current enrolled student, or was at the time of the incident.
- Regardless of the enrollment status of the alleged reporting party.
- If the impact of the sexual and/or relationship misconduct incident is likely to have a substantial effect on campus life or activities of the alleged student reporting party or alleged student responding party.
- If the incident poses a threat of danger to members of the University community.
- If alleged responding party is an inactive student and/or not currently enrolled, interim action(s) may be taken, i.e. place a hold on the student's account and/or issue a campus ban.
- When allegations arise after a student has graduated regarding incidents that occurred before the student graduated, the University maintains the right to investigate and remedy such complaints. If found to be responsible, a student could face revocation of their degree and/or other sanctions.

Good Samaritan Provision: Intent Regarding Medical Emergency

Good Samaritan Provision: Intent Regarding Medical Emergency Student welfare is the University's primary concern. The Good Samaritan Provision is intended to encourage students to seek swift medical assistance for themselves and others without fear of penalty. Students are urged to not only to take care of their own well-being, but to behave in an equally responsible way with their peers.

There may be times when safety concerns arise from a student's excessive drinking or drug use, and in these situations, students should not hesitate to seek help from the Residence Education and Housing Services staff, Public Safety and Police Services, medical or counseling professionals, and/or off-campus police out of fear of student conduct action. Under this Good Samaritan Policy, neither the student in distress nor the student or organization seeking assistance will ordinarily be subject to student conduct action for the possession, provision, or consumption of drugs or alcohol.

This policy refers to isolated incidents only, and does not excuse or protect those who flagrantly or repeatedly violate the [Abuse of Alcohol and Other Drugs by Students and Student Organizations Policy](#), nor does it preclude disciplinary action arising from violations of other University policies. However, in cases involving additional policy violations, the University will consider the positive impact of reporting an incident as well as the health and safety needs of the involved student(s) when determining the appropriate course of action. This statement of intent applies only to administrative enforcement of the Code and does not provide immunity/amnesty from arrest or criminal prosecution.

University Process

The *Sexual and/or Relationship Misconduct Procedures for Addressing Allegations against Michigan Technological University Students* provides a detailed explanation of the process that will be followed for complaints filed under the Sexual and/or Relationship Misconduct Policy for Michigan Technological University Students. Under most circumstances, the investigation and final determination of a complaint will be completed with a 60-90 business day time period, including appeals which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

The University will respond to violations of sexual and/or relationship misconduct through a variety of pathways, informally and/or formally, with the goal of stopping, preventing, and/or remedying the discriminatory effects. Resolutions, as well as appeal processes, are administrative functions internal to the University and not judicial proceedings.

The Office of Academic and Community Conduct, in discussion with the Title IX Coordinator, will determine the most effective method of reviewing the concerns raised by the reporting party while also protecting the rights of other parties. In some cases, this will involve a thorough fact-finding investigation. In other cases, a different or less formal response to the allegation may be warranted. Although the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, may modify these guidelines with notice to the parties, it will still respond to the allegation in a prompt, thorough and effective manner that is procedurally fair. At any stage of the process, based on review of available information, the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, may terminate any further response to an allegation. The Reporting party and Responding party will be informed simultaneously and in writing within seven (7) business days of the decision to terminate. The decision to terminate any further response to an allegation will also be provided in writing to the University President.

Procedural Summary

All allegations of sexual and/or relationship misconduct against a student that become known to campus security authorities and/or responsible employees of the University will be subject to review and investigation. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator, the Office of Academic and Community Conduct, and/or Public Safety and Police Services. Campuses are obligated to respond to reports of sexual and/or relationship misconduct. If the review and investigation conclude, based on a preponderance of the evidence, that a student is responsible for sexual and/or relationship misconduct, appropriate sanctions and interventions will be applied. (Non-student sexual and/or relationship misconduct is governed by other Codes of conduct, policies and/or laws.) This document outlines the procedures that will be utilized at each stage of the process from initial review to final appeal. In addition, the reporting party may also file external, criminal/civil proceedings for violations of federal/state laws and/or city ordinances. Proceedings may be carried out prior to, simultaneously with, or following criminal/civil proceedings.

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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.

Limitations of Confidentiality

Sexual and/or relationship misconduct allegations will be handled in a confidential manner to the extent possible and consistent with the principles of due process, FERPA, the Violence Against Women Act, and the Campus Security Act.

The Office of Academic & Community Conduct and/or the Title IX Coordinator may not be able to fully address allegations received from anonymous sources unless sufficient information is furnished to enable a meaningful and fair investigation to be conducted.

Complete Confidentiality

If a reporting party desires details of the sexual and/or relationship misconduct incident to be kept confidential, the reporting party should first speak with a confidential resource, who can and will maintain confidentiality and explain the details of confidentiality rules. On-campus counselors are available free of charge and can be seen on an emergency basis by contacting Counseling Services (906-487-2538). The Ombudsperson (906-487-2391) is also an on-campus confidential resource. Off-campus confidential resources are available at Dial Help (906-482-HELP) or Barbara Kettle Gundlach Shelter (888-337-5623). In addition, students may speak with off-campus clergy/chaplains, who will also keep reports made to them confidential. Confidential resources maintain confidentiality unless there is a significant concern for the reporting party's safety and/or the safety of others.

Duty to Investigate

Students are encouraged to speak to a responsible employee and/or a campus security authority at the University for purposes of seeking information or reporting incidents. The Office of Academic & Community Conduct and/or the Title IX Coordinator recognize that many students desire confidentiality and many students might not want an investigation and/or attempt by University officials to resolve the sexual and/or relationship misconduct incident. However, depending on the facts and circumstances, it may be legally necessary for University officials to follow up on allegations of sexual and/or relationship misconduct.

Federal Reporting Statistical Requirements

The Department of Public Safety and Police Services must fulfill federal crime reporting requirements. All personally identifiable information is kept confidential, but statistical information must be passed along to Public Safety and Police Services regarding the type of incident and its general location (on or off campus, in the surrounding area, but no addresses are given), for publication in the Annual Security and Fire Safety Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Federal Timely Warning Requirements

University officials must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Open Logs in the Department of Public Safety and Police Services

When incidents are reported to law enforcement officials, federal law requires that the police note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the student who may be the victim of sexual and/or relationship misconduct will be made public. Arrest records, however, are not confidential and are not protected by FERPA. Any adult student who is arrested should expect that records relating to an arrest and subsequent court proceedings will be made public at some point.

Confidentiality of Medical Services

If a student seeks medical attention, medical providers are required to alert law enforcement of potential sex crimes. If police are called to the hospital, the student has the right to not talk to them. The decision to prosecute an alleged assailant rests with the local prosecuting attorney. This decision can be made without the consent of the person who was assaulted.

Initial Action and Review

Once the Office of Academic & Community Conduct and/or the Title IX Coordinator is put on notice of any allegation of sexual and/or relationship misconduct (hereinafter, "*Misconduct*") as defined in the Sexual and/or Relationship Misconduct Policy and Procedure, the individual who allegedly experienced *Misconduct* ("reporting party") will be offered appropriate support services and notified of applicable institutional policies. The student or group that is alleged to have engaged in *Misconduct* ("responding

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party”) will also be offered appropriate information and support services. A student has the right to services whether or not they choose to participate in the process.

The Office of Academic and Community Conduct and/or Title IX Coordinator may implement an interim action(s) as needed to protect the community and students involved, pending the culmination of any review, investigation or appeal process. Supportive measures may also be offered to accommodate academic schedules; on-campus housing arrangements; visa/immigration documents; on-campus employment assignments/schedules; on-campus escorts; etc.

If the reporting party is willing to participate in the review and investigation process, the Office of Academic & Community Conduct and/or the Title IX Coordinator will proceed as described in the Investigation section below. In all cases, the University’s response is designed to consider the reporting party’s preferences regarding the University response, and to provide deference to the reporting party’s wishes wherever possible.

If the reporting party files a criminal complaint with law enforcement, the University will comply with law enforcement requests for cooperation. Such cooperation may require the University to temporarily suspend the fact-finding aspect of an investigation while law enforcement gathers evidence. The University will promptly resume its investigation as soon as notified that law enforcement has completed the evidence gathering process.

If the reporting party requests confidentiality, asks that the allegation not be pursued or chooses not to participate, before taking any further steps the Office of Academic & Community Conduct and/or the Title IX Coordinator may forward that information, along with all available information about the incident or allegation, to the Allegation Review Panel.

Specifically, the Allegation Review Panel will evaluate 1) whether, and to what extent, Michigan Tech should further investigate an allegation of *Misconduct* for the protection of the campus community and 2) what other protective measures or remedies might be considered to address any effects of the alleged *Misconduct* in the campus community. In all cases, the Allegation Review Panel serves as an advisory body to the Title IX Coordinator. The final decision on whether and to what extent an investigation will be conducted rests solely with the Title IX Coordinator and/or designee.

The Office of Academic & Community Conduct, in discussion with the Title IX Coordinator, may modify these guidelines as necessary to achieve the goals of prompt, thorough and effective allegation resolution in a procedurally fair manner. The Office of Academic & Community Conduct and the Title IX Coordinator will assess all allegations to determine whether informal resolution processes and/or methods other than disciplinary measures are appropriate and desirable.

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Support Guidelines for Both Parties (Reporting Party and Responding Party)

Both parties will be treated with respect by University officials throughout the entire process. Each reserve and has the right to be present for all testimony given and evidence presented before the hearing officer/conduct board. Neither is required to be present as a prerequisite to proceed.

Both parties will be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by University officials in notifying such authorities, if either party so chooses. This also includes the right not to report.

Both parties each may request a University "No Contact Order" be in place between the parties or between a party and any other student who has engaged in or threatens to engage in any threatening, harassing or other improper behavior. The "No Contact Order" could remain in effect until the investigation is completed.

Both parties each may request a change in academic and living situations. If such changes are requested and are reasonably available, the Office of Academic & Community Conduct and/or the Title IX Coordinator will support the request. Neither a criminal conviction nor an investigation need be completed before a no contact order, a change in academic or living conditions or other appropriate interim actions and/or supportive measures be put in place.

Both parties will be provided with information regarding available counseling, mental health services, and student services related to sexual misconduct, both on campus and in the community.

Both parties will each be able to review all documentary evidence available regarding the allegation, and be informed of all witnesses participating in the hearing.

Both parties may each challenge any member of the conduct board, and request that the conduct board member be removed on the basis of demonstrated bias.

Both parties may each have an advisor of their choosing (including but not required to be an attorney) to accompany and assist them. The advisor may not participate directly in the University's Procedures, but may be present throughout the proceedings to offer advice, guidance, and/or support to both parties.

Academic and Community Conduct personnel may upon request put a privacy screen in place, or other separation of the parties (including but not limited to teleconference or videoconference) if there are joint meetings of both parties before the hearing, at the hearing, and/or after the hearing.

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. Irrelevant prior sexual history will not be considered in any investigation or other procedures.

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Both parties may make an impact statement, written or oral, during any point in the process and have the statement considered in determining potential outcomes.

Both parties will be informed simultaneously and in writing within five (5) business days of the University's decision, of the outcome of the University's Procedures, including the findings regarding all alleged misconduct, the rationale for the decision, any imposed sanction(s) and educational condition(s), and procedures for appeal. The reporting party and responding party will receive identical reports.

Both parties may each appeal the hearing decision in accordance with the standards for appeal established in the Sexual and/or Relationship Policy and Procedures.

Both parties will be informed of the case status simultaneously and in writing within three (3) business days after the appeal period has expired. If applicable, both parties will also receive notice simultaneously and in writing within three (3) business days of the appellate board's decision.

Additional Support Guidelines for the Reporting Party

It is the goal of the Office of Academic & Community Conduct and/or the Title IX Coordinator to ensure that individuals alleging sexual and/or relationship misconduct have access to needed resources, services, and information. The reporting party will be given clear, detailed and complete notice of whether the alleged conduct, if it occurred, would be a violation of the Code, and will be fully informed of the nature, rules, and procedure of the sexual and/or relationship misconduct process, including possible sanctions.

University officials will not discourage the reporting party from reporting or from pursuing all options available to the reporting party for an alleged sexual and/or relationship misconduct offense. The reporting party may cooperate in an investigation under the University's Procedures, seek criminal charges with campus or local law enforcement, seek civil action with a civil trial (independent of the University), choose multiple options, or choose not to take any action.

The reporting party will receive a fundamentally fair hearing as defined in these procedures. The reporting party may refuse to answer some or all questions to avoid self-implication. This silence may not be used against the reporting party or be the basis for an adverse inference with respect to the party remaining silent.

Additional Support Guidelines for the Responding Party

It is the goal of the Office of Academic & Community Conduct and/or the Title IX Coordinator to ensure that students responding to charges of sexual and/or relationship misconduct have access to needed resources, services and information. The responding party will be given clear, detailed, and complete notice of the alleged violation(s), fully informed of the nature, rules, and procedures of the sexual and/or relationship misconduct process, including possible sanctions, and given an opportunity to respond, by accepting or denying responsibility, or choosing not to respond. Each response will entitle

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the responding party to all further services, hearing, rights and protections provided by the Code for that response.

The Office of Academic & Community Conduct and/or the Title IX Coordinator strives to offer a reasonable parity of resources, services and information, to the extent possible, to all parties to the incident, including, but not limited to:

The responding party will receive a fundamentally fair hearing, as defined in these procedures.

The responding party may refuse to answer some or all questions to avoid self-implication. This silence may not be used against the responding party or be the basis for an adverse inference with respect to the party remaining silent.

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.

Both parties can request an interim action review to be conducted at any time after interim action is imposed. The reporting party and/or responding must submit in writing the request for review. During the review process, the reporting party and/or responding 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.

Supportive Measure

An accommodation (prior to and/or after any hearing) providing assistance with changes to academic schedules; on-campus housing arrangements; visa/immigration documents; on-campus employment assignment/schedules; on-campus escorts, etc.

Informal Pathway

Conduct Intervention

After receiving a report and/or at the request of a Reporting Party, 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 student'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; (6) assist the student in developing an action plan to: repair the impacts/harms to individuals and or community; avoid recurring behavioral issues; make any referrals as deemed appropriate; complete any educational conditions; and reintegrate themselves back in to the community; and/or (7) refer the case for formal action at the request of either party.

No sanctions will be imposed other than a verbal warning during the conduct intervention, and there is no right to an appeal. The reporting party will be notified of the verbal warning being imposed upon the responding party. The official has the authority to change the handling of the incident at the conduct intervention level to formal action, based on the information revealed in the conduct intervention meeting or if the responding party fails to appear for the conduct intervention meeting. If a change is made, the reporting party and responding party will receive notice simultaneously and in writing within five (5) business days.

Investigation

If after reviewing the allegations, the Title IX Coordinator deems reasonable cause exists for an investigation to be conducted, the Office of Academic and Community Conduct and/or the Title IX Coordinator will use the following guidelines to ensure that allegations of Misconduct are handled promptly and effectively in a manner that is procedurally fair to all parties. The investigation may be conducted by Public Safety and Police Services, outside law enforcement, Housing and Residential Life, a Title IX Investigator, and/or the Title IX Coordinator. In most cases, a Title IX Investigator will be utilized. The investigation may include meeting separately with the reporting party, responding party, pertinent witnesses, and reviewing and analyzing relevant documents.

Preliminary Investigation Report & Comment

During the investigation, a Preliminary Investigation Report will be prepared, as circumstances warrant. To the extent permitted by FERPA (and HIPAA if applicable), the parties will each be given an opportunity to individually review the Preliminary Investigation Report which includes the information gathered during the investigation. Parties will be given five (5) business days to submit comments/questions on the Preliminary Investigation Report to the Title IX Investigators. After the review period, investigators will either close the investigation or continue the investigation, based on the comments/questions submitted. Both parties will be notified of the status of the investigation after the comment period. Parties will be provided an additional opportunity to review and comment/question on any new information submitted, if the investigation continued and the additional evidence may have a substantial influence on the investigation.

Final Investigation Report

After the investigation has concluded, the investigators will submit a portion of the Final Investigation Report that includes the following: (1) a summary of the reporting party's relevant allegations; (2) a summary of the responding party's relevant statements; (3) a description of the relevant information provided by witnesses or obtained from documents; and (4) the Preliminary Investigation Report and any comments submitted.

The Final Investigation Report will be reviewed by the Office of Academic and Community Conduct to determine if reasonable cause exists that a violation of the Sexual and/or Relationship Misconduct Policy may have occurred. The Office of Academic and Community Conduct will conduct an analysis and determine if there is reasonable cause for formal charges of prohibited conduct, both the analysis and potential charges will be added to the Final Investigation Report. If reasonable cause does not exist, the case will be dismissed.

The Final Investigation Report will be made available for the parties to review in the Office of Academic and Community Conduct.

Formal Pathway

Formal Action

If the Office of Academic and Community Conduct determined that reasonable cause exists that a violation of the Sexual and/or Relationship Misconduct Policy and Procedure may have occurred, an official will send to both parties identical notice of the alleged violation(s), the range of sanctions related to the violation(s), and the date, time and location for an initial conference with the responding party. If the responding party fails to appear at the initial conference, the official may consider this as choosing not to respond to the charge, and the case will then be referred for a formal hearing before the University Conduct Board

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At the initial conference, the responding party 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 the violation(s). At that time, the responding party will respond to the violation by electing one of the following courses of action

- **To accept responsibility to the alleged violation(s)** of the Sexual and/or Relationship Misconduct Policy: the case may then be immediately reviewed by the official, who will take appropriate action. If the reporting party or responding party wishes to demonstrate mitigating circumstances that will impact the sanction and educational condition(s) to be imposed by producing relevant witnesses or information, a postponement of action may be requested for a reasonable time. An identical decision notice will be sent to the reporting party and responding party simultaneously and in writing within five (5) business days, and will include any applicable sanction and condition(s). The notice will include any applicable sanction and condition(s). The official may choose to refer the case to a meeting with the University Conduct Board for the determination of appropriate sanction and/or educational condition(s).
- **To deny responsibility to the alleged violation(s)** of the Sexual and/or Relationship Misconduct Policy: the case will then be referred for a formal hearing before the University Conduct Board. If the board cannot convene, the Office of Academic and Community Conduct will arrange a formal hearing by a university official.
- **To choose not to respond to the alleged violation(s)** of the Sexual and/or Relationship Misconduct Policy: the case will then be referred for a formal hearing before the University Conduct Board. If the board cannot convene, the Office of Academic and Community Conduct will arrange a formal hearing by a university official.

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 responding party is responsible is called preponderance of evidence; this differs from criminal 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 responding party's case. Hearings are closed to the public. Privacy will be preserved to the fullest extent possible, as allowed by law. At the discretion of the official, a procedural officer will be present for the purpose of assisting in managing the hearing, but the procedural officer shall not otherwise participate in the decision-making process.

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At the formal hearings, the conduct board will consist of a three- person panel made up of professional staff and faculty. All conduct board members receive annual training. They also receive training on issues related to sexual and/or relationship misconduct and how to conduct a hearing process that is fair, protects safety, and promotes accountability. 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.

Hearings will be recorded. Deliberations will not be recorded. The recording of the hearing will be the property of the University and maintained according to University records policy. No unauthorized audio or video recording of any kind is permitted during the hearing.

The procedural officer shall exercise control over the proceedings to achieve orderly completion of the hearing. Any person who disrupts a hearing may be excused by the procedural officer.

During the hearing, the parties may present an explanation of the facts and circumstances relating to the incident, present relevant witnesses who can speak to the facts and/or written information, ask questions, and reserve the right to not respond to questions. The parties may cross examine each other directly, or may choose to do so indirectly through the procedural officer. Each party may choose to ask questions or answer questions either directly or indirectly through the procedural officer. The parties may cross examine witnesses directly, or indirectly through the procedural officer. The procedural officer may determine that witnesses, information and/or questions are not relevant to the charge(s) and/or case.

The parties may have an advisor of their choice who is able to be present during all proceedings for support to the parties. The advisor may not participate directly in the conduct process, but may be present throughout the proceedings to offer advice, guidance, and/or support to the student.

No disciplinary action shall be taken unless it is established by a preponderance of evidence available to the Conduct Board that the responding party 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.

Identical written notice of the conduct decision will be sent to the parties simultaneously within five (5) business days of the hearing. Written notice will also be sent to the University President within five (5) 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 by either the reporting party, the responding party, or by the University President, and must follow the established procedures as outlined in Appeal Procedures.

Range of Sanctions

In the final determination of an investigation of a case of sexual and/or relationship misconduct, the range of sanctions is from written warning to conduct expulsion.

Written Warning

A statement that further violations of University rules will result in sanctions that are more serious.

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 those 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 Probation Early Release Certification (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 termination may be immediate. 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 immediate termination of a person's status as a student without possibility of reinstatement.

Educational Conditions

Conduct decisions, in addition to a sanction, may include certain 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 petition to have University fees related to education conditions reduced or waived. The student must submit their petition in writing for review. During the review process, the student will be given an opportunity to demonstrate a critical financial situation exists precluding them from being able to pay the fee for the educational condition, and a reduction or waiver is necessary.

Appeal Procedures

Both parties, as well as the University President, may appeal decisions made by an official and/or hearing board. Instructions for initiating an appeal will be provided in every conduct decision letter. Appeals must be in writing and submitted to the Office of Academic and Community Conduct within three (3) business days of an official's transmittal of the decision by email, certified mail, or personal delivery. Prior to submitting an appeal, both parties may request access to case documentation and/or the recording of the original hearing under the supervision of the Office of Academic and Community Conduct.

After receiving a request for an appeal, the Office of Academic and Community Conduct will conduct an initial review within three (3) business days to determine if the appeal request is timely and meets the limited grounds. The basis for an appeal is limited to questions of fact, questions of procedure and severity of sanction as defined below. Identical written notice of the initial appeal review will be sent simultaneously to the parties.

Question of Fact

Both parties may appeal on "questions of fact" by introducing 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 parties shall be considered new information. Evidence that was known or reasonably should have been known but withheld by either party shall not constitute a question of fact and will not be considered upon appeal.

Question of Procedure

Both parties may appeal on "question of procedure." Appeals will be considered on the basis of "questions of procedure" by demonstrating that the procedural guidelines established in this document were breached, and that such departure from established procedure significantly affected the outcome of the case.

Severity of Sanction

Both parties may appeal the "severity of sanction" that has been imposed by presenting a statement that explains why they believe the sanction should be reconsidered. The appeal must outline why the student believes the sanction imposed was not within the good faith discretion of the University, and therefore should result in a stated lesser or greater sanction.

If the appeal is not timely or on its face fails to address the limited grounds permitted for appeal, the original finding and sanction will stand and the decision is final. Identical notice of this defect in filing the appeal will be sent simultaneously and in writing within three (3) business days of receipt of the appeal to the parties. If the appeal meets the timeline and the basis for appeal for acceptance, the appeal will be decided by the Dean of Students or designee within three (3) business days of receiving the request. However, in appeals of decisions of the Conduct Board imposing sanctions of suspension or expulsion, an Appellate Board will be appointed by the Dean of Students to review the appeal and render a decision. The Appellate Board will consist of a three-person panel made up of professional staff and faculty.

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The Dean of Students or 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 findings (including the number of offenses the responding party is found responsible for) or sanctions, and/or (c) dismiss the original charges. In cases involving more than one charge, an appeal decision may include more than one of the options in (a) through (c). Identical appellate decisions will be sent simultaneously and in writing within three (3) business days of the review to the parties. The appellate decision will also be sent to the University President. The appellate decision action is final and is not subject to further appeal.

Appeals are not intended to be full re-hearings of the allegation. 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(ies) reviewing the appeal may contact the appropriate individuals involved 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. Identical notice of an extension will be sent to both parties.

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; student conduct records resulting in a sanction of conduct suspension or conduct expulsion will be retained indefinitely; student conduct records that have had a conduct hold applied because of unaddressed conduct charges or incomplete educational conditions will be retained until conduct hold is removed; 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.

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Revocation of Degree

The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious conduct violations committed by a student prior to the student's graduation which the University was not aware of at the time of graduation.

Relevant Definitions to the Procedures

Advisor

May be any person, including an attorney, who is able to be present during all proceedings for support to the parties. The adviser may not participate directly in the process, but may be present at all times to offer advice, guidance, and/or support. Parties are advised against choosing an adviser who may also be a witness in the resolution process.

Allegation Review Panel

Consists of the Title IX Coordinator and representatives from the Office of Academic and Community Conduct, Public Safety and Police Services, and other offices as deemed necessary and appropriate under the circumstances.

Campus Security Authorities

University employees designated under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act of 1998 to report certain crimes including sex offenses (forcible and non-forcible). These employees (including student employees) are from the following areas: Public Safety and Police Services; Human Resources; Athletics; Student Affairs & Advancement; Intramurals; Advisors to student organizations; and/or Deans/Department Chairs/Directors.

Conduct Board

A hearing panel comprised of faculty and staff members of the University who have been trained annually in basic procedural due process and the Sexual and/or Relationship Misconduct Policy and Procedures.

Confidential Resources

Persons to whom information is provided based upon the promise of confidentiality. These persons are not required to tell anyone a reporting party's personally identifiable information unless there is a significant cause for fear of the reporting party's safety or the safety of others.

Cross-Examination

The direct or indirect, live questioning of the parties or the parties' witness during a hearing to determine the credibility (knowledge, accuracy, potential ulterior motives, etc.) of that person's statements. The parties may cross examine each other and/or the parties' witnesses directly, or may choose to do so indirectly through the procedural officer. All questioning must be relevant to the charge(s) and/or case.

False Reporting

The reporting by a student of information known by, or which should reasonably have been known by the student to be false. False reporting will not be tolerated by the University. It is a violation of the Student Code of Community Conduct to make an intentionally false report of sexual and/or relationship misconduct, and it may also violate state criminal statutes and civil defamation laws.

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Family Educational Rights and Privacy Act (FERPA)

A federal law that protects the privacy of student education records. For additional information, please review: <http://www.mtu.edu/registrar/faculty-staff/ferpa/>

Group Infractions

May occur when members of groups, individuals acting collusively, or members of a student organization act in concert to violate the sexual and/or relationship misconduct policy. They will be charged individually, and the group may be charged as an organization.

Impact Statement

An oral or written statement of what happened; what impacts have been created by what happened; who has been impacted and how; what action(s) should be considered to address the impacts.

Investigator

An individual who investigates allegations. Investigators do not function as advocates for the parties, but can refer the parties to advocacy and support resources.

Precedence in Multiple Charges

Followed in cases of multiple charges where more than one University student conduct policy is implicated. The Procedures for and processing of Sexual and/or Relationship Misconduct may take precedence over the Student Code of Community Conduct charges.

Preponderance of Evidence

Means the totality of all available evidence indicates it is more likely than not that a policy violation did/did not occur. The burden is not on a party, but on the institution. The concept of “preponderance of the evidence” can be visualized as a scale representing the standard of proof, with the totality of evidence collected during the University’s investigation 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.

Private Resources

Persons and/or agencies from whom an expectation can be made to have allegations taken seriously, investigated thoroughly and properly resolved. This means only those who need to know will be told, and information will be shared only as necessary. Those needing to know may include the person an allegation is being filed against, witnesses, and investigating officials.

Reasonable Cause

There is sufficient information to allege that a responding party has violated a policy. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.

Reporting Party

A person who allegedly experienced gender-based discrimination, sexual harassment, and/or sexual misconduct regardless of whether they chose to report the conduct to the university or authorities. The person who reports the alleged violation may or may not be the reporting party. If not, they are considered the person to have brought forward the allegation, a witness, or a third-party reporter.

Responding Party

A student(s) or student organization(s) alleged to have violated the sexual and/or relationship misconduct policy. Student-employees alleged to have engaged in sexual and/or relationship misconduct in their employment capacity may be investigated by the Office of Institutional Equity and Inclusion. A student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, under applicable procedures.

Responsible Employees

Includes any employee who has the authority to take action to redress sexual and/or relationship misconduct; who has been given the duty of reporting incidents to the Title IX Coordinator; or whom a student could reasonably believe has this authority or duty. For Title IX compliance, all Michigan Tech employees who are designated as supervisors, with the exception of the ombudsperson and mental health counselors, are considered “responsible employees.” This includes some select undergraduate student employees such as resident assistants (RAs) and orientation team leaders (OTLs). Also considered responsible employees are Public Safety and Polices Services officers and employees, student affairs staff, human resources staff, athletics and recreation staff, academic advisors, faculty, instructors, graduate teaching assistants, graduate assistants that are supervising other students, and individuals designated as Campus Security Authorities.

Sexual and/or Relationship Misconduct

Includes sexual harassment; non-consensual sexual intercourse; non-consensual sexual contact; intimate partner violence; stalking and sexual exploitation. These terms are further defined in the Sexual and/or Relationship Misconduct Policy for Michigan Technological University Students.

Student Organization

Any group of students officially recognized by the University at the time of the alleged violation.

History: Revised August 1, 2005; August 1, 2006; August 1, 2007; August 1; 2008; August 1, 2009; August 1, 2010; September 3, 2013; August 1, 2014; January 12, 2015; July 1, 2015; August 15, 2016; August 1, 2017; August 1, 2018; December 20, 2018; August 23, 2019.