

# The University Senate of Michigan Technological University

## Proposal 27-25

(Voting Units: Full Senate)

### Proposed Changes to Procedure 109.1.1

Rationale: The Office of Academic Integrity has updated the Student Conduct Handbook and these proposed changes bring the procedures in line with updated sections in the student handbook. The other changes are described below on a page by page basis.

Description of changes that are made throughout the document:

- Replaced outdated office names, such as replacing “Student Affairs Office with “Office of Academic and Community Conduct.”
- Language throughout has been updated to replace “dishonesty” with misconduct to bring it in line with the name of the office
- Replaced “faculty” with “instructor” to more accurately reflect current titles.

Page 4

- Deleted 5, “Clearly define for students the expected level of collaboration” because it is already stated in actual policy 109.1.

Page 5

- Replaced tentative language like “if possible” with definitive language “Have a colleague...”
- End of page 5: Students have always had the ability to report an academic misconduct instance anonymously, though it was not stated in the procedures. This has been added.

Page 6:

- Bring procedure in line with practice by noting that instances can be formally or informally.
- Explicitly stating in the procedure a practice that was already in place (“Office notifies the instructor of a cause for a violation of academic misconduct exists.” This ensures that if a violation exists that is filed with ACC, the instructor is also made aware of it.

Page 6-8

- Deleted the detailed list of the procedural steps that are followed in the case of a report of academic misconduct; they are replaced in the subsequent pages.

Page 11 +:

- Replaced original language with the language that is in the [Student Code of Community Conduct](#) which is available on the website for the Office of Academic and Community Conduct. The revised senate procedures would largely mirror the language that is available in Section 4 of the Student Code of Conduct.
- Small adjustments have been made to adapt to a policy readership of instructors/faculty: for example, “Their absence will not be held as an acceptance of responsibility” (11). In addition, language has been replaced regarding who may accompany a student to a hearing. This person has been designated a “support person” in both the handbook and the procedures; however, the new language removes right to counsel which is in the original procedure document and has been determined to be disallowed.

Page 12:

- Simplification of language for clarity about decision-making

Page 12-14

- New language added that mirrors the language available to students in the Student Code of Conduct Handbook. This section outlines different pathways for resolution of the academic misconduct charge. It outlines due process for the student as well as different steps that will transpire based on how the student responds. These include the following:
  - Informal resolution
    - Language is included to allow for restorative practices in the case that both the student and instructor agreed on this option resolution. The restorative practices are described in this section.
- On page 11, description of sanction is struck through because they are described in detail on the “formal resolution section” that follows.
  - Formal Resolution
    - New language has been added to outline the administrative actions that may take place, aka a formal resolution.
- Page 15:
  - The Hearing Guidelines section has been updated with language from the Student Code of Conduct, Section 6, and additional detail has been added. The deleted section on page 6-8 did include a reference to the hearing. That information is now explicated in E: “Hearing Guidelines.”
- Page 20-21:
  - Added new language that provides more detailed discussion about the kinds of sanctions a student might face/an instructor and/or the university might impose. This language mirrors the *Student Code of Conduct*, Section 7.

- Section D on this page includes discussion of possible sanctions, including the use of the F\* grade, which is a transcribed grade signaling that a student failed a course specifically because of academic misconduct. The Senate might wish to discuss whether to continue this practice and/or if it serves its purpose, for example, if there are cases in which a student's failure to complete the required conditions have resulted in an F\* and there is no ability for "redemption" in the case that a situation has been resolved and they want to complete their degree (for example, if this is a required course).
- Page 22-24: Appeal procedures
  - New language under "Grounds for Appeal" is added,"
    - [the section under questions of fact has been replaced under the new "sanctions" section above]
  - The procedures earlier in the policy have been struck through; this section includes language that mirrors the Student Code of Conduct, Section 8.
- Section IV on page 24:
  - Outlines procedure for retaining records, with reference to the appropriate federal and university resources.
- Section V, page 25-26
  - This new section mirrors the *Student Code of Conduct*, Section 9.
  - The section focuses on how a student might request their records be sealed regarding conduct violations in the case of future requests from employers or universities.
  - This outlines a process in place for adjudicating these requests (they are not automatically granted).

## ACADEMIC INTEGRITY PROCEDURES

(Proposal 27-95)

(Proposal 18-02)

(Proposal 19-10)

### Senate Procedures~~Procedure~~ 109.1.1

~~A.~~ In their classes, faculty are expected to do the following:

- ~~1.~~ announce and discuss specific problems of academic dishonesty that pertain particularly to their classes (e.g., acceptable and unacceptable collaboration~~cooperation~~ on projects or homework);
- ~~2.~~ act reasonably to prevent academic misconduct when dishonesty in preparing and administering academic exercises, including examinations, laboratory activities, homework, ~~and~~ other assignments, etc.;
- ~~3.~~ act to prevent cheating from continuing when it has been observed or reported to them by students, chairs, or deans; and~~;~~
- ~~4.~~ report in writing all acts of academic misconduct~~dishonesty~~ to the Office of Academic and Community Conduct ~~Student Affairs office~~ (see Procedures below).-

~~5.~~ clearly define for students the expected level of collaboration permitted for their work to still be considered individual work.

~~B.~~ In their academic work, students are expected to do the following:

- ~~1.~~ maintain the highest degree of personal~~academic~~ integrity;-
- ~~2.~~ treat all graded academic exercises as work to be conducted privately, unless otherwise instructed;
- ~~3.~~ ask faculty to clarify any aspects of permissible or expected cooperation on any assignment; and~~;~~
- ~~4.~~ report any cheating activity (see Procedures below).-

## PROCEDURES

## I. PROCEDURES

### A. Handling ~~and~~ Reporting Incidents of Academic ~~Misconduct~~Dishonesty

#### A.1. Faculty ~~and Staff~~ Guidelines

÷The following procedural guidelines are suggested for handling incidents in which a student ~~in a classroom~~ is observed cheating on an examination or similar exercise. If these guidelines are~~If~~ followed, the effectiveness of the report will be maximized. Similar information should be obtained for incidents of cheating in other circumstances.

A.1.a. Make a note of the time of the initial observation of the misconduct.

A.1.b. ~~Have~~If possible, have a colleague (proctor, etc.) verify the behavior by observation ~~if possible.~~-

A.1.c. Tell the student that you are aware of the situation, and request that the behavior stop.-

A.1.d. Allow the student to continue with the exam, unless the behavior is creating a serious disturbance.

A.1.e. Continue to monitor the student's behavior.

A.1.f. ~~File~~Immediately file a report immediately with the Office of Academic and Community Conduct~~Student Affairs office~~ (see below).-

#### A.2. Students Guidelines

Students should report any cheating activity in order to make faculty aware of the problem. Reporting may be done directly to the instructor or department chair and either in person or by an anonymous note. The instructor is then responsible for investigating the report, for filing a report if the incident can be confirmed, and for preventing further cheating.

A student may make an anonymous~~a~~ report directly to the Office~~Dean~~ of Academic and Community Conduct~~Student Affairs~~ on any cheating activity of which the student has personal and not hearsay knowledge. The Office of Academic and Community Conduct will share~~Dean must forward~~ the report with~~to~~ the department chair and instructor for the course.- The instructor is then responsible for informing the Office of Academic and Community Conduct whether they want~~investigating~~ the report to, for filing a report if the incident can be handled formally or informally.  
~~confirmed, and for preventing further cheating.~~

A student may ~~make also file~~ a report directly ~~to with~~ the Office of Academic and Community Conduct~~Dean of Student Affairs~~, requesting that the ~~Office Dean~~ pursue formal procedures for violations of the Academic Integrity Policy. In this case, the student filing the report must be willing to appear and testify in person at any hearings that may result. The Office will notify the instructor if cause for a violation of academic misconduct exists.

### A.3. Reports of Academic Misconduct~~Dishonesty~~

The Office of Academic and Community Conduct~~Student Affairs~~ shall act as the central location where all records of incidents of academic misconduct~~dishonesty~~ are kept on file.

A report of any violation of this policy should include the following information:

- a recounting of what happened–
- a report of when it happened and for how long
- the location where it occurred (classroom, lab, etc.)
- ~~d.~~ the names of people~~students~~ who were involved
- ~~e.~~ other instructors~~faculty~~ who ~~have also~~ observed the activities–
- ~~the f. what~~ action that has been taken
- ~~the g. what~~ sanctions that are recommended–

### A.4. Rights~~B. Notification~~ of Students Accused~~Complaint~~

~~When a report of a violation of academic integrity is received, the Office of Student Affairs shall expeditiously send the student(s) a written notice with a specification of charges attached. The specification of charges shall contain a numbered series of allegations which either individually or collectively constitutes one or more violations of the Academic Integrity Policy.~~

~~The written notice will also inform the student of the time and place of an Initial Conference with the Dean of Student Affairs or an Associate Dean of Student Affairs for the purpose of reviewing the specification of charges. The conference shall take place within ten (10) working days from the time of notification. A copy of the notification will be sent to the complainant.~~

### C. Initial Conference

~~If the student refuses to appear at the Initial Conference, all charges shall be considered true and accurate, and appropriate sanctions shall be imposed by the Office of Student Affairs.~~

At the Initial Conference, the student will be informed of the right to an Administrative Hearing or to a hearing by the Academic Integrity Committee. The student may elect one of the following courses of action:

1. To sign a statement accepting responsibility for violating the Academic Integrity Policy, and requesting adjudication by the Office of Student Affairs. The student may request that sanctions be determined by the Administrative Hearing Officer, or recommended by the Academic Integrity Committee. In either case, the student may request that the determination and imposition of sanctions be postponed for up to 48 hours to allow the student to produce relevant witnesses or evidence.

2. To deny the alleged violation(s), in which case the student shall request one of the following:

a. An immediate Administrative Hearing, to be carried out by the individual conducting the Initial Conference, who may, in appropriate cases, postpone a hearing up to 48 hours in order to allow the accused student to prepare a defense.

b. A hearing by the Academic Integrity Committee. If, however, the Academic Integrity Committee cannot be convened immediately, the Dean or Associate Dean will propose an immediate Administrative Hearing. The student may opt to wait until the Academic Integrity Committee can convene. In either case, the Dean of Student Affairs may grant additional time to the accused student to prepare a defense.

#### D. ~~Hearings~~ Violating

At the Initial Conference, a student who denies violating the Academic Integrity Policy shall request either an Administrative Hearing or a hearing before members of the Academic Integrity Committee.

##### 1. Administrative Hearings

Administrative hearings are conducted by the Dean of Student Affairs or by an Associate Dean of Student Affairs, or by a faculty/staff member designated by the Dean of Student Affairs or the Dean of the Graduate School, who will review the charge against the accused student and the evidence presented in support of the charge. The accused student has the right to ask questions relevant to the complaint, and to any other questions of due process.

Administrative hearings are not open to the public.

##### 2. Hearings by the Academic Integrity Committee

###### a. The Academic Integrity Committee

The Academic Integrity Committee is composed of six faculty members serving staggered three year terms, five full-time undergraduate students, five graduate students, and two student affairs professionals. The faculty members will be chosen from the faculty at large by the University Senate. The five undergraduates shall be

~~chosen from the undergraduate student body by the Undergraduate Student Government. The five graduate students shall be chosen from the graduate student body by the Graduate Student Council. The two student affairs professionals will be chosen by the Dean of Student Affairs.~~

~~One student, one faculty member, and one student affairs professional shall constitute a hearing panel. Panels convening to hear cases involving an undergraduate student shall include an undergraduate student. Panels convening to hear cases involving a graduate student shall include a graduate student. Panel membership will rotate on a system determined by the members of the committee.~~

#### ~~b. Hearing Procedures~~

~~The Academic Integrity Committee will convene a hearing panel no later than seven business days after a student requests a Committee hearing at the Initial Conference pending availability of accused, complainants, and/or panelists. If necessary participants are unavailable because of University calendar breaks, hearings will occur at the earliest possible date that all are available.~~

~~During the hearing, the panel's role shall include directing the hearing, calling recesses, postponing hearings, taking appropriate steps to maintain order, deciding questions on the relevancy of evidence or testimony, recalling witnesses or calling further witnesses as deemed appropriate in the resolution of matters pertaining to the hearing, and ensuring that established procedures are followed.~~

~~The order of hearings conducted by panels of the Academic Integrity Committee:~~

~~1. Meeting will be called to order by the chair of the hearing panel.~~

~~2. Hearings will be closed to the public.~~

~~3. Any person, including the accused student, who disrupts a hearing or fails to adhere to the rulings of the chair may be excluded from the proceedings.~~

~~4. Hearing panel members, the accused student, and the complainant shall be introduced.~~

~~5. The hearing shall be tape recorded or transcribed.~~

~~6. The chair of the hearing panel will read the charges.~~

~~7. The hearing panel will determine if the accused student received a copy of the Notification of Disciplinary Charges and whether or not the charges are understood.~~

~~8. The hearing panel will ask the student to confirm whether or not they are/are not responsible for violating this Policy University regulation.~~

~~9. The complainant shall present, in detail, the alleged events leading to the complaint.~~



~~a. Members of the hearing panel may ask further questions and/or seek clarification by directing questions to the complainant.~~

~~b. The accused student may ask questions and/or seek clarification on any element of the complainant's statements, but may not make any statements at this time.~~

~~10. The complainant may present witness(es), who may offer testimony relevant to the complaint.~~

~~a. Members of the hearing panel may ask further questions and/or seek clarification by directing questions to the complainant's witness(es).~~

~~b. The accused student may ask questions and/or seek clarification on any element of the statements by the complainant's witness(es), but may not make any statements at this time.~~

~~11. Complainant may present any other physical or written evidence which is supportive of the complaint.~~

~~12. The accused student shall present, in detail, the alleged facts or matters pertaining to the circumstances of the complaint.~~

~~a. Members of the hearing panel may ask further questions and/or seek clarification by directing questions to the accused student.~~

~~b. The complainant may ask questions and/or seek clarification on any element of the accused student's statements, but may not make any statements at this time.~~

~~13. The accused student shall present his/her witness(es), who may offer testimony relevant to the circumstances stated by the accused student.~~

~~a. Members of the hearing panel may ask further questions and/or seek clarification by directing questions to the accused student's witness(es).~~

~~b. The complainant may ask questions and/or seek clarification on any element of the statements by the accused student's witness(es), but may not make any statements at this time.~~

~~14. The accused student may present any other physical or written evidence which is supportive of the accused student's opening remarks to the hearing panel.~~

~~15. The accused student and the complainant may each make summary statements to the hearing panel. There will be no rebuttal.~~

~~16. Adjournment by panel chair.~~

### ~~3. Decisions of Hearings~~

~~In private deliberations, the hearing panel or the administrative hearing officer will decide whether the student violated the Academic Integrity Policy.~~

~~Decisions will be made based upon the preponderance of the evidence presented in the hearings.~~

- ~~• Within five (5) business days of the hearing, the Hearing Officer or Chair of the panel will provide the student and complainant written notification of the decision.~~

### ~~E. Appeals~~

~~Students may wish to appeal decisions of the hearing panel/administrative hearing officer. To initiate an appeal, the student must submit a written request for an appeal within five (5) business days of notification of the results of the hearing. Undergraduate students should address their appeals to the Dean of Student Affairs. Graduate students should address their appeals to the Dean of the Graduate School.~~

~~An appeal must be in writing and its scope shall be limited to the following:~~

- ~~1. Question of Fact: A student may appeal on "questions of fact" by introducing new evidence which would significantly affect the outcome of the case. Evidence that comes forward that was not known by the accused shall be considered as new evidence. Evidence which was withheld by the student shall not constitute a question of fact, nor is it to be considered upon appeal.~~
- ~~2. 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.~~
- ~~3. Severity of Sanction: Students may appeal the "severity of sanction" that has been imposed by presenting a statement explaining why they feel the penalty is too severe.~~

~~All facts and evidence related to the case shall be reviewed by the appropriate Dean to determine whether just cause exists to overturn the hearing panel's or hearing officer's decision. If just cause is determined to exist, then a three-member Appellant Hearing Panel of the Academic Integrity Committee shall be convened by the Dean. If the original hearing was before a hearing panel, then the appeal panel shall be comprised of members of the Academic Integrity Committee who did not hear the original case.~~

~~The Appellant Hearing Panel will review the facts of the case in accordance with the due process guidelines set forth in this document. The Dean will notify the student in writing of the decision of the Appellant Hearing Panel within three (3) business days of the appellant hearing. This action shall be final and is not subject to further appeal.~~

### ~~RIGHTS OF STUDENTS ACCUSED OF VIOLATING THIS POLICY~~

Students charged with a violation~~one or more violations~~ of the University's Policy on Academic Integrity have a right to:

- ~~A.~~ receive a written statement of the specific charges. If requested, students will be allowed to examine any written statements or evidence ~~that which~~ the University plans to submit to any hearing panel.-
- ~~have B.~~ reasonable time to prepare for the hearing.-
- ~~C.~~ be present at the hearing during the presentation of any matters on which a decision may be based.
- ~~D.~~ present an explanation of their situation or circumstances at a hearing, and ask ~~other~~ individuals to present information ~~as witnesses on their behalf~~. Should students fail to appear at the scheduled time and place, however, the hearing ~~may will~~ be held in their absence. ~~Their absence will not be held as an acceptance of responsibility.~~
- ~~E.~~ be accompanied by another member (~~defined as a registered~~ student, faculty, or staff member) of the campus community to serve as "~~support person~~" at a hearing. ~~counsel~~ at a hearing. ~~Counsel is permitted to advise the accused student in the organization and presentation of materials, and can advise the student directly in the hearing. Counsel may not address the hearing panel or officer, nor any other individuals providing testimony. Counsel may not respond to any questions for the accused.~~
- ~~F.~~ ask questions of any hearing panel or officer and of any ~~witness. witnesses.~~
- ~~G.~~ present a summary statement at the close of the hearing.
- ~~have H.~~ a decision ~~about the accuracy of charge~~ based solely upon evidence and testimony presented at the hearing. ~~(If the charges are found to be true, a decision on a sanction can be based upon the hearing and other matters of record.)~~
- ~~have I.~~ an expeditious hearing of the student's case.
- ~~have J.~~ a written report of the results and findings of the hearing within five (5) business days of the hearing.-
- ~~K.~~ appeal the decision of the hearing panel.

## B. Cause and Notice

It is within the discretion of the University to determine the extent to which a 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.

## C. Informal Pathways

### C.1. Conduct Intervention

After receiving a report, a university official, in consultation with the instructor, may decide to schedule a meeting with the student to discuss the alleged violation(s). At the meeting, the official will:

- explain the purpose of the conduct intervention meeting;
- review the incident report and any impacts/harms to individuals and/or community as a whole;
- listen to the student's explanation of what occurred and why;
- discuss community behavioral expectations and conflict resolution techniques;
- discuss the consequences of the student-conduct process;
- 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; reintegrate themselves back into the community; and/or
- refer the case for formal action at the request of the student.

No sanctions will be imposed other than a verbal warning during the conduct intervention, and there is no right to an appeal. The official, in consultation with the instructor, has the authority to change handling of 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 student will receive the appropriate notice and opportunity to respond.

### C.2. Restorative Practices

After receiving a report, the official may offer the option for the instructor and student to informally resolve the conflict/incident. If the student accepts responsibility for violating the Academic Integrity Policy, and the instructor agrees to be involved, restorative practices such as mediation, facilitated dialogue, restorative group conferencing, and/or circle processes may be utilized.

#### C.2.a. Conflict Coaching

Conflict coaching is a one-on-one consultation to assess and develop an individual's communication skills and conflict management strategies.

#### C.2.b. Shuttle Diplomacy

Shuttle diplomacy is the crafting of an agreement using a restorative justice framework that does not require parties to participate in an in-person conference with each other. The university official will meet and work with parties individually to create an agreement to which both parties can agree.

#### C.2.c. Mediation

Mediation uses a neutral third party to coordinate a structured intervention to assist with resolving conflict between two or more parties.

#### C.2.d. Facilitated Dialogue

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.

#### C.2.e. Restorative Group Conference

A restorative group conference provides a structured opportunity for impacted and responsible parties to address conflict or unacceptable behavior through a facilitated discussion. Restorative group conference facilitators create a safe space for all parties to share openly about the incident(s). Facilitators ask a set of restorative questions to both parties and allow each party to discuss what they were thinking at the time of the incident(s) and how the parties feel about the incident now. Impacted parties then create a formal resolution with the responsible party to restore confidence and trust in the responsible party. All parties must agree upon the plan.

#### C.2.f. Restorative Justice Circles

Restorative justice circles involve all parties coming together to share stories and learn more about what harms have been created, who has been affected and how, and ways to repair the harms. In a circle process, participants are encouraged to be open and honest about their perspectives about the conflict, how they have been harmed, how they think others might have been harmed, and to come up with their own solutions on how to fix the harm created. All students sit in a circle and take turns participating and sharing their perspectives while using a talking piece. Often, support persons and community members can also be present to provide their input as well.

These voluntary processes allow all parties to be involved in and have an influence on the resolution process and outcome. The primary focus is to address the impacts, repair the harm, restore integrity, and reintegrate individuals back into the community. The outcome is a formal agreement between the parties as to specifically what will be done by the student. 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.

### D. Formal Pathways

#### D.1. Administrative Option

The official may send a written notice to the student's university email address 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:

- accept the findings and the designated sanctions and educational conditions;
- request formal action; or
- reject the findings in part or entirely and request formal action.

The response must be returned via email to the official within five (5) business days of the official's emailing of the notice. If the student requests formal action, 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 student waives their right to formal action, and the sanctions and educational conditions outlined in the email notice will be imposed.**SANCTIONS**

~~Sanctions imposed upon students for violating the Academic Integrity Policy are outlined below:~~

#### ~~A. Types of Sanctions:~~

~~1. Academic Integrity Warning: An official written notification which includes a warning that further violations of the Academic Integrity policy will result in a more severe sanction.~~

~~2. Academic Integrity warning and the course grade is lowered one whole letter grade.~~

3. Special Failing Grade: A student receives a special grade of "F\*". If the student waives their right to formal action, the complainant may appeal the outcome and request formal action.

#### D.2. Formal Action

Official notice will be sent to the student's University email address with the following information: alleged violation(s); the range of sanctions related to the violation(s); and the date, time, and location for an initial conference. If the student 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 there is reasonable cause to believe that a student may be responsible for a violation of the Academic Integrity Policy. At the initial conference, the student will meet with an official. The purpose of the initial conference is to provide the student 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 of the Academic Integrity Policy. At that time, the student will respond to the violation by electing one of the following courses of action:

- 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 student wishes to demonstrate mitigating circumstances by producing relevant witnesses or information. A decision notice will be sent to the student ~~has not~~ completed an education assignment within five (5) business days, and will include any applicable sanction and condition(s). The official may choose to refer the student to a

meeting with the University Conduct Board for determination of appropriate sanction and/or educational condition(s).

- Accept responsibility for the violation(s), and request a restorative practice in lieu of formal sanction/educational condition(s). See Section C.2. — Restorative Practices.
- Deny responsibility for the violation(s), in which case, the official shall determine the next appropriate course of action from the following:
  - Schedule a formal hearing within a reasonable time in order to allow the student to prepare a response and/or to arrange for the complainant who filed the complaint to appear.
  - Refer 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 designated official.
  - Adjourn the conference in order to obtain additional information, and then complete the conference at a later time after all additional information has been gathered and reviewed.
  - Dismiss the charges if it is decided after the initial conference that cause no longer exists for the charge(s).
- Choose not to respond to the charge. The case will then be referred for a formal hearing before the University Conduct Board.

## E. Hearing Guidelines

A hearing governed by the Office of Academic and Community Conduct is not a criminal trial. Formal rules of evidence shall not be applicable in conduct hearings. Information that is relevant, credible, and which a reasonable person would accept as having probative value 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 procedural 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 of responsibility in a student's case. Relevant witnesses or documents will be considered and reviewed; however, character witnesses are not allowed.

### E.1. Privacy

Hearings are closed to the public. Privacy will be preserved to the fullest extent possible, as allowed by law. At the discretion of the procedural officer, an additional official may be present for the purpose of assisting in managing the hearing, but the additional official shall not otherwise participate in the decision-making process.

### E.2. Recording

Hearings will be recorded. Deliberations will not be recorded. Recordings of hearings 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 a hearing.



### E.3. Rules of Decorum

It is the parties' responsibility to share the rules of decorum with their witnesses, advisor, and support person. The procedural officer will review the rules of decorum prior to beginning a hearing.

### E.4. Hearing Process Facilitator

Michigan Tech may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may invite the parties and their advisors to a meeting prior to the hearing to review the hearing process and rules of decorum for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

### E.5. Pre-Hearing Matters

In order to streamline the hearing process, the procedural officer may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

#### E.5.01. Pre-Hearing Submission of Questions

The procedural officer may request the parties to submit questions in writing prior to the hearing. This submission does not preclude the parties from asking additional questions during the live hearing. The procedural officer may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

#### E.5.02. Pre-Hearing Conference

The procedural officer may hold a pre-hearing conference. During the pre-hearing conference, parties will be asked to submit, in writing, any questions they wish to ask during the live hearing, so the procedural officer can be prepared to respond to relevancy at the hearing. This conference does not preclude the parties from asking additional questions during the live hearing. At the pre-hearing conference, the procedural officer may also hear arguments from the parties regarding the evidence as relevant or not relevant, and/or directly related to the allegations. The student may also choose to accept responsibly, deny responsibly, or choose not to answer to the allegations of violations of the Student Code of Community Conduct. If the student accepts responsibility in the pre-hearing conference, they waive the right to a hearing and the procedural officer will appropriately issue sanctions or send the case to the University Conduct Board for a sanctioning hearing.

### E.6. Information at the Hearing



During the hearing, the parties may give an opening statement, present an explanation of the facts and circumstances relating to the incident, present relevant witnesses who can speak to the same, reserve the right not to respond to questions, and give a closing statement. The parties may cross-examine each other directly, or may choose to do so 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 relevant to the charge(s) and/or case. The procedural officer may also call on the complainant to explain events.

## E.7. Individuals Present at Hearing

### E.7.01. Parties

The complainant and student are invited to the hearing as well as their relevant witnesses. It is the parties' responsibility to notify the procedural officer of relevant witnesses and to provide their witnesses with hearing information such as time, date, location, etc.

### E.7.02. Witnesses

The procedural officer will determine if witnesses are relevant. Witnesses must have relevant evidence and statements in order to be called upon. Witnesses are subject to cross-examination. Character witnesses are not allowed.

### E.7.03. Support Person

The parties 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 party to provide support to that party during a conduct hearing process. The support person may not be an immediate family member. The support person, 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 complainant/student.

### E.7.04. Procedural Officer

The procedural officer 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 procedural officer. The procedural officers 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 ensure 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 and objections; declaring recesses in the proceedings; and other appropriate actions. The procedural officer should

have training and experiences appropriate to the demands of the office. The procedural officer may also be a University Conduct Board member and decision-maker.

#### E.7.05. University Conduct Board

Conduct boards consist of a three-member panel of staff, faculty, and full-time students. All conduct board members receive annual training. Members of the University Conduct Board may be currently or formerly 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 attorneys. The University Conduct Board members are decision-makers in hearings.

#### E.7.06. Challenge of University Conduct Board Member

Either party may challenge the appointment of a University Conduct Board Member, based on conflict of interest or bias.

#### E.9. Standard of Proof

No conduct action shall be taken unless it is established by the University Conduct Board or the procedural officer that a preponderance of the evidence indicates the student is more likely than not to be responsible for a code violation. Formal rules of evidence shall not be applicable in conduct hearings. Information which reasonable persons would accept as having probative value will be considered.

#### E.10. Decision of Responsibility

Written notification of the conduct decision made by the University Conduct Board will be sent to the parties within five (5) business days of the hearing. The procedural officer may use reasonable judgment to extend this time if necessary. Any conduct decision may be appealed and appeals must follow the established procedures as outlined in Section III Appeal Procedures.

#### E.11. Sanctioning Hearing

In cases where students have accepted responsibility that may result in a sanction of suspension or expulsion, or when a student has numerous prior conduct cases, the university official may choose to have the University Conduct Board render an appropriate sanction in a sanctioning hearing. During the sanctioning hearing, the University Conduct Board may contact the student for relevant questioning to aid in their decision.

## II. Sanctions, Educational Conditions, and Remedies

### A. Statement Regarding Sanctions

The purposes of sanctions include, without limitation:

- to educate the student about appropriate conduct;
- to promote the personal and professional development of the student;
- to discourage the student and other students from violating the Student Code of Community Conduct; and
- to protect other members of the university community.

The sanctions imposed on a student should be proportional to the student's misconduct and appropriate for the particular case based on the gravity of the offense (including, without limitation, how the violation affected or reasonably could have affected other members of the university community). Consideration may also be given to the student's conduct record.

## B. Range of Sanctions

### B.1. Written Warning

A written statement that additional violations of university rules will result in more serious sanctions.

### B.2. Conduct Probation

A status which generally will not exceed eighteen (18) months, unless at the discretion of the decision-maker(s) the status should exceed eighteen (18) months. Students who violate any regulation while on conduct probation are likely to receive enhanced sanctions for any such 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 one third (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 at [studentconduct@mtu.edu](mailto:studentconduct@mtu.edu) for more information on the PERC program.

### B.3. Conduct Suspension

The termination of a person's status as a student for a definite or indefinite period of time with the possibility of reinstatement. The termination may be immediate. The student must submit a petition for reinstatement and have it approved by the Office of Academic and Community Conduct before being allowed to return. To be eligible to petition for reinstatement, students must have successfully completed all educational conditions and remedies. Students must petition for reinstatement at least six (6) weeks prior to the term they hope to re-enroll for. If allowed to return, a determination will be made as to whether or not the student will be placed on conduct probation for a specified period of time.

### B.4. Conduct Expulsion

The immediate termination of a person's status as a student without ~~by~~ the possibility of reinstatement.

## C. Educational Conditions

Conduct decisions, in addition to a sanction, may include, but are not limited to, condition(s) such as writing assignments, educational/experiential workshops, counseling, fees, community service, restorative practices, and educational projects. 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 fee reduction or waiver.

#### D. Grading Sanctions

In addition to the sanctions described above, the decision maker (University Conduct Board or hearing officer) may also assign, in consultation with the instructor for the course, a grading sanction of “F\*,” “E\*,” or “U\*” in the course as a disciplinary measure. In such cases, the faculty member responsible for teaching the course will submit, an F, E, or U in the course for the student, and the decision maker will require the student to complete an educational assignment on ethics and integrity. F\*: If the student has not completed an educational assignment within the time specified in the conduct decision, the decision maker will instruct the Registrar’s Office to add an “\*” asterisk is added to the F grade and the transcript will readreads "failure due to academic misconduct". Students receiving a grade of F\* will not be allowed to repeat the course. Students with a grade of F\* remaining on their transcripts may not serve as an officer of any recognized student organization, nor represent the university in official university events external to the University, including varsity sports, student contests and competitions, and similar events. E\* and U\*: A student receives a grade of E\* for pass/fail courses or U\* for audited courses. These grades will be administered in the same manner as a grade of F\*. If a grading sanction of “F\*,” “E\*,” or “U\*” is not assigned, the decision maker may make other recommendations to the instructor regarding grading including lowering the grade by one whole letter, but such recommendations are not required to be adopted by the instructor. Grades may also be lowered at the discretion of the instructor in any case where the decision maker finds a violation of academic misconduct. In any course for which the instructor has lowered the grade or issued an “F,” the student may not withdraw nor use the pass/fail option (SCV, LCV, ECV). dishonesty”.

#### E. 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.

### III. Appeal Procedures

#### A. Grounds for Appeal

Parties may appeal the determination regarding responsibility in writing/electronically to the Office of Academic and Community Conduct within five (5) business days of the receipt of the determination. 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. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. Parties can appeal on the following grounds:

~~Question of Fact Students with an "F\*" remaining on their transcripts may not serve as an officer of any recognized student organization, nor represent the university in events external to the university, including varsity sports, student contests and competitions, and similar events.~~

~~4. Suspension: A decision of Suspension terminates the person's status as an enrolled student for an indefinite period of time and prohibits the student from attending classes. Persons who reside on campus shall remove their belongings from their place of residence within 72 hours of notice that the penalty of Suspension has been rendered. Reinstatement and conditions for reinstatement, if any, shall depend upon an evaluation by the Dean of Student Affairs following an application for reinstatement by the student.~~

~~5. Expulsion: A decision of Expulsion terminates the person's status as an enrolled student with no opportunity for reinstatement. An expelled student may not enter onto any part of the campus without specific authorization from the Dean of Student Affairs. Persons who reside on campus shall remove their belongings from their place of residence within 72 hours of notice that the penalty of Expulsion has been rendered. Expulsion which results from a violation of the Academic Integrity Policy is listed as such on the student's academic transcript.~~

#### ~~B. Special Conditions~~

~~Students receiving sanctions ranging from Academic Integrity Warning to Suspension also will be required to participate in an education program. Education programs are assigned by the hearing officer/Hearing Panel. Assignments can include a requirement for a student to attend a workshop, seminar or course on an issue related to academic integrity; complete a community service project or present a paper on a topic related to academic integrity.~~

#### ~~C. Range of Sanctions:~~

~~1. First Offense: Penalties may range from Academic Integrity Warning to Suspension. In cases associated with a criminal act, a sanction of Expulsion may be imposed.~~

~~2. Second Offense: Penalties may range from Special Failing Grade to Expulsion.~~

~~3. Third Offense: Expulsion.~~

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- 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 demonstrating the procedural guidelines established in this document were breached, and such departure from established procedure significantly affected the outcome of the case.
- Severity of Sanction and/or Remedies Appeals will be considered on the “severity of sanction and/or remedies” and must include an explanation of why the sanction and/or remedies should be reconsidered. Appealing parties may state their case for a lesser or greater sanction and/or remedies.

## B. Appeal Procedure

If an appeal is submitted within five (5) business days and meets the grounds to move forward, Michigan Tech will:

- Notify the complainant in writing when an appeal is filed and implement appeal procedures equally for both parties.
- Ensure that the decision-maker(s) for the appeal is not the same University Conduct Board member that reached the determination regarding responsibility or dismissal. The procedural officer for the appeal may be either the Dean of Students, Dean of the Graduate School, or designee.
- Provide the non-appealing party the opportunity to submit a written response to the appeal within five (5) business days from receipt of the notification of appeal .
- Within ten (10) business days from the receipt of the appeal, the University Conduct Board will issue a written decision describing the result of the appeal (and the rationale for the result), which can be one of the following:
  - Affirmation of the original decision-maker’s determination regarding the student’s responsibility and affirmation of the disciplinary sanctions and remedies, if applicable;
  - Affirmation of the original decision-maker’s determination regarding the student’s responsibility and amendment to the disciplinary sanctions and remedies, if applicable;
  - Remanding of the process back to the hearing stage for the original decision-maker to remedy any procedural irregularity or consider any new evidence;
  - Reversal of the original decision-maker’s determination of the student’s responsibility and amendment to the disciplinary sanctions and remedies, if applicable; or
  - Affirmation of or amendment to the sanctions and/or remedies outlined in the determination issued under this Policy.
- Provide the written decision to both parties. Notification will be simultaneous in cases of sexual misconduct. The appellate decision is final and not subject to further appeal.

## IV. Record Retention, Transcript Notations, & Degree

#### A. Electronic Records

All cases have an electronic record in a secure and access-restricted database, Maxient. Records are saved in the database under “student conduct.”

#### B. Family Educational Rights and Privacy Act (FERPA)

Records of all student-conduct actions by officials and boards are considered educational records under FERPA.

#### C. Suspension and Expulsion Cases

Student-conduct records resulting in a sanction of conduct suspension or conduct expulsion will be retained indefinitely.

#### D. Records with Conduct Hold

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.

#### E. Additional Conduct Records

All records that do not fit the criteria for Sections IV.C. - IV.D. will be retained for two years following the student’s graduation or official withdrawal from the University.

#### F. University Transcript Notation

Transcript notations occur for expulsion and for academic integrity violations that result in a special failing grade of F\*, U\*, and E\* (see Academic Integrity Policy). If a student receives a special failing grade, the student will not be able to repeat that specific course.

#### G. Pending Academic Integrity Cases

In the case of pending actions where an academic grade cannot be assigned, a temporary grade of “M” will be entered into the student’s academic record, which represents a missing grade. Missing grades are not calculated into a student's GPA.

### V. Sealed Records

Upon a student's request and University review and approval, the University may allow for the sealing of a student’s conduct record prior to the established record retention timeframe for the record to be purged. Sealed records will not be disclosed to external third parties except as required by law or when permitted by written waiver by the student. The sealing of student-conduct records is not an expungement or pardon of any conduct decision(s). It does not eliminate or modify any sanction(s) or educational condition(s).

#### A. Sealed-Records Request Process



Students must request their conduct record to be sealed by completing the Sealed-Records Request Form. The Office of Academic and Community Conduct will review all requests to seal student-conduct records to determine if the request meets the limited grounds. All requests determined to meet the limited grounds will be forwarded to the University Conduct Board for final determination. Requests not meeting the limited grounds will be rejected.

#### B. Limited Grounds for Sealed-Records Request

- Requests are submitted either during the student's last semester prior to graduation, or after successful completion of all degree requirements.
- Requests are submitted for meritorious reasons which justify an early granting of a sealed record.
- Violation did not result in sanction of conduct suspension or conduct expulsion.

#### C. Final Determination

The University Conduct Board will base the determination on the following:

- Nature and number of violations
- Severity and impact of violations
- Successful completion of sanctions, remedies, and educational conditions
- Additional action taken to learn from misconduct and not let the misconduct define them
- Reason for the request

#### D. Request Granted

If a student's request for their conduct record to be sealed is granted, the student's conduct record will be sealed only upon the student's completion of all degree requirements.

#### E. Request Denied

If a request is denied for a conduct record to be sealed, the case will follow the record retention as stated above in this section.

#### F. Special Request

If a special request is made for the conduct record to be sealed prior to completion of all degree requirements, and the request is granted, the sealing of the student's record will be deferred. During the deferment period, the student's conduct record will not be disclosed to external third parties except as required by law or as permitted by a written waiver signed by the student. However, if the student is found responsible for any further violations during the deferment period, the student's request for their conduct record to be sealed will be voided, and no further requests will be considered.

#### **Proposal 27-95:**

- **Adopted by Senate: April 12, 1995**
- **Approved by President: September 13, 1995**

#### **Proposal 18-02:**

- **Approved by Senate: 30 January 2002**
- **Approved by Administration: 07 February 2002**



**Proposal 19-10:**

- Adopted by Senate: April 14, 2010
- **Approved by administration: April 22, 2010-**

**Proposal \*\*-21:**

**Adopted by Senate:**

**Approved by Administration:**