

MICHIGAN TECHNOLOGICAL UNIVERSITY
STUDENT CODE OF COMMUNITY CONDUCT

Revised: January 20, 2015

Michigan Tech Values Statement

The Values Statement was designed to communicate how Student Affairs is aiming to inspire the student community in all aspects of a student's life at Michigan Tech: *community, scholarship, possibilities, accountability, and tenacity.*

Values

We Inspire Community

We inspire an engaged community that actively seeks improvement through acceptance and understanding.

We Inspire Scholarship

We inspire world class scholarship through academics, research and continued learning.

We Inspire Possibilities

We inspire the exploration and creation of all possibilities through innovative use of our skills and knowledge.

We Inspire Accountability

We inspire individuals to hold themselves accountable, and to act with integrity, honesty and diligence.

We Inspire Tenacity

We inspire the tenacity required to make the ethical choice and to persevere through all obstacles.

I. Introduction

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

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

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

While the University has a primary duty to supervise behavior on its premises, there are many circumstances where the off-campus behavior of students affects University interest and warrants action. The University expects students, groups/organizations to conduct themselves in accordance with the law. Off-campus behavior by a student, group and/or organization that may be a violation of local, state or federal law, or yields a complaint from others alleging law violations or misconduct will be reviewed by the Office of Academic and Community Conduct.

The University will take all actions that it deems necessary and appropriate to protect the integrity and best interests of the University and the University community. Such action may include modifying this Code without notice as well as instituting procedures for prohibited conduct (on or off campus), including study-abroad programs. While some deviation from practices described in the Code may at times be necessary, every effort will be made to ensure that the intent of fairness of the Code is maintained. The Code is a dynamic document, and as such is periodically reviewed, and can be modified. It is the responsibility of every member of the University community to periodically review the Code. Final authority in conduct matters is vested in University administration and the Board of Control.

II. Definitions

A. “Code” means any and all University codes, regulations, rules or policies.

B. “complainant” means any member of the University community, law enforcement agencies, or members of the public who makes a complaint to the Office of Academic and Community Conduct. In situations where the individual(s) reports information, but wishes not to be involved in the conduct process, the University may choose to become the complainant.

C. “conduct board” means a group of people comprised of University faculty, staff, and/or students convened for the purpose of reviewing the conduct violation and determining appropriate consequences as needed.

D. "crime of violence" refers to prohibited conduct where the responding students uses, or threatens to use, violent force against the complaining person. Crimes of violence include crimes committed with and without weapons. Crimes of violence include, but are not limited to: murder, rape, robbery, assault and battery.

E. “group violations” means a student group/organization and its officers and/or membership may be held collectively and individually responsible when 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.

F. “hearing officer” means all administrative staff with delegated authority to resolve academic and community conduct issues.

F. “interim action” means any lawful action, order, restriction or demand made pursuant to the Code, as a means to protect individuals, property, and/or the best interests of the University.

G. “mediation” means utilizing a neutral third party to assist in reaching an agreement on actions to be taken to resolve conflict.

H. “medical emergency” is defined as any situation where a student’s physical and/or psychological health is at serious risk and immediate action must be taken to protect the individual or others.

I. “property” means all tangible and intangible property.

J. “reasonable” means fair and appropriate under all the facts and circumstances.

K. “reasonable cause” means there is sufficient information to allege that a respondent has violated a policy. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.

L. “respondent” means the student(s)/group(s)/organization(s) alleged to have violated the Code.

M. “restorative practices” mean voluntary processes (group conference/circle) that allow the respondent(s) who has accepted responsibility for a conduct violation to have a facilitated meeting with those they have impacted/harmed, collectively address the impacts/harms, develop an agreement to repair harm, reintegrate the respondent(s), and restore integrity to the community.

N. “student” means any individual who is an admitted applicant, is currently enrolled, or was formerly enrolled at the University regardless of their age or status in regard to parental dependency. Student status is maintained during semester breaks.

O. “support person” means any member of the University community (faculty/staff/student) chosen to provide moral support to a complainant or respondent during a campus hearing process. The support person may not be an immediate family member.

P. “University” means Michigan Technological University, and its entire undergraduate, graduate and professional schools, divisions, and programs, including without limitation any distance learning program and foreign campus.

Q. “University community” means students, faculty and staff.

R. “University premises” means buildings, facilities or grounds owned, leased, operated, controlled or supervised by the University. University premises also include websites operated by the University, including the official University website and online courses offered by the University.

S. “University sponsored activity” means any activity on or off University premises that is directly initiated or supervised by the University.

T. “written notice” means all written communication in any form whatsoever, including and without limitation, communication through campus and/or U.S. mail, and all forms of electronic communication to the student’s or organization’s last known University address. Students will be held accountable for retrieving their University mail/email in a timely manner. Email sent to a student’s University email address constitutes official communication.

III. Standards of Conduct

The purpose of publishing conduct rules is to give students general notice of prohibited conduct. The University considers the behaviors described in the following subsections as inappropriate for the University community. These inappropriate behaviors are in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, or professional. The University’s rules are not written with the specificity of a criminal statute. Students are responsible for choices they make about their actions and accepting the consequences of those choices.

A. Attempts/Repeats - Attempts to commit acts prohibited by these rules may be punished to the same extent as completed violations. Repeated or aggravated acts of prohibited conduct may result in progressively more severe sanctions. Conduct violations that are motivated by the offender’s bias due to race, religion or cultural identity, disability, sexual orientation, gender or gender-identity, or ethnicity/national origin may also result in more severe sanctions.

B. Prohibited Conduct - The following activities are prohibited:

1. Academic Misconduct. Violating University policy on academic integrity. Academic Misconduct may include cheating, plagiarism, fabrication and/or the facilitation of academic misconduct by another party. The Academic Integrity Policy is found at <http://www.admin.mtu.edu/usenate/policies/p109-1.htm>.
2. Alcohol. Violating University policy on use, possession, distribution, and/or sale of alcoholic beverages. The Abuse of Alcohol and Other Drugs by Students and Student Organizations Policy is located at <http://www.admin.mtu.edu/admin/policy/student/7001.htm>
3. Animals. Bringing any animal into a University building or to a University sponsored event, with the exception of those animals approved under Housing and Residential Life policies, or being used for University authorized research, or approved service animals on a restrained leash of 5 feet or less.
4. Assault, Endangerment and Threats. Intentionally or recklessly endangering, threatening or causing physical harm to any person (including self); or intentionally or recklessly causing reasonable apprehension of such harm; or communicating to any person (including communicating by any communication device, anonymously or otherwise), with intent to cause alarm or threaten another person for no legitimate purpose.
5. Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that are intended to and do intimidate, harm, or control another physically or emotionally so as to effectively deny their ability to participate in or benefit from an educational program or employment.
6. Bystanding. Complicity with or failure of any student to (appropriately) address known or obvious violations of the Code. Complicity with or failure of any organized group/groups to (appropriately) address known or obvious violations of the Code or laws by its members.
7. Community Order. Engaging in conduct prohibited under local, state, or federal laws as well as conduct prohibited under University regulations. If a person has been asked to leave the University premises, a University event, or restricted area and refuses to do so, the person is trespassing and may be lawfully removed to maintain community order.
8. Dangerous Materials. Unauthorized use, possession, distribution, sale, storage, explosion or detonation of chemicals, explosives, fireworks or other hazardous materials on University premises or at University sponsored activities.
9. Discriminatory Harassment. Engaging in severe, pervasive and objectively offensive conduct that is unwelcome, discriminatory (on the basis of race, religion or cultural identity, disability, sexual orientation, gender or gender-identity, or ethnicity/national origin), and directed at an individual or a group of individuals so that it undermines the ability of the targeted individual(s) to access education equally. Discriminatory

Harassment includes the creation of a hostile environment as well as attempts to create quid pro quo situations.

10. Disruptive Behavior. Causing a disturbance or disruption, including without limitation to disturbing or disrupting the use or enjoyment of University premises or the surrounding community, research and teaching, university administration, conduct hearings, or fire, police and emergency services.

11. Drugs. Violating University policy on use, possession, distribution, and/or sale of controlled substances. The Abuse of Alcohol and Other Drugs by Students and Student Organizations Policy is located at <http://www.mtu.edu/conduct/policies/pdfs/AOD-policy.pdf>.

12. Emergency Alarms, Drills, and Equipment. Misusing the emergency alarm system or other safety equipment in any campus building; or failing to leave any University building during any emergency alarm or emergency evacuation procedure.

13. Failure to Comply with Conduct Decisions. Intentionally or recklessly violating the terms of any conduct sanction imposed in accordance with this Code.

14. Failure to Comply with Official Requests. Failing to comply with legitimate official requests, including without limitation requests made by, University administrative staff, faculty, student employees and/or law enforcement agencies

15. False Reporting. Knowingly initiating or causing to be initiated any false report of a Code violation or violation of law; or any false warning or false threat of fire, explosion or other emergency.

16. Financial Obligations. Failure to promptly meet financial responsibilities to the University, including, but not limited to knowingly passing a worthless check or money order in payment to the University, or to an employee acting in an official University capacity.

17. Furnishings and Fixtures. Moving University equipment or furnishings from room to room; or from rooms, lounges, lobbies, buildings, placing furniture in the hallway; or removing window screens without official authorization.

18. Hazing. Violating University policy against hazing. The Hazing Policy is located at <http://www.mtu.edu/conduct/policies/student-conduct/hazing/>.

19. Host Liability. Failing to inform guests of applicable University rules. Hosts are responsible for their guests' behavior.

20. Information Technology Resources. Violating the University's standards for the acceptable use of information technology resources.
<http://www.admin.mtu.edu/admin/policy/gen/1006.htm>.

21. Littering. Disposing refuse of any kind on University premises, except in receptacles provided for that purpose; and placing any flier in or on any vehicle parked on University property without University authorization.

22. Parking and Vehicles. Parking a motor vehicle in a campus parking lot or unmetered space without properly registering it with the University and displaying the proper permit; or parking or traveling on University property with ATVs, snow vehicles or similar motorized devices, except in designated locations.

23. Posting/Chalking. Hanging any material on trees, stairwells, fire doors, walls or exterior doors at any time; or violating the University posting policy or chalking guidelines. The policy on posting/chalking is located at <http://www.mtu.edu/conduct/policies/student-conduct/chalking/>.

24. Prescription Medications. Violating University policy on use, possession, distribution, and/or sale of prescription medication. The Abuse of Alcohol and Other Drugs by Students and Student Organizations Policy is located at <http://www.mtu.edu/conduct/policies/pdfs/AOD-policy.pdf>.

25. Property Damage or Destruction. Destroying or damaging University property or the property of others.

26. Representation. Furnishing false information to any university official, faculty member or office; forgery, alteration or misuse of any University document, record or instrument of identification.

27. Services. Unauthorized use, or providing such use to another, of official identification, or of the University's services, programs, facilities, supplies, name, logo, insignia, documents, keys, or permits.

28. Sexual and/or Relationship Misconduct. Violating University policy on sexual and/or relationship misconduct. The Sexual and/or Relationship Misconduct Policy is found at <http://www.mtu.edu/conduct/policies/student-conduct/sexual-misconduct/>.

29. Tobacco and Smoke. Use of tobacco, e-cigarettes in University buildings or on campus. As of September 3, 2013, the University campus is tobacco-free. In all other cases, tobacco, e-cigarettes are only permitted in clearly designated areas. As of January 12, 2015 Michigan Tech is a tobacco-free, including e-cigarettes campus.

30. Solicitation or Commercial Enterprises. Unauthorized selling of any goods or services on University premises. Solicitations or commercial enterprises (including cyber-marketing and telemarketing) in University housing.

31. Stolen Property. Theft of property or services; or knowingly possessing, selling, or distributing stolen property.

32. Violating Housing and Residential Life Policies. Both the Residence Hall and the Apartment Living Guide can be found at <http://www.mtu.edu/housing/applications-policies/living-guide/>.

33. Violating Student Activities Policies. Policies related to student activities and/or student organizations can be found at <http://www.mtu.edu/student-activities/policies>.

34. Weapons. Violating University policy on the registration, possession, storage and use of weapons and ammunition. The Weapons Policy is located at <http://www.admin.mtu.edu/admin/policy/fac/5002.htm>.

35. Wheeled Devices. Skateboards, roller blades, bicycles and similar wheeled devices may not be used inside University buildings, residence halls or on tennis courts, Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to University property caused by these activities.

IV. Conduct Pathways

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

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

University community members, law enforcement agencies or members of the public can report possible Code violations by making a written complaint to the Office of Academic and Community Conduct. It is within the discretion of the University to determine the extent to which the complaint will be investigated and/or resolved. If a determination is made by a University official that reasonable cause exists to believe a violation has occurred, then the student alleged of the violation will be provided notice and an opportunity to be heard. A University official may dismiss the complaint at any stage if they have reasonable cause to believe the complaint is baseless or otherwise unsupported by available evidence. The official may also decide the complaint could be better resolved in a different manner and refer accordingly.

A. Informal Pathways

Conduct Intervention - After receiving a report, a University official may decide to schedule a meeting with the respondent student 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; and (6) assist the student in developing an action plan to: repair the impacts/harms to individuals and or community; avoid recurring behavioral issues; make any referrals as deemed appropriate; and reintegrate themselves back in to the community.

No sanctions will be imposed other than a verbal warning during the conduct intervention, and there is no right to an appeal. The official has the authority to change handling the incident at the conduct intervention level to the administrative option, voluntary adaptable resolution, or formal action, based on the information revealed in the conduct intervention meeting or if a student fails to appear for the conduct intervention meeting.

Voluntary Adaptable Resolution (VAR) - The official may offer the option for the parties involved to informally resolve the conflict/incident. If the respondent accepts responsibility for violating the Code, and the parties to the complaint agree to be involved, adaptable pathways such as mediation, facilitated dialogue, restorative group conferencing, and/or circle processes may be utilized. These voluntary processes allow all parties to be involved in and have influence on the resolution process and outcome. The primary focus is to address the impacts, repair the harm, restore integrity, and reintegrate individuals back in to the community. If all parties are not in agreement to VAR, 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.

B. Formal Pathways

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

The student can request an interim suspension review to be conducted. The interim suspension letter will contain instructions on how to request a review. Those present at the meeting may include the responding university official and other witnesses as deemed appropriate. During the review, the student will be given an opportunity to demonstrate why his or her continued presence on campus does not constitute a threat to themselves, others or property.

“Interim action” includes, without limitation:

1. Immediate suspension from the University;
2. Restriction on student’s presence in the residence halls, on University property and/or at University events;
3. A requirement that the student secure 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.
4. No verbal/non-verbal/third-party contact with another person(s).
5. 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.
6. Mandatory behavioral agreement that reinforces conduct expectations, with any further violations of the Code resulting in severe sanctions.

Administrative Option - The official may send a written notice of the alleged policy violation(s), potential sanctions and educational conditions, with the option for the student to (a) accept responsibility with the designated sanctions and educational conditions, or (b) request formal action. The student’s written response must be returned to the official within seven (7) business days. If the response is not returned within the designated time period, the student waives his/her right to formal action and the sanctions and educational conditions outlined in the written notice are imposed. If the student requests formal action, then a hearing will be scheduled and the case will proceed with the formal action procedures.

Formal Action - The official may send written 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. If the student fails to appear at the initial conference, the official may consider all information true and accurate and take appropriate administrative action.

An initial conference notice is sent (via email, if possible) when a report from staff, faculty, law enforcement, or another source that indicates a student might be responsible for a violation of the Code. At the initial conference, the student will meet with an official. The purpose of the initial conference is to provide the student with additional information about the reported incident and explain the procedures that will be followed to determine if he/she is responsible or not responsible for a violation the Code. At that time, the student may elect one of the following courses of action:

1. To take responsibility for violating one or more University rules. The case may then be immediately reviewed by the official, who will take appropriate action. If the student wishes to demonstrate mitigating circumstances by producing relevant witnesses or information, a postponement of action may be requested for a reasonable time.

2. To deny responsibility for the violation(s), in which case, the official shall determine the next appropriate course of action from the following:

a. Hold an immediate formal hearing with the official or postpone the hearing in order to allow the student to prepare a defense or to arrange for the person who filed the complaint to appear.

b. Refer for a formal hearing to another official.

c. Refer for a formal hearing before a conduct board. If the board cannot convene, Office of Academic and Community Conduct will arrange a formal hearing by an official.

d. Adjourn the conference in order to obtain additional information, and then complete the hearing at a later after all additional information has been gathered.

e. Dismiss the charges.

* At the formal hearings, the student will appear before an individual official or a conduct board. As appropriate to the conduct charges, in most cases a conduct board will be convened to review the possible conduct violation. Conduct boards generally consist of one member of the Student Affairs professional staff, one member of the faculty, and one full-time student.

Hearing Guidelines for Participants - The Office of Academic and Community Conduct would like to emphasize that our hearing is not like a criminal trial. The same strict procedures or rules of evidence as you would experience in court procedures are not used. The standard used to determine if a student is responsible is called preponderance of evidence; this differs from normal court procedures because the hearing officer or committee may simply rule that it is more probable than not that a University regulation has been violated.

The purpose of a hearing is to obtain the information necessary to make a decision in a student's case. Often, the student and the hearing officer may need to simply discuss the incident report. Sometimes the complainant, the individual who makes the incident report, will attend. Additional witnesses or documents are sometimes helpful; however, character witnesses are not allowed.

1. Hearings are closed to the public. At the discretion of the official, an additional official may be present for the purpose of assisting in managing the hearing, but the assistant shall not otherwise participate in the hearing.
2. Where a sanction of suspension or expulsion can be imposed, hearings will be recorded. Deliberations will not be recorded. The recording will be the property of the University and maintained according to University policy.
3. The official and/or chair of the conduct board shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the student charged with the conduct violation, who disrupts a hearing, may be excluded by the official or chair.
4. During the hearing, the student 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 official and/or chair may determine that witnesses or information is not relevant to the charge(s). They may also call on the complaining party to give an explanation of events.
5. The participant may have a “support person” to accompany and assist in the campus hearing process. The support person may advise and/or provide support to the participant but may not take part directly in the hearing itself. When criminal charges have been filed against the accused student (and the accused student will have an attorney present during the hearing), the complaining person may also have an attorney present. The attorney may advise the participant but may not take part directly in the hearing itself.
6. No disciplinary action shall be taken unless it is established by a preponderance of the information that the student is responsible for the violation(s). Formal rules of evidence shall not be applicable in conduct hearings. Information which reasonable persons would accept as having probative value in the conduct of their affairs can be considered.
7. Written notice of the conduct decision will be sent to the student within seven (7) business days of the hearing. This time may be extended if necessary in the reasonable judgment of the official and/or chair.
8. Any conduct decision may be appealed and must follow the established procedures as outlined in Section VII.

C. Statement of Intent Regarding Medical Emergency

The welfare of students in the University community is of paramount importance. At times, students and other individuals may need medical assistance. The University encourages students to offer assistance to others in need, and also for students to seek

assistance for themselves. Sometimes students may be hesitant to seek or offer assistance due to concerns that their conduct violates University rules, or that a student in a *medical emergency* will be charged with a rule violation.

The University intends to exercise considerable discretion to avoid the finding of responsibility under the Student Code of Community Conduct in *medical emergencies* as defined in this policy for a student providing assistance, as well as for a student receiving assistance in cases of a *medical emergency*. Educational conditions may be imposed rather than conduct sanctions if appropriate based on the professional judgment of the Dean of Students or designee.

A “*medical emergency*” is defined as any situation where an individual’s physical and/or psychological health is at serious risk and immediate action must be taken to protect the individual or others.

This statement of intent applies only to administrative enforcement of the Student Code of Community Conduct and does not provide immunity/amnesty from arrest or criminal prosecution.

V. Range of Sanctions

- A. **Written Warning** is a statement that further violations of University rules will result in more serious sanctions.
- B. **Conduct Probation** is a status which generally will not exceed 18 months unless in the discretion of the decision maker the status should exceed 18 months. Students who violate any regulation while on conduct probation are likely to receive enhanced sanctions for any subsequent violations. Conduct probation means a student is not in good social/conduct standing, and therefore may be ineligible to participate in co- and/or extra- curricular activities, student employment, scholarships, etc.
- C. **Conduct Suspension** is the termination of a person’s status as a student for a definite or indefinite period of time with possibility of reinstatement. The student must submit a petition for reinstatement and have it approved before being allowed to return.
- D. **Conduct Expulsion** is the termination of a person’s status as a student without possibility of reinstatement.

VI. Educational Conditions

Conduct decisions may, in addition to sanctions, include educational conditions. This may include: writing assignments, educational/experiential workshops such as Husky Habit Boot Camp, 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.

An example of an Education Condition would be a reflective paper. The student will complete a paper reflecting on an agreed upon topic, such as their decision-making process, understanding of a policy or purpose of a policy. The value of this condition is to provide an opportunity for the student to reflect on behaviors, actions, decision and polices, and/or helps the student develop better self-awareness of self, values and relationship with others.

Another example of an educational condition would be Husky Habits Boot Camp. This is an intense 2-hour ethical decision making workshop that combines personal reflection, group discussion and practical application to assist participants in evaluating and improving their decision making.

VII. Appeal Procedures

Students found responsible for conduct violations may appeal decisions made by an official and/or board. Instructions for initiating an appeal will be provided in every conduct decision letter. In incidents involving acts of violence as well as cases brought under the Sexual and/or Relationship Misconduct Policy, the complaining individual may also appeal under these procedures. The basis for an appeal is limited to questions of fact, questions of procedure and severity of sanction.

- A. Question of Fact**— Students 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 student shall be considered new information. Evidence that was known but withheld by the student shall not constitute a question of fact and will not be considered upon appeal.
- B. 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.
- C. Severity of Sanction**— Students may appeal the “severity of sanction” that has been imposed by presenting a statement that explains why they believe the sanction should be reconsidered.

Appeals must be in writing and submitted within seven (7) business days to the Office of Academic and Community Conduct. Appeals will be resolved by the Dean of Students or designee. In appeals with sanctions of suspension or expulsion, and all cases under the Sexual and/or Relationship Misconduct Policy, an Appellate Board will be appointed by the Dean of Students to review the appeal. The Appellate Board consists of one professional staff, one faculty, and one student. The Appellate Board will review the record and render a decision on the appeal. The Dean of Students or designee will notify the appellant in writing of the decision of the Appellate Board within seven (7) business days of the appellate decision. This action shall be final and is not subject to further appeal.

Students who have been sanctioned with suspension or expulsion may have access to the hearing recording under the supervision of Academic and Community Conduct staff prior to submitting an appeal letter. The imposition of sanctions will be deferred while an appeal is pending unless, at the discretion of the Dean of Students or designee, the Interim Action provisions are invoked or for other good cause. The Dean of Students or designee, or Appellant Board, may (a) deny the appeal; (b) remand the case to the original hearing officer or hearing committee; (c) change (increase or decrease) the sanctions, and/or (d) 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 (d).

VIII. Procedures for Multiple Violations

In cases of multiple charges where more than one policy is implicated, the procedures governing Sexual and/or Relationship Misconduct violations will take precedence over those governing Academic Integrity violations and Code violations. The procedures governing Academic Integrity violations will take precedence over those governing all Code violations except Sexual and/or Relationship Misconduct.

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

X. 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.

XI. Acknowledgement

The Code is adapted from the NCHERM Group Developmental Code of Student Conduct and is used here with permission. www.ncherm.org. *Any questions regarding University rules and student conduct procedures should be addressed to: Office of Academic and Community Conduct, 310 Administration Building, (906) 487-2951, studentconduct@mtu.edu.*

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