

Code of Community Conduct

I. **Statement of Purpose and Philosophy.** The University community has developed the standards of conduct set forth in the Code of Community Conduct to accomplish many important educational objectives and to assist students who will “create the future” to live with integrity.

II. **University Flexibility.** Notwithstanding anything in this Code to the contrary, the University reserves the right to take all actions that it deems necessary and appropriate to protect the best interests of the University and the University community. Such action may include modifying this Code without notice as well as instituting proceedings for any conduct on or off campus, including study-abroad programs, that affects the best interest of the University and the University community. The University reserves the right to deviate from this Code on a case by case basis. Furthermore, the University reviews this Code periodically, and reserves the right to modify the Code; it is the responsibility of every member of the University community to periodically review the Code.

III. **Authority for Student/Student Organization Discipline.** University officers, administrators, faculty members, committees and organizations, shall implement this Code and other appropriate policies, rules or regulations adopted by the Board of Control of the University. Ultimate authority rests in the Board of Control.

IV. **Student Participation.** Students are encouraged to contribute their skills and insights in the resolution of University conduct cases involving students through service in the University Judiciary Committee, the Academic Integrity Committee and the Greek Judicial Board. Final authority in conduct matters, however, is vested in University administration and the Board of Control.

V. **Standards of Community Conduct.** Attendance at Michigan Technological University is both voluntary and optional. Each member of the University community, by his or her matriculation at the University or by otherwise availing themselves of the benefits of the University, indicates that they agree to be bound by this Code and all other relevant policies, rules or regulations.

The University considers freedom of speech and civil discourse to be essential to educational development and thus recognizes and values both freedoms provided by, and limits consistent with, the First Amendment.

Students are free to engage in peaceful and orderly protest, demonstration and picketing that is consistent with this Code and does not disrupt functions of the University. However, students and others are not permitted to engage in conduct that disrupts the University, the University community, or any of its constituent parts.

VI. Student Organizations Charged with Conduct Violations.

A. The policies, procedures and codes which constitute the statement of Student Rights and Responsibilities apply to all recognized student organizations.

B. For Greek organizations, the procedures and sanctions for disciplinary actions are found in the IFC Bylaws and this Code.

VII. Interim Action. The Dean of Students or designee may take interim action against a Respondent when he/she deems it necessary to protect the best interests of the University.

A. "Interim action" means any lawful action, order, restriction or demand made pursuant to this Section VII and includes, without limitation:

1. Immediate suspension from the University;
2. Restriction on Respondent's presence in the residence halls, on University property and/or at University events;
3. A requirement that the Respondent secure a psychological assessment through Counseling Services or at another facility at the Respondent's expense and/or a medical assessment. The assessment(s) may be used to determine the appropriateness of withdrawing the interim action.

B. At the time the University imposes an interim action, or within a reasonable time thereafter, the Dean of Students or designee shall:

1. Inform the Respondent of the reason for the interim action in writing;
2. Provide the Respondent with an opportunity for a hearing under the Code's procedures within ten (10) business days of the imposition of the interim action.

C. If a Respondent fails to comply with the requirements of the interim action, the University may immediately take any lawful action to obtain compliance.

VIII. Definitions: When used in this document:

A. The term "Code" means any and all University codes, regulations, rules or policies.

B. The term "Complainant" means any person or organization who alleges a conduct violation against a student or student organization.

C. The term "hearing board" means the University Judiciary Committee, the Academic Integrity Committee and the Greek Judicial Board.

D. The term "hearing officer" means all administrative staff with delegated authority to resolve student conduct issues.

E. The term "property" means all tangible and intangible property.

F. The term "reasonable" means fair and appropriate under all the facts and circumstances.

G. The term "Respondent" includes any student or student organization that is charged with a conduct violation under the Code or is subject to Interim Action.

H. The term "student" means any person who is

enrolled in or auditing classes at the University at the time of the alleged conduct violation.

I. The term “student organization” or “organization” means any student group officially recognized by the University at the time of the alleged conduct violation.

J. The term “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.

K. The term “University community” means enrolled students, faculty and administrative staff.

L. The term “University premises” means buildings, facilities or grounds owned, leased, operated, controlled or supervised by the University.

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

N. The term “written notice” means all non-oral communication in any form whatsoever, including 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 or permanent address. Students will be held accountable for retrieving their mail and Michigan Tech email in a timely manner. Communication to a Michigan Tech student email address constitutes official communication to students.

IX. Student Conduct Rules

A. The purpose of publishing conduct rules is to give students general notice of prohibited behavior. University rules are not written with the specificity of a criminal statute. Students are responsible for choices they make about their conduct and accepting the consequences of those choices.

Any questions regarding University rules and student judicial procedures should be addressed to: Director of Student Judicial Affairs, Student Affairs Office, 170 Administration Building.

Phone (906) 487-2212.

Email: studentaffairs@mtu.edu

B. Prohibited Conduct. Students at Michigan Tech must adhere to the Statement of Student Rights & Responsibilities. The following misconduct would constitute a violation of these rules:

1. Academic Dishonesty. Violating University policy on Academic Integrity. The Academic Integrity Policy is found at http://www.studentaffairs.mtu.edu/dean/judicial/policies/academic_integrity.html and procedures and sanctions for this violation are governed by the Academic Integrity Policy.

Sanction: Academic Integrity Warning to Expulsion.

2. Alcohol and Other Drugs. Violating University policy on use and possession of alcoholic beverages, and/or on the use, possession and/or sale of controlled substances. The Alcohol and Other Drug policy is located at http://www.sa.mtu.edu/dean/judicial/policies/drugs_alcohol.html

Sanction: Disciplinary Warning to Expulsion

3. Animals. Bringing any animal into a University building, with the exception of those animals approved under Residence Hall policies, or being used for University-authorized research, or approved guide and service animals on a restrained leash of 5 feet or less.

Sanction: Disciplinary Warning to Disciplinary Probation

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.

Sanction: Disciplinary Probation to Expulsion

5. Bias-Related Harassment and Violence. Engaging in threats of violence and/or violence because of a person's race, ethnicity, national origin, disability, religious or cultural identity, sexual orientation, gender-identity or gender.

Sanction: Disciplinary Probation to Expulsion

6. Community Order. Engaging in act(s) detrimental to the University, University community and/or University premises, including without limitation any act(s) prohibited under local, state or federal law, or University rules and standards.

Sanction: Disciplinary Probation to Expulsion

7. Compliance with Official Requests. Failing to comply with legitimate official requests, including without limitation requests made by law enforcement agencies, University administrative staff, faculty and student employees

Sanction: Disciplinary Warning to Suspension

8. Computer Misuse. Violating University policy on computer use. The Computer Use policy is found at http://www.cec.mtu.edu/cacsec/info/cup_approved.html

Sanction: Disciplinary Warning to Expulsion

9. Complicity Acting together with one or more persons to commit an offense prohibited by law, to commit any act in an illegal manner, or to violate any University regulation.

Sanction: Disciplinary Warning to Expulsion

10. Dangerous Materials and Fireworks. Unauthorized use, possession, storage, explosion or detonation of chemicals, explosives, fireworks or other hazardous materials on University premises.

Sanction: Disciplinary Probation to Expulsion

11. Disruptive/Disorderly Conduct. Causing a disturbance or disruption, including without limitation disturbing or disrupting the use or enjoyment of University premises or the surrounding community, research and teaching, university administration, judicial hearings, or fire, police and emergency services.

Sanction: Disciplinary Warning to Expulsion

12. Compliance with Disciplinary Decisions. Intentionally or recklessly violating the terms of any disciplinary sanction imposed in accordance with this Code.

Sanction: Progressively more severe sanctions up to Expulsion

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

Sanction: Disciplinary Warning to Expulsion

14. Financial Obligations. Refusing to pay any amount due to the University, including without limitation fees for tuition, room and board; all loans, fines, maintenance and damage assessments; and other charges.

Sanction: Administrative sanctions include withholding of transcripts, grades, degree and diploma; eviction from residence hall; and/or loss of meal card privileges.

15. Fire Alarms, Fire Drills, Fire Equipment. Misusing the fire alarm system or other fire safety equipment in any campus building; or failing to leave any campus building during a fire alarm.

Sanction: Disciplinary Warning to Expulsion

16. Fraud, Misrepresentation and Unauthorized Access. Unauthorized use, or providing such use to another, of official identification, or of the University's name, logo, insignia, supplies, documents, keys, permits, facilities, programs and services.

Sanction: Disciplinary Probation to Suspension

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.

Sanction: Disciplinary Warning to Disciplinary Probation

18. Hazing. Violating University policy against Hazing. The hazing policy is located at <http://www.sa.mtu.edu/dean/judicial/policies/hazing.html>.
Sanction: Disciplinary Probation to Expulsion

19. Host Liability. Failing to inform guests of applicable University rules. Hosts are responsible for their guest's behavior.
Sanction: Refer to specific rule violated by guest

20. Littering. Disposing refuse of any kind on University premises, except in receptacles provided for that purpose; and placing any handbill in or on any vehicle parked on University property without University authorization.
Sanction: Disciplinary Warning to Disciplinary Probation

21. Outside Camping and Temporary Structures. Sleeping or spending the night on University premises without specific written authorization from appropriate University officials; or erecting a tent, lean-to, or other temporary structure with the intent to utilize such for an overnight occupancy.
Sanction: Disciplinary Warning to Disciplinary Probation

22. Parking and Vehicles. Parking a motor vehicle in a campus parking lot to which you are not registered or unmetered space without registering it with Public Safety and obtaining a permit, or traveling on University property with ATVs, snow vehicles or similar motorized devices, except in designated locations.
Sanction: Disciplinary Warning to Disciplinary Probation

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 Board of Control policy on posting is located at <http://www.admin.mtu.edu/admin/boc/policy/ch15/ch15p5.htm#>
See also <http://www.aux.mtu.edu/ressvcs/faqs/postingpolicy.shtml>,
<http://www.sa.mtu.edu/dean/judicial/policies/chalking.html>.
Sanction: Disciplinary Warning to Disciplinary Probation

24. Property Damage or Destruction. Destroying or damaging University property, or the property of others.
Sanction: Disciplinary Warning to Suspension

25. Sexual Misconduct. Violating University policy on student sexual misconduct, including nonconsensual sexual intercourse, nonconsensual sexual contact, mutually incapacitated sexual intercourse, sexual exploitation and sexual harassment. The sexual misconduct policy is found at http://www.sa.mtu.edu/dean/judicial/policies/sexual_misconduct.html
For procedures under the sexual misconduct policy, see Section XIV below.

Sanctions: Mutually incapacitated sexual intercourse, Disciplinary Warning to Suspension; nonconsensual sexual intercourse, Suspension to Expulsion; all other violations, Disciplinary Probation to Expulsion.)

26 Smoking. Smoking in University buildings or non-smoking entrances unless clearly marked as a smoking area.

Sanction: Disciplinary Warning to Disciplinary Probation

27 Solicitation or Commercial Enterprises. Selling any goods or services on University premises, unless special permission is granted; or solicitations or commercial enterprises (including employment as a telemarketer) in the University residence halls, either by outside agencies or by the students themselves.

Sanction: Disciplinary Warning to Disciplinary Probation

28. Theft/Possession of Stolen Property. Theft of property or services, or knowingly possessing stolen property.

Sanction: Disciplinary Warning to Expulsion

29. Violating Housing and Residential Life Policies. These policies are found at http://www.housing.mtu.edu/housing/residence_hall_handbook.html (Residence Hall Handbook) and http://www.housing.mtu.edu/apartments/apartment_handbook.html (Apartment Handbook).

Sanction: Disciplinary Warning to Expulsion

30.. Weapons. Violating University policy on the registration, possession, storage and use of weapons and ammunition. The weapons policy is located at <http://www.sa.mtu.edu/dean/judicial/policies/Weapons.htm>

Sanction: Disciplinary Warning to Expulsion

C. Attempts and Enhancements.

1. Attempts to commit acts prohibited by these rules may be punished to the same extent as completed violations.
2. Repeated or aggravated violations of any section of these rules may result in expulsion or suspension as may be appropriate.

D. The foregoing list of Prohibited Conduct is neither complete nor all-inclusive. The University reserves the right to impose the full range of sanctions, including without limitation an interim action, in response to actions or omissions that are against the best interests of the University, University Premises and/or the University Community.

E. For the avoidance of doubt, University action under this Code does not waive any claim, cause of action or charge the University or any member of the University Community may have against a Respondent. Furthermore, the

remedies herein are non-exclusive – a Respondent’s conduct may violate more than one example of Prohibited Conduct and the University may impose cumulative and additive sanctions based upon a single action or inaction that violates more than one example of Prohibited Conduct.

X. Range of Sanctions.

- A. Disciplinary Warning. A statement that further violations of University rules will result in more serious sanctions.
- B. Disciplinary Probation. More serious than a disciplinary warning, a status which generally will not exceed 18 months unless in the discretion of the hearing office or hearing board that the probationary period should exceed 18 months. Students who violate a regulation while on disciplinary probation are likely to receive an enhanced sanction for the subsequent violation.
- C. Suspension. Termination of a person’s status as a student for a definite or indefinite period of time with possibility of reinstatement.
- D. Expulsion. Termination of a person’s status as a student without possibility of reinstatement.
- E. Educational Conditions. With any sanction (with the exception of Expulsion) Educational Conditions may be imposed, including without limitation restitution, fines, community service, “no contact” provisions, educational projects or assessments. The University has complete discretion to impose or to not impose Educational Conditions on a case by case basis.
- F. “No Contact” provisions may be imposed in the reasonable judgment of the hearing officer prior to an Initial Conference.

XI. Applicable Rights and Procedures.

- A. Making a Complaint. University community members, law enforcement agencies or members of the public can report possible University rule violations by making a written complaint to the Office of Student Judicial Affairs. It is within the discretion of the University to proceed or not proceed upon such written complaints.
- B. Conduct Intervention and Informal Action. For incidents where the sanction for violating a regulation will not exceed disciplinary probation, but not including proceedings under the Sexual Misconduct Policy, an initial conference is not required. The hearing officer may proceed under Section 11.B.1 or 11.B.2.
 - 1. Conduct Intervention (Non-Judicial.) The hearing officer will send written notice of an incident report to the student(s), scheduling a meeting. At the meeting, the hearing officer will:
 - a. explain the purpose of the conduct intervention meeting;
 - b. discuss the incident report;

- c. listen to the student's or students' explanation of what occurred and why;
- d. discuss community behavioral expectations and conflict resolution techniques;
- e. discuss the consequences of the student judicial process (informal action or formal action); and
- f. develop an action plan to avoid recurring behavioral issues, and make any referrals as deemed appropriate.

No sanctions can be imposed other than a verbal warning and there is no right to an appeal. The hearing officer has the discretion to change from handling the incident as a conduct intervention to informal (11.B.2) or formal (11.C.) action, based on the information developed in the conduct intervention meeting or if a student fails to appear for the conduct intervention meeting.

2. Informal Action. The hearing officer will send a written notice of the charges imposed and designated sanction and special condition(s), with the option for the student to (a) accept responsibility with a designated sanction and special condition(s), or (b) request formal action under Section 11.C of this Code. The student's written response must be returned to the hearing officer within five (5) business days. If the response is not returned within the designated time period, the student waives his/her right to formal action and the sanction and special conditions are imposed without right to appeal.

If the student requests formal action, then an initial conference will be scheduled and the case will proceed with the procedures under Section 11.C., "Formal Action."

C. Formal Action. Respondents shall receive written notice of the charge(s) imposed, the range of sanction related to the charge(s) and the date, time and location of the Initial Conference. If the Respondent fails to appear at the initial conference, the hearing officer may consider all charges true and accurate and take appropriate administrative action.

1. Initial Conference. At the initial conference, the Respondent will meet with a hearing officer. The charges, sanctions and rights of the respondent will be explained, and the Respondent will be asked if he/she is responsible or not responsible for the charge(s). At that time, the Respondent may elect one of the following courses of action:

a. To take responsibility for violating one or more University rules. The case may then be immediately heard by the hearing officer in an administrative hearing, who will take appropriate action. If the Respondent wishes to

demonstrate mitigating circumstances by producing relevant witnesses or evidence, a postponement of the hearing may be requested for a reasonable time.

b. To elect to not appear at the administrative hearing, at which time a decision by the hearing officer shall be made based upon the information available at the hearing. Appropriate administrative action shall be taken by the hearing officer.

c. To deny responsibility for the violation(s), in which case, the hearing officer shall assign the case to one of the following courses of action based upon the Respondent's choice of hearing:

i. To hold an immediate administrative hearing with the hearing officer or postpone the administrative hearing in order to allow the Respondent to prepare a defense or to arrange for the Complainant to appear.

ii. To refer the administrative hearing to another hearing officer.

iii. To refer the administrative hearing to a hearing board if any conduct charges carry a possible sanction of suspension or expulsion. If, however, the hearing board cannot convene, the Dean of Students or designee will arrange a hearing by a hearing officer.

2. Notwithstanding any of the above, if in the reasonable judgment of the hearing officer additional information would be helpful to his or her decision, the administrative hearing can be adjourned and completed at a later date.

D. Hearings.

1. Administrative Hearings and Hearing Boards.

a. Administrative hearings. Administrative hearings are conducted by one or more hearing officers designated by the Dean of Students or designee.

b. University Judiciary Committee hearings. The University Judiciary Committee members are appointed in accordance with procedures established by the Dean of Students. The UJC hearing board will be chaired by a hearing officer. No case shall be heard unless a full panel of three student members and two faculty members is present.

c. Academic Integrity Committee hearings. The Academic Integrity Committee members are appointed in accordance with procedures established by the University Senate. No case shall be heard unless a full panel of one student member, one faculty member and one student affairs professional member is present.

2. Procedures and Rights of Participants.

a. Hearings are closed to the public. At the discretion of the hearing officer, a student member of the Academic Integrity

Committee or University Judiciary Committee, or administrator, may attend an administrative hearing for the purpose of assisting the hearing officer in managing the hearing, but shall not otherwise participate in the hearing.

b. Where a sanction of suspension or expulsion can be imposed, hearings shall be taped by the hearing officer or chair of the hearing board.

c. The hearing officer or chair of the hearing 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 Respondent, who disrupts a hearing may be excluded by the hearing officer or chair of the hearing board.

d. During the hearing, the Complainant and Respondent may present an explanation of the facts and circumstances relating to the incident, present relevant witnesses (other than character witnesses) and/or written information, ask questions of any witness or hearing officer, and reserve the right to not respond to questions. The hearing officer or hearing board may determine that witnesses or evidence is not relevant to the charge(s). The matter will be determined on the basis of the evidence available to the hearing board or officer at the hearing.

e. The Respondent may be accompanied by an “advisor” who is a member of the University community and whose purpose is to advise the student on the presentation of information at the hearing. The advisor may not address the hearing officer or hearing board, question any person providing testimony or respond for the Respondent. The advisor may advise the Respondent directly in the hearing. Neither Respondent nor Complainant may be represented by counsel at an Initial Conference, Administrative Hearing or Hearing Board.

f. No disciplinary action shall be taken unless it is established by a preponderance of the evidence upon the record considered as a whole that the Respondent is responsible for the charge(s). Formal rules of evidence shall not be applicable in disciplinary hearings. Information which reasonable persons would accept as having probative value in the conduct of their affairs is admissible.

g. Written notice of the disciplinary decision will be sent to the Respondent within seven (7) business days of the hearing. This time may be extended if necessary in the reasonable judgment of the hearing board chair or hearing officer.

h. The Respondent may appeal the decision of the hearing officer or hearing board.

E. Procedures for Residence Life Conduct Board (RLCB.)

1. *Jurisdiction.* The RLCB may hear cases arising from residence hall incidents as assigned by a hearing officer.

2. *Rights of Students Appearing Before the RLCB.* Respondents will have all the rights set forth in this Code with the exception of the right to bring an “advisor” to the hearing. Hearings will not be tape recorded.

3. *Procedures.*

a. At or subsequent to the initial conference, the hearing officer will inform the respondent of the hearing date, time and location, procedural officer and any witnesses requested by the complainant. The respondent may invite witnesses to attend the hearing. It is the respondent’s responsibility to notify his/her witnesses of the date, time and place of the hearing. Complainant and Respondent may provide signed witness statements instead of live witnesses.

b. A panel of the RLCB will consist of three (3) members. A procedural officer will attend to exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the Respondent, who disrupts a hearing may be excluded by the procedural officer.

c. Hearing procedures as described in this Code will be followed by the RLCB. The panel may rely upon official incident reports if the complainant (RA, MA or other administrative staff) does not appear at the hearing.

d. Immediately after the hearing has concluded, the panel will deliberate and reach a decision as to responsibility, sanction and special conditions. The decision of the panel will be written by the procedural officer and sent to the respondent within seven (7) business days of the hearing.

e. Appeal rights will be explained in the decision and the bases for appeal are the same as those described in this Code. The procedural officer for a particular case may not act as the appeal officer in that case.

F. Appeals.

1. Respondents may appeal decisions of a hearing board or hearing officer. Instructions for initiating an appeal will be provided in every disciplinary decision letter. In cases brought under the sexual misconduct policy, complainants may also appeal under these procedures.

2. The basis for an appeal is limited to questions of fact, questions of procedure and severity of sanction.

a. Question of Fact— Appellants may appeal on “questions of fact” by introducing new evidence that would significantly affect the outcome of the case. Evidence introduced that was not known or could not be reasonably known at the time of the hearing by the Appellant shall be considered new evidence. Evidence that was withheld by an Appellant 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— Appellants may appeal the “severity of sanction” that has been imposed by presenting a statement that explains why they believe the sanction should be reconsidered.

3. Appeals must be in writing and submitted within five (5) business days to the appropriate appeal officer as stated in the disciplinary decision letter. Appeals of decisions made by Student Judicial Affairs and designees will be resolved by the Dean of Students or designee, except as described in Paragraph 3.

4. In appeals of disciplinary decisions made by Student Judicial Affairs with sanctions of suspension or expulsion, and all cases under the Sexual Misconduct policy, an Appellate Hearing Panel will be appointed to review the appeal. The Appellate Hearing Panel consists of one student affairs professional, one member of the faculty or dean, and one student. The Appellate Hearing Panel 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 Hearing Panel within five (5) business days of the appellate decision. This action shall be final and is not subject to further appeal.

5. Respondents who have been sanctioned with suspension or expulsion may request a written transcription of the taped hearing for their review prior to submitting an appeal letter. If other students have testified in the hearing, their written permission to release their statements will be obtained by the hearing officer or hearing board chair, or their statements will be redacted.

6. The imposition of sanctions will be deferred while an appeal is pending unless, in the discretion of Dean of Students or designee, the Interim Action provisions are invoked or for other good cause.

7. The Dean of Students or designee, or Appellant Hearing Panel, may (a) deny the appeal; (b) remand the case to the original hearing officer or hearing board; (c) reduce 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).

XII. In cases of multiple charges where more than one policy is implicated:

A. the procedures governing Sexual Misconduct conduct charges will take precedence over those governing Academic Integrity conduct charges and Code of Community conduct charges.

B. the procedures governing Academic Integrity conduct charges will take precedence over those governing all other conduct charges except Sexual Misconduct.

XIII. Procedures under Sexual Misconduct Policy. Complaints filed under Section IX.B.31 will follow the process outlined below.

A. Making a Complaint. University community members, law enforcement agencies or members of the public can report possible violations of the sexual misconduct policy by making a written complaint to the Office of Student Judicial Affairs. It is within the discretion of the Dean of Students or designee to proceed or not proceed upon such written complaints.

B. Notification of a Violation. Respondents shall receive written notice of the charge(s) imposed, the range of sanction related to the charge(s) and the date, time and location of the Initial Conference. If the Respondent fails to appear at the initial conference, the hearing officer may consider all charges true and accurate and take appropriate administrative action.

C. Initial Conference. At the initial conference, the Respondent will meet with a hearing officer. The charges, sanctions and rights of the Respondent will be explained, and the Respondent will be asked if he/she is responsible or not responsible for the charge(s). At that time, the Respondent may elect one of the following courses of action:

1. To take responsibility for violating one or more provisions of the sexual misconduct policy. The case may then be heard by two hearing officers in an administrative hearing on an expedited basis, who will take appropriate action. The Respondent or Complainant

may produce relevant witnesses or evidence at the hearing to demonstrate mitigating or aggravating circumstances.

2. To elect to not appear at the administrative hearing, at which time a decision by the hearing officer shall be made based upon the information available at the hearing. Appropriate administrative action shall be taken by the hearing officer.

3. To deny responsibility for the violation(s), in which case, the hearing officer shall schedule the case to be heard before two hearing officers (which can include the assigning hearing officer), who will jointly render an opinion.

4. Notwithstanding any of the above, if in the reasonable judgment of a hearing officer additional information would be helpful to his/her decision, the hearing can be adjourned and completed at a later date.

D. Procedures and Rights of Participants.

1. Hearings are closed to the public.

2. All hearings shall be taped by the hearing officer(s).

3. During the administrative hearing, the Complainant and Respondent may present an explanation of the facts and circumstances relating to the incident, present relevant witnesses (other than character witnesses) and/or written information, ask questions of any witness or hearing officer, and reserve the right to not respond to questions. The hearing officers may determine that witnesses or evidence is not relevant to the charge(s). The matter will be determined on the basis of the evidence available to the University hearing officers at the hearing.

4. The Respondent and Complainant may each be accompanied by an “advisor” who is a member of the University community and whose purpose is to advise the Respondent and Complainant on the presentation of information at the hearing. An advisor may not address the hearing officer or hearing board, question any person providing testimony or respond for the Respondent or Complainant. The advisor may advise the Respondent or Complainant directly in the hearing.

5. The hearing officers shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the Respondent

or Complainant, who disrupts a hearing may be excluded by the hearing officers.

6. The Complainant may submit an impact statement during the hearing (verbally or in writing) for the consideration of the hearing officers regarding how the incident and subsequent events affected the life of the Complainant.

7. No disciplinary action shall be taken unless it is established by a preponderance of the evidence upon the record considered as a whole that the Respondent is responsible for the charge(s). Formal rules of evidence shall not be applicable in disciplinary hearings. Information which reasonable persons would accept as having probative value in the conduct of their affairs is admissible.

8. Written notice of the disciplinary decision will be sent to the Respondent and the Complainant within 7 (seven) business days of the hearing. This time may be extended in the reasonable judgment of the hearing officers.

9. The Respondent and Complainant may appeal the disciplinary decision by following the procedures described above under Section XI.F.

XIV. Record

A. Records of all disciplinary actions by hearing boards and officers are considered educational records under FERPA. For additional information, see <http://www.admin.mtu.edu/em/faculty/ferpa/privacyfaq.php>

B. Records of disciplinary actions shall be maintained by the Dean of Students 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.

C. 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.

D. In the case of pending actions where an academic grade cannot be assigned, the Registrar may assign a grade of "M" which is not calculated into the student's GPA.

XV. 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.

Special acknowledgement to Gary Pavela for his permission to use the Model Code in the development of this Code of Community Conduct.

History: Revised August 1, 2005; August 1, 2006; August 1, 2007.