

Conduct Guidelines and Grievance Procedures for Students 2011-2012

Policy: MSU Conduct Guidelines and Grievance Procedures for Students

Revised: August 2006; February 2009; August 2010, July 2011

Effective Date: August 23, 2006

Review Date: August, 2012

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MSU Student Conduct Code 2011-2012

Introduction and Purpose:

The Dean of Students Office reviews the MSU Conduct Code and Grievance Procedures for Students annually. As changes occur in the organizational, operational, educational, and legal environments, the guide is revised.

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100.00 INSTRUCTOR RESPONSIBILITIES

110.00 COURSE OUTLINE/SYLLABUS

The general content of a course or academic program must be described with reasonable accuracy in catalogs and other written documents available to students. Instructors must state, in writing or by electronic means, the course content and objectives. This material must be given (or otherwise made available) to the students at the first or second class meeting.

120.00 COURSE EXPECTATIONS

A. Classroom Behavior

Instructors may establish additional reasonable rules for classroom behavior and must articulate such rules as part of the other course materials provided to the students. In the absence of any such written expectations, the expectations outlined in Section 310.00 AF, and Section 610.00 shall apply.

B. Collaboration Among Students

Unless otherwise specified, students may not collaborate on graded material. Instructors are encouraged to provide collaborative learning opportunities but must state, in writing or by electronic means, the limits of assistance permitted between and among students in a course assignment or academic evaluation.

C. Instruction Responsibilities

Unless otherwise stated, students are expected to be prompt and regular in attending classes, turning in assignments on time and in taking exams when scheduled. Instructors may establish additional rules for attendance and make-up exams and must articulate these clearly in writing. Instructors must be prompt in meeting their scheduled classes, be available for appointments with students at designated times, be well prepared for classes, and be fair and prompt in grading class assignments and tests. The scheduled final examination period must be used for final examinations in the class or other instruction.

130.00 PERSONAL INFORMATION ABOUT STUDENTS

Factors such as race, creed, color, religion, sex, age, national origin, disability, political beliefs or personal relationships must not be considered in matters of academic evaluation, academic assignments, or classroom procedures. If an instructor learns personal information about the student (religious and political views, sexual orientation, etc.) during the progress of the course, he or she must not share such information with the other students nor should such knowledge influence the evaluation of the student. Additionally, all university employees—including faculty, instructors and staff—must abide by the Family Educational Rights and Privacy Act of 1974 (FERPA). This Act affords students certain rights with respect to their education records.

140.00 OFFICE HOURS

Instructors are required to make time available for student conferences preferably through regularly scheduled office hours. Office hours should be convenient to both students and the instructor with the opportunity provided for prearranged appointments. Available office hours should be communicated to students.

150.00 ABSENCE FROM CLASS

Instructors are required to meet their classes regularly and at scheduled times. In case of illness or emergency, the department should be notified and arrangements should be made to have another staff member instruct the class or promptly notify students of cancellation. Classes may not be canceled for the convenience of the instructor. When an instructor knows in advance that he or she will miss a class, arrangements must be made to have the work of the class continue, either by arranging for a substitute instructor, by scheduling an examination for that day, or by providing some alternate work assignment for the students.

160.00 GRADING

Instructors must specify in writing, as part of the syllabus, the specific grading policies for the class. Grading is the prerogative and responsibility of the instructor. Instructors are responsible

for the assignment of the final course grade. The assigned grade must reflect the performance of the student in the course commensurate with the content and objectives of the course. If a student questions his or her grade, the instructor has a responsibility to discuss the matter with the student. If the instructor cannot satisfactorily resolve the matter, the student must be advised of the grievance procedures, see section 530.00.

Should a grievance be filed, the instructor will provide assistance as necessary to process the grievance. Graded examinations, papers, and other sources of evaluation are to be available to the student for inspection and discussion. If the instructor chooses ultimately to retain these materials, they must be kept for a period of one year. If graded materials become the property of the student, then uncollected materials must be kept for one semester. Adjunct and part-time instructors should arrange for storage with the department in their absence. The grade records will be retained for at least one year to provide the opportunity for review and resolution of grade disputes.

200.00 INSTRUCTION COMPLAINT PROCEDURES

Students who have complaints about instructors who have failed to meet their instructional responsibilities may submit an Instruction Complaint Form to the instructor's Department Head (forms available at departmental office and/or the Dean of Students office). The complaint must be presented in writing to the Department Head or Director no later than the fifteenth day of university instruction of the following term. The Department Head will address the matters raised in the complaint with the instructor and will advise the student of his or her determination regarding the complaint within ten (10) business days. If the Department Head fails to act or the student is dissatisfied with the Department Head's action, the student may forward the complaint to the Dean of the College within five (5) business days of receipt of the Department Head's determination. The Dean will submit a written decision to the student within ten (10) business days of the receipt of the appeal. The Dean's decision is the final decision of the University.

300.00 STUDENT RESPONSIBILITIES

310.00 ACADEMIC EXPECTATIONS

Students must:

- A. be prompt and regular in attending classes;
- B. be well prepared for classes;
- C. submit required assignments in a timely manner;
- D. take exams when scheduled;
- E. act in a respectful manner toward other students and the instructor and in a way that does not detract from the learning experience; and
- F. make and keep appointments when necessary to meet with the instructor. In addition to the above items, students are expected to meet any additional course and behavioral standards as defined by the instructor.

320.00 ASSISTANCE

Students should seek assistance from the instructor and from the appropriate University support services (e.g., tutors, study skills counseling, career development, etc.), if the need for such services arises.

330.00 EVALUATION

Students should follow fair and appropriate procedures when evaluating their courses and instructors. Factors such as race, ethnicity, color, religion, sex/gender, sexual orientation or preference, age, national origin, disability, marital status, political beliefs, veteran status or personal relationships may not be considered.

340.00 ACADEMIC HONESTY

The integrity of the academic process requires that credit be given where credit is due. Accordingly, it is academic misconduct to present the ideas or works of another as one's own work, or to permit another to present one's work without customary and proper acknowledgment of authorship. Students may collaborate with other students only as expressly permitted by the instructor. Students are responsible for the honest completion and representation of their work, the appropriate citation of sources and the respect and recognition of others' academic endeavors.

400.00 ACADEMIC MISCONDUCT PROCEDURES

The administration, faculty and students of Montana State University believe that academic honesty and integrity are fundamental to the mission of higher education. The University has a responsibility to promote academic honesty and integrity and to assure the highest ethical and professional standards and behavior in the classroom. Accordingly, the University has developed procedures that address instances of academic dishonesty. Students who violate these standards commit academic misconduct and will be subject to academic and/or disciplinary sanctions.

410.00 ACADEMIC MISCONDUCT

Includes cheating, plagiarism, forgery, falsification, facilitation or aiding academic dishonesty; multiple submission, theft of instructional materials or tests; unauthorized access to, manipulation of or tampering with laboratory equipment, experiments, computer programs, or animals without proper authorization; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means.

420.00 DESCRIPTIONS AND EXAMPLES

A description of some forms of academic dishonesty and some examples are provided to help the student understand his or her responsibilities for academic honesty:

A. Cheating - giving, using or attempting to use unauthorized materials, information, notes, study aids or other devices in any academic exercise including unauthorized communication of information. Examples of cheating include copying from another student's paper or receiving unauthorized assistance during a quiz, test or examination; using books, notes or other devices such as calculators, unless authorized; acquiring without authorization copies of tests or examinations before the scheduled exercise; or copying reports, laboratory work or computer programs or files from other students.

B. Falsification / fabrication - the invention or unauthorized alteration of any information or citation in an academic exercise. Examples of fabrication include inventing or counterfeiting data or research procedures to give the appearance of results being achieved from procedures that were not undertaken. Examples of falsification include the false citation of a source of information; altering the record of, or reporting false information about practicum or clinical experiences; altering grade reports or other academic records; submitting a false excuse for absence or tardiness; or altering a returned examination paper and seeking a better grade.

C. Tampering - interfering with, altering or attempting to alter university records, grades, assignments, laboratory experiments or other documents without authorization. Examples of tampering include using a computer or false-written document to change or affect the grade recorded for a student; forging the signature of a university official on a drop/add sheet or other official university record; erasing records or information of a student; unauthorized access to a university record by computer or unauthorized entry into an office or file; or obtaining information from the university without proper authorization.

D. Plagiarism - presenting the work of another as one's own without proper acknowledgment. Examples of plagiarism include submitting as one's own work the work of another student, ghost writer or commercial writing service; directly quoting from a source without acknowledgment; paraphrasing or summarizing another's work without acknowledging the source; or using facts, figures, graphs, charts or information without acknowledging the source. Plagiarism may occur orally or in writing and may involve computer programs and files, research designs, distinctive figures of speech, ideas and images or any other information that belongs to another person and is not acknowledged as such. Inadvertent or unintentional misuse or appropriation of another's work (such as relying heavily on source material that is not expressly acknowledged) is still considered plagiarism.

E. Facilitating academic misconduct - giving assistance or attempting to assist another in the commitment of academic misconduct.

F. Multiple submission - submitting the same paper or oral report for credit in two courses without the instructor's permission; making minor revisions in a paper or report for which credit has already been received and submitting it again as a new piece of work.

G. Other Academic Misconduct - Examples of academic misconduct include allowing another student to copy from one's paper during an examination or test; distributing test questions or substantive information about the material to be covered on a test before the scheduled exercise; collaborating on work with the knowledge that the collaboration is not authorized or will not be

reported; or taking an examination or test for another student or signing a false name on an academic exercise.

430.00 SANCTIONS

The following sanctions may be imposed for academic misconduct. The instructor imposed sanctions are limited to items A through E. Items F through I may be imposed as a result of a student conduct hearing.

- A. oral reprimand;
- B. written reprimand;
- C. an assignment to repeat the work or an alternate assignment;
- D. a lower or failing grade on the particular assignment or test;
- E. a lower grade or failing grade in the course;
- F. removal of the student from the course in progress;
- G. removal of the student from a major, college or program;
- H. withdrawal of degree or academic credit previously bestowed; and
- I. any sanction that may be imposed for violation of the Student Conduct Code (reference Section 660.00), including disciplinary probation, suspension or expulsion from the University.

431.00 DISRUPTIVE STUDENT

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. The term "prohibited acts" includes behavior prohibited by the instructor, including but not limited to, smoking in the classroom, persistently speaking without being recognized or called upon, refusing to be seated, and disrupting the class by leaving and entering the room without authorization.

Longer suspensions from a class or dismissal from a course on disciplinary grounds must be preceded by a charge of a violation of the Student Conduct Code and by a Student Conduct Hearing as set forth in Section 650.00 of the Student Conduct Code, if requested by the student or the instructor. A student dismissed from a class as the result of a Student Conduct Hearing will be assigned a grade of F (Failing). The student may register to re-take the course at a later date in accordance with existing University policy. It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior.

440.00 ACADEMIC MISCONDUCT PROCEDURES (Revised February, 2009)

441.00 INSTRUCTOR IMPOSED ACADEMIC SANCTIONS

If an instructor has reason to believe that a student has engaged in academic misconduct, the following procedures apply:

441.01 Informal meeting

The instructor should personally and privately advise the student that there is reason to believe that the student has committed an act that constitutes academic misconduct. The student should be allowed a reasonable opportunity to respond or explain. If, after hearing the student's response (if any is provided), the instructor continues to believe the student engaged in academic misconduct, he or she will inform the student of his or her determination and of any intended sanction (s). An instructor is limited to imposing sanctions A through E of Section 430.00. The instructor will prepare the Academic Misconduct Notification and submit a copy to the student, the Department Head, Vice Provost for Graduate Education (if a graduate student) and the Provost's Office. The instructor has the right to refuse to sign a drop form for the class in question. The Academic Misconduct Notification form shall be kept for five years from the date of receipt.

442.00 ADDITIONAL SANCTIONS UNDER STUDENT CONDUCT CODE

442.01 Referral by Instructor

In addition to the imposition of the academic sanctions, an instructor may request in writing that the Dean of Students file a charge against the student for violation of the Student Conduct Code pursuant to Sec. 600.00. If the student is found in violation of the Student Conduct Code, sanctions F-I of Section 430.00 may be imposed in addition to the academic sanctions. Referrals for additional sanctions shall be reviewed by the Provost or designee.

442.02 Recurrence of Academic Misconduct

A student who has been sanctioned by instructors more than once at MSU will be charged with a violation of the Student Conduct Code (Section 632.00) and will be subject to additional disciplinary sanctions.

443.00 APPEAL OF INSTRUCTOR-IMPOSED ACADEMIC SANCTIONS

443.01 Right to Appeal

A student who receives an Academic Misconduct Notification under Sec. 441 may appeal the instructor's determination that academic misconduct occurred using the procedure outlined below.

443.02 *Instructor-Imposed Academic Misconduct Sanction Appeal Procedure*

A. Department Head/Director Review

The student may present a formal appeal in writing to the instructor's Department Head/Director no later than 10 business days after the student's receipt of the Academic Misconduct Notification. The student must provide evidence that the instructor's determination of academic misconduct was incorrect and the precise relief sought by the student. The student may attach

copies of any relevant documents. The student shall send a copy of the appeal to the instructor.

The instructor shall have ten (10) business days to respond in writing to the Department Head/Director after receipt of the appeal. The instructor shall present his or her evidence that the charged student committed academic misconduct. The instructor shall send a copy of the response to the student.

The Department Head/Director will receive and review all evidence, interview each party, if possible, and render a written decision with recommendations as to resolution within ten (10) business days of receipt of the instructor's response. The Department Head/Director shall send a copy of his/her decision to the student, the instructor and the Provost's Office. If the appeal is not concluded within this time, the student may carry it forward to the instructor's College Dean or Vice Provost for Graduate Education for resolution.

B. Dean's Review

1. For Undergraduate Students. Either party may appeal the Department Head/Director's decision in writing to the instructor's College Dean, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head / Director's determination. The Dean will submit a written decision to the student, instructor, the Department Head/Director and the Provost's Office within ten (10) business days of receipt of the appeal. The decision of the Dean is the final decision of the University in the matter for undergraduate students.

2. For Graduate Students. Either party may appeal the Department Head/Director's decision in writing to the Vice Provost for Graduate Education, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head/Director's determination. The Vice Provost for Graduate Education will discuss the appeal with the Dean of the student's academic college and will subsequently submit a written decision to the student, instructor, the Department Head/Director and the Provost's Office within ten (10) business days of receipt of the appeal. The decision of the Vice Provost for Graduate Education is the final decision of the University in the matter for graduate students.

443.00 Grade Pending Resolution

If the student's appeal of the instructor's academic misconduct determination has not been resolved before the instructor submits final grades in the course, an incomplete grade ("I") will be assigned until the matter is concluded. A grade assigned before the instructor's knowledge of academic misconduct may be changed after it was assigned if the grade was obtained through academic misconduct or by fraud.

444.0 Appeal of Additional Sanctions/Multiple Violations

Sanctions imposed by the University Student Conduct Board pursuant to part 442.00 may be appealed in accordance with the provisions of the Student Conduct Code part 670.00.

500.00 STUDENT ACADEMIC GRIEVANCE PROCEDURES

510.00 INTRODUCTION

Students who disagree with an academic decision made by an instructor or administrator, including the assignment of grades or decisions about program or degree requirements or eligibility, may file a grievance under these procedures.

520.00 ACADEMIC DECISIONS REVIEWED

These procedures are available only to review allegedly unfair academic decisions and not mere differences of opinion regarding the professional judgment of the instructor in evaluating a student's work or making an academic decision. The academic decision, including the assignment of a grade, will be considered unfair if the decision is made:

- A. on some basis other than performance in the course and/or compliance with course assignments and requirements;
- B. by more exacting or demanding standards than were applied to other students in the same section;
- C. by a substantial departure from the instructor's, department's, college's or university's announced standards as articulated in the course syllabus, catalog descriptions and/or other written materials.

530.00 STUDENT ACADEMIC GRIEVANCES

531.00 PROCEDURES

A student who wishes to grieve an academic decision must proceed as follows:

531.01 Informal Meeting

The student should attempt to resolve the matter directly with the instructor or administrator through a personal conference as soon as possible after the academic decision is known.

531.02 Department Head/Director Review

If the student and instructor cannot reach a mutually satisfactory resolution to the problem, the student may file a formal grievance. The grievance must be presented in writing to the instructor's Department Head/Director no later than the fifteenth day of university instruction of the following term. The student must describe the grievance, the date(s) of occurrence, why the student believes the decision was unfair, the student's attempts to resolve the grievance informally and the precise relief sought by the student. The student may attach copies of any relevant documents.

The student shall send a copy of the grievance to the instructor. The instructor shall have ten (10) business days to respond to the student and Department Head/Director after receipt of the grievance.

Once a student files a grievance, he or she will be assigned an incomplete grade ("I") until the matter is concluded. A grade assigned before the filing of the grievance may be changed by the Dean or Graduate Dean, if, after the grievance procedures have been completed, the grade is found to be unfair or otherwise improper.

The Department Head/Director will receive and review all evidence, interview each party, if possible, and render a written decision with recommendations as to resolution within ten (10) business days of receipt of the instructor's response. If the grievance is not concluded within this time, the student may carry it forward to the Dean or Graduate Dean for resolution.

531.03 Dean's Review

A. For Undergraduate Students.

Either party may appeal the Department Head/Director's decision in writing to the instructor's College Dean, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head / Director's determination. The Dean will submit a written decision to the student, instructor, and the Department Head/Director within ten (10) business days of receipt of the appeal. The decision of the Dean is the final decision of the University in grievances concerning grades for undergraduate students.

B. For Graduate Students.

Either party may appeal the Department Head/Director's decision in writing to the Dean of the College of Graduate Studies, with copies to the instructor, student and the Department Head/Director. Such appeal will be filed within five (5) business days of receipt of the Department Head/Director's determination. The Graduate Dean will discuss the appeal with the Dean of the student's academic college and will subsequently submit a written decision to the student, instructor, and the Department Head/Director within ten (10) business days of receipt of the appeal. The decision of the Graduate Dean is the final decision of the University in grievances concerning grades for graduate students.

531.04 Provost's Review

A. For Undergraduate Students Either party may appeal the Dean's decision, except decisions concerning grade grievances. Such appeal will be filed in writing and submitted to the Provost (or designee) within five (5) business days of receipt of the Dean's decision, with copies to the instructor, student and the Dean. The Provost will submit a written decision to the student, instructor, and the Dean within ten (10) business days of receipt of the appeal. The decision of the Provost is the final decision of the University.

B. For Graduate Students Either party may appeal the Graduate Dean's decision, except decisions concerning grade grievances. Such appeal will be filed in writing and submitted to the Provost (or designee) within five (5) business days of receipt of the Graduate Dean's decision, with copies to the instructor, student and the Graduate Dean. The Provost will submit a written decision to the student, instructor, and the Graduate Dean within ten (10) business days of receipt of the appeal. The decision of the Provost is the final decision of the University.

600.00 Student Conduct Code

610.00 CONDUCT EXPECTATIONS

Montana State University expects all students to conduct themselves as honest, responsible and law-abiding members of the academic community and to respect the rights of other students, members of the faculty and staff and the public to use, enjoy and participate in the University programs and facilities. Student conduct that disrupts, invades or violates the personal and property rights of others is prohibited and may be subject to disciplinary action.

620.00 JUDICIAL AUTHORITY AND JURISDICTION

A. Conduct violations which occur on University-owned or University-controlled property or at University-sponsored events are subject to University disciplinary jurisdiction. The University may also apply this code to student conduct, regardless of where it occurs, which adversely impacts or affects the overall mission, programs, and functions of the University or the health and safety of members of the University community.

B. Students who commit offenses against the laws of the city, state or United States are subject to prosecution by those authorities and may be subject to disciplinary action under this code if the offenses are also violations of this code. University disciplinary proceedings may precede, follow, or take place simultaneously with criminal proceedings or investigations and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. When a student has been charged by a civil authority for a violation of law, the University will neither request nor agree to special consideration for the student solely because of his or her status as a student.

630.00 PROSCRIBED CONDUCT

631.00 Any student found to have committed a violation of the student conduct code is subject to disciplinary sanctions outlined in Section 660.00. The following offenses constitute violations of the student conduct code and can lead to serious disciplinary action, including suspension or expulsion from the University.

632.00 ACTS OF DISHONESTY

Acts of dishonesty include but are not limited to:

A. Cheating, plagiarism or other breaches of academic integrity, such as fabrication, facilitating or aiding academic dishonesty; theft, unauthorized possession or use of instructional materials or tests; unauthorized access to or manipulation of laboratory equipment or experiments; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means. (Refer to Academic Misconduct Procedures, 420.00 for additional definitions)

B. Knowingly furnishing false information to any University official, faculty member or office.

C. Forgery, alteration or misuse of University documents, records, instruments of identification, computer programs or accounts.

633.00 STALKING, HARASSMENT AND HAZING

A. Stalking includes, but is not limited to, purposely or knowingly causing another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly following the stalked person or harassing, threatening, or intimidating the stalked person, in person or by mail, by electronic communication or any other action, device, or method.

B. Harassment includes but is not limited to verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion, which:

1. is threatening or carries with it the intention to do bodily harm; or
2. is unwelcome and unwanted behavior of a sexual nature that is severe, persistent or pervasive; or
3. is harassment of a person on the basis of race, ethnicity, color, religion, sex/gender, sexual orientation or preference, age, national origin, disability, political beliefs that is severe, persistent or pervasive; and
4. disrupts or undermines a person's exercise of his/her responsibilities as a student, faculty or staff member including unreasonably interfering with a person's educational or work performance.

C. Hazing includes but is not limited to any conduct or method of initiation, admission or condition of continued membership in any student organization which:

1. endangers the physical or mental health or safety of any student or other person, including extended deprivation of sleep or rest; forced consumption of food, liquor, beverage, or drugs; beating or branding; involuntary confinement or imprisonment; or
2. destroys, vandalizes or removes public or private property

634.00 ASSAULT AND SEXUAL MISCONDUCT

A. Physical assault, which includes but is not limited to: physical contact of an insulting or provoking nature or physical interference with a person which prevents the person from conducting his/her customary or usual affairs, puts the person in fear for his/her physical safety, or causes the person to suffer actual physical injury.

B. Sexual misconduct is any non-consensual physical contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior(s) or attempted behaviors that may be grounds for student conduct action under University policy. Prohibited conduct under the Sexual Misconduct includes:

Non Consensual Contact:

- Any intentional sexual touching however slight, with any object by a man or woman upon a man or woman, without consent.

Non Consensual Intercourse:

- Any sexual intercourse (anal, oral or vagina), however slight, with any object by a man or woman upon a man or woman, without consent.

Forced Sexual Intercourse:

- Unwilling or nonconsensual sexual penetration (anal, oral or vagina) with any object or body part that is committed either by force, threat, intimidation or through exploitation of another's mental or physical condition of which the perpetrator was aware or should have been aware.
- Sexual activity includes: intentional contact with the breasts, buttock, groin or genitals or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or final and oral copulation (mouth to genital contact or genital to mouth contact).

Consent:

- Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated by drugs or alcohol.

Sexual Exploitation

- Occurs when a student takes non consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
 - Relationship violence (intimate relationship violence or domestic abuse)
 - Prostituting another student
 - Non consensual video or audio taping of sexual activity
 - Going beyond the boundaries of consent (such as letting friends hide in the closet to watch sexual intercourse)
 - Engaging in voyeurism
 - Knowingly transmitting an STD or HIV to another person.

635.00 ALCOHOL AND DRUG OFFENSES

- A. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs, except as expressly permitted by law or University policy.
- B. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana State University except as expressly permitted by law or University policy.

636.00 FIREARMS, EXPLOSIVES AND WEAPONS OFFENSES

Illegal or unauthorized possession or use of firearms, explosives, weapons or dangerous chemicals on University premises, including:

- A. carrying a concealed weapon and/or firearm;
- B. discharging firearms on campus;
- C. possessing firearms or ammunition on campus except as expressly authorized by residence hall and family student housing policies;
- D. possessing dangerous chemicals on campus, except as authorized by law and University policy.

637.00 ILLEGAL AND DISRUPTIVE CONDUCT

- A. Violation of federal, state or local law on University premises or at University sponsored activities; violation of published University policies, rules or regulations.
- B. Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University, including but not limited to:
 - 1. Violence or threat of violence against self or any member or guest of the University community.
 - 2. Interference with the freedom of movement of any member or guest of the University.
 - 3. Interference with the rights of others to enter, use or leave any University facility, service or activity.
 - 4. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures or other University activities, or of other authorized activities on University premises.
 - 5. Use of public address systems on the campus outside of University buildings except with written permission of the Office of Student Activities.
 - 6. Failure to comply with directions of law enforcement officers and University officials acting in the performance of their duties and/or failure to identify oneself to those persons when requested.
 - 7. Failure to comply with any authorized Student Conduct Code sanction(s)/condition(s).
 - 8. Trespassing or unauthorized entry into University buildings or property.

638.00 THEFT/MISUSE OF PROPERTY

A. Theft, attempted theft, unauthorized possession, use, or removal of University property or the property of any member of the University community.

B. Defacing, tampering, damaging or destroying University property or the property of any member of the University community.

C. Unauthorized presence in or use of University grounds, facilities, or property.

D. Theft or other abuse of computer facilities, capabilities and/or computer time, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.
3. Unauthorized use of another individual's identification or password.
4. Use of computing facilities to interfere with the work of another student, faculty member or University official.
5. Use of computing facilities to send harassing or abusive messages.
6. Use of computing facilities to interfere with the normal operation of the computing system.
7. Unauthorized use of computer resources, or the unauthorized use or copying of computer data or software. Examples of unauthorized use or copying include: attempts to alter systems, unauthorized access or copying of data or software, attempts to release data, text, files or software in violation of copyright protection and the condoning, approving, or directing of unauthorized use or copying.
8. Unlawful downloading and distribution of copyrighted digital media via peer-to-peer (P2P) file sharing applications including, but not limited to video (movies) and sound (music) files.
9. Attempts to circumvent or defeat any University owned system firewall or any other mechanism put in place to manage the network.

E. Theft of telephone services or other auxiliary services, including food services, housing, parking, etc.

640.00 JUDICIAL SYSTEM/HEARING BOARDS

The University shall establish appropriate procedures to conduct hearings concerning alleged violations of the Student Conduct Code. There are ~~two~~three primary judicial systems at Montana State University.

641.00 RESIDENCE LIFE JUDICIAL SYSTEM

The procedures for the conduct of the Residence Life Judicial System are available from Residence Life. The system is designed to impose disciplinary action on residents of the

Residence Halls who violate residence hall rules and/or the Student Conduct Code. The Director of Residence Life will coordinate the Residence Life Judicial System and will work closely with the Dean of Students to assure that students charged with conduct violations who reside in the residence halls are referred to the appropriate hearing board or administrative hearing process. When the actions of the student accused of a conduct violation adversely impact the campus community as a whole, the student will be referred to the Dean of Students. Such a referral may in addition to or in lieu of the Residence Life Judicial System.

642.00 STUDENT-ATHLETE CODE OF CONDUCT

The conduct procedures for student-athletes are available from the Department of Intercollegiate Athletics. The system is designed to impose disciplinary action on student-athletes who violate departmental or team rules, NCAA policies, and/or the Student-Athlete Code of Conduct. The Director of Athletics, or designee, will coordinate the procedures of the Student-Athlete Code of Conduct and will work closely with the Dean of Students to ensure that students-athletes are referred to the appropriate hearing board or administrative hearing process. The Department of Intercollegiate Athletics may impose sanctions related to participation in intercollegiate athletics. When the actions of the student-athlete accused of a conduct violation is a potential violation of the Student Code of Conduct, adversely impact the University community as a whole, the student-athlete will be referred to the Dean of Students to be handled in the same manner as other students. Such a referral may be in addition to or in lieu of sanctions as outlined in the Student-Athlete Code of Conduct.

643.00 UNIVERSITY STUDENT CONDUCT BOARD

The University Student Conduct Board is the judicial system for the adjudication of cases involving alleged violations of the Student Conduct Code. The Board will determine whether the student charged has violated the Student Conduct Code and recommend findings and sanctions to the Vice President for Student Success or designee. The procedures for such hearings are set forth in Section 650.00.

644.00 COMPOSITION OF UNIVERSITY STUDENT CONDUCT BOARD

A. The University Student Conduct Board is a standing committee. The presiding officer shall be designated by the Vice President for Student Success. Other members will be:

1. One professional staff member selected by the Dean of Students Office after consultation with the Professional Council
2. Two faculty members selected by the Dean of Students Office after consultation with the Chair of Faculty Council; and
3. Two student members selected by the Dean of Students Office after consultation with the President of ASMSU.

B. A non-voting recording secretary will be provided by the Dean of Students Office to take minutes.

C. The presiding officer of the University Student Conduct Board will select replacements for any board members for good cause.

D. A quorum is considered to be four members, one of which must be a student.

645.00 TITLE IX COMPLIANCE AND VIOLATIONS OF SEXUAL VIOLENCE

<http://www.montana.edu/hraa/TitleIX.html>

A. Students at Montana State University have the right to live and learn in an academic environment that is free from all forms of sexual violence and harassment. Student(s) accused of committing sexual misconduct, sexual violence, or sexual harassment will be addressed by the Dean of Students office as provided in this Code of Conduct and may not be addressed through the Residence Life Judicial system referred to in Section 441 above.

B. When allegations of sexual misconduct, sexual violence, or sexual violence against a student are brought to the Dean of Students office, and a respondent is found to have violated the Code of Conduct, sanctions will be issued to prevent such actions from recurring.

C. All processes involved with adjudicating alleged violations of the Code of Conduct shall help to facilitate an academic and living environment that is free of sexual misconduct, sexual violence and sexual harassment while complying with the provisions outlined in the Title IX of the Education Amendments of 1972.

D. Montana State University has designated the Director of Human Resources and Affirmative Action as the Title IX Coordinator for matters related to sexual misconduct, sexual violence, and sexual harassment and to coordinate and monitor efforts to comply with Title IX of Education Amendments of 1972. The Title IX Coordinator, in consultation with the Dean of Students, may appoint a Deputy Title IX Coordinator(s) to conduct investigations of allegations of student code of conduct violations that involve sexual violence and harassment.

E. Montana State University strictly prohibits retaliation against any person for reporting concerns, or filing, testifying, assisting or participating in any manner in investigations or proceedings involving allegations of discrimination, sexual harassment or sexual violence. Any person who violates the policy will be subject to discipline.

650.00 STUDENT CONDUCT HEARING PROCEDURES

651.00 FILING OF CHARGES

On its own initiative or at the request of any student, faculty or staff member, the University, through the Dean of Students Office, may file appropriate charges of misconduct against a student.

A. Charges should be filed no later than four months after the alleged violation of the Student Conduct Code, unless good cause is shown to justify the delay. In no event should charges be filed more than one year from the date of the misconduct or the determination of the identity of the person believed to have violated the Student Conduct Code. When charges are referred to the University Student Conduct Board for adjudication the hearing will normally be convened within sixty (60) business days from the date the charges were filed, unless good cause can be shown for delay.

B. All charges will be in writing and contain at least the following information:

1. the name and address (if known) of the student alleged to have violated the Student Conduct Code;
2. the date (s) the incident (s) occurred;
3. the location where the incident (s) occurred;
4. a description of the incident which sets forth sufficient details to establish a possible violation of the Student Conduct Code.

C. If a student has withdrawn or withdraws from the University after charges have been filed, the University may:

1. place a hold on the student's academic record and notify the student that disciplinary action will be initiated before the student's re-enrollment in the University, or
2. proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.

D. The Dean of Students may order that university administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc., be withheld to compel students accused of violation(s) of the Student Conduct Code to meet with the Dean of Students as necessary to properly investigate the alleged violation(s). Services may be withheld at the Dean of Students' discretion. Unless otherwise ordered by the Dean of Students, when charges are referred for adjudication in a Student Conduct Hearing all services will be withheld pending the outcome of the Hearing and any resulting sanctions and appeals.

652.00 PRE-HEARING PROCEDURES

Upon filing charges, the University may conduct a pre-hearing conference (informal meeting) with the charged student(s) to discuss the nature of and responsibility for an alleged offense.

In complaints of sexual harassment, sexual misconduct and sexual violence, mediation between the charged student(s) and the complainant is not used. Separate pre-hearing conferences shall be conducted with the charged student(s) and the complainant prior to referral to a judicial hearing. Upon receiving a complaint of sexual harassment, sexual misconduct or sexual violence, the Dean of Students office may take additional corrective actions, such as providing an escort to ensure that the complainant can move safely between classes and activities, and arranging for the complainant to re-take a course or withdraw from a class without penalty or adversely affecting the complainant's academic record. The complainant will be encouraged to

seek additional support services from the VOICE Center, the University Police, Counseling & Psychological Services, Student Health Services and other community resources that may be available.

A. The University shall notify the charged student(s) at least three business days prior to the scheduled pre-hearing. The student(s) shall have the right to waive the pre-hearing and proceed to a hearing before the Student Conduct Board.

B. The University staff member conducting the pre-hearing may withdraw any charge determined to be without basis. The person who filed the charge initially may appeal this decision to the Vice President for Student Affairs under the appeal processes set forth in Section 670.00.

C. After the conclusion of the Pre-Hearing conference, an Administrative Agreement can be proposed between the staff member in the Dean of Students and the charged student(s) if the facts and any sanction(s) which may be imposed can be agreed upon. The Administrative Agreement will be prepared and signed by both the student and the staff member in the Dean of Students office. By signing the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).

D. If an Administrative Agreement is not signed within five business days following the pre-hearing conference, the matter shall be referred to the University Student Conduct Board, unless the charged student(s) can show good cause for the extension of the deadline. The responsibility and burden of proof of "good cause" will be upon the charged student(s). The parameters of "good cause" will be circumstances that were beyond the charged student's control (e.g., illness, death in the family).

E. If an Administrative Agreement is produced in matters involving charges of sexual misconduct, sexual violence or sexual harassment, both the charged student(s) and the complainant will be notified in writing about the outcome of the complaint.

653.00 DELAYS

Any student charged with violating the Student Conduct Code may request a reasonable delay of the pre-hearing or hearing for good cause.

654.00 NOTICE

In the event of a hearing, the charged student shall be notified at least seven business days prior to the date of the hearing (except a hearing on the alleged violation of Interim Restrictions imposed under Section VIII. may be called with one day notice to the student). Such notice shall be in writing and shall include the following:

A. The specific charge(s) citing the University policies or regulation(s) allegedly violated.

B. A description of the alleged violation(s), including the time and place of the alleged act(s)

(insofar as may reasonably be known) and a summary of the information upon which the charges are based.

C. The time and place of the hearing.

D. The procedures to be followed in the hearing.

655.00 HEARING PROCEDURES

Hearings conducted by the Student Conduct Board shall be conducted according to the following guidelines:

A. The member(s) of the board shall be impartial, i.e., without personal bias in favor of or against the charged student.

B. The presiding officer of the hearing board will determine whether the hearing will be an "open meeting" under the MSU Open Meeting Policy. Generally, because of the privacy interests of the parties involved, these hearings are closed to the public.

C. Minutes will be kept by the recording secretary and an audiotape may be used to record the hearing. The audiotape is the property of the University.

D. The University shall bear the burden of proving by a preponderance of the evidence that the charged student violated the Student Conduct Code. A preponderance of evidence is described as evidence that is of greater weight or is more convincing than the evidence which is offered in opposition to it. A staff member of the Dean of Students Office will present the case to the University Student Conduct Board. In all cases, the person presenting the case shall not vote.

E. The University will proceed with a hearing in any case in which the charged student fails to appear after receiving proper notice. Proper notice is defined as one letter to the student's last known address.

F. The charged student has the right to be assisted by any advisor he/she chooses, at his/her own expense. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or participate directly in any hearing

G. The complainant and the charged student(s) shall have the opportunity to review all written evidence prior to the hearing, to present witnesses and evidence at the hearing, and to question each other's evidence and witnesses during the hearing.

H. In hearings involving charges of sexual harassment, sexual misconduct or sexual violence:

1. The Chair shall not allow the charged student to review the complainant's statement without also allowing the complainant to review the charged student's statement, if one is provided.

2. Parties and their advisors are not allowed to directly question or cross-examine each other during the hearing. Any questions for the parties shall be directed to the Chair.
3. The Chair shall allow both the charged student and the complainant to present no more than three character witnesses.
4. The Chair may take any administrative steps necessary before, during, or after a hearing in order to protect the safety or wellbeing of the complainant.

I. The presiding officer may preclude the presentation of duplicative, irrelevant or unnecessary evidence and may limit the number of witnesses.

J. The presiding officer of the board shall control the hearing, and shall make all decisions regarding evidentiary and procedural questions.

K. Every reasonable effort will be made to elicit and consider the most reliable evidence. The statutory Rules of Evidence which govern the state and federal court proceedings do not apply. Respondent and complainant must submit all evidence to the presiding officer no later than three business days before the hearing date for the presiding officer's review to determine admissibility. Evidence not submitted to the presiding officer three days before the hearing date will not be allowed at the hearing unless there is good cause for exception, as determined by the chair. All parties will have opportunity to review such evidence prior to the hearing. The decision of the presiding officer on the admissibility of the evidence and procedural matters is final.

L. Any person, including the charged student, who disrupts a hearing or who fails to adhere to the rulings of the presiding officer may be excluded from the proceedings.

M. The hearing board's determination shall be made on the basis of whether it has been proven by a preponderance of evidence that the charged student violated the code. Any decision of a hearing board shall be based only upon evidence and testimony presented at the hearing.

N. The decision of the hearing body and the recommended sanctions shall be in writing. If the charged student is found to have violated the code, the hearing body shall recommend sanction(s).

O. The record of the hearing shall consist of written minutes of the hearing, any documentary evidence presented, the audiotape, if made, and the written decision of the hearing board.

P. The entire record shall be forwarded to the designated University official responsible for imposing sanctions, as follows:

1. Residence Life Judicial System -- a staff person of Residence Life designated by the Vice President for Student Success;
2. University Student Conduct Board -- the Vice President for Student Success or designee.

Q. The designated University official shall, within five business days after receiving the hearing board's decision and recommendation, determine what sanction (s), if any, will be imposed. The official shall send a copy of the decision and the sanction to be imposed to the charged student (s) and complainant.

R. The decision of the Student Conduct Board and the sanctions imposed by the designated official may be appealed to the Vice President for Student Success as set forth in part 670.00.

660.00 SANCTIONS

A. Individual Sanctions: In recommending or determining a sanction, a hearing board or designated University official, respectively, may consider the student's present and past disciplinary record, including Residence Hall disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting there from, and other factors relevant to the case. If the student is found to have violated the Student Conduct Code, the responsible University official may impose one or more of the following sanctions:

1. Expulsion -- Permanent separation of the student from the University. The student may also be barred from University premises.
2. Suspension -- Separation of the student from the University for a specified period of time, but not less than the remainder of the semester. The student shall not participate in any University sponsored activity and may be barred from University premises.
3. Conduct Probation/Suspension Warning -- A status which is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Student Conduct Code during the period.
4. Disciplinary Reprimand -- A formal reprimand which may be imposed either in verbal or written form written reprimand for violation of the Student Conduct Code and a warning that further misconduct may result in more severe disciplinary action.
5. Restitution -- Compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. Residence Hall Sanctions -- Disciplinary action for violations in the residence halls may consist of, but is not limited to a Warning, Residence Hall Probation, Restrictions of Residence Hall Privileges, Restitution, Constructive Work Projects, Removal from Floor, Hall, or Residence Hall System, Persona Non Grata, Referral, or a combination of sanctions.
7. Other Sanctions -- Other sanctions may be imposed instead of or in addition to these specified above, such as work requirements, restrictions, loss of privileges, withholding registration, limitation of access to University housing facilities or other property,

imposition of mandatory educational or counseling requirements or other sanction appropriate under the circumstances.

B. Group Sanctions: The following sanctions may be imposed upon sororities, fraternities and groups or organizations registered with the University:

1. Those sanctions listed in subparagraphs 3, 4, 5 and 7 of section 660.00 A. above.
2. Deactivation - Loss of all privileges, including University recognition or registration or a specified period of time.

670.00 APPEALS

A. The appeal procedures for the Residence Life Judicial System are set forth in the Residence Hall Handbook.

B. The charged student may appeal the decision of the University Student Conduct Board following a student conduct hearing by delivering a letter of appeal to the Vice President for Student Success within five (5) business days of the student's receipt of the official's decision.

C. In hearings involving charges of sexual misconduct, sexual violence, or sexual harassment, the Vice President for Student Success must consult with the Title IX Coordinator before making a decision regarding an appeal.

D. In hearings involving charges of sexual misconduct, sexual violence, or sexual harassment, both the charged student and the complainant may appeal the decision of the University Student Conduct Board.

The letter of appeal shall specifically allege and factually support one or more of the following grounds:

1. The student's rights as set forth in this procedure were violated (i.e., there was an error in the procedure or the interpretation of the Student Conduct Code which substantially affected the student's ability to receive a fair hearing);
2. The student has discovered new evidence, not previously available, which would have materially affected the decision; or
3. The sanctions imposed are not appropriate given the nature of the violation.

C. If a sufficient claim is presented under one or more of the specified grounds, the Vice President for Student Success shall request a copy of the record of the hearing. Within fifteen (15) business days from receipt of the record, the Vice President for Student Success shall review the entire record and render a written decision. The Vice President for Student Success may remand the case to the hearing board for further findings of fact or clarification. The decision of the Vice President for Student Success shall be based on the record only and is the final decision of the University. A copy of the decision shall be sent to the charged student, the complainant

and included in the record, which shall be returned to the Dean of Students Office. Grades will be withheld until the appeal has been decided.

680.00 INTERIM RESTRICTIONS

A. The University President or the Vice President for Student Success or their designee may impose interim residence hall restrictions or University suspension or other restriction (s) upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student's conduct poses an imminent and substantial threat of injury to or interference with persons or property.

B. Interim restrictions may include, but are not limited to, the following:

1. Residence hall and/or University suspension
2. Assignment to alternate housing for students residing in University housing
3. Limitation of access to University housing facilities, other campus facilities or University property in general
4. Restriction of communication with named individuals or groups within the University community
5. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment

C. The official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within two working days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting or the hearing before the Student Conduct Board will be held as soon as the student is able to attend.

1. At the meeting the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the official believes the imposition of the Interim Restrictions was made in error or is too restrictive, he/she may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in the disciplinary proceedings.
2. In cases where interim restrictions have been imposed, the hearing shall be held as soon as possible, but not later than 30 days from the date of the imposition of interim restrictions.
3. The time limitations set forth in this section may be expanded upon the consent of the student.

690.00 RECORDS AND CONFIDENTIALITY

A. The Dean of Students Office shall maintain disciplinary records, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section (s), parties involved, description of the incident, sanction (s), expiration dates, agreements or restrictions, and any other data deemed relevant. Disciplinary records and related information shall be made available to hearing boards to assist in recommendation of an appropriate sanction, and to other University personnel who require such information to fulfill their official duties.

B. Students may arrange to review their own disciplinary records and related information by contacting the Dean of Students Office.

C. Except as provided elsewhere in this Code and/or as required by law, the University shall not communicate a student's disciplinary record to any person or agency without the prior written consent of the student.

D. Disciplinary records shall be maintained for seven (7) years from the last recorded entry, then destroyed.