

Proposed Revisions - Code of Student Conduct

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| Proposed New Language | What changed? |
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| <p>600.00 CODE OF STUDENT CONDUCT</p> <p>The Montana State University academic community seeks to foster a campus environment conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The student conduct process at MSU is an educational and developmental process that balances the interests of individual students with the interests of the academic community.</p> <p>Students are essential members of the MSU community and are expected to uphold and abide by certain standards of conduct that form the basis of the <i>Code of Student Conduct</i>. The student conduct process at MSU is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exists for members of our academic community. Sanctions are intended to improve the students' moral and ethical decision-making and to help them learn more about what is expected as members of our community. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the academic community, the conduct process may determine that the student should no longer share in the privilege of being a member of this community.</p> <p>Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness, but do not include the same protections of due process afforded by the courts in criminal cases. Due process, as defined within these procedures, assures written notice and a hearing before an impartial board or hearing officer. No student will be found in violation of the MSU Code of Student Conduct without a determination that is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.</p> <p>Students at Montana State University are responsible for reading and adhering to this Code of Student Conduct. Annually, students are provided a link to this Code of Student Conduct on the University website. Hard copies are available upon request from the Office of the Dean of Students.</p> | <p>NEW: Completely new section. Adds language about values and the philosophical underpinnings for the Code.</p> <p>NEW: Outlines student expectations to understand and uphold the Code.</p> <p>NEW: Distinguishes the differences between criminal court proceedings and the Conduct Code.</p> <p>NEW: Outlines student responsibilities to read and follow the Code.</p> |
| <p>610.00 JUDICIAL AUTHORITY AND JURISDICTION</p> <p>A. The Code of Student Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University-affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and during the student's attendance.</p> <p>B. The University retains conduct jurisdiction over students who 1) are on University holidays and during summers between enrolled semesters; and/or 2) choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned,</p> | <p>NEW: Describes who is subject to the Code and when they become a student</p> <p>NEW: Describes what happens when a student leaves and their responsibilities to adhere to the</p> |

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| <p>a hold may be placed on the student's ability to re-enroll, obtain official transcripts, or graduate and all directives and/or sanctions must be satisfied prior to re-enrollment eligibility. If serious misconduct was committed while the student was enrolled but reported after the accused student has graduated or withdrawn, the University may invoke these procedures. Should the former student be found responsible, the University may impose sanctions and/or revoke that student's degree.</p> <p>C. The Code of Student Conduct applies to behaviors that take place on campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:</p> <ul style="list-style-type: none"> • Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; • Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or • Any situation that is detrimental to the educational mission and/or interests of the University. <p>D. The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University shall not regularly search for this information but may take action if and when such information is brought to the attention of University officials. No violation of the Code of Student Conduct can occur when the speech that is subject to the complaint is protected by the student's free expression rights under the First Amendment.</p> <p>E. Students who commit offenses that violate 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 investigations or proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.</p> <p>F. 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.</p> <p>G. When a complaint is filed with appropriate University officials charging a student with violating the Code of Student Conduct, the University is responsible for conducting an investigation, initiating charges and adjudicating those charges. Charges under the Code of Student Conduct that are filed by the University are brought forward by the University and not an individual complainant. If the complainant</p> | <p>Code upon return.</p> <p>CLARIFIES: Student behavior and offense that occur off-campus and has an adverse affect on a substantial university interest.</p> <p>NEW: Adds language about student behavior online.</p> <p>Amended: Adds language, wordsmithing (ASMSU)</p> <p>CLARIFIES: what happens when students commit crimes.</p> |
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| <p>decides to withdraw the complaint, the University may proceed with the case.</p> <p>H. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their designated University email address.</p> | <p>NEW: Identifies email as the University's primary means of communication and student responsibilities to check their email.</p> |
| <p>620.00 PROSCRIBED CONDUCT - Any student found to have committed a violation of the Code of Student Conduct is subject to disciplinary sanctions outlined in Section 660.00. The following offenses constitute violations of the Code of Student Conduct and can lead to serious disciplinary action, including suspension or expulsion from the University.</p> | <p>NO CHANGES</p> |
| <p>621.00 ACTS OF DISHONESTY - Acts of dishonesty include, but are not limited to:</p> <p>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)</p> <p>B. Knowingly furnishing false information to any University official, faculty member or office.</p> <p>C. Forgery, alteration or misuse of University documents, records, instruments of identification, computer programs or accounts.</p> | <p>NO CHANGES</p> |
| <p>622.00 HARASSMENT, HAZING and BYSTANDING</p> <p>A. Harassment includes, but is not limited to, verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion, which:</p> <ol style="list-style-type: none"> 1. is threatening or carries with it the intention to do bodily harm; or 2. 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. <p>Harassment which is based upon discrimination as defined in MSU's Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy is also proscribed conduct, but that type of harassment is covered in Section 624.00 below; it is a separate offense from Harassment under this section and such conduct is addressed as provided in Sections 624.00 and 640.00 below.</p> | <p>NO CHANGES</p> <p>NO CHANGES</p> |

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| <p>B. Hazing includes, but is not limited to, any conduct or method of initiation, admission or condition of continued membership in any student organization which:</p> <ol style="list-style-type: none"> 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. <p>C. Bystanding includes, but is not limited to:</p> <ol style="list-style-type: none"> 1. Complicity with or failure of any student or organized group to appropriately address-known or obvious serious violations of the Code of Student Conduct or law that could result in harm, violence, and/or sexual misconduct; or 2. Complicity with or failure of any student or organized group to appropriately address known or obvious serious violations of the Code of Student Conduct or law by its members that could result in harm, violence, and or sexual misconduct. | <p>NO CHANGES</p> <p>NEW: Adds Bystanding as proscribed conduct AMENDED: Changes circumstances under which bystander reporting of student code violations are required (ASMSU)</p> |
| <p>623.00 ASSAULT AND HARM TO PERSONS</p> <p>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.</p> <p>B. Threatening and Intimidating Behaviors</p> <ol style="list-style-type: none"> 1. Threat is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property. 2. Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another. <p>C. Bullying and Cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.</p> | <p>NO CHANGE</p> <p>NEW: Clarifies what is a threat and what is intimidation</p> <p>NEW: Adds Bullying and Cyberbullying as proscribed conduct</p> |
| <p>624.00 DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING POLICY OFFENSES</p> <p>Violation of Montana State University's Policy on Discrimination, Harassment, Sexual, Misconduct, Dating Violence, Domestic Violence, and Stalking (Discrimination Policy) is a violation of this Code of Student Conduct. The definitions of discrimination, harassment, sexual misconduct, domestic violence, and stalking are contained in the Discrimination Policy. Violations of the Discrimination Policy include retaliation against an individual for taking any of the actions in support of the Discrimination Policy as defined in Section 128.00 of the</p> | <p>CLARIFIES: How the conduct code interfaces with the Discrimination Policy for sexual misconduct infractions.</p> |

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| Discrimination Policy | |
| 625.00 ALCOHOL, TOBACCO, AND DRUG OFFENSES | |
| A. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs (including the misuse or abuse of prescription drugs), except as expressly permitted by law or University policy. | NO CHANGES |
| 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. | NO CHANGES |
| C. Smoking or tobacco use on campus in violation of the University's Tobacco Free Campus Policy. | NEW: Adds tobacco use as proscribed conduct |
| 626.00 FIREARMS, EXPLOSIVES AND WEAPONS OFFENSES - Possession, use, or distribution of firearms, explosives, weapons or dangerous chemicals on university premises, except as specifically allowed in the Violation of the University Weapons Policy (www.montana.edu/policy/firearms_policy/), including: | NO CHANGES |
| 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; | NEW: adds possession or use of explosives as proscribed conduct |
| — Possessing, using, or distributing explosives (including fireworks and ammunition); | |
| E. Possessing, using, or distributing any other "weapon" as defined in the University Weapons Policy: (www.montana.edu/policy/firearms_policy/ (e.g., bowie, dirks and knives [other than kitchen knives] with blades four (4) inches or longer, explosives, swords, nunchucks, throwing stars and other martial arts weapons, crossbows, compound bows, recurve bows, long bows, pepper spray [except for small, personal protection dispensers], BB[CM1] guns, paintball guns, ammunition and non-functioning replicas that could be confused with actual firearms); and | NEW: Adds possession or use of dangerous objects and blades longer than 4 inches as proscribed conduct |
| E. Storage of any item that falls within the category of a "weapon," as defined in University Weapons Policy, in a vehicle parked on University property. | NEW: Adds storage of a weapon in a vehicle as proscribed conduct. |
| 627.00 ILLEGAL AND DISRUPTIVE CONDUCT | |

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| <p>A. Violation of federal, state or local law on University premises or at University-sponsored activities; violation of published University policies, rules or regulations.</p> <p>B. Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University, including but not limited to:</p> <ol style="list-style-type: none"> 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 Activities and Engagement. 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 Code of Student Conduct sanction(s)/ condition(s). 8. Trespassing or unauthorized entry into University buildings or property. 9. Unauthorized use (including misuse) of University or organizational names, trademarks, and images. | <p>NO CHANGES</p> <p>NO CHANGES</p> <p>NEW: Adds misuse of University logos as proscribed conduct.</p> |
| <p>628.00 THEFT/MISUSE OF PROPERTY</p> <p>A. Theft, attempted theft, unauthorized possession, use or removal of University property or the property of any member of the University community.</p> <p>B. Defacing, tampering, damaging or destroying University property or the property of any member of the University community.</p> <p>C. Unauthorized presence in or use of University grounds, facilities, or property.</p> <p>D. Theft or other abuse of computer facilities, capabilities and/or computer time, including but not limited to:</p> <ol style="list-style-type: none"> 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. not protected by | <p>NO CHANGES</p> |

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| <p>constitutional freedoms of expression:</p> <ol style="list-style-type: none"> 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. <p>E. Theft of telephone services or other auxiliary services, including food services, housing, parking, etc.</p> | |
| <p>629.00 OTHER PROSCRIBED CONDUCT</p> <ol style="list-style-type: none"> A. Fire Safety - Violation of local, state, federal or campus fire policies including, but not limited to: <ol style="list-style-type: none"> 1. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury; 2. Failure to evacuate a University building during a fire alarm; 3. Improper use of University fire safety equipment; or 4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions. B. Wheeled Devices – Skateboards, roller blades, roller skates, bicycles and similar devices are not permitted to be ridden inside University buildings. Bicycles are not permitted inside University buildings for storage, except with permission of building supervisors when adequate storage is not available outside <u>as allowed in the residence halls and family housing by Residence Life Policy</u>. Additionally, skateboards and other wheeled items may not be ridden-operated in a dangerous or reckless fashion, or on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to University property caused by these activities. Failure to yield to pedestrians or failure to abide by traffic laws/rules on campus is considered a conduct violation. C. Abuse of Conduct Process - Interference with, or failure to comply in, University conduct and academic misconduct hearings including, but not limited to: <ol style="list-style-type: none"> 1. Falsification, distortion, or misrepresentation of information; 2. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation; 3. Attempting to discourage an individual's proper participation in, or use of, the conduct system; | <p>NEW: Adds Fire Safety issues to the Code</p> <p>NEW: Adds misuse of wheeled devices as proscribed conduct AMENDED: ASMSU parking not available AMENDED: Legal Counsel – permission from building supervisor</p> <p>NEW: Adds obstruction of the student conduct process as proscribed conduct.</p> |

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| <p>4. Harassment (verbal or physical) or intimidation of witnesses or a member of a conduct hearing board prior to, during or following a conduct proceeding;</p> <p>5. Failure to comply with the sanction(s) imposed by the conduct program;</p> <p>6. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.</p> <p>D. Failure to Comply – Students must comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.</p> <p>E. Financial Responsibilities - Failure to promptly meet financial responsibilities to the institution, including, but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.</p> <p>F. Arrest - Failure of any student to accurately report <u>his/her arrest by any law enforcement agency to the Office of the Dean of Students within seventy-two (72) hours of release</u> an off-campus arrest by any law enforcement agency for any crime that occurs (1) on University premises, (2) at University sponsored activities, and or (3) off-campus <u>when the crime affects a substantial University interest as defined in 610.00 C. herein, that adversely affects the University community and/or the pursuit of its objects to the Office of the Dean of Students within seventy-two (72) hours of release.</u></p> | <p>NEW: Adds failure to comply with university officials as proscribed conduct.</p> <p>NEW: Adds failure to meet financial obligations, paying with worthless money, etc. as proscribed conduct.</p> <p>NEW: Adds a requirement to report off-campus arrests to the Dean of Students office.</p> <p>AMENDED: Clarifies which off campus crimes shall be reported. (ASMSU)</p> |
| <p>630.00 STUDENT CONDUCT PROGRAMS - The University shall establish appropriate procedures to adjudicate alleged violations of the Code of Student Conduct under the direction of the Dean of Students in a unified manner. All conduct programs must adhere to <u>follow</u> the procedures as outlined the Code of Student Conduct.</p> | <p>CLARIFIES: Who is responsible for conduct programs and how conduct violations are adjudicated.</p> |
| <p>631.00 RESIDENCE LIFE STUDENT CONDUCT PROGRAM</p> <p>A. In addition to this Code, students who reside in the Residence Halls are subject to the conduct requirements set forth in the Residence Life Handbook. Residence Life staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the Residence Life Handbook <u>and may impose sanctions related to a student's use of the Residence Halls. in accordance with the procedures in this Code of Student Conduct.</u></p> <p>B. All allegations of violations of the University's Code of Student Conduct reported to Residence Life Staff will be promptly referred to the Dean of Students. In such cases, the Dean of Students may delegate the investigation and adjudication to the Residence Life staff. When such matters are delegated, the investigation and adjudication shall be conducted in accordance with the procedures of this Code.</p> | <p>CLARIFIES: The role of Residence Life and how conduct violations of the Residence Life handbook interfaces with violations of the Code in a unified manner.</p> |

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| <p>C. The Director of Residence Life will coordinate the delegated Residence Life Conduct Program and will work closely with the Dean of Students to assure consistency.</p> | |
| <p>632.00 DEPARTMENT OF ATHLETICS</p> <p>A. In addition to the requirements of this Code, student athletes are also subject to the Department of Intercollegiate Athletics conduct requirements found in team rules, NCAA policies, and the Student-Athlete Code of Conduct. The Director of Athletics, or designee, will coordinate the Student-Athlete Code of Conduct for alleged violation of departmental conduct requirements and may impose sanctions related to a student's participation in intercollegiate athletics.</p> <p>B. The Director of Athletics will refer allegations of violations of the University's Code of Student Conduct to the Dean of Students for processing under the Code of Student Conduct. Additional University sanctions by the Dean of Students may be in addition to, or in lieu of, the process outlined in the Student-Athlete Code of Conduct.</p> | <p>CLARIFIES: The role of the Department of Athletics and the Student-Athlete Code of Conduct and how conduct violations of department rules, team rules, NCAA rules, etc., interfaces with violations of the Code in a unified manner.</p> |
| <p>633.00 OFFICE OF THE DEAN OF STUDENTS</p> <p>A. The Dean of Students is responsible for administering the University's Student Conduct Program, including the investigation and adjudication of cases involving alleged violations of the Code of Student Conduct unless the alleged offense is a<u>except alleged</u> violations of MSU's Policy on Discrimination, Harassment, Sexual, Misconduct, Dating Violence, Domestic Violence, and Stalking Policy in which case Section 640.00 below will apply.</p> <p>B. <u>The Dean of Students may appoint either a Hearing Officer or a Hearing Board to adjudicate violations of the Code of Student Conduct. The Hearing Officer or Hearing Board will conduct hearings using the procedures outlined in Sections 653.00 through 655.00.</u></p> <p>C. <u>For the purposes of deadlines in this Code, days shall mean "calendar" days unless stated otherwise, and the Dean of Students or their designee may extend or waive any deadline herein upon a showing of good cause, the responsibility and burden of proof of "good cause" will be upon the party requesting the extension. Good cause will include circumstances such as the impact of academic calendar breaks or holidays or other causes beyond the party's control (e.g., illness, death in the family).</u></p> <p>B.D.</p> | <p>CLARIFIES: The role of the Dean of Students and the interface between the Discrimination Policy and Sexual Misconduct and the Code.</p> <p>CLARIFIES: the differences between a Hearing Board and a Hearing Officer.</p> |
| <p>634.00 COMPOSITION OF UNIVERSITY STUDENT CONDUCT HEARING BOARD</p> <p>A. A University Student Conduct Hearing Board is appointed by the Dean of Students with five members comprised of:</p> <ol style="list-style-type: none"> 1. One (1) professional staff member selected by the Dean of Students after consultation with the | <p>NEW: Clarifies the membership of Hearing Boards</p> <p>NEW: Reverses selection of</p> |

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| <p>Professional Council;</p> <ol style="list-style-type: none"> 2. Two (2) faculty members selected by the Chair of Faculty Senate after consultation with the Dean of Students; and 3. Two (2) student members selected by the President of ASMSU after consultation with the Dean of Students. <p>B. One member of each Hearing Board shall be appointed as the Presiding Officer by the Dean of Students.</p> <p>C. A non-voting recording secretary will be provided by the Dean of Students to take minutes during conduct hearings.</p> <p>D. The Dean of Students will select replacements for any board members for good cause.</p> <p>—A quorum is considered to be two members for a three person board and three members, for a five-person board.</p> <p><u>E.</u></p> | <p>student and faculty members, and reverses composition to 5 members. (ASMSU)</p> |
| <p>640.00 INVESTIGATION AND ADJUDICATION OF ALLEGATIONS OF DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING POLICY VIOLATION OFFENSES</p> <p>A. Complaints against student(s) accused of violations of MSU’s Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy (Discrimination Policy) will be referred to the Title IX Coordinator who will follow the procedures for reports and complaints of Discrimination Policy violation in accordance with MSU’s Discrimination Grievance Procedures. The Student Conduct Adjudication Procedures, Appeals, and Interim Sanctions found in Sections 650.00 “STUDENT CONDUCT ADJUDICATION PROCEDURES”, 670.00 APPEALS, and 680.00 INTERIM RESTRICTIONS shall not apply in allegations of such Policy Violations and shall be replaced by MSU’s Discrimination Grievance Procedures.</p> <p>B. When a student is found to have engaged in Discrimination Policy violations, the Dean of Students will determine and assign sanctions as allowed by the Code of Student Conduct in Section 660.00, including suspension or expulsion from the University. The Dean of Students’ sanction is the final University decision and shall not be subject to the appeal right and procedures found in Section 665.00 (P) and Section 680.00 of the Code of Student Conduct. The Student may appeal under the provisions of Policy 203.5.2 [insert link] of the Montana Board of Regents Policies and Procedures Manual.</p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> |
| <p>650.00 STUDENT CONDUCT ADJUDICATION PROCEDURES</p> | |
| <p>651.00 FILING OF CHARGES - On its own initiative or upon receiving a complaint from any student, faculty or</p> | <p>CLARIFIES: and cleans up</p> |

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| <p>staff member, the University, through the Office of the Dean of Students, may, after an investigation, file appropriate charges against a student accused of violating the Code of Student Conduct.</p> <p>A. Charges should be filed no later than four months after the alleged violation of the Code of Student Conduct, unless good cause is shown to justify the delay. When charges are referred to the Dean of Students for investigation and adjudication, any resulting hearing will normally be convened within sixty-seventy-five (6075) <u>business-calendar</u> days from the date the charges were filed, unless good cause can be shown for delay.</p> <p>B. If a student has withdrawn or withdraws from the University after charges have been filed, the University may:</p> <ol style="list-style-type: none"> 1. Place a hold on the student's academic record, re-enrollment and notify the student that disciplinary action will be initiated before the student's re-enrollment in the University; or 2. Upon notice to the charged student, proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted. <p>C. 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 Code of Student Conduct to meet with the Dean of Students as necessary to properly investigate and adjudicate the alleged violation(s).</p> | <p>language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> |
| <p>652.00 PRELIMINARY INVESTIGATION AND ADMINISTRATIVE ADJUDICATION PROCEDURES</p> <p>A. Whenever a complaint is filed or when it appears that a student may have violated the Code of Student Conduct, the Dean of Students will designate a Conduct Officer to conduct an investigation of the incident. The Conduct Officer conducting the investigation:</p> <ol style="list-style-type: none"> 1. Determines the facts through interview, reports and other evidence<u>information collected</u>. 2. Informs the student of the findings of the investigation. 3. Allows the student an opportunity to respond to the evidence and potential charge(s). 4. Makes a determination whether <u>there is reasonable cause to believe that</u> a violation of the Code has occurred, and, if so, the appropriate sanctions. <p>— The Conduct Officer shall notify the complainant, if any, and the charged student(s) that an investigation will be conducted.</p> <p><u>C.B.</u> The Conduct Officer conducting the investigation may withdraw any charge determined to be without reasonable cause. No reasonable cause means that there is no insufficient credible evidence to support the charge or even if proved, the conduct does not violate the Code. The complainant, <u>if any</u>, who filed the charge initially may appeal this decision to the Vice President for Student Success under the appeal</p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>NEW: Defines what is reasonable cause.</p> |

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| <p>processes set forth in Section 670.00.</p> <p>D.C. After the conclusion of the investigation, the Conduct Officer may propose, an Administrative Agreement can be proposed between the Conduct Officer and for the accused student(s). I if the student agrees with the facts and any sanction(s) proposed, T the Administrative Agreement will be agreed to by both the student and the Dean of Students, or designee. By agreeing to the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).</p> <p>E.D. If the student denies the charges or the sanctions, the case will be referred for a hearing under section 654.00 and 655.00.</p> <p>— If an Administrative Agreement is not signed within three (3)<u>seven (7)</u> business calendar days following its submission to the student, the matter shall be referred for a hearing under sections 654.00 and 665.00, u unless the charged student(s) can show good cause for the extension of the deadline <u>as provided in Section 633.00 D. 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).</u></p> <p><u>E.</u></p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>NEW: Changes the timeline from 5 business days to 3 business days.</p> |
| <p>653.00 NOTICE - In the event of a student conduct hearing, the charged student shall be notified at least five seven (57) <u>seven (7)</u> business calendar days prior to the date of the hearing (except a hearing on the alleged violation of Interim Restrictions imposed under Section 680.00 which may be called with one (1) <u>calendar</u> day notice to the student). Such notice shall be in writing and shall include the following:</p> <p>A. The specific charge(s) citing the <u>Student Conduct Code provisions</u> University policies or regulation(s) allegedly violated.</p> <p>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.</p> <p>C. The time and place of the pre-hearing conference.</p> <p><u>D.</u> The procedures to be followed in the hearing.</p> <p>D.E. <u>Notice of the student's right to be assisted throughout the hearing and appeal process by any advisor he/she chooses at his/her own expense. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor (including attorneys).</u></p> | <p>NO CHANGES</p> |
| <p>654.00 PRE-HEARING CONFERENCE - The Presiding Officer of the Hearing Board or the Hearing Officer may convene a pre-hearing conference <u>(in person, by electronic, written or other means) -including the Complainant</u></p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> |

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| <p><u>(if any) and the charged student to:</u></p> <p>C.A. Narrow and define the issues to be presented at the hearing.</p> <p>D.B. Identify and list all witnesses for the hearing. The Presiding Officer or Hearing Officer may establish restrictions on the numbers of witnesses and may disallow witnesses who have not been identified at the pre-hearing from providing testimony at the hearing.</p> <p>E.C. Identify and list all documents to be presented at the hearing.</p> <p>F.D. Provide for a pre-hearing exchange among the parties of any documents to be presented at the hearing. The Presiding Officer or Hearing Officer may prohibit the presentation of evidence that is not provided to the parties before the hearing.</p> <p>G.E. Set a time and place for the hearing.</p> | |
| <p>655.00 HEARING PROCEDURES - Hearings are conducted by the Student Conduct Hearing Board or Hearing Officer appointed by the Dean of Students and shall be conducted according to the following guidelines:</p> <p>A. The member(s) of the Hearing Board or Hearing Officer shall be impartial, i.e., without personal bias in favor of or against the charged student. <u>Any participant in the hearing who believes the members of the Hearing Board or Hearing Officer have a personal bias must raise the issue before the hearing or as soon as the knowledge of personal bias is known to the participant, whichever is sooner; failure to do so will result in a waiver of such claim.</u></p> <p>B. Hearings will be closed to the public unless all parties, witnesses and other participants waive their rights to privacy. Admission to the hearing of persons other than the parties involved will be at the discretion of the Presiding Officer or the Hearing Officer.</p> <p>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.</p> <p>D. The University shall bears the burden of proving by a preponderance of the evidence that the charged student violated the Code of Student Conduct. A preponderance of evidence is described as evidence that is of greater weight or is more convincing than the evidence that is offered in opposition to it. A staff member from the Office of the Dean of Students will present the case to the Student Conduct Hearing Board or the Hearing Officer on behalf of the University. The presenting staff member shall not be a member of the Hearing Board.</p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CHANGES: notice from a letter sent to a physical address to an email address</p> |

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| <p>E. The University may 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 notice sent-to the student's official University email address.</p> <p>F. The charged student has the right to be assisted by any advisor he/she chooses at his/her own expense. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor (including attorneys). Students, even those who are accompanied by an advisor (including attorneys). The student is are responsible for presenting his/her own case, and, therefore, a advisors are not permitted to speak or participate directly in any hearing. The advisor may not make a presentation, speak for or represent the party bringing the complaint or responding student during the hearing. They <u>Advisors</u> may confer with their advisee, exchange notes, and clarify procedural questions with the Presiding Officer or Hearing Officer.</p> <p>G. The complainant (if any) and the charged student(s) shall have the opportunity to review all statements and written evidence collected or prepared during the investigation prior to the hearing, to present witnesses and evidence at the hearing, and to question the evidence and witnesses during the hearing.</p> <p>H. The Presiding Officer or Hearing Officer may preclude the presentation of duplicative, irrelevant or unnecessary evidence and may limit the number of witnesses.</p> <p>I. The Presiding Officer or Hearing Officer shall control the hearing, and shall make all decisions regarding evidentiary and procedural questions.</p> <p>J. Every reasonable effort will be made to elicit and consider the most reliable evidence. The statutory Rules of Evidence, rules of discovery and rules of procedure that govern state and federal court proceedings do not apply during student conduct hearings.</p> <p>K. The charged student and complainant (if any) must submit all evidence either intends to submit to the Presiding Officer or Hearing Officer no later than three (3) five (5) business calendar days before the hearing date for the Presiding Officer's or Hearing Officer's review to determine admissibility. Evidence not submitted three (3) business five (5) calendar days before the hearing date will not be allowed at the hearing unless there is good cause for exception, as determined by the Presiding Officer or Hearing Officer. All parties will have opportunity to review such evidence prior to the hearing. The decision of the Presiding Officer or Hearing Officer on the admissibility of the evidence and procedural matters is final.</p> <p>L. Any person, including the charged student, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer or Hearing Officer may be excluded from the proceedings.</p> | <p>CLARIFIES: The role of attorneys in the conduct process.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> |
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| <p>M. The determination of the hearing 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 shall be based only upon evidence and testimony presented at the hearing.</p> <p>N. The decision and the recommended sanctions of the Student Conduct Hearing Board or Hearing Officer shall be in writing. If the charged student is found to have violated the code, the Hearing Officer or Hearing Board may recommend sanction(s) <u>to the Dean of Students</u>.</p> <p>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 <u>or Hearing Officer</u>.</p> <p>P. The Dean of Students shall, within five-seven (57) business calendar days after receiving the decision and recommendation, determine what sanction(s), if any, will be imposed <u>if a violation is found to have occurred</u>. The Dean shall send a copy of the decision and the sanction(s) to be imposed to the charged student(s) and complainant, if any.</p> <p>Q. The decision of the Student Conduct Hearing Board or Hearing Officer and the sanctions imposed by the Dean of Students may be appealed to the Vice President for Student Success as set forth in section 670.00.</p> | |
| <p>660.00 SANCTIONS</p> <p>A. Individual Sanctions - In determining a sanction, the Dean of Students 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 from the violation, and other factors relevant to the case.</p> <p>B. If the student is found to have violated the Code of Student Conduct, the Dean of Students may impose one or more of the following sanctions:</p> <ol style="list-style-type: none"> 1. Expulsion - Permanent separation of the student from the University. The student may also be barred from University premises, <u>events or activities. This sanction may be enforced with a trespass action as necessary.</u> 2. Suspension - Separation of the student from the University for a specified period of time, but not less than the remainder of the semester. Eligibility for return to the University may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within twenty-four (24) hours of notification of the action, <u>though this deadline may be extended upon application to, and at the discretion of, the Dean of</u> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: requirements for suspended students to return to campus.</p> |

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| <p>Students. During the suspension period, the student is banned-barred from University property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary.</p> <p>3. Conduct Probation/Suspension Warning - A status that 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 Code of Student Conduct during the period.</p> <p>4. Disciplinary Reprimand - A formal reprimand which may be imposed either in verbal or written form for violating the Code of Student Conduct and a warning that further misconduct may result in more severe disciplinary action.</p> <p>5. Restitution - Compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.</p> <p>6. Residence Hall Sanctions - Disciplinary action for violations in the residence halls may consist also include residence hall sanctions such as of, but is not limited to a Warning, Residence Hall Probation, <u>Residence Hall Suspension</u>, Restrictions of Residence Hall Privileges, <u>Restitution</u>, Constructive Work Projects, Removal from Floor, Hall, or Residence Hall System, Persona Non Grata, or a combination of sanctions.</p> <p>7. Community or University Service Requirements – Completion of a specific, supervised University or community service.</p> <p>8. Loss of Privileges - The student will be denied specified privileges for a designated period of time.</p> <p>9. Other Sanctions - Other sanctions may be imposed instead of, or in addition to, the sanctions 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.</p> <p>C. Group Sanctions - The following sanctions may be imposed upon sororities, fraternities, groups or organizations registered with the University:</p> <ol style="list-style-type: none"> 1. Those sanctions listed in subparagraphs 3 – 5 and 7-9 above. 2. Deactivation - Loss of all privileges, including University recognition or registration, for a | <p>NEW: Outlines and clarifies community service as a possible sanction.</p> <p>NEW: Outlines and clarifies loss of university services as a possible sanction.</p> <p>NO CHANGES</p> |
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| <p style="text-align: center;">specified period of time.</p> | |
| <p>670.00 APPEALS</p> <p>A. The student who is found responsible for violating the Code of Student Conduct may appeal the decision of the Student Conduct Hearing Board or Hearing Officer <u>and/or the sanction imposed by the Dean of Students</u> following a student conduct hearing by emailing a letter of appeal to the Vice President for Student Success within <u>five (5) business seven (7) calendar</u> days of the official's decision. <u>Sanctions shall be kept in abeyance pending the determination on appeal, except that any interim sanctions shall continue.</u> The letter of appeal shall <u>must</u> specifically allege and factually support one or more of the following grounds:</p> <ol style="list-style-type: none"> 1. The student's rights as set forth in this procedure <u>Code of Student Conduct</u> were violated (i.e., there was an error in the procedure or the interpretation of the Code of Student Conduct which substantially affected the student's ability to receive a fair hearing); 2. New evidence, unavailable during the original hearing or investigation, has been discovered that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in their letter of appeal. <p>B. If a sufficient claim is presented under one or more of the specified grounds, the Vice President for Student Success shall accept the appeal, <u>notify the student and complainant, if any</u>, and request a copy of the record of the hearing. If sufficient claim is not presented, the appeal shall be dismissed <u>with written notice to the appealing student and complainant, if any</u>.</p> <p>C. Within fifteen (15) business <u>twenty (20) calendar</u> 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 original Hearing Board or Hearing Officer for further findings of fact or clarification.</p> <p>D. 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 (if any) and included in the record, <u>which shall be returned to the Office of the Dean of Students</u>.</p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>CLARIFIES: and cleans up language. Wordsmithing.</p> |
| <p>680.00 INTERIM RESTRICTIONS</p> <p>A. The Dean of Students or 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.</p> | <p>CHANGES: Interim restrictions being placed by the President or VPSS to the Dean of Students</p> |

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| <p>B. Interim restrictions may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 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. <p>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 (2)<u>three (3)</u> working <u>calendar</u> days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting or the hearing will be held as soon as the student is able to attend.</p> <p>D. 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 or her 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 a future student conduct proceeding.</p> <p>E. In cases where interim restrictions have been imposed, the disciplinary hearing shall be held as soon as possible, but not later than thirty (30) <u>calendar</u> days from the date of the imposition of interim restrictions.</p> <p>F. The time limitations set forth in this section may be expanded upon the consent of the student.</p> | |
| <p>690.00 RECORDS AND CONFIDENTIALITY</p> <p>A. The Office of the Dean of Students shall maintain student conduct records. Relevant student conduct 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.</p> | <p>CLARIFIES: and cleans up language. Wordsmithing.</p> <p>NEW: Adds "Relevant" to the records which can be made</p> |

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| <p>B. Students may arrange to review their own student conduct records and related information by contacting the Office of the Dean of Students.</p> <p>C. Except as provided elsewhere in this Code and/or as required by law, the University shall not communicate a student's conduct record to any person or agency without the prior written consent of the student.</p> <p>D. Student conduct records shall be maintained for seven (7) years from the last recorded entry, then destroyed.</p> | <p>available. (ASMSU)</p> |
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