

Student Conduct Hearing Procedures

Subject	Procedures for Code of Student Conduct Hearing
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Responsible Party	Office of the Dean of Students

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100.00 Scope and Applicability

These procedures govern student conduct hearings conducted to resolve alleged violations of the [Code of Student Conduct](#) when an Administrative Agreement is not accepted or when the University determines that a hearing is appropriate.

Montana State University is committed to providing students the opportunity to participate in a prompt, fair, and equitable student conduct process that includes notice of allegations and a meaningful opportunity to be heard. Student conduct hearings are administrative proceedings. They are not governed by formal rules of procedure or evidence for civil or criminal proceedings. The University reserves the discretion to reasonably modify these procedures to ensure fairness, efficiency, and compliance with applicable law. Minor deviations that do not materially affect the outcome will not invalidate a decision.

If at any point a student has questions or would like clarification on these procedures, they should contact the Dean of Students.

For all other alleged violations of the Code of Student Conduct, procedures can be found in the Code of Student Conduct.

110.00 Definitions

For the purposes of the Code of Student Conduct and Student Conduct Hearings, the following definitions apply:

Advisor means a person selected by a student to provide support and advice during a student conduct process. Advisors may consult privately with the student but may not speak on the student's behalf unless otherwise required by law or as approved as a reasonable accommodation. Typically, advisors are members of the campus community, but students may select whomever they wish to serve as their advisor, including attorneys, at the student's own expense. The availability of an advisor shall not delay proceedings.

Complainant means the University or the individual who makes a complaint alleging a violation of the Code of Student Conduct.

Conduct Hearing Board means a group of five individuals authorized by the Dean of Students to conduct a student conduct hearing and determine responsibility. The hearing board will be comprised of:

1. One professional staff member selected by the Dean of Students;
2. Two faculty members selected by the Dean of Students; and
3. Two student members selected by the Dean of Students, after consultation with the President of [Associated Students of Montana State University](#), unless there is a potential conflict.

The Dean of Students will select one hearing board member to serve as the presiding officer.

Conduct Officer means a person authorized by the Dean of Students to manage conduct cases.

Days means business days unless stated otherwise. The University may extend or waive any deadline herein upon a determination of good cause. Good cause will include circumstances such as the impact of academic calendar breaks or holidays, other causes beyond the party's control (e.g., illness, death in the family), or other circumstances that support a determination of good cause.

Hearing Officer means the individual authorized by the Dean of Students to preside over a Student Conduct Hearing and determine an outcome.

Notice means official communication sent to a student's University-issued email address. Students are responsible for regularly monitoring their University email.

Preponderance of the Evidence is described as evidence that is of greater weight or is more convincing than the evidence that is offered in opposition to it. That is, evidence which, as a whole, shows that the fact sought to be proved is more probable than not. With

respect to the burden of proof, this means the greater weight of evidence, or the evidence that is more credible and convincing.

Presenting Officer means the individual appointed by the Dean of Students who presents information on behalf of the University in all student conduct hearings, typically the conduct officer. The Presenting Officer cannot be the Hearing Officer or a member of the Hearing Board.

Respondent means any Student or Student Organization alleged to have violated the Code of Student Conduct.

Student means any student as defined in the Code of Student Conduct.

Student Organization means any group of university students meeting the University's criteria for organizational recognition or registration established by the University or its units, colleges, or departments. Jurisdiction is retained for behavior that occurred when the Student Organization was recognized or registered, regardless of current status.

Supportive Measures means non-disciplinary, individualized services offered as appropriate to restore or preserve access to University programs and services, protect safety, and support students during a conduct or other process. Supportive measures are not sanctions. Supportive measures can include, but are not limited to, accommodations from the Office of Disability Services or Campus Civil Rights (CCR), assistance with any appropriate class absences, and access to Counseling and Psychological Services.

University means Montana State University and Gallatin College, including any programs regardless of location.

200.00 Procedures

A student conduct hearing process will be initiated if the University believes that a violation of the Code of Student Conduct has occurred and the respondent declines an Administrative Agreement or when the University determines a hearing is appropriate. The procedures below outline each step of the hearing process.

Step 1: Filing of Charges

The formal hearing process begins when the Dean of Students files written charges against a respondent accused of violating the Code of Student Conduct. Charges should be filed promptly after a potential Code of Student Conduct violation is determined.

The written notice of charges will include:

1. The alleged violation(s);

2. A summary of the facts supporting the alleged violation(s);
3. Information regarding potential supportive measures;
4. Information regarding potential sanctions; and
5. Notice that a hearing will be scheduled typically within twenty days from the date the charges were filed.

Administrative Holds

The Dean of Students may place an administrative hold on a respondent's account to ensure participation and resolution of the matter. Such holds may restrict registration, course changes or withdrawals, issuance of transcripts, degree conferral, or other University services.

Withdrawal During Proceedings

If the respondent withdraws from the University after charges are filed, the University may:

1. Place a hold on the respondent's academic record and notify the respondent that student conduct action will be initiated before the respondent's re-enrollment in the University; or
2. Proceed with the student conduct process upon notice to the respondent and determine sanctions effective upon the respondent's readmission.

Step 2: Notice of Hearing

Within five days of filing charges, the respondent will receive written notice of the hearing. The hearing will occur no less than ten days from the date of the notice, unless the parties agree otherwise. The notice will include:

1. The alleged violation(s);
2. A summary of the information supporting the charges;
3. Name of the hearing officer or board members;
4. Date, time, and location of the pre-hearing conference;
5. Date, time, and location of the hearing;
6. Instructions for submitting evidence and witness lists;
7. Information regarding the right to an advisor; and
8. Information regarding supportive measures.

Objection to the Hearing Officer or a Hearing Board Member

A respondent may object to the appointment of a Hearing Officer or Hearing Board member for just cause, including conflict of interest or bias. Objections must be submitted in writing to the Dean of Students within three days of the notice of hearing. The Dean of Students has the final decision on any objections and the replacement of hearing officers or board members.

Step 3: Pre-Hearing Conference

The pre-hearing conference is intended to clarify issues, review procedures, and ensure both parties are prepared for the hearing. The conference will occur at least five days before the hearing and will include the Hearing or Presiding Officer, the Presenting Officer, and the respondent (and advisor, if applicable).

During the pre-hearing conference, the following will generally occur:

1. Introduction of the Hearing Officer or Board, Presenting Officer, respondent, and any other parties (respondent's advisor, Dean of Students, etc.);
2. Review of the alleged violations and the applicable standard of proof (preponderance of the evidence);
3. Identification of proposed evidence;
4. Identification of proposed witnesses;
5. Discussion of procedural expectations and decorum, including the expectations of the parties and any advisors;
6. Discussion of procedural expectations and questions; and
7. Confirmation of the date, time, and location of the hearing.

Exchange and Submission of Evidence

Evidence and witness lists may be exchanged during the pre-hearing conference. However, the Hearing Officer or Presiding Officer may establish reasonable deadlines for the submission or exchange of evidence and witness lists either before, during, or after the pre-hearing conference. Evidence may be required to be submitted directly to the Hearing Officer or Presiding Officer for review and distribution. Failure to meet established deadlines may result in exclusion of the evidence or witness unless good cause is shown.

Relevance and Admissibility

The Hearing Officer or Presiding Officer has discretion to determine the relevance, admissibility, and appropriateness of evidence and witnesses, including whether proposed evidence is duplicative, unnecessary, or not relevant to the alleged violations. Both the Presenting Officer and the respondent must provide contact information for any witnesses, so the Hearing or Presiding Officer can coordinate their participation.

The parties may object to the inclusion of any witnesses or evidence, with the final decision on whether to admit, limit, or exclude the evidence or witnesses to be made by the Hearing Officer or Presiding Officer.

If either party seeks to introduce additional evidence or witnesses after the established deadline or after conclusion of the pre-hearing conference, the request must be submitted as soon as possible. The Hearing Officer or Presiding Officer may allow such evidence or witnesses upon a showing of good cause. Good cause may include, but is not limited to:

- Newly discovered information that was not reasonably available earlier;

- The unavailability of a witness despite reasonable efforts;
- Information necessary to respond to evidence first identified by the other party;
- Illness or other unforeseen circumstances beyond a party's control.

Strategic delay, lack of preparation, or failure to review available information will not ordinarily constitute good cause.

Witness Participation

Witnesses are generally expected to participate in the hearing, either in person or through approved electronic means. Written witness statements are ordinarily not accepted in lieu of live participation because they do not allow for questioning or clarification. However, the Hearing Officer or Presiding Officer may, in extraordinary circumstances, permit the submission of a written witness statement when live participation is not reasonably possible. If a written statement is permitted, the Hearing Officer or Presiding Officer will determine the weight, if any, to be given to that statement.

Step 4: Student Conduct Hearing

The student conduct hearing is a formal administrative proceeding for determining whether, based on a preponderance of the evidence, a respondent is responsible for alleged violations of the Code of Student Conduct. The purpose of the hearing is to provide a fair and impartial process in which the University presents information supporting the alleged violations and the respondent has a meaningful opportunity to respond, present evidence, and offer witnesses. The Hearing Officer or Hearing Board serves as a neutral decision-maker and is responsible for evaluating the information presented and determining whether a violation has been proven. The Hearing Officer or Board will approach each matter without a presumption of responsibility. The burden of proof rests with the University.

Student conduct hearings are administrative in nature. They are not criminal proceedings and are not governed by formal rules of evidence, rules of discovery, or rules of civil or criminal procedure. Instead, the Hearing Officer or Board will determine the relevance, reliability, and appropriateness of the information presented and will conduct the hearing in a manner that ensures fundamental fairness to all parties. Hearings may be conducted in person or through approved electronic means at the discretion of the Hearing Officer or Presiding Officer.

General Hearing Guidelines

The following are general rules and guidelines for student conduct hearings:

- The burden of proof rests with the University.
- The standard of proof is a preponderance of the evidence.
- The Hearing Officer or Board determines the relevance and admissibility of evidence and witnesses.

- Hearings are closed to the public unless otherwise required by law to protect individual privacy rights.
- Advisors may consult privately with the respondent but may not directly participate unless required by law or approved as a reasonable accommodation.
- The hearing may proceed in the respondent's absence if proper notice was provided.
- Individuals, including advisors, who disrupt the proceedings or fail to follow directives may be removed from the hearing.
- The University may make audio or video recordings. Any recordings are the property of the University.

Hearing Format

The hearing will generally proceed as follows:

1. Introduction of the participants (Hearing Officer/Board, Presenting Officer, respondent, advisor, etc.);
2. Explanation of procedures (e.g., any recording of the hearing, preponderance of the evidence standard, etc.);
3. Presentation of the alleged violations by the Presenting Officer;
4. Opening statements;
5. Presentation of evidence and witnesses by the Presenting Officer
6. Presentation of evidence and witnesses by the respondent;
7. Closing statement by Presenting Officer
8. Closing statement by respondent

The Hearing Officer or Board may impose reasonable time limits on presentations or questioning.

Questioning of Parties and Witnesses

The purpose of questioning during the hearing is to allow clarification of information and to assist the Hearing Officer/Board in evaluating credibility and reliability.

Questioning may be conducted by:

- The Hearing Officer/Board;
- The Presenting Officer; and
- The respondent.

At the discretion of the Hearing or Presiding Officer, a second round of clarifying questions may be asked by all parties.

All parties are permitted to ask questions directly of another party or witness. However, direct questioning may be limited or discontinued to preserve fairness, decorum, and the integrity of the proceedings. The Hearing Officer/Board retains ultimate authority over the manner and scope of questioning.

At the discretion of the Hearing Officer or Presiding Officer, questions from the parties may be required to be submitted to the Hearing Officer or Presiding Officer, who will determine whether the question is relevant, appropriate, and not duplicative before it is posed to the party or witness. The Hearing or Presiding Officer may rephrase questions for clarity, decline to ask questions that are irrelevant/redundant/harassing/otherwise inappropriate, or impose reasonable limitations on the scope or length of questioning.

Discretion to Modify Procedures

The Hearing Officer or Presiding Officer retains discretion to modify the procedures governing questioning and participation to ensure fairness, maintain decorum, protect the safety and well-being of participants, and uphold the integrity of the process. In matters involving allegations of a sensitive nature (e.g., sexual misconduct, interpersonal violence, or other sensitive conduct that do not fall within the jurisdiction of the Title IX procedures), additional procedural considerations may be implemented as appropriate. Such procedural modifications may include, but not be limited to:

- Requiring questions to be submitted in writing to the Hearing Officer or Presiding Officer
- Prohibiting direct questioning
- Allowing remote participation
- Separating parties physically
- Limiting visual contact
- Adjusting the order of testimony
- Other measures as deemed appropriate.

Step 5: Hearing Decisions

The Hearing Officer or Board will deliberate in private. A determination of responsibility shall be made separately for each charge based only upon evidence and testimony presented at the hearing and determined to be relevant by the Hearing Officer or Board. If the respondent is found not responsible, the matter will be closed without disciplinary sanctions for the alleged violations. If the respondent is found responsible, the matter shall be referred to the Dean of Students for any sanctions. A written decision including the rationale for each charge will be provided in writing within a reasonable amount of time, typically within 10 days of the hearing. The record of the hearing shall consist of any documentary evidence presented, recordings (if made), and the written decision.

Step 6: Sanctioning

If the respondent is found responsible for violating the Code of Student Conduct, the matter shall be referred to the Dean of Students for any sanctions. The Dean of Students will determine appropriate sanctions in accordance with section 470.00 of the Code of Student Conduct.

Within five days of receiving the decision, the Dean of Students will provide written notice of any sanctions to the respondent. If required by law, the victim or complainant will receive appropriate notice.

Step 7: Appeals

The respondent may appeal the decision and/or sanctions as outlined in Section [520.00](#) of the Code of Student Conduct. Filing an appeal does not automatically stay sanctions unless specifically determined by the University.