

# Conduct Guidelines and Grievance Procedures for Students

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<b>Policy:</b>	<b>Code of Student Conduct</b>
<b>Revised:</b>	<b>August 2006; February 2009; August 2010; July 2011; April 2012; August 2012; March 2015; March 2018; November 2019; December 2022</b>
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<b>Responsible Party:</b>	<b>Office of the Dean of Students</b>

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**100.00 Introduction and Purpose**

Montana State University seeks to integrate education, the creation of knowledge and art, and service in its curriculum, programs, and activities. Consistent with this, the University's mission statement highlights the values of excellence, integrity, inclusion, collaboration, curiosity, and stewardship for its faculty, staff, and students.

The purpose of this policy is to establish community standards and procedures necessary to maintain and protect an environment conducive to learning and in keeping with the educational objectives of the University. The expectations identified in this Code of Student Conduct represent a reasonable regulation of student conduct to help facilitate these standards.

## 110.00 Definitions

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

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

**Conduct Officer** refers to any 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 Board** refers to the group of five individuals authorized by the Dean of Students to conduct a Student Conduct Hearing and determines an outcome.

**Hearing Officer** refers to any one person authorized by the Dean of Students to preside over a Student Conduct Hearing and determine an outcome.

**Presenting Officer** refers to the individual appointed by the Dean of Students who presents information on behalf of the University in all Student Conduct Hearings. 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 person admitted, registered, or enrolled in any University course or University program, whether full-time or part-time, including those pursuing an undergraduate, graduate, professional degree, or certificate program, as well as non-degree seeking students and those auditing courses. Individuals solely enrolled in University extension courses or outreach programs shall not be considered students under the Code. Student status shall end two calendar years after the conclusion of the Student's last registered University course unless the Student has formally withdrawn, graduated, or been expelled from the University, in which case the Student status shall end on the date of withdrawal, graduation, or expulsion.

**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.

**Substantial University Interest** refers to:

- A. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or others, to University property, or to those within the University community;
- B. Any conduct that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder, on University property or to those within

the University community.

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

**University Community** is made up of the students, faculty, and staff of Montana State University, along with their guests and campus visitors.

**University Official** means a University employee or other authorized individual having assigned University responsibilities who is performing their University duties. For any role within the Code where a specific University Official is listed, another University employee may be delegated authority to perform certain of parts their responsibilities.

## **200.00 Student Rights and Responsibilities**

Students are expected to be good community members and to engage in responsible behaviors that reflect well upon themselves and the University, to be civil to one another and to others in the campus community, and to contribute positively to student and University life.

Student responsibilities include:

- 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, unless rescheduled under section [200.20](#), or per an approved accommodation through the [Office of Disability Services](#);
- E. Not be disruptive or act in a way that detracts from the learning experience;
- F. Make and keep appointments when necessary to meet with the instructor or other University personnel;
- G. Meet any additional course and behavioral standards as defined by the instructor and listed in the course syllabus;
- H. Respond to communications from instructors and University personnel in a timely way;
- I. Be responsible for the honest completion and representation of their work, the appropriate citation of sources, and the respect and recognition of others' academic endeavors; and
- J. University email is the University's primary means of communication with students. Students are responsible for all communications delivered to their designated University email address.

## **200.10 Student Bill of Rights**

All University students, as diverse and valued members of the University, are members of an academic community of scholars and learners and are guaranteed certain freedoms and rights under, and subject to, University and Montana University System policies, as well as applicable Federal and State laws.

- A. All students have the right to a safe living and learning environment that emphasizes the dignity and worth of every member of the community.
- B. Students have the right to assemble, petition for redress, and peacefully protest.
- C. Students have the right to free inquiry, to engage in an exchange of ideas, and to express opinions on campus.
- D. Students have the right to privacy of their education records.
- E. Students have the right to a fair, prompt, and clearly-defined process for addressing allegations of academic and conduct violations.

- F. Students have the right to participate in institutional governance, including fees and policies, through the Associated Students of Montana State University (ASMSU).
- G. Students have the right to expect faculty and staff to perform their duties in accordance with University policies and expectations.
- H. Students have the right to pursue a curriculum in their approved program of study that enables timely graduation.
- I. Students have the right to report policy violations to the University administration.
- J. Students have the right to express ideas and share concerns with the University administration and ASMSU, which must be heard and considered.

ASMSU and The Office of the Dean of Students are available to provide information and guidance to students who believe that the rights described above have been violated.

## **200.20 Students Representing the University in Recognized Events**

A student officially representing the University in athletic events, government, performance, research presentation, or in similar official capacities, is entitled to the rescheduling of exams or important assignments due to required absences. Students are expected to provide course instructors with official notification of scheduled activity(ies) from the sponsoring department (such as [Athletics](#), [academic department](#), [Office of Student Engagement](#), etc.) as early as possible, preferably at least ten days in advance of the event.

Students participating in official University activities should not expect any special accommodation for attendance at regularly scheduled practice sessions or meetings (i.e., the routine activities required for performance, athletic pursuits, etc.). Students and instructors are encouraged to work with the [Testing Services](#) to assist with any accommodations if alternate testing possibilities cannot be arranged readily within the program or department.

## **300.00 Student Misconduct**

The University seeks to foster a campus environment conducive to academic inquiry, productive campus life, and thoughtful study and discourse.

Students are essential members of the University community and are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. The student conduct process at the University 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 exist for members of our University 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.

The student conduct process is an administrative process that is 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 Hearing Board or Hearing Officer. No student will be found in violation of the Code of Student Conduct without a preponderance of the evidence (i.e., more likely than not) that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and the cumulative conduct history of the student.

Student organizations are held to the same expectations as individual students. Student organizations are expected to abide by the same expectations as individual students, including expectations of prohibited conduct ([330.00](#)).

## **310.00 Student Conduct Authority and Jurisdiction**

- A. The Code of Student Conduct applies when the respondent is a student and the alleged conduct occurs:
- i. On University property;
  - ii. At University affiliated or sponsored events or programs, including at events and programs hosted by recognized student organizations;
  - iii. Off-campus that affects a substantial University interest.
  - iv. The Code of Student Conduct may be applied to behavior conducted online, via email, or another 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. 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.

## **320.00 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 follow the procedures outlined in the Code of Student Conduct.

### **320.10 Office of the Dean of Students**

- A. The Dean of Students is responsible for administering the University's Student Conduct Program, including the investigation, adjudication, and sanctioning of cases involving alleged violations of the Code of Student Conduct. In cases where a University policy or process, e.g., Discrimination, Harassment, and Retaliation, Research Misconduct, University Extension Programs, etc., have its own investigation and adjudication process, such matters shall be referred to the Dean of Students for sanctioning (see section [440.00](#)).
- B. 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 [450.30](#) through [450.70](#).

### **320.20 University Student Housing**

- A. In addition to the Code of Student Conduct, students who reside in the residence halls & apartments are subject to the conduct requirements outlined in the [University Student Housing Community Standards](#). [University Student Housing](#) staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the [University Student Housing Community Standards](#) and may impose sanctions related to a student's use of the residence halls & apartments.
- B. All allegations of violations of the University's Code of Student Conduct reported to University Student Housing 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 University Student Housing staff. When such matters are delegated, the investigation and adjudication shall be conducted in accordance with the procedures the Code of Student Conduct.

- C. The Director of University Student Housing will coordinate the delegated University Student Housing Conduct Program and will work closely with the Dean of Students to assure consistency.

## 320.30 Department of Athletics

- A. In addition to the requirements of the Code of Student Conduct, 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 will manage the departmental response to alleged violations of the Student-Athlete Code of Conduct and may impose sanctions related to a student's participation in intercollegiate athletics.
- 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 instead of, the process outlined in the Student-Athlete Code of Conduct.

## 330.00 Prohibited Conduct

Any student found to have violated the Code of Student Conduct is subject to sanctions outlined in Section [470.00](#). The following offenses constitute violations of the Code of Student Conduct and can lead to serious conduct action, up to and including suspension or expulsion from the University.

### 330.10 Academic Misconduct

The administration, faculty, and students of the University believe that academic honesty, integrity, and appropriate behavior in the classroom are fundamental to the mission of higher education. Accordingly, the University has developed procedures that address instances of academic misconduct and disruptions in the classroom. Students who violate these standards violate this policy and will be subject to academic and/or student conduct sanctions.

A description of some forms of academic dishonesty and some examples are provided to help the student understand their 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, 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, copying reports, laboratory work, computer programs, or files from other students.
- B. **Falsification/Fabrication**- The invention or unauthorized alteration of any information or citation in academic assignments or scholarly work. Examples of fabrication include inventing, 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 records, 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, a ghostwriter, or a 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 considered plagiarism. It is also considered Plagiarism when collaborating on work with the knowledge that the collaboration is not authorized or will not be reported.
- 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, whether from the University or another institution, and submitting it again as a new piece of work.
- G. **Improper recording or dissemination of instructional content** – recording, sale, or dissemination (including posting) of instructional content without the express permission of the instructor or under an accommodation approved by the [Office of Disability Services](#).
- H. **Improper use of copyrighted material** – unlawful copying, distribution, or uploading of copyrighted material including course materials and tests, regardless of format, including through online platforms such as Course Hero, Chegg, etc. Permissible uses of copyrighted materials, such as fair use, does not constitute improper use of copyrighted materials under the Code of Student Conduct.
- I. **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, taking an examination or test for another student, or signing a false name on an academic exercise.

The procedures for allegations of academic misconduct can be found in section [410.00](#) of the Code of Student Conduct.

## 330.20 Disruptive Student Behavior

Disruptive behavior is defined as any behavior that an instructor reasonably believes substantially interferes with the teaching or learning process, whether in a classroom or other learning environment (such as an online course, laboratory, field experience, internship, instructor's office, computer lab, or another setting whether it is an on-campus or off-campus location) and continues after an instructor's request to cease. Examples of disruptive behavior include, but are not limited to:

- A. Verbal abuse of or threatening the instructor or other students;
- B. Damaging classroom furniture or property;
- C. Creating excessive noise or distraction;
- D. Refusing to comply with University policies or instructor or University official's direction;
- E. Persistently speaking without being recognized or called upon;
- F. Refusing to be seated;
- G. Unauthorized use of cell phones, laptops, or other relevant technology;
- H. Consumption of alcohol or other drugs, or smoking, vaping, or use of other tobacco products in the classroom; and
- I. Disrupting the class by repeatedly leaving and entering the room without authorization or an approved accommodation from the [Office of Disability Services](#) or the [Office of Institutional Equity](#).

Disruptive conduct is not merely classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior. Disruptive behavior also does not include an appropriate

demonstration of disagreements or differences of opinion, cultural differences, differing values or beliefs, or needing extra time or attention based on reasonable accommodation for disabilities.

The procedures for allegations of disruptive behavior in the classroom can be found in section [420.00](#) of the Code of Student Conduct.

### **330.30 Acts of Dishonesty**

Acts of dishonesty include but are not limited to:

- A. Cheating, plagiarism, or other breaches of academic integrity, such as fabrication, facilitation, 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 Section [\(330.10\)](#) 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.

### **330.40 Harassment, Hazing, and Bystanding**

- 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:
  - i. Is threatening or carries with it the intention to do bodily harm; or
  - ii. Disrupts or undermines a person's exercise of their responsibilities as a student, faculty, or staff member including unreasonably interfering with a person's educational or work performance.

Harassment which is based upon a protected class as defined in the University's [Discrimination, Harassment, and Retaliation Policy](#) is addressed in section [330.60](#).

- B. **Hazing** includes, but is not limited to, any conduct by an individual or group, or method of initiation, admission, or condition of continued membership in any student organization or group which:
  - i. Intentionally subjects another to a situation or action that a reasonable person would foresee as causing mental or physical discomfort, embarrassment, injury, or ridicule, or which may demean, disgrace, or degrade any person;
  - ii. 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, alcohol, beverage, or drugs, beating or branding, involuntary confinement or imprisonment, personal servitude;
  - iii. Unreasonably interferes with a student's academic performance or the ability of a student to participate in an educational program, activity, or event;
  - iv. Destroys, vandalizes, or removes public or private property; or
  - v. Constitutes a violation of any laws or University policies.

Individual acceptance of or acquiescence to any activity does not affect a determination of whether the activity constitutes hazing.

- C. **Bystanding** includes, but is not limited to:

- i. Conduct of a student who is present when a serious violation of the Code of Student Conduct occurs and who encourages, assists, or fails to take reasonable actions to prevent or stop conduct that could result in serious injury or harm to person or property, including sexual misconduct and hazing; or



- ii. Conduct of an organized group that encourages, assists, or fails to take reasonable actions to prevent or stop conduct that could result in serious injury or harm to a person or property, including sexual misconduct and hazing.

## 330.50 Assault and Harm to Persons

- A. **Physical Assault** 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 their customary or usual affairs, puts the person in fear for their physical safety, or causes the person to suffer actual physical injury.
- B. **Sexual Misconduct** including sexual assault, sexual harassment, domestic violence, dating violence, stalking, and sexual exploitation, as defined by the [Discrimination, Harassment, and Retaliation Policy](#), are prohibited by the Code of Student Conduct (Refer to Discrimination, Harassment, and Retaliation Policy Offenses ([330.60](#)) for additional information).
- C. **Threatening and Intimidating Behaviors**
  - i. **Threat** is defined as written, verbal, or other expressive conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - ii. **Intimidation** is defined as implied threats or acts that cause a reasonable fear of harm in another.
- D. **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.

## 330.60 Discrimination, Harassment, and Retaliation Policy Offenses

The University prohibits discrimination, harassment, and retaliation based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, gender, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation (taken together, generally, as “protected-class harm”).

Protected-class harm includes, but is not limited to, sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, quid pro quo conduct, or hostile environment harassment. Definitions for these types of harm can be found in the [Discrimination, Harassment, and Retaliation Policy](#). These definitions are in accordance with applicable state and federal laws, including but not limited to Title IX of the Educational Amendments of 1972.

The University takes seriously reports of protected-class harm. The University’s [Office of Institutional Equity](#) is tasked with investigating and adjudicating any allegations of protected-class harm in accordance with the University’s [Discrimination, Harassment, and Retaliation Policy](#) and accompanying [Grievance Procedures](#). The procedures for allegations of violations of the University’s [Discrimination, Harassment, and Retaliation Policy](#) can be found in section [440.00](#) of the Code of Student Conduct.

Allegations of prohibited conduct defined in the [Discrimination, Harassment, and Retaliation Policy](#) that are outside of the jurisdiction of that policy may still be adjudicated under the Code of Student Conduct. The procedures for allegations of discrimination, harassment, and retaliation which will be adjudicated under the Code of Student Conduct can be found starting in section [450.00](#) of the Code of Student Conduct.

## 330.70 Drug, Alcohol, and Tobacco Offenses

- A. Use, possession, manufacture, distribution, or sale of narcotics or dangerous drugs as defined by University policy or city, state, or federal laws. This includes mind-altering drugs, designer drugs, or

synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy, as well as cannabis/marijuana and medical cannabis/marijuana-related products. This also includes the abuse, distribution, or improper use of prescription drugs.

- B. Use, possession, manufacture, distribution, or sale of intoxicants, including alcohol, as defined by the city, state, or federal laws, except as expressly permitted by University policy.
- C. Operating a motor vehicle under the influence in violation of federal, state, or local law.
- D. The use of any tobacco (including smoking, vaping, chewing tobacco, etc.) on University property, including University Student Housing, violates the University's [Tobacco Free Campus Policy](#).
- E. Any other violations of the [University Campus Alcohol and Drug Policy](#).

In situations where medical amnesty applies, refer to the University's [Medical Amnesty Policy](#).

## **330.80 Firearms, Explosives, and Weapons Offenses**

Violation of the [University Weapons Policy](#) is a violation of this Code of Student Conduct.

## **330.90 Illegal and Disruptive Conduct**

- A. Violation of federal, state, or local law.
- B. Violation of published University policies, rules, or regulations.
- C. Acting to impair, interfere with or obstruct the orderly conduct, processes, and functions of the University, including but not limited to:
  - i. Violence or threat of violence on University property or against any member of the University community.
  - ii. Interference with the freedom of movement of any member or guest of the University.
  - iii. Interference with the rights of others to enter, use or leave any University facility, service, activity, or roadway.
  - iv. Obstruction or disruption of teaching, learning, research, administration, conduct procedures or other University activities, or of other authorized activities on University premises.
  - v. Use of public address systems on the campus outside of University buildings except with written permission of the [Office of Student Engagement](#).
  - vi. 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 in a timely manner.
  - vii. Failure to comply with any authorized Code of Student Conduct sanction(s)/condition(s).
  - viii. Trespassing or unauthorized entry into University buildings or property.
  - ix. Unauthorized use (including misuse) of University or organizational names, trademarks, and images as specified in the [Graphic Identity and Branding Policy](#) and [Use of University Name and Logos by Registered Student Organizations Policy](#).

## **330.100 Theft/Misuse of Property**

- A. Theft, attempted theft, unauthorized possession, use, or removal of University property, the property of any member of the University community, or which occurred on University property.
- 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 IT Resources, capabilities, and/or accounts, including but not limited to:
  - i. Unauthorized access of a file, data, or computer system for any purpose.
  - ii. Unauthorized transfer of a file.
  - iii. Use or distribution of malicious software.
  - iv. Use of another individual's identification or password.

- v. Use of computing facilities or resources to interfere with the work of another student, faculty member, or University official.
  - vi. Use of computing facilities or resources to send harassing or abusive messages.
  - vii. Use of computing facilities or resources to interfere with the normal operation of a computing system.
  - viii. 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.
  - ix. Unlawful downloading or distribution of copyrighted digital media (e.g., movies or music), including via peer-to-peer (P2P) file-sharing applications.
  - x. Attempts to circumvent or defeat any University owned security control or any other mechanism put in place to manage the network or other IT resources.
- E. Theft of telephone services or other auxiliary services, including food services, housing, parking, fitness center, student event tickets, etc.

## 330.110 Fire Safety

Violation of local, state, federal, or campus fire policies including, but not limited to:

- A. Intentionally or recklessly causing a fire, without prior approval;
- B. Failure to evacuate a University building during a fire alarm or follow directives from University officials or emergency personnel;
- C. Improper use of University fire safety equipment; or
- D. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property.

Individuals may also be subject to a fine from agencies outside of the University.

## 330.120 Misuse of Wheeled Devices

Skateboards, roller blades, roller skates, scooters, bicycles, and similar devices are not permitted to be ridden inside University buildings unless with an approved accommodation through the [Office of Disability Services](#). Bicycles are not permitted inside University buildings for storage, except as allowed in the residence halls and apartments by [University Student Housing Community Standards](#). Additionally, skateboards and other wheeled items may not be 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, including the [University Personal Transportation Device Policy](#), is considered a conduct violation.

## 330.130 Abuse of University Process

Use of University processes (e.g., Code of Student Conduct, complaints under the University's [Discrimination, Harassment, and Retaliation Policy](#), etc.) for an improper purpose, as well as interference with, or failure to comply in, University processes or misconduct hearings including, but not limited to:

- A. Falsification, distortion, or misrepresentation of information;
- B. Destroying, failing to provide upon request, or concealing information during an investigation of an alleged policy violation;
- C. Attempting to discourage an individual's proper participation in, or use of, the conduct system, University policy, or University investigation;

- D. Harassment (verbal or physical), intimidation, or retaliation towards participants in the conduct process (e.g., witnesses, complainant, conduct officer, hearing officer, conduct hearing board member) before, during, or following a conduct proceeding;
- E. Failure to comply with the sanction(s) imposed by the conduct program or other adjudicatory process or policy;
- F. Influencing, or attempting to influence, another person to commit an abuse of the Code of Student Conduct, University policy, or other University adjudicatory process;
- G. Use of the conduct process, University policy, or other official University process or investigation, in an effort to intimidate or improperly influence another person.

### **330.140 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 an official of the institution acting in an official capacity.

### **330.150 Arrests, Convictions, and Registries**

Failure of any student to accurately report the student's conviction of a felony crime or arrest for crimes related to the distribution of drugs, violence, or sexual offenses as defined in the [Discrimination, Harassment, and Retaliation Policy](#) to the Office of the Dean of Students within three calendar days of any such arrest or conviction. Students who are required to register as sexual or violent offenders must notify the [University Police Department](#) in writing in addition to meeting the registration requirements established by the State of Montana.

## **400.00 Student Conduct Procedures**

The following section outlines student conduct procedures for violations of the Code of Student Conduct, including academic misconduct, disruptive student behavior, academic grievances, and other student misconduct.

During the course of any conduct process, the Office of the Dean of Students may place an administrative hold, which can restrict registering for classes, issuance of transcripts, and conferral of a degree, to ensure participation, adjudication, and successful completion of the conduct process and any imposed sanctions.

### **410.00 Academic Misconduct Procedures**

If an instructor has reason to believe that a student has engaged in academic misconduct (Section [330.10](#)), the following procedures apply.

#### **410.10 Notice and Informal Meeting**

The accused student shall be provided with written notice that there is reason to believe that the student has allegedly committed an act that constitutes academic misconduct. The written notice shall specify the acts believed to constitute academic misconduct.

The instructor must attempt to personally and privately meet with the accused student and explain that there is reason to believe that the student has allegedly committed an act that constitutes academic misconduct. During

this informal meeting, the accused student is allowed a reasonable opportunity to respond or explain the circumstances that lead to the accusation. If, after hearing the student's response (if any is provided), the instructor continues to believe the student engaged in academic misconduct, they will inform the student of their determination of any intended sanction(s).

The instructor must submit the [Academic Misconduct Notification](#) form to the Office of the Dean Students website. The Office of the Dean of Students will forward a copy of that form to the student and the appropriate Academic Dean and/or the Dean of the Graduate School.

The instructor has the right to refuse to sign a drop form for the class in question.

## 410.20 Sanctions

The following sanctions may be imposed for academic misconduct.

### A. Instructor Imposed Sanctions

- i. The following sanctions may be imposed by instructors when a determination is made that academic misconduct has occurred:
  - ii. Oral reprimand;
  - iii. Written reprimand;
  - iv. An assignment to repeat the work or an alternate assignment;
  - v. A lower or failing grade on the particular assignment or test;
  - vi. A lower grade or failing grade in the course.

Any instructor-imposed sanctions must be identified on the Academic Misconduct Notification form and submitted to the Office of the Dean of Students. The Office of the Dean of Students will forward a copy of that form to the student and the appropriate Academic Dean and/or the Dean of the Graduate School.

### B. Referral to Dean of Students

In addition to the imposition of instructor imposed academic sanctions under section [410.20\(A\)](#), an instructor may request in writing that the Dean of Students file a charge against the student for violation of the Code of Student Conduct. If the student is found in violation of the Code of Student Conduct through a student conduct hearing under section [450.60](#), additional sanctions may be imposed in addition to the instructor's imposed academic sanctions.

These additional sanctions may include, but are not limited to:

- i. Removal of the student from the course in progress;
- ii. Removal of the student from a major, college, or program;
- iii. Withdrawal of degree or academic credit previously bestowed; and
- iv. Any sanction that may be imposed for a violation of the Code of Student Conduct (reference Section [470.00](#)), including conduct probation, conduct suspension, or expulsion from the University.

## 410.30 Academic Misconduct Appeals

All academic misconduct appeals, including those issued by instructors, follow the academic misconduct appeal process found in section [510.00](#).

## **410.40 Grade Pending Resolution**

If the student's appeal (per section [410.30](#)) of the instructor's academic misconduct determination has not been resolved before the instructor submits the 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.

## **420.00 Disruptive Student Behavior**

Allegations of a disruptive student in the classroom (Section [330.20](#)) must proceed as follows:

### **420.10 Temporary Dismissal from a Course**

When a student engages in disruptive behavior, instructors should warn the student the behavior is disruptive and must cease or the student may face removal from the class or other learning environment. Instructors should document incidents of disruptive behavior as they arise, even though they may appear to be minor at the time.

If a student continues to engage in disruptive behavior, the instructor may direct the student to leave the class for the remainder of the class period. In such instances, and no later than one day after the dismissal, the instructor of record must report the temporary dismissal to their Department Head and the Office of the Dean of Students. If a student is instructed to leave a class while instruction is ongoing, the student must immediately comply.

After any temporary dismissal from a class, the instructor should attempt to meet with the dismissed student in an informal meeting outside of the class to discuss the disruptive behavior and classroom expectations. The instructor should include another University official, such as a Department Head, another faculty member, or a staff member from the Office of the Dean of Students in this meeting.

### **420.20 Permanent Dismissal from a Course**

If a student's disruptive behavior is extreme or continuous, instructors may dismiss students from participating in a course or learning activity for the remainder of the semester. The procedure for an instructor to permanently dismiss a disruptive student is as follows:

- A. The instructor must prepare a Statement of Facts (SOF). The SOF must include:
  - i. The name of the individual student engaging in disruptive behavior;
  - ii. The factual details of the disruptive behavior or incident(s) that justify the proposed dismissal, as well as any relevant directions provided by the instructor or informal meetings to discuss the disruptive behavior or incident(s);
  - iii. The names of any witnesses to the disruptive behavior;
  - iv. Any applicable dates, times, and locations of the disruptive behavior or incident(s).
- B. Within one day following the disruptive incident, the SOF must be submitted to the instructor's Department Head and the student. The student will have two days to respond to the SOF in writing to the Department Head to explain the disruptive behavior and the student's position on dismissal from the course. The Department Head will review all evidence provided by the student and instructor, and at the Department Head's discretion may interview either or both parties. The Department Head will then approve or deny the permanent dismissal, with a copy of the SOF, the student's written response, and the decision sent to the Office of the Dean of Students. The Department Head's decision must be communicated to the instructor and the student within two days of receiving the student's written response to the SOF.

C. A student dismissed from a course by an instructor may not continue to attend the course while awaiting a final determination from the Department Head or a final determination of any appeals. However, where practicable, the student shall be permitted to submit assignments, tests, and other work as appropriate so long as the student does not engage in any disruptive behavior during such submissions. The instructor will facilitate access to necessary materials for homework and tests.

## **420.30 Recurrence or Multiple Disruptions**

A student who is temporarily dismissed from a course after multiple disruptive incidents should be referred to the Dean of Students to be charged with a violation of the Code of Student Conduct and will be subject to additional sanctions, including but not limited to conduct suspension or expulsion.

## **420.40 Retaliation Prohibited**

Retaliation against an individual who takes any action in accordance with this policy, including but not limited to witnesses, instructors, or a student reinstated after appeal, is prohibited. Concerns of retaliation should be reported to the Department Head, Academic Dean, or the Dean of the Graduate School. If the Department Head, Academic Dean, or the Dean of the Graduate School is alleged to have engaged in retaliatory conduct, the matter should be reported to the Provost.

## **420.50 Disruptive Student Appeals**

The appeal process for disruptive behavior can be found in section [510.00](#).

## **430.00 Academic Grievance**

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

### **430.10 Informal Meeting**

A student wishing to grieve an academic decision should first 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.

### **430.20 Department Head/Director Review**

If the student and instructor cannot reach a mutually satisfactory resolution to the problem following an informal meeting, the student may file a formal written 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 (excluding summer terms). The formal grievance must include the following:

- A. the facts or circumstances surrounding the grievance;
- B. the date(s) of occurrence;
- C. why the student believes the decision was unfair;
- D. the student's attempts to resolve the grievance informally; and
- E. the precise relief sought by the student.

The student may attach copies of any relevant documents to the grievance.

The Department Head/Director shall send a copy of the grievance to the instructor. The instructor shall have five days to provide a written response to the Department Head/Director after receipt of the grievance.

The Department Head/Director may ask the student, instructor, or other University officials for additional documents or information, as appropriate. The Department Head/Director shall render a written decision with recommendations as to resolution within five days of receipt of the instructor's response.

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 Academic Dean or the Dean of the Graduate School, if, after the grievance procedures have been completed, the academic decision is found to be unfair or otherwise improper.

### **430.30 Appeal Process for an Academic Grievance**

The appeal process for an academic grievance can be found in section [510.00](#).

## **440.00 Investigation and Adjudication of Allegations of Discrimination, Harassment, and Retaliation Policy Violations**

Complaints against a student(s) accused of violating the University's [Discrimination, Harassment, and Retaliation Policy](#) will be referred to the [Office of Institutional Equity](#) which will follow the procedures for reports and complaints in accordance with the University's [Discrimination, Harassment, and Retaliation Procedures](#). The Student Conduct Adjudication Procedures (section [450.00](#)), Interim Restrictions (section [460.00](#)), and Appeals (section [520.00](#)) shall not apply for allegations that fall under the Discrimination Harassment, and Retaliation Policy and shall be replaced by Discrimination, Harassment, and Retaliation Procedures. Conduct that is outside the jurisdiction of the Discrimination, Harassment, and Retaliation Policy shall be referred to the Office of the Dean of Students for adjudication under the Code of Student Conduct.

When a student is found to have violated the [Discrimination, Harassment, and Retaliation Policy](#), the student will be referred to the Dean of Students for sanctioning, along with any recommended sanction, as outlined in the [Discrimination Grievance Procedures Accompanying the Discrimination, Harassment, and Retaliation Policy](#). The Dean of Students shall consider the recommended sanction and impose any sanctions determined to be appropriate in the case when considering all relevant information. The potential sanctions that may be imposed are listed in section [470.00](#).

## **450.00 Other Violations of the Code of Student Conduct**

For student conduct matters involving student organizations, the student organization will be afforded the same processes and procedures as students and are subject to the same sanctions as a student, per the student conduct process outlined herein.

This process does not apply in cases where a student has been found responsible for and had due process through another University policy and process, e.g., Discrimination, Harassment, and Retaliation Policy, Research Misconduct, University Extension Programs, etc. However, any University policy or process, e.g., Discrimination, Harassment, and Retaliation, Research Misconduct, University Extension Programs, etc., may refer to the student to the Dean of Students for the imposition of any sanctions listed in Section [470.00](#).

All other violations of the Code of Student Conduct must proceed as follows:



## 450.10 Report of Violation and Investigation

On its own initiative or upon receiving a complaint, the Office of the Dean of Students may investigate allegations of violations of the Code of Student Conduct.

- 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 investigate the incident. The Conduct Officer conducting the investigation:
  - i. Determines the facts through interviews, reports, and other information collected.
  - ii. Informs the student of the findings of the investigation.
  - iii. Allows the student an opportunity to respond to the evidence and potential charge(s).
  - iv. Decides whether there is reasonable cause to believe that a violation of the Code of Student Conduct may have occurred.
- B. The Conduct Officer conducting the investigation may withdraw any charge determined to be without reasonable cause. No reasonable cause means that there is insufficient credible evidence to support the charge or even if proved, the conduct does not violate the Code of Student Conduct.

## 450.20 Administrative Agreements

- A. The Conduct Officer may propose an Administrative Agreement for the accused student(s). The student has the option of agreeing to or rejecting the Administrative Agreement, including any sanction(s) proposed, the Administrative Agreement will be agreed to by both the student and the Dean of Students. The Administrative Agreement will be shared with the complainant, if required by law. By agreeing to the Administrative Agreement, the student waives the right to a hearing and any appeal and agrees to accept the sanction(s).
- B. If an Administrative Agreement is not signed within two days following its submission to the student, the matter shall be referred for a hearing under sections beginning at [450.00](#).
- C. If the student denies the charges or the sanctions, the case will be referred for a hearing under sections beginning at [450.30](#).

## 450.30 Filing of Charges

On its own initiative or upon receiving a complaint, the Office of the Dean of Students may file appropriate charges against a student accused of violations of the Code of Student Conduct.

- A. Charges should be filed promptly after determination of a potential violation of the Code of Student Conduct unless good cause is shown to justify the delay. Any resulting hearing will generally be convened within twenty days from the date the charges were filed.
- B. If a student has withdrawn or withdraws from the University after charges have been filed, the University may:>
  - i. Place a hold on the student's academic record and notify the student that student conduct action will be initiated before the student's re-enrollment in the University; or
  - ii. Upon notice to the respondent, proceed with the student conduct process, determining sanctions to be imposed if the student is readmitted.
- 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).

## 450.40 Notice

- A. In the event of a conduct hearing, the respondent shall be notified at least ten days before the date of the hearing (except a hearing where an Interim Restriction was imposed under Section [460.00](#), which may be called with one day notice to the respondent). Such notice shall be in writing and shall include the following:
- i. The specific charge(s) citing the Code of Student Conduct provisions allegedly violated.
  - ii. A description of the alleged violation(s), including the date(s) and place(s) of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the charge(s) are based.
  - iii. The date, time, and place of the pre-hearing conference.
  - iv. The date, time, and place of the hearing.
  - v. The procedures to be followed in the hearing.
  - vi. Notice of the respondent's right to be assisted throughout the hearing and appeal process by an advisor. 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.
  - vii. Identification of the Hearing Officer or Hearing Board.
- B. The Dean of Students has the authority to appoint a Student Conduct Hearing Officer or Hearing Board per [320.10\(B\)](#). If a Hearing Board is appointed, it shall be comprised of five members:
- i. One professional staff member selected by the Dean of Students;
  - ii. Two faculty members selected by the Dean of Students; and
  - iii. Two student members selected by the Dean of Students, after consultation with the President of [ASMSU](#), unless there is a potential conflict.

One member of each Hearing Board shall be appointed as the Presiding Officer by the Dean of Students. A quorum is considered to be three members.

The respondent may object to the appointment of any Hearing Officer or Hearing Board Member for just cause. Any objections must be submitted to the Dean of Students within three days of the notice. The Dean of Students has the final decision on any objections and replacement of Hearing Officers or Board Members.

## **450.50 Pre-Hearing Conference**

The Presiding Officer of the Hearing Board or the Hearing Officer may convene a pre-hearing conference (in person, by electronic, written, or other means) including Presenting Officer and the respondent to:

- A. Narrow and define the issues to be presented at the hearing.
- B. Identify and list all witnesses and evidence to be presented by the University at the hearing. The Presiding Officer or Hearing Officer may establish restrictions on the number of witnesses and may disallow the introduction of documents or evidence that are duplicative or not relevant to the proceeding.
- C. The parties shall provide the Presiding Officer or Hearing Officer with any evidence and a list of witnesses they intend to present at the hearing no later than five days before the hearing. The Presiding Officer or Hearing Officer shall promptly exchange the evidence and witness lists between all parties. The Presiding Officer or Hearing Officer may prohibit the presentation of evidence or witnesses that are not provided to the parties before the hearing. Upon a showing of good cause, the Presiding Officer or Hearing Officer shall have the discretion to allow the introduction of evidence or witnesses at the hearing that were not identified before the hearing.
- D. Provide the parties with an opportunity to raise any objections or concerns they have regarding evidence or witnesses identified during the pre-hearing conference requested to be allowed at the hearing.
- E. Confirm the date, time, and place for the hearing.

## **450.60 Hearing Procedures**

Hearings are conducted by the Student Conduct Hearing Board or Hearing Officer according to the following guidelines:

- 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 respondent. Any participant in the hearing who believes the members of the Hearing Board or Hearing Officer have a personal bias must raise the issue to the Dean of Students 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.
- B. Hearings will be closed to the public unless all parties, witnesses, and other participants waive their privacy rights. Admission to the hearing of persons other than the parties involved will be at the discretion of the Presiding Officer or the Hearing Officer.
- C. An audiotape or video recording may be used to record the hearing. The recording is the property of the University.
- D. The University bears the burden of proving by a preponderance of the evidence that the respondent violated the Code of Student Conduct. A 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.
- E. The University may proceed with a hearing in any case in which the respondent fails to appear after receiving proper notice. Proper notice is defined as notice sent to the student's official University email address.
- F. Students, even those who are accompanied by an advisor (including attorneys), are responsible for presenting the student's case. 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. Advisors may confer with their advisee, exchange notes, and clarify procedural questions with the Presiding Officer or Hearing Officer.
- G. The Presenting Officer and the respondent shall have the opportunity to review all statements and written evidence collected or prepared during the investigation before the hearing, present witnesses and evidence at the hearing, and question the evidence and witnesses during the hearing.
- H. The Presiding Officer or Hearing Officer may preclude the presentation of duplicative, irrelevant, or unnecessary evidence and may limit the number of witnesses.
- I. The Presiding Officer or Hearing Officer shall control the hearing and shall make all decisions regarding evidentiary and procedural questions.
- 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.
- K. Any person, including the respondent, 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.
- L. The determination of the hearing shall be made based on whether it has been proven by a preponderance of the evidence that the respondent violated the Code of Student Conduct. Any decision shall be based only upon evidence and testimony presented at the hearing.
- M. The decision of the Student Conduct Hearing Board or Hearing Officer shall be in writing and include a rationale for the decision.
- N. The record of the hearing shall consist of any documentary evidence presented, the recording, and the written decision of the Hearing Board or Hearing Officer.
- O. The Dean of Students shall, within five days after receiving the decision, provide a copy of the decision to the respondent and identify what sanction(s), if any, will be imposed if a violation is found to have occurred, and to the complainant (if required by law).
- P. 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 outlined in section [520.00](#).

## **450.70 Hearing Appeals**

The appeal process for hearings can be found in section [520.00](#).

## 460.00 Interim Restrictions

- A. The Dean of Students may impose interim restrictions upon a student pending the resolution of student conduct proceedings. Such restrictions may be imposed if there is reason to believe that the student's conduct poses a health or safety risk, or likelihood of interference with or harm to property, or where other substantial University interest exists.
- B. Interim restrictions may include, but are not limited to, the following:
  - i. University Student Housing and/or University suspension;
  - ii. Assignment to alternate housing for students residing in University Student Housing;
  - iii. Limitation of access to University Student Housing facilities, other campus facilities, or University property in general;
  - iv. Restrictions on participating in any official University activity or event;
  - v. Restriction of communication with named individuals or groups within the University community;
  - vi. The requirement to secure advance authorization to engage in a specified event, activity, and/or professional evaluation, intervention, and/or treatment;
  - vii. Restrictions on hosting, participating in, or otherwise engaging in any activity or event may be imposed upon any organizations registered with the University.
- 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 three 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 can attend.
- 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 their 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, the official may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in a future conduct proceeding.
- E. In cases where interim restrictions have been imposed, the conduct hearing shall be held as soon as possible, but no later than ten days from the date of the imposition of interim restrictions.

## 460.10 Interim Restriction Appeals

The appeal process for Interim Restrictions can be found in section [520.00](#).

## 470.00 Sanctions

- A. In determining a sanction, the Dean of Students may consider the student's present and past conduct record, including their University Student Housing conduct 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. The Dean of Students may consult with appropriate University Officials in determining sanctions.
- 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:
  - i. **Expulsion** - Permanent separation of the student from the University. The student may also be barred from University property, events, or activities. The student is required to vacate the campus within twenty-four hours of notification of the action, though this deadline may be modified at the discretion of the Dean of Students. This sanction may be enforced with a trespass action, as necessary. Upon expulsion, the student's grades for the active semester will be recorded as W, upon request.

- ii. **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. During the suspension period, the student may be 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. Upon suspension, the student's grades for the active semester will be recorded as W, upon request.
- iii. **Academic Sanctions** – Any academic sanctions which may be imposed under section [410.20](#).
- iv. **Educational Sanctions** – The student may be required to complete an education assignment, including participating in [INSIGHT Alcohol or Other Drug Education](#), attending meetings with the [Allen Yarnell Center for Student Success](#), or assigned educational papers or projects relevant to the alleged violation.
- v. **Conduct Probation/Suspension Warning** - A status that is imposed for a designated period of time and includes the possibility of more severe conduct sanctions, including suspension or expulsion, if the student is found to have violated the Code of Student Conduct during the period.
- vi. **University Conduct Warning 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 conduct action.
- vii. **Restitution** - Compensation for actual loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- viii. **Student Housing Sanctions** - Conduct action may consist also include student housing sanctions such as a warning, housing probation, housing suspension, restrictions of housing privileges, educational assignments, removal from floor, hall, or student housing system, or a combination of sanctions.
- ix. **Community or University Service Requirements** – Completion of a specific, supervised University or community service.
- x. **Loss of Privileges** - The student will be denied specified privileges for a designated period of time.
- xi. **Other Sanctions** - Other sanctions may be imposed instead of, or in addition to, the sanctions specified above, such as deactivation, withholding registration, limitation of access to University facilities or other property, imposition of mandatory educational or counseling requirements, or other sanctions appropriate under the circumstances.

## 500.00 Appeals

The following section outlines the appeal procedures for the processes outlined in the Code of Student Conduct, where appropriate, including disruptive student behavior, academic misconduct, academic grievances, and other student misconduct.

Where the underlying violation is of another University policy that provides an appeal process within that policy, the following appeal procedures do not apply e.g., Discrimination, Harassment, and Retaliation Policy, etc.

## 510.00 Academic Decisions

Grievances for academic decisions start with the instructor and academic department. The academic grievance process can be found in section [430.00](#).

A student that not satisfied with the resolution from the academic grievance process conducted with the instructor and academic department, including the decisions about program or degree requirements or eligibility,

may file an appeal under these procedures. For example, removal from a major or student teaching placement or denied entry into a specific major or program of study.

## **510.10 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.

## **510.20 Academic Decision Appeal Procedures**

The following procedures are used for academic decisions within the University, including but not limited to, Instructor Imposed Academic Misconduct, Instructor Imposed Course Dismissal, and Student Academic Grievances.

### **A. Academic Dean's Review for Undergraduate Students**

The student may present a formal appeal in writing to the instructor's Academic Dean no later than five days after receiving the instructor's determination. The student must provide evidence in support of their position that the student is not responsible for the alleged violation or academic decision and the precise remedies requested. The student may attach copies of any relevant documents or evidence. Upon acceptance of the appeal, the Academic Dean shall send a copy of the appeal to the instructor.

The instructor shall have five days to respond in writing to the Academic Dean after receipt of the appeal. The instructor shall present evidence that the respondent committed the alleged violation or the rationale for the academic decision. The Academic Dean shall send a copy of the response to the student.

The Academic Dean will receive and review all evidence provided by the student and instructor, and at the Dean's discretion may interview either or both parties. The Academic Dean shall render a written decision within five days of receipt of the instructor's response. The response should include a determination with a rationale for the decision.

Before any decision, the Academic Dean shall consult with the Office of the Dean of Students and may consult with the Department Head. The Academic Dean's decision may uphold, amend, or overturn the sanction or academic decision.

The Academic Dean shall send a copy of their decision to the student, the instructor, and the Office of the Dean of Students. The decision of the Academic Dean is the final decision of the University in the matter for undergraduate students.

### **B. Dean's Review for Graduate Students:**

The graduate student may present a formal appeal in writing to the Graduate Dean no later than five days after the instructor's determination. The student must provide evidence in support of their position that the student is not responsible for the alleged violation or academic decision and the precise remedies requested. The student may attach copies of any relevant documents or evidence. Upon acceptance of the appeal, the Dean of the Graduate School shall send a copy of the appeal to the instructor.

The instructor shall have five days to respond in writing to the Dean of the Graduate School after receipt of the appeal. The instructor shall present evidence that the respondent committed the alleged violation or the rationale for the academic decision. The Dean of the Graduate School shall send a copy of the response to the student.

The Dean of the Graduate School will receive and review all evidence provided by the student and instructor, and at the Dean of the Graduate School's discretion, may interview either or both parties. The Dean of the Graduate School shall render a written decision within five days of receipt of the instructor's response. The response should include a determination with a rationale for the decision.

Before any decision, the Dean of the Graduate School shall consult with the Office of the Dean of Students and may consult with the Department Head. The Dean of the Graduate School's decision may uphold, amend, or overturn the sanction or academic decision.

The Dean of the Graduate School shall send a copy of their decision to the student, the instructor, and the Office of the Dean of Students. The decision of the Dean of the Graduate School is the final decision of the University in the matter for graduate students.

## **520.00 Student Conduct**

- 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 and/or the sanction imposed by the Dean of Students following a student conduct hearing by emailing a letter of appeal to the Vice President for Student Success within five days of the official's decision. The letter of appeal must specifically allege and factually support one or more of the following grounds:
  - i. The student's rights as outlined in this Code of Student Conduct were violated (i.e., there was an error in the procedure or the interpretation of the Code of Student Conduct that substantially affected the student's ability to receive a fair hearing). A summary of this violation and its potential impact must be included in their letter of appeal.
  - ii. 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 the letter of appeal.
- B. The University retains the discretion to hold any sanctions in abeyance until after the appeal.
- C. The Vice President of Student Success shall notify the respondent and complainant (if any and where required by law) regarding whether the appeal is accepted or rejected, and the basis of the rejection where applicable. Upon acceptance, the Vice President of Student Success shall request a copy of the record of the hearing.
- D. Within ten days from receipt of the record, the Vice President for Student Success shall review the record and render a written decision. The Vice President for Student Success may affirm the decision, overturn the decision, or remand the case to the original Hearing Board or Hearing Officer.
- E. 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 respondent, the complainant (if any and where required by law), and will be included in the record.
- F. The student has the option to pursue a further appeal of a University decision from the campus level to the Office of the Commissioner of Higher Education under the provisions of [Policy 203.5.2](#) in the Montana Board of Regents Policy and Procedures Manual.

## **600.00 Records and Confidentiality**

- 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 other University personnel who require such information to fulfill their official duties.
- B. Students may arrange to review their student conduct records and related information by contacting the Office of the Dean of Students.
- C. Except as provided elsewhere in the Code of Student Conduct 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.
- D. Student conduct records shall be maintained accordingly:
  - i. Any student who, as a result of an Administrative Agreement or Student Conduct Hearing, is sanctioned to expulsion, suspension, or eviction will have their entire student conduct record maintained for at least seven years, but may be maintained for a longer period at the discretion of the University.
  - ii. Any student conduct records that are reviewed for potential Clery Act statistics will be maintained for at least seven years, then destroyed.
  - iii. All other student conduct records will be maintained for at least five years from the date of last enrollment, then destroyed.