Student Code of Community Conduct

Effective: August 14, 2023

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Michigan Technological U

The leadership needed for all individuals to boldly push everyday boundaries while serving others.

Michigan Technological University prepares students to create the future. In doing so, the University inspires the values of community, scholarship

speeches by students not involving University networks or technology is protected as free expression and not subject to this Code, with two notable exceptions:

A. A true threat, defined as "a threat a reasonable person in the circumstances would interpret as a serious expression of intent to inflict bodily harm upon specific individuals."
B. A speech posted online about the University or its community members that causes or is intended to cause a significant on-campus disruption of the University's educational activities.

The University will take all actions that it deems necessary and appropriate to protect the integrity and best interests of the University and the University community. The Code (which also encompasses behavior that might constitute a violation of the law) provides ample interpretive latitude. If desired, an expedited review and modification process can be created with advance notice and opportunity to comment provided. While some deviation from practices described in the Code may at times be necessary, every effort will be made to ensure that the intent of fairness of the Code is maintained. The Code is a dynamic document, and as such is periodically reviewed, and can be modified. It is the responsibility of every member of the University community to periodically review the Code.

Respondents are presumed "not responsible" until proven otherwise by the preponderance [illegible]

1.8.01 On and Off Campus

1.8.04 Registered Student Organizations (RSO)

This Code of Community Conduct shall apply to Registered Student Organizations (RSO) as well as individual students who are a part of a RSO which violates University policy.

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Practices, and Shuttle Diplomacy. Any university community member experiencing interpersonal conflicts can request assistance.

1.14 Student Code of Community Conduct and Title IX

When alleged violations of the Student Code of Community Conduct arise from the same events as alleged sexual misconduct under the Title IX Policy, the Student Code of Community Conduct allegations will be investigated and resolved under the grievance process under the Title IX Policy unless the Sexual Harassment has been dismissed under Section 5.2 of the Title IX Policyd

Community Conduct. **In situations w**

for another individual; allowing another individual to take one's examination; and stealing examinations. Cheating also includes unauthorized collaboration. All graded academic exercises are expected to be performed on an individual basis unless otherwise stated by the instructor. An academic exercise may not be submitted by a student for course credit in more than one course without the permission of all instructors [i.e. self-plagiarism].

3.1.03 Contract Cheating

The outsourcing of student work to third parties (Lancaster and Clarke, 2016, p.39). Third parties may include but are not limited to family and friends; academic custom writing sites; legitimate learning sites (e.g., file sharing, discussion, and micro-tutoring sites); legitimate non-learning sites (e.g., freelancing sites and online audio sites); paid exam takers; and pre-written essay banks (Ellis, Zucker, and Randall, 2018, p.2). Most online help sites have honor codes and/or copyright policies. Students should ask their professors whether or not they (students) are authorized to use online help sites. Students should only upload content to these websites that they have made or are otherwise authorized to post.

3.1.04 Fabrication

Intentional and/or unauthorized invention or alteration of any information or citation during an academic exercise. This includes but is not limited to changing or adding an answer on an examination and resubmitting it to change the grade; inventing or modifying data for a laboratory exercise or report.

3.1.05 Facilitating Academic Misconduct

Allowing or helping another individual to plagiarize, cheat, distributed to any person under the legal drinking age (i.e., 21 years of age in Michigan).

3.2.03 Intoxication

Alcohol misuse includes intoxication to the point of endangering one's own health or safety; causing a disruption to the University community; and/or having a negative impact on other members of the surrounding community, regardless of age.

3.2.04 Causing Involuntary Intoxication

Alcohol misuse includes causing involuntary intoxication by any act which causes a person to consume alcohol without their effective consent.

3.2.05 Violation of the Code while Intoxicated

Alcohol misuse includes violating the code while intoxicated, regardless of age.

Bringing an unauthorized animal into a University building or to a University sponsored event, with the exception of working service animals. "Service animal" is defined by the Americans with Disabilities Act (ADA) as any guide dog, signal dog, or other animal individually trained to provide [illegible] with [illegible]

Unauthorized use of a motor vehicle, including but not limited to cars, ATVs, snow vehicles, or similar motorized devices, while on University property, except in designated locations.

Failing to comply with an official no contact directive put in place by the Office of Academic and Community Conduct or Title IX Coordinator.

Intentionally or recklessly causing physical harm to any person, or any intentional action resulting in non-accidental physical contact with a person without their consent.

Placing advertisements, posters, signs, etc. on designated bulletin boards, tables, or in other locations, without proper authorization or in accordance with University policy.

Intentionally or recklessly destroying or damaging University property or the property of a member of the University community.

Deliberately and publicly exposing one's intimate body parts, public urination, defecation, and/or public sex acts.

Engaging in any adverse action, directly or indirectly, including through someone else, that is intended to coerce, harass, intimidate, threaten, harm, or improperly influence any person because they:

A. **make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law; or**
B. **participate in or cooperate with any University proceedings such as, but not limited to, a conduct or grievance proceeding; or**
C. **appear as a witness.**

3.34.01 Sexual Harassment

Conduct on the basis of sex that is unwelcomed and determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

3.34.02 Sexual Assault

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.

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It is within the discretion of the University to determine the extent to which the complaint will be investigated and/or resolved. If a determination is made by a university official that reasonable cause exists to believe a violation has occurred, then the student alleged to have committed the violation will be provided notice of the violation and an opportunity to respond to the violation. A university official may dismiss the complaint at any stage if [illegible] complaint is baseless or otherwise unsupported by available evidence.

conduct intervention meeting. If a change is made, the respondent will receive the appropriate notice and opportunity to respond.

4.5.02 Restorative Practices

After receiving a report, the official may offer the option for parties to informally resolve the conflict/incident. If the respondent accepts responsibility for violating the Code, and the reporting parties agree to be involved, restorative practices such as mediation, facilitated dialogue, restorative group conferencing, and/or circle processes may be utilized.

Conflict coaching is a one-on-one consultation to assess and develop an individual's communication skills and conflict management strategies.

Shuttle diplomacy is the crafting of an agreement using a restorative f za restorat a

affected and how, and ways to repair the har

- Student Conduct holds on the student account that prevents registering for academic courses and/or making any type of academic requests, e.g., transcripts (in order to have the hold removed the student will need to comply with official requests).
- Mandatory behavioral expectations established with a student that reinforces conduct expectations, with any further violations of the Code resulting in formal action.
- Restriction on student's presence in the residence halls, on University property, and/or at University events.
- A requirement of an individualized psychological assessment through the Center for Student Mental Health and Well-Being or at another facility and/or a medical assessment — the assessment(s) may be used to determine the appropriateness of withdrawing, sustaining, or altering the interim action.

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The initial conference notice is sent when there is reasonable cause to believe that a student may be responsible for a violation of the Code. At the initial conference, the student will meet with an official. The purpose of the initial conference is to provide the respondent with additional information about the reported incident and explain the procedures that will be followed to determine if they are responsible or not responsible for a violation of the Code. At that time, the respondent will respond to the violation by electing one of the following courses of action:

A. Accept responsibility for violating one or more University rules. The case may then be immediately reviewed by the official, who will take appropriate action. A short postponement will be granted if the respondent wishes to demonstrate mitigating circumstances by producing relevant witnesses or information. A decision notice will be sent to the respondent within five (5) business days, and will include any applicable sanction and condition(s). The official may choose to refer the respondent to a meeting with the University ee the take

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307 Administration Building
906-487-3310
mtu.edu/title-ix/index.html

5.3.02 Reporting Sexual Misconduct to Confidential Employees i Ǐ ú

616 Shelden Ave, Unit 101, Houghton, MI 49931
906-482-2121 or 911

Houghton County

B. Notice of Michigan Tech's student code process
C. Notice of Michigan Tech's informal resolution process and options
D. Notice of the allegations of sexual misconduct including:
  a. The identities of the parties involved in the incident, if known,
  b. The conduct allegedly constituting sexual misconduct,
  c. **Any additional alleged Student Code of Community Conduct violations, and**
  d. The date and location of the incident, if known.
E. Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
F. Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in Section 5.7.02 – Opportunity to Inspect and Review Evidence of this policy.
G. Notice of the Michigan Tech Student Code of Community Conduct provision that prohibits knowingly making false statements or knowingly submitting

upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross-examination.

5.7.03 Investigative Report

Following the opportunity to inspect and review evidence directly related to the allegations, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

5.7.04 Review of Investigative Report

At least ten (10) business days prior to a hearing, each party and the party's advisor (if any) will be provided an electronic copy of the investigative report for their review. Parties may choose to provide a written response to the final investigative report if they wish. Written responses will be evaluated by the investigators for additional information. Investigators will determine if additional investigation is needed or if the written response will be added to the appendix of the final investigative report for decision makers to review.

5.7.05 Investigation Timeframe

The investigation of an allegation of sexual misconduct will be concluded within 90 business days. The parties will be provided updates on the progress of the investigation, as needed.

Upon completion of the investigation and review of the investigative report, the hearing in Section 6 – Hearing Guidelines will follow, with a minimum ten (10) business day notice.

See Section 6.9 – Standard of Proof and 6.10 – Decision of Responsibility regarding the rendering of a decision of responsibility and Section 7 – Sanctions, Educational Conditions, and Remedies.

See Section 8 – Appeal Procedures for appeals.

At any time before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Michigan Tech, which does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties. Informal resolutions must be deemed appropriate by the Director of Community Conduct or designee prior to proceeding.

5.11.01 Informal Resolution Notice

Prior to entering the informal resolution process, Michigan Tech will provide the parties with a written notice disclosing:

A. The allegations;
B. The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which prec¾ ,

A hearing governed by the Office of Academic and Community Conduct is a criminal trial. Formal rules of evidence shall not be applicable in conduct hearings. Information that is relevant, credible, and which a reasonable person would accept as having probative value can be considered in any hearing on responsibility¾Ii t

In order to streamline the hearing process, the procedural officer may request the submission of questions prior to the hearing through electronic submission and/or schedule a pre-hearing conference.

6.5.01 Pre-Hearing Submission of Questions

The procedural officer may request the parties to submit questions, in writing prior to the hearing. This submission does not preclude the parties from asking additional questions during the live hearing. The procedural officer may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

6.5.02 Pre-Hearing Conference

The procedural officer may hold a pre-hearing conference. During the pre-hearing conference, parties will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the procedural officer can be prepared to respond to relevancy at the hearing. This conference does not preclude the parties from asking additional questions live during the hearing.

At the pre-hearing conference, the procedural officer may also hear arguments from the parties regarding the evidence as relevant or not relevant, and/or directly related to the allegations. The respondent may also choose to accept responsibly, deny responsibly, or choose not to answer to the allegations of violations of the Student Code of Community Conduct. If a respondent accepts responsibility in the pre-hearing conference, they waive the right to a hearing and the procedural officer will appropriately sanction or etc. If the parties fail to attend or chooses not to attend the hearing, the procedural officer may determine how it is appropriate to move forward with the hearing or reschedule if needed.

6.7.02 Witnesses

The procedural officer will determine if witnesses are relevant. Witnesses must have relevant evidence and statements in order to be called upon. Witnesses are subject to cross-examination. When allegations involve sexual misconduct and/or if criminal charges have been filed, parties are permitted to call upon expert witnesses.

6.7.03 Support Person

The parties may each invite one "support person" to accompany them during the conduct hearing process. A support person is any member of the University community (faculty/staff/student) chosen by the party to provide support to that party during a conduct hearing process. The support person may not be an immediate family member. Support persons may not participate directly in the conduct process, but may offer advice, guidance, and/or support to the student (complainant/respondent).

6.7.04 Advisor

When allegations involve sexual misconduct and/or if criminal charges have been filed, parties are permitted to have an advisor, in addition to a support person, that is not required to be a member of the University community. An advisor may be, but is not required to be, an attorney.

6.7.05 Procedural Officer

The procedural officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the student charged with the conduct violation, who disrupts a hearing, may be excluded by the procedural officer. The procedural officers are authorized to take reasonable [illegible] commensurate [illegible] viol pro

licensed attorneys. These individuals serve on the University Conduct Board in their capacity as a student/faculty staff member of the University, not as an attorney. These individuals do not represent or advise the University on the matters before them as attorneys. The University Conduct Board members are decision-makers in hearings. In cases of sexual misconduct, the University Conduct Board will consist only of professional staff and faculty.

Either party may challenge the appointment of a University Conduct Board Member, based on conflict of interest or bias.

No conduct action shall be taken unless it is established by the University Conduct Board or the procedural oŲ$ Ň ᴺʞ

The sanctions imposed on a respondent should be proportional to the respondent's misconduct and appropriate for the particular case based on the gravity of the offense (including, without limitation, how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the respondent's conduct record; and other aggravating or mitigating factors

[illegible]

workshops, counseling, fees, community service, restorative practices, and educational projects. The University has complete discretion to require or to not require educational conditions on a case by case basis. Students with critical financial situations may submit a written petition to the Office of Academic and Community Conduct to demonstrate why they cannot pay University education condition fees. Supporting documentation as to why the student has a critical financial situation and is unable to pay is recommended. The petition and any supporting documentation will be reviewed to determine if their fiscal conditions warrant a reduction or waiver.

In addition to a sanction and education

8.1.03 Severity of Sanction, Educational Conditions and/or Remedies

Appeals will be considered on the

9. Record Retention, Transcript Notations, & Degree

9.1 Electronic Records

All cases have an electronic record in a secure and access restricted database, Maxient. Records are saved in the database under Ɠacademic integrityƴ, Ɠstudent conductƴ or Ɠstudent conduct - sexual misconductƴ.

9.2 Family Educational Rights and Privacy Act (FERPA) & Background Checks

Records of all student conduct actions by officials and boards are considered educational record

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conduct decision(s). It does not eliminate or modify anV

9.9.06 Request Denied

If a request is denied for a conduct record to be sealed, the case will follow the record retention as stated above in this section. However, if the reason for the request changes, the student may submit another request.

9.10 Revocation of Degree

The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious student conduct violations committed by a student prior to the student’s graduation.

Office of Academic and Community Conduct

Positions: Director of Community Conduct
Administration Building, Room 310
906-487-2951
studentconduct@mtu.edu

A person may also file a complaint with the appropriate federal, state, or local agency within the time frame required by law. Depending upon the nature of the complaint, the appropriate agency may be one of the following:

Michigan Department of Health and Human Services
47420 State Hwy M26, Suite 62
Houghton, MI 49931
906-482-0500

U.S. Equal Employment Opportunity Commission
Patrick V. McNamara Building
477 Michigan Avenue, Room 865
Detroit, Michigan 48226
800-669-4000

Michigan Department of Civil Rights
Capitol Tower Building
110 West Michigan Avenue, Suite 800
Lansing, MI 48933
Phone: 517-335-3165
To file a complaint call: 899-482-3604

Assistant Secretary for Civil Rights
Office of Civil Rights, National Headquarters
U.S. Department of Education
Lyndon Baines Johnson Dept. of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

Within any resolution process related to this policy, Michigan Tech provides reasonable accommodations to persons with disabilities and religious accommodations, when that accommodation is

10.3 Revisions of the Student Code of Community Conduct

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Revised: July 30, 2021, D1