

# ATHENIANS CARE

## Athenians Care Social Commitment

We are called to act and care in the gracious, compassionate, and giving spirit of our founding Sisters of St. Joseph of Carondelet. As Athenians, we belong to a community of care – we are all called to protect and serve one another. Collectively supporting the health and wellbeing of our friends, our families, and our world, can be as easy and effective as committing to a routine with proactive steps.

Therefore, I commit to following Mount Saint Mary's new health and safety guidelines including to wear a face covering, practice proper hygiene, adhere to social distancing, self-monitor and stay home if I feel unwell.

I commit to care for my community by participating in educational events and community wellness activities and to respect myself and others during this time through self-care and/or community care activities.

I place my name on the Athenians Care Commitment because I care as "*dear neighbor*" inspired by our Sisters of St. Joseph and want to be a part of making MSMU a healthier campus.

*"Let your life be a continuous act of love."  
-CSJ Maxim 4*

# MSMU STUDENT CONDUCT CODE

## I. INTRODUCTION

### Mission Statement

The Office of Student Conduct, at Mount Saint Mary's University fosters an educational and developmental approach to student conduct, focusing on learning through self-reflection and personal accountability for behavior and decisions. Our mission is to resolve allegations of misconduct in a fair, timely, and socially-just manner, through educational conversations, programs, and sanctions/resolutions to promote understanding of the standards of conduct and community expectations. We are committed to providing a transformative learning experience for students by helping to create and sustain a culture of accountability, integrity, respect and trust among all members of the University Community.

## II. GENERAL GUIDELINES

The Student Conduct Code exists to provide students with information about their rights and responsibilities, about the Student Conduct Code requirements, and to provide general notice of prohibited conduct and expectations of a member of the MSMU community. Students are charged with the responsibilities of reading and abiding by the Community Standards, including the Athenians Care Social Contract. Lack of intent or awareness of the Student Conduct Code will not be accepted as an excuse or defense for violations. The Community Standards apply to individuals as well as registered organizations, clubs, teams, and club sports, . Students will also be held accountable for the conduct of their Guests.

The Vice President of Student Affairs designates the Dean of Student Life as Chief Conduct Officer to administer, oversee, and manage the University student conduct process. The Chief Conduct Officer recruits, trains and appoints Conduct and Appeals Officers as deemed necessary in order to effectively administer the student conduct process.

The Chief Conduct Officer or designee may assemble a Conduct Hearing Board or hear the case. The membership of the Conduct Hearing Board includes University faculty and staff appointed and trained annually. The decision of whether to refer a complaint to the student Conduct Hearing Board is at the sole discretion of the Chief Conduct Officer or designee. A Conduct Hearing Board is assembled from the available pool of conduct officers, comprised of two fully trained Conduct members, who are either faculty or staff.

### A. Interpretation of the Student Conduct Code

The Dean of Student Life serves as the Chief Conduct Officer and is designated to review and update the Student Conduct Code annually, or as needed, and develop policies and procedures to address student conduct cases. The Student Conduct Code is intended to be read broadly and is not designed to define misconduct in exhaustive terms. Any

questions of interpretation of the Student Conduct Code will be referred to the Chief Conduct Officer or designee, whose interpretation is final.

## **B. Jurisdiction of the University**

The Community Standards are applicable to conduct that takes place from the time a student first registers for classes including periods thereafter during breaks between semesters or summer period. During breaks, including summer period, a Student subject to the Community Standards includes a person who has been enrolled during the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation. Jurisdiction extends to conduct that occurs on University Premises, in Study Away programs, and at on- or off-campus University sponsored events.

## **C. Inherent Authority**

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the University, its reputation and good will, and the University Community. In cases where the incident is of a dangerous nature or where the behavior seriously conflicts with or contradicts the University's mission or the Community expectations as expressed in the Community Standards, including without limitation the Student Conduct Code, the matter may be immediately referred to the Vice President for Student Affairs, the Dean of Student Life, or designee for action. The Vice President for Student Affairs, Dean of Student Life, and/or designee has the authority to take all necessary and appropriate interim action(s) prior to the matter being heard by the Conduct Officer or Conduct Hearing Board and may include an interim suspension. In cases where an interim action has been undertaken, the respondent (student or organization) will continue through the Student Conduct Process until a final merits determination has been made. Students will be notified in writing of any interim actions taken. Failure to abide by the interim action may subject the respondent to additional disciplinary action.

## **D. Violation of the Law and the Student Conduct Code**

Students may be subject to Student Conduct Code proceedings for acts that constitute alleged violations of federal, state, and local laws and regulations. When an offense occurs over which the University has jurisdiction, proceedings under the Student Conduct Code may be carried out prior to, simultaneously with, or following criminal prosecution or civil litigation that may arise from the same incident.

## **E. Burden of Proof**

The term "Burden of Proof" means the obligation of a party to establish by evidence a requisite degree of belief concerning the contested fact(s) in the mind of the trier of fact. Due to the nature of the student conduct process and the need to balance the rights and privileges of all members of the University community, the requisite degree of belief for decisions regarding responsibility for alleged violations of the Student Conduct Code is a preponderance of evidence. A preponderance of evidence exists when a reasonable person(s), after evaluating the evidence presented at the time of the decision, concludes that it is more likely than not that a disputed fact or facts does or does not exist. The

Conduct Officer or Conduct Hearing Board shall determine alleged violations of the Student Conduct Code by a preponderance of the evidence.

#### **F. Limitation Period for Reporting Alleged Student Conduct Code Violation**

Any person may file a report of alleged violation of the Student Conduct Code. While prompt reporting of alleged violations is encouraged, reports of alleged violations of the Student Conduct Code will be accepted until such time as the alleged respondent is no longer a student. Reports can be submitted through this [link](#). The Chief Conduct Officer or designee reviews the report(s) to assess whether there is sufficient evidence or cause to initiate a Student Conduct Code proceeding.

#### **G. Communication**

The primary form of communication is through the student's official University e-mail account. The University, at its discretion, may also communicate with students via U.S. Mail, other generally recognized delivery service, other generally recognized electronic communications channel or personal delivery. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis.

#### **H. Scheduling Student Hearings**

When scheduling a conduct hearing, reasonable effort will be made to schedule any meetings and/or hearing to avoid conflict with the student's course schedule. However, notwithstanding any actual conflict with the student's course schedule, students involved in the Student Conduct Process are required to attend all scheduled meetings and/or hearings unless their absence is previously excused. In this latter connection, students should promptly inform [conduct@msmu.edu](mailto:conduct@msmu.edu) of any unexpected circumstance affecting their attendance prior to the scheduled meeting and/or hearing.

#### **I. Reservation of Rights**

The University expressly reserves the right to revise, supplement or withdraw any section of the Student Conduct Code or portion of a University policy as it deems necessary.

### **III. DEFINITION OF TERMS**

- The term **"Appeals Committee"** refers to any persons authorized to consider a review or appeal of the decisions of a Conduct Hearing Board or the Chief Conduct Officer.
- The term **"Business Day"** means a regular University business day. It shall not include weekends or administrative holidays.
- The term **"Chief Conduct Officer"** unless otherwise designated by the Vice President of Student Affairs is the Dean of Student Life. The Chief Conduct Officer administers, oversees, and manages the student conduct process.
- The term **"Clubs and Organizations"** refers to any number of persons who have complied with the formal requirements for University recognition or who are members of teams or clubs that are recognized and supported by the University.

- The term **“Complainant”** refers to any person, or the university itself, who submits an allegation that a student or a Student Organization is in violation of the Student Conduct Code and Community Standards.
- The term **“Conduct Officer”** refers to any persons authorized by the Chief Conduct Officer to determine whether a student is responsible for an alleged violation of the Student Conduct Code and to impose sanctions/resolutions.
- The term **“Conduct Hearing Board”** refers to a body of Conduct Officers responsible for making determinations under and in accordance with the Student Conduct Code.
- The term **“Designee”** refers to a staff or faculty member who is designated by an appropriate University official to carry out a responsibility, in part or in whole, under the Student Conduct Code.
- The term **“Evidence”** refers to testimony, writings, material objects or other things presented to the senses that are offered to prove the existence or non-existence of a fact. In the Student Conduct Process relevant evidence is used to determine whether alleged conduct or behavior violates the Student Conduct Code.
- The term **“Guest”** refers to all person(s) invited by a Student and/or Student Organization to be present or remain on campus or to attend University sponsored activities or events on-and-off campus.
- The term **“Member of the University Community”** refers to any person employed by, volunteering for, or attending the University as a student, faculty member, administrator, staff member, intern or volunteer.
- The term **“MSMU”** refers to Mount Saint Mary’s University, Los Angeles.
- The term **“Policy”** refers to any written policy, procedure, standard, regulation, rule found in, but not limited to, the Student Conduct Code or other official University sources.
- The term **“Preponderance of the Evidence”** refers to the standard of evidence that is used to determine responsibility under the Student Conduct Code and means such evidence as when weighed with that opposed to it has more convincing force and greater probability of truth..
- The term **“Resolution”** refers to a requirement a Student or Student Organization must abide by or complete when found responsible for violating the Student Conduct Code.
- The term **“Respondent”** refers to a student who, or Student Organization which, allegedly violated the Student Conduct Code.
- The term **“Retaliation”** refers to adverse, non-permitted action taken by an individual or third party against a person in response to that person engaging in protected activity

including, but not limited to, reporting a violation of policy or participating in any manner in an investigation related to a report. Retaliation includes, but is not limited to visual or physical threats, verbal or written remarks, shunning and reprisals focused upon interference with opportunities for learning and living in community.

- The term **“Student”** refers to a person who accepts enrollment and registers for classes, including periods thereafter during breaks between semesters or summer period. During breaks, including summer period, a Student includes a person who has been enrolled during the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or are non-degree seeking.
- The term **“Support Person”** refers to an MSMU Student who accompanies a respondent or a complainant for the limited purpose of providing support and guidance (refer to Student Conduct Process for details).
- The term **“University”** and **“Institution”** refers to Mount Saint Mary’s University, Los Angeles.
- The term **“University Official”** refers to any person employed with or contracted by MSMU and operating within the scope of their responsibilities.
- The term **“University Property”** refers to all land, buildings, facilities, areas and other property in the possession of, owned or controlled, whether leased or rented, by the University.
- The term **“University-Sponsored Activities/Events”** refers to any activity/event on-or-off campus that is initiated, authorized or supervised by the University or a Student Organization.
- The term **“Weapon”** refers to any object intended for use to inflict harm or cause injury.
- The term **“Will or Shall”** are used in the imperative. The term **“May”** is used in the permissive sense.
- The term **“Witness”** refers to any person called upon to provide information related to an incident or matter who is not the Complainant or Respondent.

## IV. ROLES AND RESPONSIBILITIES

Within the student conduct process several members of the University Community play a critical role and have varying responsibilities.

### Conduct Hearing Board:

- Comprised of three Conduct Officers who meet with students and review the evidence related to the alleged Student Conduct Code violations.
- Makes Student Conduct Code determinations.

#### **Conduct Officers:**

- An appropriately trained MSMU staff or faculty member.
- Reviews incident reports and conducts Student Conduct Code processes and proceedings.
- Participate in annual trainings.
- Serve on Conduct Hearing Boards.

#### **Appeals Committee:**

- Determines appeals under the Student Conduct Code.
- Members: Assistant Vice President for Student Affairs and three faculty/staff as designated by the Vice President for Student Affairs.

#### **Chief Conduct Officer:**

- Oversees student conduct process.
- Recruits, trains, and advises Conduct Officers and Appeals Committee.
- Conducts an annual review of the student conduct process

If you have any questions about the Student Conduct Code, please contact the Office of Student Conduct: Chalon: (310) 954-4130 - Doheny: (213) 477-2570 or email [conduct@msmu.edu](mailto:conduct@msmu.edu).

## **V. PROHIBITED CONDUCT**

The following is a non-exhaustive list of conduct considered to be in violation of the MSMU Student Conduct Code. Violations of University policy by Students are also violations of the Student Conduct Code and subject to Student Conduct Code proceedings.

### **A. Acts of Dishonesty**

Intentional act of dishonesty including, but not limited to, furnishing false information to any designated MSMU official or to the University, falsification of records or documents, personal misrepresentation.

### **B. Controlled Substances**

Use, possession, storage, distribution, or being under the influence or knowingly being in the presence of any controlled substance or illegal drug; misuse of prescription drug(s); non-prescription medications; and drug-related paraphernalia, including, but not limited to, drug pipes, bong, roach clips, and are prohibited.

### **C. Disorderly Conduct**

Engaging in disorderly conduct, public intoxication, or lewd, indecent, obscene behavior, or physical fighting on University premises or at University-sponsored events.

#### **D. Falsification of Documents**

Unauthorized use, possession, forgery, or unauthorized alteration of any government issued or MSMU document, including but not limited to, instruments of identification, parking permits, or student employment timecard or similar records.

#### **E. Fireworks/Incendiary Materials**

Use, possession or storage of fireworks, torches or other incendiary materials on, or within reasonably close proximity to MSMU premises or at MSMU sponsored activities.

#### **F. Harm to Community**

MSMU is concerned about the well-being of all students and the university community. The University takes seriously any behavior on MSMU premises or at MSMU activities, including verbal statements, which demonstrate or imply that a student may harm others. Therefore, intentionally or recklessly causing harm to any person, causing reasonable apprehension of such harm, endangering others, holding someone against their will or harassing any member of the MSMU community, on or off campus.

#### **G. Interfering with University Programs**

Behavior or conduct that intentionally or recklessly interferes with normal University life and sponsored activities, including, but not limited to: studying, teaching, research, classroom instruction, University operations, conduct proceedings, study abroad or other university-sponsored travel, or fire, police, or emergency services.

#### **H. Non-Compliance with University Official**

Students are expected to comply with the directives of University officials, including paraprofessional and professional staff of the University, in performance of their University duties and responsibilities.

#### **I. Retaliation**

Any act of Retaliation.

#### **J. Tampering with University Life Safety and Fire Protection Equipment & Systems**

Initiating a false alarm, including making a false call to the fire department or tampering with fire safety equipment, blocking emergency exit paths, disconnecting smoke detectors in rooms, stairwells, or hallways, disconnecting automatic door closures, misusing or propping open fire doors, unauthorized use/possession of a fire extinguisher or fire suppression equipment, removing exit signs, pulling out fire hoses, hanging anything on fire sprinklers, removing sprinklers and tampering with blue emergency phones.

#### **K. Theft**

Theft of property, funds, or the misuse or misappropriation of services or knowingly possessing stolen property.

#### **L. Unauthorized Access**

Unauthorized access, presence in or use of MSMU systems, premises, facilities, or property, including, but not limited to, life safety and fire protection systems, computer systems, buildings, labs, roofs, balconies, ledges, and trellises

### **M. Vandalism/Damage**

Vandalism or intentionally or recklessly destroying or damaging University systems or property or the property of others, and misusing, covering or damaging University life safety, fire protection systems and equipment, doors, or signs on University premises or at University-sponsored activities.

### **N. Weapons**

Use or possession of Weapons including by way of example but not limitation, firearms, knives, swords, laser guns, paintball guns, water guns, or any other plastic guns or facsimiles thereof on campus (including residence halls), other University premises or University-sponsored events. The prohibition extends to and includes all weapons including any weapons otherwise authorized for carry by permits (e.g. concealed weapons permits "CCW").

## **VI. STUDENT CONDUCT PROCESS**

### **A. Reporting Alleged Violations**

Suspected violations of the Student Conduct Code should be reported to [conduct@msmu.edu](mailto:conduct@msmu.edu). Persons submitting reports are requested to submit all evidence and information pertaining to the alleged violation(s) and may be asked to appear before the Conduct Officers or the Conduct Hearing Board. Failure to provide sufficient evidence of the reported violations may result in a declination to initiate Student Conduct Code proceedings

### **B. Review of Reports**

Except for cases involving allegations of Title IX Sexual Harassment, the Chief Conduct Officer or designee will promptly review and investigate reports and determine whether to initiate and conduct Student Conduct Code proceedings. In accordance with applicable Title IX regulations, in cases involving allegations of Title IX Sexual Harassment, the Title IX Coordinator shall make the determination of whether a Formal Complaint will move to the Title IX conduct process. The process and procedures relating to the adjudication of allegations of Title IX Sexual Harassment can be found in the Student-on-Student Title IX Policy

### **C. Notification of Alleged Student Conduct Code Violation & Conduct Hearing**

An electronic notice of alleged Student Conduct Code violation(s) shall be sent to Respondent(s) via their University email, no less than seven business days prior to the conduct hearing. The email will come from [Maxient@msmu.edu](mailto:Maxient@msmu.edu). For students who fail to appear for a scheduled conduct hearing, the Conduct Hearing Board will review the evidence relating to the charges to determine findings and, when appropriate, issue

sanctions/resolutions. Failure to check one's University e-mail account is not sufficient justification for not attending a scheduled hearing.

**D. This electronic notice includes the following:**

- A statement of alleged facts respecting the asserted Student Conduct Code violation(s) including, without limitation, the date(s), time(s) and location(s) of the alleged violation(s);
- An opportunity to review the evidence respecting the alleged violation(s)
- Date, time and location of the scheduled conduct hearing with a video conferencing option;
- A copy of the:
  - Statement of charges respecting the asserted Student Conduct Code violation(s);
  - Athenian Principles; and
  - Community Standards Book.

**E. Preparing for the Conduct Hearing**

1. Students receiving a Notice of Alleged Student Conduct Code Violation & Conduct Hearing may contact [conduct@msmu.edu](mailto:conduct@msmu.edu) if they have any questions prior to or after the hearing.
2. Students may have the assistance of a Support Person during the hearing. Students who wish to have the assistance of a Support Person must send an email to [conduct@msmu.edu](mailto:conduct@msmu.edu) at least two business days prior to the scheduled hearing. The following requirements pertain to a Support Person:
  - Only current registered students, full time faculty or staff can act as a Support Person. Off-campus individuals may not act as a Support Person or attend a hearing.
  - The Support Person's role is to assist and support students in the conduct process and during the hearing.
  - The Support Person may not directly address the Conduct Hearing Board, question witnesses, or otherwise actively participate in the Conduct hearing process.
  - Requests to change proposed hearing dates to accommodate a Support Person's schedule will not normally be granted.
3. Students and/or the Conduct Hearing Board may also request the participation of Witnesses that have information relevant to the charges. Students who wish to have Witnesses must inform [conduct@msmu.edu](mailto:conduct@msmu.edu) in writing, at least two business days prior to the scheduled date of the hearing. The following guidelines pertain to a Witness:  
Witnesses must have information relevant to the charges.

**F. During the Conduct Hearing**

- The Conduct Hearing Board shall:
  1. Again specify the nature of the alleged misconduct and the basis for the charge, including the date, time, and place where it is alleged to have occurred;
  2. Explain the University's conduct process; and
  3. make available the Student Conduct Code.
- The Complainant and Respondent shall:

1. have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University in support of the charge(s), including the right to offer counter or explanatory information.;
2. have the opportunity to present Witness possessing information relevant to the charges; and
3. respond to other Witnesses, evidence and information presented by the Complainant or the University.

If an additional hearing is necessary, the Conduct Hearing Board shall schedule a further hearing. '

- Students participating in the Conduct Hearing may not use recording devices (audio and/or video) of any kind for any purpose during the Conduct Hearing.

#### **G. After the Conduct Hearing Has Concluded**

Once the hearing has concluded, the Conduct Hearing Board will meet to determine findings and propose sanctions/resolutions.

- The Conduct Hearing Board's determination shall be made based on a preponderance of the evidence standard.
- If the Respondent is found not responsible for the misconduct, the complaint will be dismissed.

If the Respondent is found responsible for the misconduct, the Respondent shall receive a written statement summarizing the evidence in support of the finding of responsibility along with a statement of the sanctions/resolution.

#### **H. Notification Following Hearing**

Within ten business days from the date of the conclusion of the hearing(s), the written decision of the Conduct Hearing Board will be issued to the student via their University email.

#### **I. Hearing Process for Misconduct Potentially Resulting in Severe Sanctioning (suspension or dismissal from the University)**

Students charged with violations of the Student-on-Student Sexual or Interpersonal Misconduct Policy and Protocol that do not constitute Title IX Sexual Harassment, and/or whose alleged misconduct and asserted Code violations may result in severe sanctioning (suspension or dismissal from the University), will have their Student Code Conduct proceedings conducted as follows:

1. The electronic notice of misconduct charges shall include in addition to the matters stated above, a scheduled pre-hearing meeting with the Chief Conduct Officer;
2. If a Support Person has been identified, the Support Person will be copied on all communication regarding scheduling of pre-hearing meetings, review of reports and scheduling of the hearing with cross examination;

3. A pre-hearing meeting at which:

- a. The Respondent (and separately the Complainant if applicable) may review all the information gathered by the University, including time, date and place where the alleged behavior/misconduct is alleged to have occurred, that makes up the basis for the charge(s);
- b. The Respondent/Complainant may ask the Chief Conduct Officer questions regarding the conduct process;
- c. Either the Respondent or the Complainant (if applicable) may provide the names of Witnesses not yet interviewed whose statements may have value to the proceedings. In the event either a Respondent or Complainant provides Witnesses during the pre-hearing meeting, then the names of those Witnesses will be provided to the investigator for formal interview, and the investigation report will be supplemented with their statements. Once the investigation report is updated with any additional Witness interviews and information, both Respondent and Complainant will be permitted another opportunity to review the updated report, evidence and information. If a Witness fails to meet with the investigator for a formal interview, any prior or subsequent statements will not be utilized nor relied upon by the Conduct Hearing Panel in rendering its decision;
- d. The Chief Conduct Officer shall explain the hearing processes to the parties including cross examination processes and procedures and Student rights and make available the Student Conduct Code.

4. Respondents and Complainants who wish to have the assistance of a Support Person should inform the Chief Conduct Officer in writing at least two business days prior to the scheduled date of the pre hearing meeting. The Support Person's role is to assist Students in understanding the conduct process during pre-hearing meetings and hearings with cross examination. Support Persons may not address the Conduct Hearing Panel or play any other role during hearings. All communication involving Support Persons during hearings must be between the Support Person and Student. A Support Person may not appear in lieu of the Student at either the pre-hearing meeting or the hearing with cross examination;

5. A hearing with cross examination (conducted via videoconferencing) during which the Conduct Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and the Complainant the opportunity to again review the information and evidence gathered by the University that make up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University, including the right to offer counter information and/or call appropriate Witnesses.

The hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one's e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process;

6. The Respondent, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Complainant, and any Witnesses that appear either at the request of the Respondent, the Complainant or the University, in order to assess the credibility of the information offered. The Respondent will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Respondent if the Respondent is unable to provide sufficient rationale for the relevancy of the question.

The Complainant, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Respondent, and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. The Complainant will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Complainant if the Complainant is unable to provide sufficient rationale for the relevancy of the question;

7. Both the Respondent and the Complainant will be permitted the opportunity to make a closing statement at the conclusion of the evidentiary portion of the hearing;

8. If a further hearing is necessary, a supplemental proceeding will be scheduled:

a. Respondents, Complainants or the Hearing Panel may submit new and or additional evidence and call appropriate Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;

b. Respondents and Complainants may utilize the assistance of a Support Person during the supplemental hearing;

9. Sanctions shall be levied if it is determined that the Student is responsible for the violation(s). If not, the charge(s) will be dismissed.

## **J. Appeal Process**

A decision finding a Respondent responsible for the charged misconduct and corresponding sanctions/resolutions may be appealed on the following grounds:

- New relevant evidence is available which, in the exercise of reasonable diligence, could not have been produced at the time of the hearing.

- The procedures provided for in this policy were not materially followed, resulting in significant prejudice to the Respondent.
- The decision is not supported by the evidence.
- The sanctions/resolution is grossly disproportionate to the offense.

All appeals must be in writing and sent to [conduct@msmu.edu](mailto:conduct@msmu.edu) or submitted online via the [link](#) contained in the resolution letter to the attention of the Appeals Committee.

- a. Appeals must be submitted via student's MSMU email within seven business days from the date of the email notification of the decision.
- b. Failure to appeal within the allotted time will render the original decision final and binding.
- c. A decision on the appeal will be given within five business days from the date the appeal was received.
- d. All decisions by the Appeals Committee are final and binding.

## V. LIST OF SANCTIONS/RESOLUTIONS

When students are found in violation of the Student Conduct Code, a multitude of sanction/resolution options are considered all while addressing the education and well-being of all students involved. Conduct outcomes are divided into three categories: status, educational/restorative, and restrictive. The sanctions/resolutions listed below may be applied separately or in combination. Other appropriate sanctions/resolutions, which would enhance the educational value of disciplinary proceedings, may be applied in any given case. Sanctions/resolutions are determined based upon severity of the violation, any aggravating or mitigating factors, and past conduct history. A Student/Student Organization conduct history and record are cumulative; therefore, increased sanctions/resolutions may be imposed to take into consideration the student's overall record of violations of all types, not just those of a similar type.

**A. Status Sanctions/Resolutions:** Status sanctions/resolutions are an indication of the student's relationship with the University. The status resolution typically escalates with each violation and is determined based upon the nature of the violation.

Warning: A warning specifies that certain conduct or actions are in violation of University policies, rules, or procedures and that future misconduct may result in further disciplinary action. A warning has no end date.

Non-Academic Probation: A non-academic probation specifies that repeated or severely inappropriate and unacceptable actions have occurred and that future violations may result in suspension or dismissal from the University. Probation is a status that may involve restrictions, conditions, or terms assigned for a period of time. Restrictions, conditions, or terms of probation may include, but are not limited to, ineligibility to participate in University activities or events; required meetings with a designated member of the University staff; restrictions on access to University facilities; and change or loss of housing

assignment. Failure to comply with the terms and conditions of the probation, or additional violations of the Student Conduct Code during the probationary period, may result in more serious disciplinary action.

Suspension: The student is separated from the University for a specified period of time. During the suspension, the student shall not participate in any University sponsored activities taking place on or off campus and may be restricted from University premises. A restriction from campus can be temporarily lifted for business purposes and may be granted by the Chief Conduct Officer or designee.

Suspension requires the review and approval by the Vice President of Student Affairs or designee who may alter the resolution.

Dismissal: The student is permanently separated from the University. The student is restricted from University premises and the student's presence at any University-sponsored activity or event is prohibited. Students who are dismissed from the University are not entitled to any refund and notification may appear on the student's academic transcript. Dismissal requires the review and approval by the Vice President for Student Affairs or designee who may alter this resolution.

## **B. Educational and Restorative Resolutions**

Educational and restorative resolutions are designed to enhance the educational experience of the students participating in the Student Conduct Process. Educational and restorative resolutions frequently serve to repair harm to individuals or communities, provide additional education on a given subject, or aid students in considering their educational and personal goals and priorities.

Community Service: Community work, work on campus, or other appropriate learning experiences may be assigned.

Completion of Alcohol Edu for Sanctions (Part 1 and/or 2): This online alcohol educational course is designed to teach students about the effects of alcohol on the body and mind, and to assist students in making safer and healthier decisions. This online educational course is coupled with a reflection paper.

Completion of EverFi: This online educational course is designed to teach students about a number of topics related to University Life. This online educational course is coupled with a reflection paper.

Educational Program/Project: Research, complete a reading, prepare and present a program, attend an educational program, and/or engage in other educational activities related to the misconduct. This educational program/project is coupled with a reflection paper.

Meeting with a Conduct Officer: The student will meet with a Conduct Officer to discuss their progress with assigned resolutions and/or their experience with the conduct process. In addition, this meeting will allow for any referrals to be made to support the student.

Reflection Paper: The nature of each written assignment varies based on the students' conduct history and the type of violation they are found responsible for. The topic and questions encourage students to reflect upon and provide thoughtful and genuine answers about their experience.

### **C. Restrictive Sanctions/Resolutions**

Restrictive sanctions/resolutions modify a student's privileges on campus. These sanctions/resolutions are typically not the primary sanctions/resolutions used by the University. However, repeated or serious violations may warrant one or more restrictive sanctions/resolutions.

Fines: A monetary fine may be assessed. The fine amount is dependent upon the circumstances of a particular case. A financial hold may be placed on a student's account until the fine has been paid. The fine amount may also be added to the balance of a student's account.

Ineligibility for Graduation Ceremonies or Honors Recognition Programs: A student with pending Student Conduct Code charges prior to graduation or honors recognition may not participate in graduation ceremonies or honors recognition programs until the case has been resolved and sanctions/resolutions completed.

Loss of Privilege: Limitation on University-related activities or services for a specific period of time, consistent with the violation committed, including but not limited to:

- a. eligibility to hold or run for an office in a campus organization and/or participate in sport-club functions;
- b. residence hall privileges;
- c. restriction from using specific facilities and services;
- d. restricted from specific areas in the University;
- e. campus motor vehicle parking and operating privileges;
- f. hold on enrollment;

No Contact Order: The student is prohibited from having other than necessary academic contact with another member of the community. This includes but is not limited to physical, verbal, written, via third party, or electronic communication.

Restitution: Reimbursement for damage to, or misappropriation of property or cost of University resources. This may take the form of monetary, time, or material replacement, not in excess of the loss incurred.

### **D. University Housing Sanctions/Resolutions**

University housing sanctions/resolutions are assigned when a student's behavior also violates the terms and conditions of their housing license agreement. These sanctions/resolutions are usually in combination with other sanctions/resolutions.

University Housing Reassignment: The student is reassigned to another University-provided housing facility. The Chief Conduct Officer or designee will decide on the reassignment details.

University Housing Probation: The student is put on official notice that, should further violations of Residence Hall or University policies occur during a specified probationary period, the student may be immediately removed from University provided housing.

Temporary Loss of University Housing: The student is removed from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this resolution, a student is required to vacate University provided housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Chief Conduct Officer or designee.

Permanent Loss of University Housing: The student's privilege to live in, or visit, any University-provided housing structure is permanently revoked. Under this resolution, a student is required to vacate University-provided housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Chief Conduct Officer or designee.

#### **E. Other Sanctions/Resolutions**

The Vice President of Student Affairs and the Chief Conduct Officer may exercise their discretion to modify sanctions/resolutions as they deem appropriate under the prevailing circumstances

#### **F. Failure to Follow Through on Conduct Sanctions/Resolutions**

As members of the University community, all students are expected to comply with conduct sanctions/resolutions within the time frame specified on the conduct resolution letter. In most cases, not following through on conduct sanctions/resolutions by the due date, whether by refusal, neglect, or any other reason, may result in additional sanctions/resolutions assigned and referral to the Dean of Student Life.

## **VI. STUDENT CONDUCT RECORDS**

All official Conduct correspondence is kept for a minimum of seven years from the date of the final resolution letter notice. Conduct records are stored digitally. Cases that resulted in a resolution of suspension or dismissal from the University are kept indefinitely. In compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), all conduct records are considered confidential records, with exceptions noted in FERPA.