

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 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.