

## 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.