

# UNIVERSITY OF MONTANA STUDENT CONDUCT CODE

*Revised August 27, 2013\**

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**For paper copies of the full and abridged versions of the Student Conduct Code:**

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# UNIVERSITY OF MONTANA STUDENT CONDUCT CODE

## I. INTRODUCTION

The Student Conduct Code embodies and promotes honesty, integrity, accountability, rights, and responsibilities associated with constructive citizenship in our academic community at the University of Montana. This Code describes expected standards of behavior for all students, including academic conduct and general conduct, and it outlines students' rights, responsibilities, and the campus processes for adjudicating alleged violations.

### A. DEFINITIONS OF "STUDENT"

For the purposes of the Student Conduct Code, a "student" means the following:

- Any person who is enrolled at the University of Montana, Missoula College, or the Bitterroot College of the University of Montana and is pursuing undergraduate, graduate, or professional studies, including full-time and part-time status.
- Any person who has completed an academic term and can be reasonably expected to enroll the following term.
- Any person who attended the University during a previous academic term and who committed an alleged violation of the Code during the time of enrollment.

### B. ADMINISTRATIVE VS. LEGAL PROCEEDING

The procedures described in this Code are administrative procedures designed to create opportunities for members of the campus community to evaluate alleged violations and determine appropriate sanctions if necessary. They are not legal proceedings. Although many elements of the law (such as due process) influence and inform our campus disciplinary proceedings, our procedures do not follow all the rules and procedures of a formal legal proceeding, nor are they intended to.

### C. RELATIONSHIP OF THE UNIVERSITY CONDUCT PROCESS TO THE LEGAL/ CRIMINAL JUSTICE PROCESS

All members of the University of Montana community are also accountable to relevant state and federal laws applicable to our larger community and society. Alleged violations of the University's Student Conduct Code that are also violations of state or federal laws can be prosecuted separately through the legal system and, if the student is found guilty, can result in civil or criminal penalties such as probation, fines, jail, and/or prison.

The University conduct process, however, operates separately and independently from the criminal justice process. This means that the University does not need to wait for a student to be charged and/or convicted in a court of law before pursuing its own investigation through the Conduct Code and imposing relevant University sanctions when applicable. The University makes no attempt to shield members of the campus community from the law, nor does it automatically intervene in legal proceedings against members of the University community. Because the University's proceedings

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are administrative and not legal proceedings, the University may use information from third party sources, such as law enforcement agencies, the courts, and other witnesses to help determine whether the Conduct Code has been violated.

When a complaint is filed with an appropriate University official alleging a violation of the Student Conduct Code, the University is responsible for conducting an investigation, initiating charges, determining whether violations occurred, and imposing appropriate sanctions if necessary. In cases where one student (the “complainant”) files a complaint against another student (the “respondent”), the University may proceed with the case on the basis of other evidence and testimony, even if the complainant does not wish to participate or continue in the process.

#### **D. ADMINISTRATIVE RESPONSIBILITY FOR THE STUDENT CONDUCT CODE**

The Vice President for Student Affairs is responsible for the overall administration of the Student Conduct Code and campus disciplinary proceedings related to general misconduct. The Dean of Students is responsible for day-to-day administration of the Student Conduct Code and for managing and adjudicating cases of general misconduct. Section VI, “General Conduct” provides a detailed description of expected standards of general behavior and procedures.

The Provost and Vice President for Academic Affairs is responsible for the overall administration of the Student Conduct Code for academic misconduct. Individual cases of academic misconduct are initially handled in the schools and colleges by the faculty member in collaboration with the faculty member’s department head and/or Dean or designee. Based on the nature of the violation, the Provost may recommend and impose additional University sanctions. These procedures are detailed in Section V, “Academic Conduct.”

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## **II. JURISDICTION OF THE UNIVERSITY OF MONTANA & APPLICATION OF THE CODE TO OFF-CAMPUS OFFENSES**

The jurisdiction of the University of Montana is generally limited to conduct that occurs on University premises or at University-sponsored activities. In some circumstances, proceedings under the Student Conduct Code may be initiated when a student is alleged to have engaged in behavior off-campus that directly or seriously threatens the health or safety of members of the campus community, and/or constitutes a criminal offense under Montana or federal criminal laws.

The Vice President for Student Affairs or designee, with the advice and counsel of other appropriate administrative officials, submits a recommendation to the President who decides whether an off-campus case will be pursued.

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## **III. DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, STALKING AND RETALIATION**

In addition to the Student Conduct Code, all students at the University of Montana are also subject to the University’s Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation policy and accompanying Discrimination Grievance Procedures, (“Discrimination and Harassment

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policy”), which are separate from the Student Conduct Code standards and procedures. The University’s Discrimination and Harassment policy covers behaviors related to discrimination, sexual harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, stalking, and retaliation.

The ***Discrimination and Harassment policy*** is available at the following link:

<http://www.umt.edu/policies/Personnel/DiscriminationHarassmentSexualMisconductStalkingRetaliation.php>

The accompanying ***Discrimination Grievance Procedures*** document is available through a link in the policy, or at: <http://www.umt.edu/eo/documents/discriminationprocedures.docx>

In cases where the provisions in the Student Conduct Code and the provisions in the Discrimination and Harassment policy and accompanying Discrimination Grievance Procedures are different or inconsistent, the Discrimination and Harassment policy and Discrimination Grievance Procedures supersede. Therefore, all students are expected read the Discrimination and Harassment policy and Discrimination Grievance Procedures, as well as the Student Conduct Code, to gain a thorough understanding of the expectations and procedures set forth in both processes and the differences between the two. Differences include, but are not limited to, the evidentiary standard used to determine whether a violation has occurred (“preponderance of the evidence” in the Discrimination Grievance Procedures and “clear and convincing evidence” in the Student Conduct Code), and the procedures for appeal.

When a student has been found in violation of the Discrimination and Harassment policy, the Dean of Students is charged with imposing disciplinary sanctions. Possible sanctions that may be applied are the same as those described in the Student Conduct Code for “General Conduct,” Section VI. C.

Disciplinary records for Discrimination and Harassment violations are maintained in the same manner as other disciplinary records under the Student Conduct Code as described in Section VI. F.

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## **IV. STUDENT RIGHTS**

In all University disciplinary proceedings under the Student Conduct Code, including cases involving general misconduct and academic misconduct, students have the following rights to confidentiality and due process.

### **A. RIGHTS TO CONFIDENTIALITY**

The University of Montana complies with all principles of privacy described in the Montana Constitution, the Montana Code Annotated, and the federal Family Educational Rights and Privacy Act (FERPA). As such, a student involved in a University disciplinary proceeding has the following rights related to privacy and confidentiality:

- 1. All disciplinary proceedings are closed to the public.**
- 2. The University, except as required by law, will not disclose information to anyone not connected with the proceeding.** The fact that there is or has been a disciplinary proceeding

concerning the incident may be disclosed; however, the identity(ies) of individual students involved in the proceedings will not be disclosed.

3. **The University, including individuals involved in a disciplinary proceeding, will disclose the results of the proceeding, including sanctions imposed, only to those who need to know for purposes of record keeping, enforcement of the sanctions, further proceedings, eligibility for participation in certain University activities, or compliance with federal or state laws.** The fact that a disciplinary proceeding has been concluded and appropriate action has been taken may be disclosed.

The federal Campus Security Act allows, but does not require, the University to disclose the results of campus disciplinary proceedings to an alleged victim of a violent crime.

## **B. RIGHTS TO DUE PROCESS**

1. **Respondent:** A student accused of violating the Student Conduct Code (the “respondent”) has certain rights. These include the right to:
    - a. Be advised that a complaint is being investigated and be advised of the nature of the complaint
    - b. Be advised of the charges under the Student Conduct Code that are being filed
    - c. Submit a written account relating to the alleged incident and/or charges
    - d. Have a person of choice, including an attorney, present throughout any meeting(s) related to the disciplinary proceeding
    - e. Know the identity of individuals who will be present at meetings or hearings related to the proceeding
    - f. Present relevant evidence and/or witnesses
    - g. Review any evidence reasonably likely to be used in the proceeding
    - h. Hear and question any witnesses who participate in the proceeding
    - i. Have a reasonable period of time to prepare for a hearing
    - j. Request a delay of a hearing for exceptional circumstances
    - j. Decline to make statements
    - k. Timely adjudication and resolution of the case
  2. **Complainant:** A student who brings a complaint against another student under the Student Conduct Code (the “complainant”) also has certain rights. These include the right to:
    - a. Meet with the designated administrative official to discuss the disciplinary process
    - b. Submit a written account of the incident and a statement describing the effect of the alleged misconduct
    - c. Have a person of choice, including an attorney, present throughout any and all of the proceedings
    - d. Be informed of the date, time, and location of any meetings related to the disciplinary proceedings
    - e. Be informed immediately of the outcome of each step of the disciplinary proceeding
    - f. Have past conduct that is irrelevant to the case not discussed during the proceedings
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## V. ACADEMIC CONDUCT

### A. STANDARDS OF ACADEMIC CONDUCT

Students at the University of Montana are expected to practice academic honesty at all times. Academic misconduct is subject to Academic Penalty (or penalties) by the course instructor and/or University Sanction(s) by the University through the Provost and Vice President for Academic Affairs. Academic misconduct is defined as all forms of academic dishonesty, including but not limited to:

1. **Plagiarism:** Representing another person's words, ideas, data, or materials as one's own.
2. **Misconduct during an examination or academic exercise:** Copying from another student's paper, consulting unauthorized material, giving information to another student, collaborating with one or more students without authorization, or otherwise failing to abide by the University or instructor's rules governing the examination or academic exercise without the instructor's permission.
3. **Unauthorized possession of examination or other course materials:** Acquiring or possessing an examination or other course materials without authorization by the instructor.
4. **Tampering with course materials:** Destroying, hiding, or otherwise tampering with source materials, library materials, laboratory materials, computer equipment or programs, or other course materials.
5. **Submitting false information:** Knowingly submitting false, altered, or invented information, data, quotations, citations, or documentation in connection with an academic exercise.
6. **Submitting work previously presented in another course:** Knowingly making such submission in violation of stated course requirements.
7. **Improperly influencing conduct:** Acting calculatedly to influence an instructor to assign a grade other than the grade actually earned.
8. **Substituting, or arranging substitution, for another student during an examination or other academic exercise:** Knowingly allowing others to offer one's work as their own.
9. **Facilitating academic dishonesty:** Knowingly helping or attempting to help another person commit an act of academic dishonesty, including assistance in an arrangement whereby any work, classroom performance, examination activity, or other academic exercise is submitted or performed by a person other than the student under whose name the work is submitted or performed.
10. **Altering transcripts, grades, examinations, or other academically related documents:** Falsifying, tampering with, or misrepresenting a transcript, other academic records, or any material relevant to academic performance, enrollment, or admission, or causing falsification or misrepresentation of any of the above.

## **B. PENALTIES FOR ACADEMIC MISCONDUCT**

Depending on the severity of the academic misconduct, a student may incur one or more of the following penalties:

- 1. Academic Penalty(ies) by the Course Instructor:** The student may receive a failing or reduced grade in an academic exercise, examination, or course, and/or be assigned additional work which may include re-examination.
- 2. University Sanction(s):** The University may also impose a sanction that exceeds the academic penalty. Sanctions (c) through (f) require administrative review and approval by the Provost and Vice President for Academic Affairs:
  - a. Disciplinary Warning:** The student is warned that further misconduct may result in more severe disciplinary sanctions.
  - b. Disciplinary Probation:** The student is warned that further misconduct may result in suspension or expulsion. Conditions may be placed on continued enrollment for a specified period of time.
  - c. Suspension:** The student is separated from the University for a specified period of time and may also be excluded from participation in any University-sponsored activity.
  - d. Expulsion:** The student is permanently separated from the University and may also be excluded from any University-owned and/or -controlled property or events.
  - e. Denial of a Degree:** A degree is not awarded.
  - f. Revocation of a Degree:** A previously awarded degree is rescinded.

## **C. DISCIPLINARY PROCEDURES FOR ACADEMIC MISCONDUCT**

The focus of inquiry in disciplinary proceedings related to academic misconduct is to determine if a violation of the Standards of Academic Conduct has occurred and, if so, to determine an appropriate academic penalty and/or University sanction. As described in Section I. B., Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in legal and criminal proceedings. However, the accused student must receive due process and the University has the burden of proof to establish a violation of academic misconduct by **clear and convincing evidence**.

It is assumed, unless shown otherwise, that the faculty and Academic Deans (or designees) make impartial judgments concerning academic misconduct and fairly impose an appropriate academic penalty and/or University sanction. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the University.

The adjudication of any alleged academic misconduct must be initiated within two years of discovery of the incident.

## Procedures for Academic Misconduct

### 1. Investigation by the Course Instructor <sup>1</sup>

- a. Misconduct alleged during the course:** When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within ten (10) working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting (see Section IV. B., "Rights to Due Process"). The role of legal counsel, if any, at this stage should be restricted to consultation with the student. See Appendix Form 1 for an example of this notice.

At this meeting the course instructor will:

- (1) Inform the student of the alleged academic misconduct and present the evidence supporting the allegation.
- (2) Inform the student of the Student Conduct Code procedures.
- (3) Allow the student an opportunity to respond to the charge(s) and evidence. (The student is not required to respond.)
- (4) Discuss the academic penalty and possible University sanctions, and allow the student to respond.

- b. Misconduct alleged at or after the conclusion of course:** When an incident of alleged academic misconduct is discovered or brought to the attention of the course instructor at or after the conclusion of the course, the course instructor notifies the student in writing and takes steps (1) through (4) above and will follow up in writing. The instructor also informs the student that an "N" grade will be given for the course or the assigned grade will be revoked until there is a final resolution of the charge(s). See Appendix Form 1 for an example of this notice.

- c. Consultation with the Chair and Academic Dean (or designee):** <sup>2</sup> The course instructor should consult with the Department Chair and Academic Dean (or designee) in order to determine whether any record of prior academic misconduct on file with the Dean of Students in the Office of the Vice President for Student Affairs warrants a recommendation that the University impose a sanction on the student. The course instructor and/or Chair may make such a recommendation to the Academic Dean (or designee) based on the severity of the alleged offense and/or prior record of misconduct.

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<sup>1</sup> When an allegation of academic misconduct is made against a student not enrolled in the course, the instructor refers the allegation to the Academic Dean (or designee) for investigation and appropriate action.

<sup>2</sup> For undergraduate students, the Academic Dean is the dean of the college or school in which the course is offered. For graduate students, the Academic Dean is the Dean of the Graduate School.

**d. Resolution of the charge by the course instructor**

- (1) If the instructor concludes that the student engaged in academic misconduct, the instructor informs the student of the academic penalty to be imposed. The academic penalty does not take effect until the final resolution of the charge(s) or until the deadline for an appeal has passed. An "N" grade may be assigned in the interim.
- (2) If a University sanction is recommended, the course instructor or Department Chair notifies the student that the case will be transferred to the Academic Dean (or designee).
- (3) The course instructor informs the student of the appeal procedure as outlined in the Student Conduct Code.
- (4) If a University sanction is recommended, or if the student appeals, the course instructor will prepare a written summary for the Academic Dean (or designee) that will include a concise statement of the act of academic misconduct and the evidence. A copy of this summary will be provided to the student, the Department Chair, the Department Chair of the student's major, and the Provost and Vice President for Academic Affairs. A copy of this summary is also added to the student's disciplinary file maintained by the Dean of Students in the Office of the Vice President for Student Affairs. The student also may provide a written statement to be placed in the file. In cases where the student accepts the academic penalty, the written summary prepared by the instructor will be included in the student's file.

**e. Resolution of the charge by the instructor when the student does not appear for the investigative meeting:**

If the student does not appear for the investigative meeting with the course instructor, the course instructor informs the student in writing of the following (See Appendix Form 2 for an example of this notice):

- (1) The academic penalty recommended. The academic penalty is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "N" grade is assigned.
- (2) The transfer of the case to the Academic Dean (or designee) if a University sanction is recommended.
- (3) Student Conduct Code procedures and opportunity for appeal (a copy of this Code will suffice).
- (4) The fact that a written summary of the case has been sent to the student, the Department Chair, the Department Chair of the student's major, and the Provost and Vice President for Academic Affairs, with a copy placed in the student's disciplinary file maintained by the Dean of Students in the Office of the Vice President for Student Affairs. The student also may provide a written statement to be placed in the file.

**2. Sanction(s) Imposed by the University for Academic Misconduct**

**a. Investigation by the Academic Dean (or designee):** After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor and the Chair, the Academic Dean (or designee) reviews the student's disciplinary record maintained by the Dean of Students in the Office of the Vice President for Student Affairs, reviews the evidence, and interviews individually or together the instructor, the accused student and possible witnesses. Before the interview, the accused student is informed that he or she may bring a person of choice and that he or she also has the right to have legal counsel present during the interview. The student must notify the Academic Dean (or designee) at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.

**b. Resolution of the charge(s) by the Academic Dean (or designee):**

(1) If the Academic Dean decides not to impose a University sanction, the Dean notifies and provides written justification of the decision to the student, course instructor, and Department Chair. The decision of the Academic Dean to not impose a University sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor.

(2) If the Academic Dean decides to impose a University sanction, the Dean informs the course instructor and Department Chair, and the student is notified in writing. See Appendix Form 3 for an example of this notice. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Academic Dean will present the recommendation to the Provost and Vice President for Academic Affairs for review and approval prior to notifying the student.

The notice to the student includes:

- (a) A statement of the specific academic misconduct committed
- (b) A concise summary of the facts upon which the charge is based
- (c) A statement of the University sanction(s)
- (d) A statement of the appeal procedure

(3) If, within ten (10) working days the student does not appeal the decision to impose the University sanction, the allegation in the notice of University sanction will be accepted. The Provost and Vice President for Academic Affairs will instruct the appropriate University officials to implement the sanction.

(4) A written summary of the case will be placed in the student's disciplinary file maintained by the Dean of Students in the Office of the Vice President for Student Affairs.

(5) No University sanction or academic penalty is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed.

### **3. Student Appeal of Academic Penalties and/or University Sanctions**

If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the Academic Conduct Board. A request for appeal with supporting evidence must be presented in writing to the Provost and Vice President for Academic Affairs within ten (10) working days after the student is informed by the instructor of the imposed academic penalty or within ten (10) working days after receiving the notice of a University sanction, whichever occurs later.

### **4. Academic Conduct Board**

- a. Composition:** The Academic Conduct Board, appointed by the President of the University, consists of one faculty member and faculty alternate nominated by the Provost and Vice President for Academic Affairs; one faculty member and faculty alternate nominated by the President of the University Teachers' Union; one faculty member and faculty alternate nominated by the Executive Committee of the Faculty Senate; one faculty member and faculty alternate nominated by the Academic Standards and Curriculum Review Committee; two undergraduate students and alternates and one graduate student and alternate nominated by the Associated Students of the University of Montana (ASUM).

The chair of the Academic Conduct Board is selected by the members of the Board from among the faculty appointees.

Faculty members are appointed for two (2) years. To establish the initial Board with staggered appointments, the first two appointed faculty members serve for one (1) year. Student members serve for one (1) year. No member will serve more than two consecutive terms.

In case of unavailability or disqualification of any member for a given proceeding, the appropriate alternative member will serve on the Board.

No member of the Academic Conduct Board may sit on a case if he or she is: (a) from the same academic unit as the faculty member charging a student with misconduct or the accused student, or (b) otherwise closely associated personally or professionally with the faculty member or the student. A Board member should disqualify himself or herself when any grounds for disqualification is present. The accused student may assert grounds for disqualification of a Board member to the Chair of the Academic Conduct Board no later than three (3) working days prior to the scheduled hearing. The Chair shall implement a disqualification when warranted by the facts asserted.

**b. Academic Conduct Board Hearings:**

- (1) When a student appeals to the Academic Conduct Board, the Chair schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing to the student, course instructor, Department Chair, and Academic Dean. In the absence of extenuating circumstances, the hearing is held within fifteen (15) working days of the appeal.

- (2) A student appealing to the Academic Conduct Board may be accompanied by a representative. If the representative is an attorney, the student must notify the Chair of the Academic Conduct Board in writing at least three (3) working days before the scheduled hearing. Failure to give notice of representation may delay the hearing. If the student is to be represented at the hearing by an attorney, then the University may also be represented by legal counsel.
  - (3) Hearings are closed to the public. However, at the discretion of the Chair, an open hearing may be held if requested by the student and if the individual privacy rights of others are protected.
  - (4) The Chair of the Academic Conduct Board is responsible for conducting the hearing in an orderly manner. The student presents witnesses and/or evidence in support of the appeal. The course instructor, Department Chair, and Academic Dean also present witnesses and evidence. Each party may question the other party's witnesses. The burden of proof is on the University to establish a violation by clear and convincing evidence.
  - (5) Formal rules of evidence (such as in a legal proceeding) do not apply. The Chair decides the admissibility of all evidence presented and rules on all procedural issues.
  - (6) Minutes of the hearing are taken at University expense.
  - (7) The Chair may prescribe additional procedural rules for the hearing that are consistent with this Code.
  - (8) The Academic Conduct Board reaches a decision by majority vote. The Chair has the right of vote. The vote upholds, alters, or overturns the academic penalty and/or University sanction. The decision of the Board is submitted to the President of the University for review and final approval.
  - (9) Within ten (10) working days, a copy of the Board's decision is provided by the Chair to the student, the course instructor, Department Chair, Academic Dean, Dean of Students in the Office of the Vice President for Student Affairs, Provost and Vice President for Academic Affairs, and the President.
- c. Failure to Appear:** A student who fails to appear for the Academic Conduct Board hearing is considered to have waived the right to appeal. The student receives the academic penalty(ies) and/or University sanction(s) recommended by the Academic Dean and approved by the Provost and Vice President for Academic Affairs.

## **5. Review by the President of the University**

- a. The decision of the Academic Conduct Board is reviewed by the President of the University.**
- b. Reviews must be completed within ten (10) working days** from the date of the notice to the student of the Board's decision.

- c. **The President's review is limited to:**
    - (1) Whether the evidence provides a reasonable basis for the academic penalty(ies) and/or University sanction(s).
    - (2) Whether procedural errors deprived either party of a fair hearing.
  - d. **Each party may submit supplemental written statements.**
  - e. **The President of the University approves or overrules the decision of the Board.** A copy of the President's decision is provided to the student, the course instructor, Department Chair, Academic Dean, Dean of Students/ Vice President for Student Affairs, Provost and Vice President for Academic Affairs, and the Academic Conduct Board.
  - f. **The President's decision after review is the final campus decision and includes directions for implementation.** A presidential decision to overrule may include an order for a new hearing to consider new or omitted evidence or to correct procedural errors.
  - g. **The student may seek further administrative review by the Commissioner of Higher Education and the Board of Regents pursuant to Montana University System Policy and Procedures Manual, 203.5.2.**
6. **Hearing Officer Option:** When an appeal cannot be heard by the Academic Conduct Board within a reasonable time after the student's request (e.g. during summer or between semesters) the President of the University may, whenever it is in the best interest of the University or the student, appoint an impartial Hearing Officer to conduct a hearing. This hearing is conducted following the procedures described in this Code. The decision of the Hearing Officer is submitted to the President for review.
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## VI. GENERAL CONDUCT

### A. STANDARDS OF STUDENT CONDUCT

Students at the University of Montana have the responsibility to conduct themselves in a way that positively impacts the safety, welfare, or educational opportunities of others in the University community. Students are expected to act as responsible members of the community, respect the rights, privileges, and dignity of others, and refrain from actions that infringe upon the rights of others or interfere with normal University activities.

*The following acts are prohibited and are violations of the Student Conduct Code:*

1. **Forgery, falsification, or fraudulent misuse of University documents, records, or identification cards.**
2. **Providing false information to the University or to members of the University community acting in the performance of their official duties.**

3. **Causing false information to be presented before any University disciplinary proceeding or intentionally destroying evidence important to such a proceeding.**
4. **Theft of property or services on University premises or at University-sponsored activities, or knowing possession of stolen property on University premises or at University-sponsored activities.**
5. **Unauthorized use, destruction, or damage of University property or the property of others on University premises or at University-sponsored activities.**
6. **Unauthorized or illegal use of the University's facilities, telephone system, mail system, computers, or computer network, or use of any of the above for any illegal act.**
7. **Unauthorized entry, use, or occupancy of University facilities.**
8. **Failure to comply with the directions of University officials, including Resident Assistants, University Police Officers, and the Dean of Students, acting in the performance of their duties and within the scope of their authority.**
9. **Violation of published University regulations, rules, or policies.**
10. **Intentional obstruction or disruption of normal University or University-sponsored activities**, including but not limited to studying, teaching, research, administration, disciplinary proceedings, or fire, police, or emergency services.
11. **Use, possession, or distribution of alcoholic beverages on University premises or at University-sponsored activities except as permitted by University policies** (see University of Montana facility use policies and University of Montana alcohol and drug policies).
12. **Disorderly or indecent conduct on University-owned or -controlled property or at University-sponsored activities.**
13. **Interfering with the freedom of expression of others on University premises or at University-sponsored activities.**
14. **Hazing**, defined as an act which endangers the mental or physical health or safety of another, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
15. **Malicious intimidation or harassment of another.** When a student, with the intent to terrify, intimidate, threaten, or harass (1) causes bodily injury to another, (2) causes reasonable apprehension of bodily injury in another, (3) damages, destroys, or defaces any property of another or any public property, or (4) makes repeated, persistent and/or severe communications, including telephone, digital, or electronic communications, that are unwelcome to the receiver.

16. **Illegal use, possession, or distribution of any controlled substance on University premises or at University-sponsored activities.**
17. **Illegal distribution of any controlled substance off-campus**, subject to the provisions in Section II, "Jurisdiction of the University of Montana."
18. **Illegal or unauthorized possession or use of firearms, explosives, other weapons, dangerous chemicals, or noxious substances on University premises or at University-sponsored activities.**
19. **Homicide, assault, aggravated or felony assault, or threat of the same.**
20. **Conduct that recklessly or otherwise threatens or endangers the health or safety of another person.**
21. **Retaliation against a person for filing a complaint and/or acts of intimidation directed towards the person to drop a complaint, including involvement in third-party retaliation or intimidation.**
22. **Violation of the terms of any disciplinary sanction imposed in accordance with the Student Conduct Code.**

## **B. ATTEMPTS AND COMPLICITY**

Attempts to commit acts prohibited by the Student Conduct Code, and/or knowingly or willfully encouraging or assisting others to commit any of these acts, are also prohibited and may be adjudicated in the same manner.

## **C. DISCIPLINARY SANCTIONS**

1. Sanctions for violating the Standards of Student Conduct under the University of Montana Student Conduct Code may include one or more of the following:
  - a. **Disciplinary Warning**: The student is warned that further misconduct may result in more severe disciplinary sanctions.
  - b. **Disciplinary Probation**: The student may continue attending the University, but is subject to restrictions and/or conditions imposed by the University for a specified period of time. Further violation of the Code while under disciplinary probation will result in more severe sanctions including the possibility of expulsion.
  - c. **Suspension**: The student is separated from the University for a specified period of time and may also be excluded from participation in University-sponsored activities. *A sanction of suspension requires approval by the Vice President for Student Affairs.*
  - d. **Expulsion**: The student is permanently separated from the University and may also be banned from any University-owned or -controlled property or events. *A sanction of expulsion requires approval by the Vice President for Student Affairs.*

- e. **Restitution:** The student is required to make payment to the University and/or another person or entity for actual financial loss resulting from a Student Conduct Code violation.
  - f. **Withholding or Revocation of a Degree:** A degree is withheld or a previously awarded degree is rescinded. This sanction may be imposed when a person who is no longer enrolled is found to have violated the Code during the time of enrollment (see Section I. A., "Definitions of Student").
  - g. **Other Sanctions:** In addition to or in place of the above, other sanctions may be imposed such as eviction from University housing, restriction or banning from certain on-campus facilities, restriction or prohibition from attending campus events or participating in campus activities, and requirements to attend and complete classes, programs, workshops, and/or counseling sessions. Details of the terms of the sanction will be provided to the student in writing.
2. **Repeated or aggravated violations of this Code may result in more severe disciplinary sanctions than any individual violation might warrant.**
  3. **Committing any act prohibited by this Code may result in suspension or expulsion from the University unless specific and mitigating factors are present.** Potential mitigating factors include the attitude of the student, disciplinary history, the nature of the offense, and the severity of any damage, injury, or harm resulting from it.
  4. **Appropriate University officials will be notified of Student Conduct Code findings and/or sanctions imposed.**
  5. **Readmission.** Readmission to the University after suspension for general misconduct is dependent upon the student's compliance with the conditions of the suspension and the student's fitness to return to the campus community. These decisions are made by the Dean of Students upon consultation with appropriate campus officials and/or community members. In some cases, appropriate documentation may be required for readmission. Upon readmission, the student may be placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior.

#### **D. INTERIM ACTION**

The University reserves the right to take necessary and appropriate interim action to protect the safety and well-being of the campus community.

1. **A student may be temporarily suspended from the University, evicted from University Housing, prohibited from being on campus property, restricted or prohibited from campus events, and/or restricted in other ways by the Dean of Students or designee pending University disciplinary proceedings.** If there is evidence that the student's continued presence on campus at certain activities or at certain locations constitutes a threat to others or to the continuance of normal University operations, interim suspension, eviction, and/or restrictions may be imposed effective immediately and without prior notice.

2. **Right to Appeal Interim Action.** In cases of interim suspension, eviction, or restriction, the student may appear before the Vice President for Student Affairs within five (5) working days from the effective date of the suspension or eviction to discuss the following:
  - a. The reliability of the evidence against the student.
  - b. Whether the alleged conduct and surrounding circumstances reasonably indicate that the student's presence on campus constitutes a threat to others or to the continuance of normal University operations.

## **E. GENERAL MISCONDUCT IN THE CLASSROOM**

Faculty members at the University of Montana have the independent authority to exclude a student from any class session in which the student displays disruptive behavior that threatens the learning environment and/or safety and well-being of others in the classroom.

1. If circumstances warrant dismissal from a class session for behavior reasons, the faculty member should contact the Dean of Students immediately following the class to discuss the situation and make a determination about whether Student Conduct Code charges will be initiated.
2. The student remains eligible to return to the next class session.
3. The faculty member maintains the authority to remove the student from any future class session during which the student is disruptive.
4. The student may be suspended permanently from a class upon recommendation of the Dean of the college or school offering the class in accordance with the disciplinary procedures outlined in the "General Conduct" section of this Code.

## **F. DISCIPLINARY RECORDS**

1. Sanctions of expulsion and suspension affect the student's academic status and are entered as notations in the student's permanent academic record maintained by the Registrar during such time as the imposed sanctions are in effect.
2. During the time that a Student Conduct Code case is in process, the student continues to have the same rights and privileges as other students unless interim action, which may include restrictions, suspension, or expulsion, has been imposed.
3. At the request of the student, transcripts may be released to another institution or to a prospective employer with the understanding that if there is a pending case under the Student Conduct Code, and the student is found to be in a violation of the Code in a manner that would require that the previously-released transcript be altered, the University may notify the institution and/or employer and forward a corrected copy.
4. Records of Student Conduct Code proceedings and sanctions are maintained by the Dean of Students in the Office of the Vice President for Student Affairs.

## **G. THE ROLE OF ATTORNEYS**

As described in the Introduction (Section I), University disciplinary proceedings are educational and administrative proceedings; the University does not follow all of the rules and protocols of a legal proceeding. However, as stated in Section IV (Student Rights), students who are accused of violating the Student Conduct Code also have certain rights, including “the right to have a person of choice, including an attorney, present throughout any and all disciplinary proceedings” (Section IV. B.).

Although students may choose to have an attorney present throughout any aspect of the disciplinary process, the role of the attorney in a University conduct proceeding is limited to advice, consultation, and guidance.

A student who intends to bring an attorney to a meeting must notify the University official who will be conducting the meeting at least three (3) working days in advance of the meeting so the University may make arrangements to also have an attorney present.

## **H. DISCIPLINARY PROCEDURES**

The purpose of the University disciplinary proceeding is to determine if a student violated the Student Conduct Code, and if so, to determine appropriate sanctions.

### **1. Evidentiary Standard**

- a. Clear and Convincing Standard:** For all charges under the Student Conduct Code, the evidentiary standard is “clear and convincing.” This means evidence that is definite, clear, and convincing, and there is no serious or substantial doubt about the correctness of the conclusions drawn from the evidence.

### **2. Case Adjudication and Jurisdiction: Residence Hall Cases and Other Campus Cases**

Incidents involving alleged violations of the Student Conduct Code that occur within the residence halls are adjudicated by designated Residence Life administrators, which may include the Director, an Associate Director, or an Assistant Director. Incidents occurring elsewhere on campus and in some cases off-campus (subject to the jurisdictional guidelines for the University as outlined in Section II) are adjudicated by the Dean of Students or designee. Serious cases with potential sanctions of suspension or expulsion from the University will also be referred directly to the Dean of Students regardless of where they originate.

### **3. Procedures for Adjudicating General Misconduct Cases**

- a. Referral:** A referral is made to the Dean of Students or designated Residence Life official regarding an alleged violation by a student of the Student Conduct Code. Referrals may be made by anyone within the campus community. Occasionally, the Dean of Students may also pursue cases resulting from media reports and other referral sources from outside the University.

The Hearing Officer begins a preliminary investigation into the allegations.

**b. Informal Resolution by the Dean of Students or the Residence Life Official**

- (1) Initial Notification:** The Dean of Students or designated Residence Life official sends an initial notification to the student (the “respondent”) that includes the following:
- (a) Notification that an allegation of a violation of the Conduct Code has been brought forth
  - (b) A brief description of the alleged incident
  - (c) A list of potential charges from the Standards of Student Conduct based on the preliminary information
  - (d) A description of possible sanctions that will be issued should the respondent be found in violation of the Student Conduct Code
  - (e) Notification of the right to be accompanied by a support person or an attorney throughout any element of the disciplinary proceeding
  - (f) A date and time for a Preliminary Meeting to discuss the incident
- (2) Investigation:** The Dean of Students or designated Residence Life official, or another appropriate designee depending upon the nature of the case, investigates the incident and determines the facts through interviews, reports, and other evidence. Elements of the investigation may occur before, during, and after the Preliminary Meeting, the Findings Meeting, and any appeal proceeding.
- (3) Preliminary Meeting:** The Dean of Students or designated Residence Life official holds an initial meeting with the respondent to: (a) inform the student of the charges and ensure they are understood, (b) inform the student of the Student Conduct Code procedures for adjudicating disciplinary cases, and (c) ensure the student has a copy of the Student Conduct Code.

In the Preliminary Meeting the respondent may choose to begin discussing the facts of the case with the Dean of Students or Residence Life official if desired, but it is not required. The purpose of the Preliminary Meeting is to inform the student of the case, the potential charges, and the disciplinary procedures under the Code.

**Moving directly into the Findings Meeting:** If, during the Preliminary Meeting, the respondent has come to a decision about whether or not he or she wishes to accept responsibility for violating the Student Conduct Code, the respondent may elect to move directly into the Findings Meeting (description below). However, if the respondent wishes to schedule a separate time to return for a Findings Meeting, or if the Dean of Students or the Residence Life Official determines that more time is needed to gather additional information, a future time for the Findings Meeting may be set.

**(4) Findings Meeting:**

- (a) The Findings Meeting must occur within five (5) working days of the Preliminary Meeting unless alternate arrangements are made that are agreeable to all parties.
- (b) In the Findings Meeting, the Dean of Students or Residence Life official will present relevant evidence and the respondent will have an opportunity to respond to the evidence and potential charge(s) and present additional evidence and/or witnesses. Both parties may ask questions of each other and seek clarification.
- (c) Based on the evidence, the Dean of Students or Residence Life official makes an impartial decision and informs the respondent of the findings.

If the respondent is found in violation of the Student Conduct Code, the student is also informed of the recommended sanctions. (Sanctions of suspension and expulsion require approval of the Vice President for Student Affairs).

- (d) The Dean of Students or Residence Life official summarizes the findings and recommended sanctions (if applicable) in a **Case Adjudication Letter** to the student. This letter includes findings for each individual charge, a statement of evidence that informed the decision, and a list of recommended sanctions.
- (e) If the respondent does not appear for a Findings Meeting, the charges are accepted as outlined in the Initial Notification and the Dean of Students or Residence Life official will impose the disciplinary sanctions specified in the Initial Notification. The respondent is notified of the findings and the sanctions (if applicable) and loses the right to further appeal.
- (f) Except for interim action(s) that may be taken by the University (Section VI. D.), disciplinary sanctions are not imposed until the final resolution of the charges or until the deadline for a final appeal has passed.

**(5) Respondent's Options in Response to the Findings and/or Sanction(s)**

The respondent has three options in response to the Case Adjudication Letter: (1) to accept the findings and the sanctions, (2) to not accept the findings and/or sanctions, or (3) to not respond at all. The respondent has five (5) working days to sign the Case Adjudication Letter after being notified that it has been prepared.

- (a) If the respondent signs the Case Adjudication Letter and indicates agreement to the findings and the sanctions, the case is closed. A copy of the letter is kept on file by the Dean of Students and a copy is provided to the student.
- (b) If the respondent does not accept the findings and/or the sanctions, an appeal may be requested. For Residence Life cases, the respondent may appeal to the Dean of Students (or designee). For Dean of Students' cases, the

respondent may appeal to the Vice President for Student Affairs (or designee). See next section, "Appeal."

- (c) If the respondent chooses not to sign or respond to the Case Adjudication Letter within the five (5) days, the findings and sanctions are adopted and the student loses the right to appeal. The student is notified that the deadline for signing the letter has passed, the findings have been accepted, and there is no further opportunity to appeal. This notification letter is kept on file by the Dean of Students and a copy is sent to the student.

**c. Appeal to the Dean of Students or the Vice President for Student Affairs**

- (1) **The Student Submits an Appeal Letter:** If the student does not accept the findings and/or sanctions and wishes to appeal, the student must submit a written letter discussing the reasons for the appeal within five (5) working days to the University official who most recently heard the case, either the designated Residence Life official or the Dean of Students.
- (2) **The Case is Forwarded to the Dean of Students or the Vice President for Student Affairs:** Upon receipt of the student's appeal letter, the official who heard the case will forward the Case Adjudication Letter and the student's appeal letter within three (3) days as follows:
- For cases from Residence Life: Appeal is forwarded to the Dean of Students (or designee)
  - For cases from the Dean of Students: Appeal is forwarded to the Vice President for Student Affairs (or designee)
- (3) **Appeal Meeting is Scheduled:** Upon receipt of the appeal materials, the Dean of Students or the Vice President for Student Affairs will contact the student to arrange a meeting to hear the appeal (the "Appeal Meeting"). This meeting must occur within five (5) working days of the date the student is contacted, unless a different arrangement is made that is agreeable to all parties.

If the student intends to be accompanied by an attorney, the student must provide notification at least three (3) working days in advance of the scheduled meeting so the University may also arrange to have an attorney present.

**(4) Appeal Meeting**

- (a) The purpose of the Appeal Meeting is to provide a final opportunity for informal resolution of the charges and the case.
- (b) The Dean of Students or the Vice President for Student Affairs will meet with the student, consider the reasons for the appeal, review additional information as necessary, and make an impartial determination as to whether the original finding(s) and/or sanction(s) are upheld, overturned, or modified.
- (c) The findings from the Appeal Meeting are summarized for the student in an **Appeal Findings Letter**. This letter includes the original charges in the case,

the findings and sanctions of the original Hearing Officer, and the findings and sanctions of the Dean of Students or Vice President for Student Affairs.

- (d) If the student fails to appear for an Appeal Meeting, the original findings and sanctions are upheld. The student is notified that the decisions about findings and sanctions are final and the student loses the right to further appeal.
- (e) Except for interim action that may be taken by the University (Section VI. D.) disciplinary sanctions are not imposed until the final resolution of the charges or until the deadline for a final appeal has passed.

#### **(5) Respondent's Options in Response to the Appeal Findings Letter**

The respondent has three options in response to the Appeal Findings Letter: (1) to accept the findings and the sanctions, (2) to not accept the findings and/or the sanctions, or (3) to not respond at all. The respondent has five (5) working days to respond to the Appeal Findings Letter after being notified that it has been prepared.

- (a) If the respondent signs the Appeal Findings Letter and indicates agreement to the findings and the sanctions, the case is closed. A copy of the letter is kept on file by the Dean of Students and a copy is given to the student.
- (b) If the respondent does not accept the findings and/or the sanctions resulting from the Appeal Meeting, the respondent may request that the case be transferred to University Conduct Board (see next section).
- (c) If the respondent chooses to not sign or respond to the Appeal Findings Letter within the five (5) days, the findings and sanctions are accepted and the student loses the right to appeal the case further. The student is notified that the deadline for signing has passed, the appeal findings have been accepted, and there is no further opportunity to appeal. This notification letter is also kept on file by the Dean of Students and a copy is provided to the student.

### **I. UNIVERSITY CONDUCT BOARD**

If the student wants to appeal the decision of the Dean of Students or the Vice President for Student Affairs, whichever is applicable, the case is transferred within five (5) working days to the University Conduct Board for a hearing.

#### **1. Composition of the University Conduct Board**

Members of the University Conduct Board are appointed by the President of the University. At the beginning of each academic year, a pool of Conduct Board members is selected and members are trained for the responsibilities associated with this duty. The Conduct Board is comprised of undergraduate and graduate students nominated by ASUM, faculty members nominated by the Executive Committee of the Faculty Senate, and staff members nominated by the Staff Senate. Oversight, management, and training of the Conduct Board is provided by the Dean of Students.

Student members of the Board are appointed for one-year terms. Faculty and staff members are appointed for two-year terms.

One of the faculty appointees is elected by the other members of the University Conduct Board to serve as the Chair.

Each Board assembled to hear a particular case is comprised of seven (7) members total: (a) three undergraduate students, (b) one graduate student (c) two faculty members (one of whom is the Chair), and (c) one staff member.

No member of the University Conduct Board may hear a case if the member is closely associated personally or professionally with the respondent, the complainant, the person who referred the case, or any other relevant party. A Conduct Board member is expected to raise the issue of stepping down whenever any potential reason for disqualification becomes known.

The respondent will be notified of the membership of the Conduct Board that will hear the case in advance and may assert grounds for disqualification of any particular Board member to the Chair of the Conduct Board up until three (3) working days prior to the date of the hearing. The Chair has the discretion to accept or reject a request for a disqualification based on the facts presented.

## **2. University Conduct Board Hearings**

### **a. Hearing Participants and Roles:**

- (1) Chair of the University Conduct Board:** The Chair of the hearing is a faculty member selected by the other Conduct Board members. The role of the Chair is to lead the proceedings, exercise control, and ensure that the hearing proceeds in an orderly and just manner.
- (2) University Conduct Board Members:** The Conduct Board consists of six (6) students, faculty, and staff members (in addition the Chair) who are trained to hear cases involving alleged violations of the Student Conduct Code.
- (3) Respondent** (and a support person or attorney if desired): The respondent is the student accused of violating the Student Conduct Code. The respondent may be accompanied at the hearing by a support person or an attorney. If the student chooses to bring an attorney, the role of the attorney is limited to advice, consultation, and guidance to the respondent; the attorney may not have a speaking role in the hearing.
- (4) University Official (or designee) to present the University's case:** The University will designate an appropriate University official, staff member, law student, attorney, or other designee to present the case to the Conduct Board on behalf of the University.
- (5) Complainant** (if applicable, and a support person or an attorney if desired): In cases involving a complaint of one student against another student, the student who brings forth the allegation is the complainant. The complainant may attend the hearing and serve as a witness for the University. The complainant may also

be accompanied by a support person or an attorney at the hearing. If the complainant chooses to bring an attorney, the role of the attorney is limited to advice, consultation, and guidance to the complainant; the attorney may not have a speaking role in the hearing.

- (6) **Witnesses** (if applicable): Both the respondent and the University may choose to call witnesses who have information relevant to the case to assist in the presentation of their respective cases. Witnesses may include other students, faculty or staff members, police officers, friends, family members, expert witnesses, community members, and/or character witnesses. Witnesses may appear and participate at the University's discretion.

**b. Pre-Hearing Notices**

- (1) **Notice of the Hearing:** When proceedings have been transferred to the University Conduct Board, the Chair of the Board, in consultation with the Dean of Students (or designee), schedules a date and time for the hearing. The Chair provides notice to the respondent and the complainant (if applicable) of the date, time, and place of the hearing. The hearing will occur at least five (5) working days after the date of this notice unless an alternate arrangement is made that is agreeable to all parties.
- (2) **Presenter of the University Case:** The University will identify and designate an appropriate person to present the case for the University. This person may be a University official, staff member, law student, attorney, or other designee. The respondent will be notified of the identity of this person at least three (3) working days before the hearing.
- (3) **Notice of Participation of Attorneys:** If the University should elect to present its case through an attorney, the respondent may be granted an extension of up to five (5) working days to obtain an attorney if desired after being notified that the University case will be presented by an attorney.

If the respondent intends to be accompanied by an attorney, the respondent must provide written notice to the Dean of Students (or designated official) at least three (3) working days before the scheduled date of the hearing so the University may also make arrangements to have an attorney present.

**c. Hearing Proceedings**

- (1) **Hearings are Closed to the Public:** To protect the privacy rights of student participants, hearings are generally closed to the public. An open hearing may be held at the discretion of the Chair if requested by the respondent, if agreeable to the complainant (if applicable), and if there are no apparent overriding privacy issues.
- (2) **Elements of the Hearing:** Although the exact structure and flow of each hearing may vary, in general, University Conduct Board hearing proceedings will include the following:

- Notice that the hearing is being recorded (hearings are recorded at University expense)
- Introduction of all parties
- Statement of the charges against the respondent
- Presentation of the University's case, including an opening statement, evidence, and any witnesses
- Presentation of the respondent's case, including an opening statement, evidence, and any witnesses
- Opportunities throughout for the respondent to ask questions, for the University presenter to ask questions, and for Conduct Board members to ask questions
- Closing statements
- Conduct Board deliberations (all parties other than Board members are excused)

**(3) Additional Characteristics of Conduct Board Hearings:**

- (a) Formal (legal) rules of evidence do not apply.
- (b) The Chair determines the admissibility of any evidence presented including witness testimony, rules on all procedural issues, and may put in place additional procedural rules during the hearing consistent with this Code. Any of the Chair's rulings may be overruled by a majority of the Conduct Board members.

**(4) Conduct Board Deliberations and Decisions:** The deliberations of the Conduct Board will include two distinct phases:

- (a) Findings: Whether the student violated any standard(s) of the Conduct Code
- (b) Sanctioning: Appropriate sanction(s) should the student be found in violation

The Board is charged with rendering a decision about findings and/or sanctions within five (5) working days after the close of the hearing. All votes are by majority rule and the Chair has a vote in all cases.

The Board develops a written decision that includes: (a) findings for each specific charge, (b) a statement of the reasons for the decision(s), and (c) a description of the sanctions (if applicable).

The Board's written decision is provided to the respondent, the Dean of Students, the Vice President for Student Affairs, and the President of the University for review (see Section VI. I. 3.). In cases involving student complainants, appropriate notification of the Board's decision is also made to the complainant.

**d. Failure to Appear for a University Conduct Board Hearing**

A respondent who fails or refuses to appear after proper notice of a University Conduct Board hearing is considered to have waived his or her rights to be heard by the Board. In this case, the University will find the student to be in violation of the Conduct Code as charged, and will impose the disciplinary sanctions specified in the statement of charges.

Sanctions of suspension or expulsion require approval of the Vice President for Student Affairs.

**e. Hearing Officer Option**

If a case is transferred to the University Conduct Board during a time when the Board will not be able to hear the case within a reasonable period of time (e.g. between semesters, during the summer, during other academic breaks), the President of the University (or designee) may, when it appears to be in the best interest of the University and/or the student(s) involved, appoint an impartial Hearing Officer to conduct the hearing following the general procedures described in this Code.

**3. Review of the Conduct Board's Decision by the President of the University**

- a. The President of the University reviews the decision(s) of the University Conduct Board. The President may approve, overturn, or modify any decisions and/or may address other issues related to procedures.
- b. The President's review will be completed within ten (10) working days from the date of the Board's written decision.
- c. The President's review is limited to the following criteria:
  - (1) Whether the evidence provides a reasonable basis for the resulting findings and disciplinary sanction(s).
  - (2) Whether specified procedural errors were so substantial as to deny a fair hearing to the respondent.
- d. Each party may submit supplemental written statements to the President. If a party wishes to submit a statement, it must be submitted within five (5) working days of the date of the Board's written decision.
- e. A copy of the President's final decision is provided to the respondent, the complainant (if applicable), the Dean of Students, the Vice President for Student Affairs, and the members of the University Conduct Board who heard the case.

**4. The student may seek further administrative review by the Commissioner of Higher Education and the Board of Regents pursuant to Montana University System Policy and Procedures Manual, 203.5.2.**

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## **VII. INFORMAL RESOLUTION**

Nothing in this Code limits the right of an appropriate University official and the respondent to agree at any time to disciplinary sanctions if the student agrees to the charges. Any such agreement must be in writing. When it is approved by the appropriate University official(s), signed by the student, and filed with the Dean of Students in the Office of the Vice President for Student Affairs, the case is concluded.

## VIII. OTHER UNIVERSITY POLICIES, RULES, AND STANDARDS

Students at the University of Montana may be subject to additional University policies, regulations, rules, and/or professional and ethical standards that supplement the Student Conduct Code. These include, but not limited to, the following:

- A. Alleged Misconduct in Research and Creative Activities Policy (Personnel Policy Number 701)**  
*Available from the Office of the Vice President for Research and Development*
- B. Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy and Discrimination Grievance Procedures**  
*Available from the University's Title IX Coordinator and the Dean of Students, also on-line:*  
**Policy:** <http://umt.edu/policies/400-HumanResources/DiscriminationHarassmentSexualMisconductStalkingRetaliation.aspx>  
**Discrimination Grievance Procedures:** *Available through a link in the policy, or at* <http://www.umt.edu/eo/documents/discriminationprocedures.docx>
- C. Drug and Alcohol Policies**  
*Available from the Dean of Students or from the Office of Public Safety*
- D. Law School Honor Code and Procedures**  
*Available from the Office of the Dean in the School of Law*
- E. Professional Program Standards (individual departments and programs)**  
*Available from various academic colleges, and schools, and departments*
- F. Residence Life Regulations & University Villages Regulations**  
*Available from the Office of Residence Life*
- G. Responsible Use of Electronic Communications Policy, University System Policies, and UM Policies Related to Student Use of IT Resources**  
*Available from the Office of Information Technology*
- H. Student-Athlete Conduct Code**  
*Available from Intercollegiate Athletics and at:*  
<http://www.gogrizz.com/athleteservices/mont-sa-handbook.html>
- I. University Facilities Use Policy**  
*Available from the Office of the Vice President for Administration and Finance*
- J. Vehicle and Traffic Regulations**  
*Available from the Office of Public Safety*

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## University of Montana Conduct Code – Adoption & Revisions

Adopted May 1985

Revised August 1987, August 1988, May 1993, May 1998, March 2000

Current Revision – August 27, 2013

REVISED AUGUST 27, 2013

**FORM 1 – ACADEMIC MISCONDUCT  
DURING A COURSE OR AFTER THE CONCLUSION OF A COURSE**

Notice to Student: Academic Conduct, Student Conduct Code (Section V. C. 1. a. & b.)  
Alleged misconduct during a course or after the conclusion of a course

NOTICE OF ALLEGATIONS OF ACADEMIC MISCONDUCT

Date

Student Name  
Student Address

Dear (student name),

It has come to my attention that you may have committed an incident of academic misconduct in my class. My preliminary investigation indicates that you may have committed the following violation of the University of Montana Student Code:

**Insert alleged violation(s), cite as (V. A. #)**

This alleged misconduct occurred on (date), (describe circumstances and known evidence):

If this violation is confirmed, I propose the following Academic Penalty for this misconduct:

**Insert proposed Academic Penalty(ies) here**

In addition to this academic penalty(ies), University sanctions may also be imposed, including but not limited to: Disciplinary warning, probation, suspension, or expulsion from the University, depending on the severity of the misconduct and your previous disciplinary record, if any. If University sanctions are recommended, your case will be transferred to the appropriate Academic Dean. An “N” grade will be assigned or substituted for the assigned grade for the course(s) implicated in these allegations pending resolution of these charges.

Under the Student Conduct Code, you have the right to respond to and contest these charges and the evidence, and to contest the imposition of sanctions. These procedures are outlined in the Student Conduct Code, which is available on the University website at the following address:

[http://life.umt.edu/vpsa/student\\_conduct.php](http://life.umt.edu/vpsa/student_conduct.php)

If you wish to respond to these charges, please do so by contacting me within ten (10) days of this notice.

Sincerely,  
(Course Instructor)

cc: Department Chair  
Dean of Students (for records)

REVISED AUGUST 27, 2013

**FORM 2 – ACADEMIC MISCONDUCT  
STUDENT DOES NOT APPEAR FOR THE INVESTIGATIVE MEETING**

Notice to student: Academic Conduct, Student Conduct Code (Section V. C. 1. e.)  
Student does not appear for the investigative meeting

NOTICE OF FINDINGS OF ACADEMIC MISCONDUCT

Date

Student Name  
Student Address

Dear (student name),

To follow up on my notice to you on (date), my investigation into an allegation of academic misconduct in my class indicates that you have committed the following violation:

**Insert violation(s), cite as (V. A. #)**

As I described earlier, the alleged misconduct occurred on (date), (describe circumstances/evidence):

Since you have not responded to my previous notice of allegations, the following academic penalty(ies) for this misconduct will be imposed, unless you appeal according to the procedures outlined in the Student Conduct Code:

**Insert Academic Penalty(ies) here**

In addition to the academic penalty(ies), University sanctions may also be imposed, including but not limited to: Disciplinary probation, suspension, or expulsion, depending on the severity of the misconduct or your previous disciplinary record, if any. If University sanctions are recommended, your case will be transferred to the appropriate Academic Dean. An "N" grade will be assigned or substituted for the assigned grade for the course(s) implicated in these allegations, pending resolution of these charges.

If University sanctions are recommended, I have prepared a written summary of the allegations and the evidence in this case, a copy of which is enclosed. I have also have sent copies of this summary to the Department Chair of (Department of class), the Department Chair of your major, the Provost and Vice President for Academic Affairs, and the Dean of Students in the Office of the Vice President for Student Affairs. You may prepare a written response whether or not you choose to appeal.

Your appeal and supporting documentation must be filed with the Provost and Vice President for Academic Affairs within ten (10) working days of your receipt of this letter or the notice of University Sanctions, whichever is later.

Sincerely,  
(Course Instructor)

cc: Department Chair  
Dean (if University sanctions are recommended)  
Dean of Students (for records)

REVISED AUGUST 27, 2013

**FORM 3 – ACADEMIC MISCONDUCT  
ACADEMIC DEAN’S NOTICE OF UNIVERSITY SANCTIONS**

Notice to Student: Academic Conduct, Student Conduct Code (Section V. C. 2. b. (2))  
Academic Dean’s Notice of University Sanctions

NOTICE OF UNIVERSITY SANCTIONS FOR ACADEMIC MISCONDUCT

Date

Student Name  
Student Address

Dear (student name),

To follow up on communication to you from (course instructor) on (date) regarding academic misconduct in (course name), I have reviewed this case and agree with your course instructor that you have committed the following violation of the University of Montana Student Conduct Code:

**Insert violation(s), cite as (V. A. #)**

The alleged misconduct occurred on (date), and (summarize facts, circumstances, and known evidence):

In addition to the academic penalty(ies) imposed by your course instructor, the following University sanction(s) will be imposed, unless you appeal according to procedures outlined in the Student Conduct Code:

**Insert University sanction(s) here**

An “N” grade will be assigned or substituted for the assigned grade for the course(s) implicated in these allegations, pending resolution of the charges.

Under the Student Conduct Code, you have a right to contest the charges and imposition of sanctions. The procedures are outlined in the Student Conduct Code, which is available on the University website at the following address: [http://life.umt.edu/vpsa/student\\_conduct.php](http://life.umt.edu/vpsa/student_conduct.php)

If you wish to appeal, please do so by submitting your appeal and supporting documentation to the Provost and Vice President for Academic Affairs within ten (10) working days of the date of your receipt of this letter or the notice of academic penalty(ies), whichever is later.

Sincerely,  
(Academic Dean or Designee)

cc: Department Chair  
Course Instructor  
Dean of Students (for records)