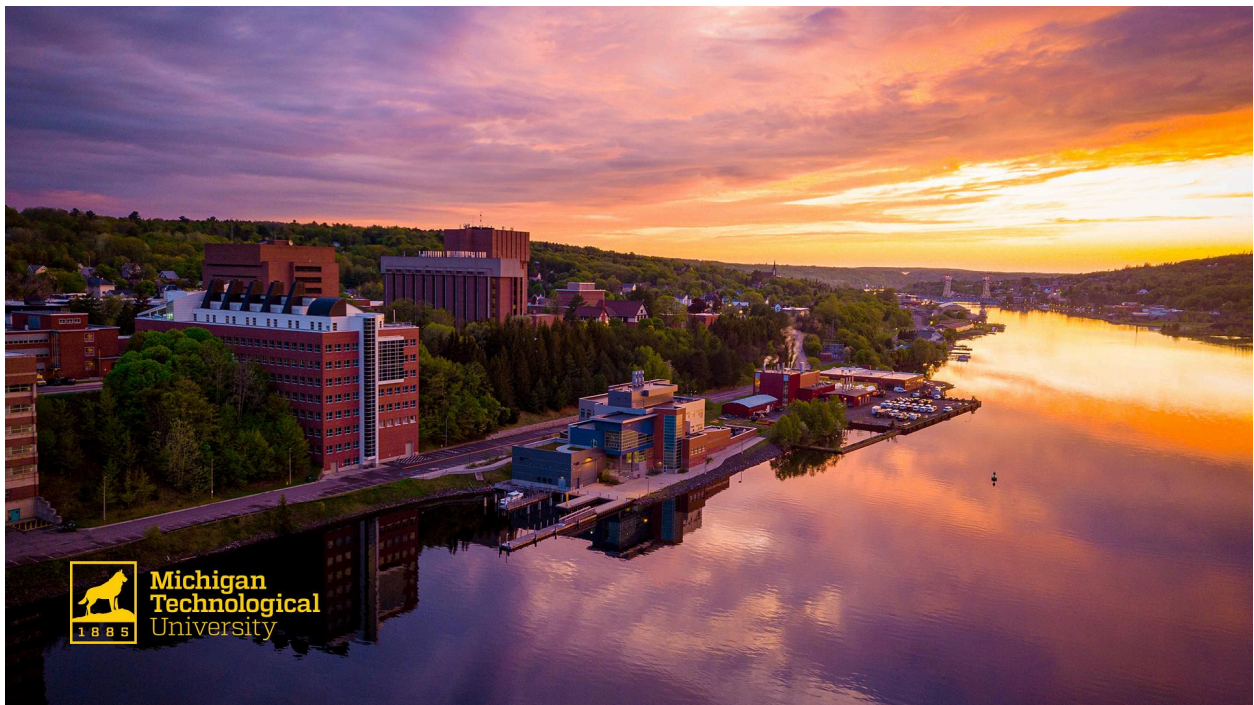




Michigan
Technological
University

Academic and Community Conduct

Registered Student Organizations Standards of Conduct Process and Procedures



Effective August 1, 2024

The Office of Academic and Community Conduct

Division of Student Affairs



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1. Introduction and Standards of Conduct

1.1 Introduction

Michigan Technological University, referred to hereinafter as “the University”, helps “prepare students to create the future.” In doing so, the University inspires the values of community, scholarship, possibilities, accountability, tenacity, and leadership. These values should serve to guide decisions and foster learning. Standards of conduct are set forth in the *Student Code of Community Conduct* and in this document are to assist the University community in furthering its mission and values. The Office of Academic and Community Conduct has been given the responsibility for enforcing these standards, regardless of where incidents occur.

The University is committed to supporting registered student organizations, referred to hereinafter as “RSOs”, and the students' ability to freely associate and express themselves. Student organizations registered with the University, accept the rights and responsibilities outlined in this policy and in their organization’s governing documents. All RSOs are required to be registered with the Office of Student Leadership and Involvement. The standards of conduct for RSOs do not replace any policies and sanctions implemented by an organization’s own governing affiliations or by any federal, state, or local laws, or other University policies.

1.2 Standards of Conduct

All RSOs are expected to act consistently with the values of the University. RSOs are responsible for actions by their members when those members are acting on behalf of the RSO and violate University policy. Depending on the facts of an incident, the University may take disciplinary action against an RSO and against individual students. Action against an RSO and against an individual student are separate.

1.3 Case Criteria

The following criteria are used to determine if an allegation will be considered an organizational violation for which an RSO may be held responsible:

01. One or more of the RSO’s officers commit a violation while acting within the scope of their duties;
02. One or more of the RSO members commit a violation as a part of an activity or assignment voted on by the organization and/or approved by the local, regional, or national leadership;
03. The violation is committed at an activity funded, hosted, or facilitated by the RSO or by an individual(s) in the name of the RSO;
04. The violation is committed by RSO members attending or traveling to a function as a representative of the University, including, but not limited to, competitions, conferences, and conventions;



05. RSO members or officers permit, encourage, aid, assist in committing, or has knowledge of a violation;
06. RSO members or officers fail to report knowledge or information about a violation of University policy and/or local, state, or federal law to appropriate University authorities;
07. RSO members or alumni commit a violation in the name of the organization.

2. Definitions

2.1 Advisor

A full-time employee of Michigan Tech selected by the organization and approved by Student Leadership and Involvement who provides support and guidance to the organization.

2.3 Charge

Charge means reasonable cause has been established that a violation of the Code has occurred.

2.4 Code

Code means any and all University codes, regulations, rules, and policies, including this *Student Code of Community Conduct*. This Student Code of Community Conduct applies to all students including both on and off University premises.

2.5 Complainant

Complainant refers to any member of the University community, of the public, or any law enforcement agency representative who makes a report to the Office of Academic and Community Conduct. In situations where the individual(s) reports information but wishes not to be involved in the conduct process, the University may choose to become the complainant.

2.6 Evidence

Factual information presented that directly supports or disputes the allegations.

2.7 Interim Action

Interim action means any lawful action, order, restriction, or demand made pursuant to the code, as a means to protect individuals, property, and/or the best interests of the University.

2.8 Maxient

Maxient is the conduct management system used by the University. All email correspondence generated from the address **Maxient System** <notifications@maxient.com> should be treated as official University communication.



2.9 Preponderance of Evidence

Preponderance of evidence means the totality of all available evidence indicates it is more likely than not that a policy violation did/did not occur. The burden is not on a party, but on the institution. The concept of “preponderance of the evidence” can be visualized as a scale representing the standard of proof, with the totality of evidence collected during the University’s investigation resting on the respective trays on either side of the scale. If the scale tips ever so slightly to one side or the other, the weightier side will prevail.

2.10 Procedural Officer

Procedural officer means all administrative staff with delegated authority to resolve academic and community conduct issues.

2.11 Reasonable

Reasonable means fair and appropriate given all facts and circumstances.

2.12 Reasonable Cause

Reasonable cause means there is sufficient information alleged by a complainant to warrant belief by a reasonable person that a respondent has violated the code. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.

2.13 Reasonable Person

Reasonable person means a person under similar circumstances and with similar identities to the complainant.

2.14 Registered Student Organization (RSO)

Registered Student Organization means a student group that has gone through the approval process with Student Leadership and Involvement and has completed the annual re-registration process to remain a registered group.

2.15 Respondent

Respondent means the Registered Student Organization alleged to have violated the code. Respondents are presumed ‘not responsible’ until proven by the preponderance of evidence standard that indicates a finding.

2.16 Request for Sanction Revision (RSR)

RSR means **R**quest for **S**anction **R**evision. This program is for RSOs that have been sanctioned to conduct probation or conduct suspension to request for their sanction to be revised. To be eligible for



RSR, RSOs must have successfully completed their originally assigned educational conditions and at least one third ($\frac{1}{3}$) of their total probation/suspension period. If RSOs qualify for RSR, additional educational conditions will be determined. Upon completion, the additional condition(s) will be reviewed and the sanction will be reevaluated. RSOs on probation will be released from their probation upon successful completion. RSOs on suspension will have a change in their conduct status to probation.

2.19 Student

Student means any individual who is an admitted applicant, is currently enrolled, auditing, or participating in any University course or program, (regardless of their classification status), or was enrolled at the time of the conduct at issue regardless of their age or status in regard to parental dependency. Student status is maintained during semester breaks.

2.18 Unaffiliated or Unregistered Organizations

While the students and/or community members within the groups (and others not previously registered) may attempt to recruit individuals into these groups, it is important to note that they are **NOT registered** student organizations and are **NOT affiliated** with Michigan Technological University in any way. The University advises that students and their parents review carefully the potential benefits and the potential disadvantages or risks of affiliating with such non-registered student organizations.

The University Code of Conduct applies to student behavior both on and off campus. Students involved in conduct violations may subject themselves to individual University disciplinary procedures, including suspension or dismissal if they are found responsible for violations under the Student Code of Community Conduct rather than this policy. To view Unaffiliated or Unregistered Organizations, visit [Student Leadership and Involvement](#).

2.19 University Conduct Board

University conduct board means a group of trained University faculty and staff convened for the purpose of reviewing the conduct violation and determining appropriate consequences as needed, known as hearing decision-makers.

3. Organizational Rights and Responsibilities

RSOs have the right to expect that all disciplinary proceedings will be handled fairly. The following rights are provided to RSOs throughout the conduct process:

1. The right to have the case heard by unbiased individuals.
2. The right to have their advisor present. Advisors may not actively participate in the process. It is the responsibility of the RSO President to invite the advisor to the initial meeting.
3. The right for the President of the RSO to receive written notice of the allegations, which will include information regarding the initial meeting.



4. The right to hear and have all known information presented at the initial meeting. Information that directly exposes the identity of an individual who wishes to remain anonymous will either be redacted, or a description of the incident will be provided.
5. The right to have five (5) business days to respond to the allegations.
6. The right to review all information if requested; however, the review must be done in person as no information will be sent electronically.
7. The right to question witnesses, if known, in a hearing.
8. The right to present information and witnesses on behalf of the RSO. Character statements and witness statements should be submitted in writing before the hearing. Character statements will not be considered when determining responsibility, but may be considered if a sanction is rendered.
9. The right to receive written notification of an outcome no more than five (5) business days after an initial meeting or hearing. Reasonable judgment may be used to extend this time if necessary. The RSO would be given written notice of this extension.
10. The right to appeal the decision within five (5) business days of the decision being sent.

4. Jurisdiction and Authority

1. Michigan Tech has jurisdiction over all registered student organizations with the Office of Student Leadership and Involvement. The Office of Academic and Community Conduct has the authority to utilize this policy when deemed appropriate.
2. If the allegations against the RSO fall under the Title IX Sexual Misconduct Policy, the Office of Equal Opportunity Compliance and Title IX will manage the case. If there are additional conduct concerns in conjunction with Title IX allegations, they will be handled simultaneously by both offices during the Title IX investigation.
3. Students whose actions in the alleged incident may violate University policy, federal, state, local, or municipal law, may also be subject to individual disciplinary action under the Student Code of Community Conduct.
4. If an RSO is sanctioned, the Office of Academic and Community Conduct is responsible for compliance with conditions of the sanction. When appropriate, other University departments may also assist with completion of sanctions.
5. The Office of Academic and Community Conduct reserves the right to permit an RSO that is sponsored, collaborating, or affiliated with a University department to address the incident rather than this policy.

5. Reporting Options

Allegations of misconduct involving RSOs can be made in the following ways:

- Report a Concern page: <https://www.mtu.edu/deanofstudents/concern/>
- Email: Studentconduct@mtu.edu
- Walk-In: 310 Administration Building



- Call: 906-487-2951

The following steps will be followed as best as possible when a report is made:

1. Office personnel will attempt to meet with the individual(s) making the allegation to gather information.
 - a. If the individual(s) wish to remain anonymous, the report will list them as a 'Confidential Witness'. Staff will gather as much information. If the information reveals the source, all steps will be taken to protect the privacy of the individual(s), while also providing adequate information to the RSO to respond.
 - b. If the report is completely anonymous, the veracity of the evidence provided will be carefully weighed to assess if it can be verified prior to moving forward.
 - c. If the reporter chooses to be known, their name will be disclosed with the expectation that the parties do not make contact during the conduct process.
2. After the conclusion of the interview/verification process, the Office of Academic and Community Conduct will determine if there is cause to move forward with allegations and how to proceed based on the information known at the time.

6. Prohibited Conduct

The purpose of publishing the standards of conduct is to give Registered Student Organizations general notice of prohibited conduct. The University considers the behaviors described in the following subsections as inappropriate for the University community. These behaviors are in opposition to the core values set forth in this document. These expectations and rules apply to all students, student groups, and/or student organizations. The University's rules are not written with the specificity of a criminal statute. Students, student groups, and/or student organizations are responsible for choices they make about their actions and accepting the consequences of those choices. Attempts to commit acts prohibited by these rules may be sanctioned to the same extent as completed violations. Repeated or aggravated acts of prohibited conduct may result in progressively more severe sanctions. The following activities are prohibited:

6.1 Abuse/Endangerment

Any act that directly or indirectly creates a substantial risk to anyone's medical or mental health or safety (including one's own health or safety) regardless of intent.

6.2 Academic Misconduct

Knowingly or unknowingly assisting members of an RSO in violating the [University Senate Policy, 109.1 Academic Integrity Policy](#). Violations include, but are not limited to: providing, attempting to provide, sharing, distributing or selling unauthorized materials, course information, or study aids, (including, but not limited to, exams and quizzes, class notes, homework assignments, study guides, handouts, labs, etc.).



6.3 Disruptive Conduct

Conduct that substantially interferes with University activities or with the legitimate activities of any member of the University community or the surrounding community.

6.4 Distribution/Possession of Alcohol and Other Drugs

Organizations may not supply alcohol to individuals outside of the guideline of the [Alcohol Policy for Registered Student Organizations](#). Illegal drugs may not be supplied to individuals or on the property of RSOs.

6.5 Failure to Comply with Official Requests

Failure to comply with a legitimate request from a University official, law enforcement, or emergency personnel, in the performance of their official duties, including, but not limited to, failure to identify individuals when requested.

6.6 Failure to Comply with a Conduct Decision

Intentionally or recklessly violating the terms of any conduct sanction and/or educational condition(s) imposed in accordance with this policy.

6.7 Financial Misconduct

Misuse, knowingly or unknowingly, of RSO funds in accordance to [Board of Trustees Policy](#) and/or in accordance with RSO policy. Violations include but are not limited to:

- Breaching contractual obligations
- Using chapter funds and/or membership gathering funds for an activity, program, event, or social which violates this policy
- Using RSO funds for purposes not authorized by the RSO and/or not in accordance with this policy, Student Leadership and Involvement Policies, or University allocation fee usage.
- Misuse of Student Fees - this is inclusive of not following policies on allocation and student fee usage.

6.8 Fraternalization

Engaging in events, programs, or activities, with an organization during their period of suspension, as well as any organization expelled, terminated, or otherwise unaffiliated for disciplinary reasons by the University.

6.9 Hazing

Violating [University policy against hazing](#). Hazing is strictly prohibited.



6.10 Inappropriate Use of Space

Failure to utilize space, on campus or off campus, in accordance with the standards of the particular space.

6.11 Misuse of Policy

Filing a false complaint, using this policy to harass, intimidate, or disrupt RSOs.

6.12 Non-Compliance with Travel Policies

Failing to adhere, knowingly, or unknowingly, to [Student Leadership and Involvement Travel Policy](#), including, but not limited to, violating limits on distance, unapproved travel, time of travel, etc.

6.13 Non-Compliance with Laws

Failing to adhere to federal, state, local, and municipal laws.

6.14 Non-Compliance with Student Leadership and Involvement Policies:

Failing to adhere, knowingly, or unknowingly, to [Student Leadership and Involvement Policies](#).

6.15 Non-Compliance with University Policies

Failing to adhere, knowingly or unknowingly, to any University policies or procedures.

6.16 Theft of Damage to Property

The unauthorized taking, destruction, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the University or any individual, both on or off campus.

6.17 Violation of the Student Organization's and/or Governing Council RSO's Constitution and/or Governing Documents

The disregard for, knowingly or unknowingly, the written documentation which governs the organization. This includes local, regional, and national documents.

7. Investigation Process, Procedures, and Reports

The Director or designee, may pursue Formal Charge(s) of Prohibited Conduct using their discretion, following a preliminary review. The Director or designee may meet with the RSO President or designee to review the information gathered to determine if the organization will answer to the charge(s) or if additional investigation is needed.



In some instances, including but not limited to sexual misconduct and hazing, the Director may appoint an investigator to investigate alleged violation(s). The investigator will then submit a written report of their summary findings that may include interviews and relevant evidence. Formal charge(s) may be modified at the conclusion of the investigation.

8. Interim Action

Reasonable cause needs to be present for the University to take interim action prior to proceeding with the conduct process. The purpose of an interim action is to:

- ensure the safety and well-being of all members of the University community;
- take action if the RSO poses a threat of disruption of or interference with, the normal operations of the University.

If a RSO fails to comply with the requirements of the interim action, the University may immediately take any lawful action to obtain compliance.

8.1 Interim Action Review

An RSO can request an interim action review be conducted at any time after interim action is imposed. The RSO President or designee must submit the request for review in writing. During the review process, the RSO will be given an opportunity to demonstrate, in writing, why they feel the cause no longer exists for the interim action to be in effect. This may include providing additional information not available at the time the interim action was imposed. A separate University official will conduct the review.

8.2 “Interim Action” includes but is not limited to:

- Immediate cease and desist from all organizational activities.
- Restrictions on organizational activities.
- No verbal/non-verbal/third-party contact with another person(s).
- Restriction on RSO’s presence on University property, and/or at University events.

9. Resolution Options

9.1 Formal Pathway: Conduct Conference

Notice will be given to the RSO leadership when reasonable cause is present that an RSO may be in violation of this policy. A conduct meeting will be scheduled with the purpose being to provide all known and relevant information. The RSO is not required to respond to any allegations at this time.

After the conduct meeting, the RSO leadership will take all known information back to their constituents. The organization will have at least 3 business days, but no more than 5, to respond in writing to the allegations.

The RSO can respond in writing the following ways:

1. Accept responsibility for the alleged violation(s) and request the Office of Academic and Community Conduct (OACC) to sanction and assign conditions. The RSO can appeal the sanction and/or conditions.



2. Accept responsibility for the alleged violation(s) and request to enter into a negotiation of conditions and a suggestion of sanction.
 - a. Upon accepting responsibility, the RSO will also provide OACC suggestions of what they believe are appropriate, educational, and beneficial conditions based on the incident. They also will provide a suggestion of sanction.
 - b. OACC will review the suggestion and respond within 5 business days.
 - c. The RSO can accept the suggestion from OACC or request a final suggestion.
 - d. After the final suggestion from the RSO, OACC has 5 business days to finalize the decision.
 - e. The RSO can appeal the final decision.
3. Choose not to respond to the charge. The case will then be referred for a formal hearing before the University Conduct Board.
4. Deny responsibility for the violation(s), in which case, the official shall determine the next appropriate course of action from the following:
 - a. Schedule a formal hearing within a reasonable time in order to allow the respondent to prepare a response and/or to arrange for the complainant who filed the complaint to appear.
 - b. Refer to a formal hearing before the University Conduct Board. If the board cannot convene, the Office of Academic and Community Conduct will arrange a formal hearing by a designated official.
 - c. Adjourn the conference in order to obtain additional information, and then complete the conference at a later time after all additional information has been gathered and reviewed.
 - d. Dismiss the charges if it is decided after the initial conference that the cause no longer exists for the charge(s)

9.2 Informal Pathway: RSO Intervention

After receiving a report, a University official may decide to schedule a meeting with the RSO leadership to discuss the alleged prohibited conduct. At the meeting, the official will:

- explain the purpose of the RSO intervention meeting;
- review the incident report and any impacts/harms to individuals and/or the community as a whole;
- listen to the RSO leadership's explanation of what occurred and why;
- discuss community behavioral expectations and conflict resolution techniques;
- discuss the consequences of the student conduct process;
- assist the RSO in developing an action plan to: repair the impacts/harms to individuals and/or community; avoid recurring behavioral issues; make use of appropriate service referrals, as needed; reintegrate themselves back into the community; and/or
- refer the case for formal action at the request of the respondent.

So long as the matter remains a conduct intervention, there will be no formal conduct charges and therefore, no sanctions will be imposed and there is no right to an appeal. Cases handled as a conduct intervention will be kept as internal records and not disclosed.



The official has the authority to change handling the incident at the conduct intervention level to the administrative option or formal action, based on the information revealed in the conduct intervention meeting. Such actions may also be taken if the student fails to appear for the conduct intervention meeting. If a change is made, the respondent will receive the appropriate notice and opportunity to respond.

10. Sanctions and Conditions

One or more of the following sanctions may be imposed on an RSO that is responsible for violations of this policy:

10.1 RSO Intervention

A status in which the case was handled informally and did not result in a formal sanction.

10.2 RSO Probation

A status which generally will not exceed eighteen (18) months, unless at the discretion of the decision-maker(s). RSOs that violate any regulation while on RSO probation are likely to receive enhanced sanctions for any subsequent violations.

RSOs are not eligible for Student Leadership Awards or housing merit waivers, if applicable, while on RSO Probation.

RSOs are able to recruit and add members during this probationary period and may host other activities unless otherwise specified.

10.3 RSO Deferred Suspension

Deferred Suspension is used as an outcome where offenses are serious enough to warrant a suspension but when specific circumstances within the case mitigate the offense. Deferred Suspension is a period of time in which an RSO is given an opportunity to demonstrate their ability to abide by this policy and the University's expectations.

During the Deferred Suspension, the RSO is able to operate with sanction-specific restrictions and their status will be "Deferred Suspension". If, after a review, it is found that the RSO fails to complete any of the assigned conditions and/or has any subsequent violations, the status of Deferred Suspension will be moved to Suspension.



10.4 RSO Suspension

Suspension means denial of rights and privileges of a registered organization for a period not to exceed two (2) calendar years. Any organization whose registration is suspended, must cease all organizational activities upon receipt of the notice of suspension.

While an RSO is under RSO Suspension, they may not function at the University including; utilize University facilities or services, or participate in any University-sponsored programs/events, recruit or initiate new members.

The RSOs on suspension may serve a suspension period and then move into a probationary period to work on conditions in order to get back into Good Standing.

The RSO must submit a petition for reinstatement and have it approved by the Office of Academic and Community Conduct before being allowed to return. To be eligible to petition for reinstatement, students must have successfully completed all educational conditions and remedies.

10.4 RSO Expulsion

The immediate termination of a RSO status as a registered student organization without the possibility of reinstatement.

10.5 Additional Outcomes

Outcomes may include, but are not limited to the following in addition to the above sanction:

1. Exclusion from intramural competition;
2. Restitution for loss incurred by an individual or the University as a result of RSO violation(s);
3. Denial of use of University property for meetings or activities;
4. Limited or full campus bans to University property or any University sponsored program, activity, or related event, as specified in the outcome;
5. Suspension of participation in recruitment events (ie. K-Day, Spring Fling, Greek Recruitment/Rush);
6. Loss of social opportunities (ie. unable to host and/or sponsor activities, social events, parties, functions, etc.) for a period of time;
7. Loss of participating in University events (ie. Homecoming, Winter Carnival, etc.);
8. Loss of university funding (departmental, donation, student activity fee, etc.)
9. Community service and/or participation in educational programs.

11. Communication

RSOs are not protected by FERPA; however, individual students are protected. As a result, the Office of Academic and Community Conduct will ensure that all personal and identifiable information is protected. The following identifies times that the Office of Academic and Community Conduct will notify other campus constituents:



1. Notice of Conduct Conference: RSO leadership, Advisors, Student Leadership and Involvement Staff, and others on a need to know basis will be copied on the notice.
2. Decision Outcome: RSO leadership, Advisors, Student Leadership and Involvement Staff and others on a need to know basis will be copied on the notice.
3. Greek RSO: Interfraternity Council and/or Panhellenic Council will be provided notice after a case has concluded. Charge, outcome, and summary will be provided. Student Leadership and Involvement Staff will also be copied.

12. Hearing

All hearing procedures will follow the procedures found in Section 6 of the Student Code of Community Conduct.

13. Appeal Process

All appeal procedures will follow the procedures found in Section 8 of the Student Code of Community Conduct.

14. Record Policy

RSO Conduct records are kept indefinitely.

15. Revisions

The Office of Academic and Community Conduct reserves the right to make revisions to this policy and procedures at any time. Published on August 1, 2024.