

## 8. Student Programs and Requirements

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[Go Back](#)

### 8.1. Student Conduct Code and Judicial Structure

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#### UNIVERSITY POLICY STATEMENT

It is the policy of Eastern Michigan University to establish a student conduct code, to be administered by the Office of Student Conduct and Community Standards, for the purpose of maintaining a campus environment that is conducive to learning, protects the university's educational purposes, maintains reasonable order on campus, and protects the rights of all members of the University community. The Eastern Michigan University Student Conduct Code and the accompanying student disciplinary processes are intended to foster ethical development, personal accountability and civility toward others.

#### UNIVERSITY PRACTICE

The Student Conduct Code, below, outlines the practices to be utilized in administering the student disciplinary system at Eastern Michigan University.

#### SECTION I: PURPOSE

In support of the overall goals of Eastern Michigan University, the purpose of the Student Conduct Code, administered by the Office of Student Conduct and Community Standards, is to maintain a campus environment that is conducive to learning, protects the university's educational purposes, maintains reasonable order on campus, and protects the rights of all members of the University community. The Student Conduct Code and the accompanying student disciplinary processes are intended to foster ethical development, personal accountability and civility toward others.

The Code embraces several core philosophies: preservation of the rights of free speech and peaceable assembly; respect for freedom of inquiry and constructive criticism; a conviction that honesty and integrity are key values to the University community; and the belief that all members of the University should be part of a campus environment that respects differences of culture, gender, religion, race, age, lifestyle, or ability.

#### SECTION II: RESPONSIBILITY FOR IMPLEMENTATION

The President, as Chief Executive Officer of the University, has overall responsibility for implementation of the Student Conduct Code and the student disciplinary process and has delegated its overall management to the Vice President for Student Affairs and Enrollment Management and the Director of Student Conduct and Community Standards. The Office of Student Conduct and Community Standards is directly responsible for the daily administration of the University's student judicial system.

#### SECTION III: JURISDICTION

The University will have jurisdiction over misconduct that occurs on University premises and/or at University-sponsored activities but may also address off-campus behavior if the University determines that the behavior, or the continued presence of the student, impairs, obstructs, interferes with or adversely affects the mission, processes or functions of the University. A student committing a criminal offense, off-campus that is also a violation of the Student Conduct Code may be subject to University discipline.

The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, has been dismissed or the charges have been reduced.

#### SECTION IV: DEFINITIONS

A. For purposes of the Student Conduct Code only, the following definitions apply:

1. *FACULTY MEMBER* means any person hired by the University to conduct classes.
2. *INSTITUTION or UNIVERSITY* means Eastern Michigan University.
3. *MEMBER OF THE UNIVERSITY COMMUNITY* includes any person who is a student, faculty member, University official or any other person employed by the University.
4. *STUDENT* includes all persons enrolled for courses through or at EMU, both full-time and part-time, and those who attend educational institutions other than EMU but who reside in EMU residence halls. Persons who are not officially enrolled for a particular term but whose EMU record indicates a continuing relationship with the University are considered "students". Persons who have been accepted into EMU but have not yet enrolled for courses are considered "students".
5. *STUDENT GROUP* means a number of students who are associated with each other and have not complied with University requirements for registration as an organization.
6. *STUDENT IN GOOD STANDING* means a student who is in good academic standing AND who is not presently under any University disciplinary sanctions.
7. *STUDENT ORGANIZATION* means a number of students who have complied with University requirements for registration and/or recognition.
8. *UNIVERSITY PREMISES* includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
9. *UNIVERSITY SPONSORED ACTIVITY* means any activity on or off campus, which is initiated, aided, authorized or supervised by the University.

#### SECTION V: VIOLATIONS

The following behavior is subject to disciplinary action under this Code. An individual, a group of individuals or a student organization may be charged with any of the violations. In cases where a violation is committed by an individual member of a student organization, the entire organization may be held responsible, in addition to the individual member, when those members not directly involved participate in the activity by encouraging, witnessing or condoning the act in any manner.

##### A. Academic Dishonesty

Engaging in academic dishonesty in any form with respect to examinations, course assignments, research projects, grades, and/or academic records, including, but not limited to the following:

1. Cheating – using or attempting to use unauthorized materials, information or study aids in any academic assignment. Examples of cheating are: looking on someone else's paper; using any kind of "cheat" sheet or other enhancement during a test; allowing someone else to take an exam in your place; submitting the same work more than once for credit; using someone else's homework or lab assignments; collaborating with another student on any assignment or take-home test if told that collaboration was not allowed; assisting another

student in committing an act of academic dishonesty by allowing another student to copy homework or an exam; taking an exam for someone else; or giving test information to students in other sections of the same class.

2. Falsification – intentional and unauthorized falsification or invention of any information or citation in an academic assignment. Examples of falsification are: making up data on an assignment; making up a source to cite in a paper; altering then resubmitting returned academic work; giving false information to a faculty or staff member to increase one's grade; or attempting to change, actually changing, altering grades or any other unauthorized tampering with grades.
3. Plagiarism – deliberate and knowing use of someone else's work or ideas as one's own. Examples of plagiarism are: quoting a source verbatim, or paraphrasing text from a given source, without properly citing the source; turning in a research paper that was written by someone else; or in any other way passing off someone else's work as one's own; or failing to give credit for ideas or materials taken from someone else.

## **B. Alcohol Violations**

1. Possession or consumption of alcoholic beverages by persons under the legal drinking age in violation of Michigan law.
2. Dispensing, selling or supplying alcoholic beverages to a person under the legal drinking age as defined by Michigan law.
3. Possession or consumption of alcoholic beverages in violation of federal, state and local laws.

### NOTES:

1. Transportation in sealed containers to and from an authorized area or place is permissible if the person in possession is of legal age to possess alcoholic beverages as allowed by Michigan law.
2. Use of alcohol and controlled substances by Greek Organizations is covered under Student Conduct Code Section XI: Special Provisions Governing the University Recognition and Conduct of Greek Letter Social Organizations". Those provisions should be used to address alcohol violations committed by a Greek organization.

## **C. Computer Misuse**

1. Unauthorized access, entry or use of a computer, computer system, network, software, password, account or data.
2. Unauthorized alteration or tampering with computer equipment, software, network, or data.
3. Unauthorized copying or distribution of computer software or data.
4. Use of computing facilities or equipment to send obscene, harassing, threatening or abusive messages.
5. Use of computers to falsify records, tamper with records or commit any act of academic dishonesty.
6. Any other act in violation of law and/or University policies and guidelines regulating computer-related use.

## **D. Discrimination by Student Organizations**

Selecting its membership upon the basis of restrictive clauses involving race, religion, color, national origin, gender, age, sexual orientation or disability unless any given student organization's membership restriction is shown to be specifically allowed by law.

## **E. Disruptive Conduct**

1. Actions that impair, interfere with, or obstruct the normal operations of the University and/or interfere with the rights of other members of the University community or visitors. This includes intentional occupation of or

blocking the entry or exit of University facilities, including but not limited to, buildings, classrooms, offices, hallways, entryways, conference rooms and campus grounds.

2. Actions that impair, interfere with, or obstruct the orderly conduct, processes and functions within any classroom or other instructional setting. This includes interfering with a faculty member's or instructor's role to carry out the normal academic or educational functions of his/her class.
3. Participating in, leading or inciting others to disrupt scheduled and/or normal campus activities, events and programs.
4. Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
5. Disturbance of any member of the University community or visitor.
6. Solicitation on campus without prior approval from appropriate University officials. This includes, but is not limited to, the disbursement of any forms of promotional/informational material on University property or on items (e.g. motor vehicles) on University property, requests for donations, or the selling or vending of any merchandise or services.

#### **F. Drugs**

1. Possession or use of narcotics, prescription drugs or other controlled substances in violation of local, state or federal drug or narcotic laws.
2. Distribution, delivery or sale of narcotics, prescription drugs or other controlled substances in violation of local, state or federal drug or narcotic laws.
3. Possession or use of drug paraphernalia.

#### **G. Failure to Comply**

1. Failure to comply with a lawful order of a University official, including a campus police officer, in the performance of his/her duty.
2. Failure to comply with the sanctions rendered during the student judicial process.
3. Failure to comply with a request to be interviewed by a University judicial officer during the investigation of a conduct code violation. (Students may choose not to appear and present testimony at a student judicial proceeding after meeting with the judicial officer.)

#### **H. Falsification/Fraud/False Testimony**

1. Furnishing false information to the University, including false reporting of emergencies, knowingly making false accusations or giving false testimony during the disciplinary process.
2. Misuse, reproduction, alteration or forgery of any University related documents, records, identification, keys, access codes or property.
3. Providing a worthless check or money order in payment to the University or to a member of the university community.

#### **I. Fire and Safety**

1. Damage to, removal of or tampering with any fire safety systems, firefighting equipment or other emergency warning equipment.
2. Intentional or reckless burning or setting fire to any building or piece of property owned or controlled by the University.

**J. Gambling**

Gambling or participation in games of chance on campus for money or other things of value except as provided by law.

**K. Guests**

Students are responsible for informing their guests about campus regulations and may be held accountable for the behavior of their guests.

**L. Harassment/Stalking**

1. Conduct (not of a sexual nature) that creates an intimidating, hostile, or offensive campus, educational or work environment for another person or group.
2. Conduct (not of a sexual nature) that threatens, intimidates, humiliates, or otherwise harms another person or group.
3. Stalking, defined as following or otherwise contacting, via any means, another person repeatedly for no legitimate purpose, so as to put that person in fear for his/her life or personal safety, or to cause that person substantial emotional distress. Stalking includes:

- a. Repeatedly following or harassing another person.
- b. Contacting a person after being asked or ordered not to contact the person.
- c. Violating any provision of the Michigan Stalking Law.

**M. Hazing**

1. Any action or activity committed by either active members, associate members or pledges of an organization which inflicts or intends to cause physical or mental harm or anxieties; which may demean, degrade, or disgrace any person, regardless of location, intent or consent of participants. Hazing includes, but is not limited to:

- a. Interference with a student's academic or work performance.
- b. Forced consumption of any food, alcohol, other drugs, or any other substance.
- c. Forced physical activity.
- d. Deprivation of food or sleep.
- e. Physical acts such as branding and paddling
- f. Requiring participation in any activity that violates University policies or any local, state or federal law.
- g. Other violations as outlined in the Interfraternity Council (IFC), College Panhellenic Council (CPC) or National Pan-Hellenic Council (NPHC) Constitutions.
  1. Any action or situation, which intentionally or unintentionally endangers a student who is attempting admission into or affiliation with any student organization.

**NOTES:**

1. In cases where the activity is performed by an individual member of a student organization, the total organization may be held responsible, when those members not directly involved participate in said activity by encouraging, witnessing, or condoning the act in any manner.
2. Any individual and/or organization found guilty of hazing will be subject to a minimum penalty of suspension.

**N. Physical Abuse and Endangerment**

1. Physical violence or attempted physical violence toward another person or group.
2. Threat of physical violence against another person or group.
3. Any action that endangers the health, safety or welfare of a person or group.
4. Attempt to harm, or actual harm, to oneself.

**O. Property/Facilities/Services**

1. Theft of University property or property of a member of the University or visitor.
2. Damage, destruction, or defacement of University property or property of a member of the University or visitor, including littering.
3. Wrongful appropriation of University property or property of a member of the University or visitor.
4. Public posting, selling of, or in any other way, distribution of notes of class lectures, course handouts and outlines, and/or any other University-supplied materials without the express written permission of the instructor.
5. Unauthorized possession and/or use of University property or property of a member of the University or visitor, including knowingly being in possession of stolen goods. This includes unauthorized use of vehicles, equipment, services, the University name and logo.
6. Unauthorized entry into University facilities, including but not limited to buildings, classrooms, hallways, entryways, conference rooms, and campus grounds.
7. Bringing animals and/or pets into University buildings, except where properly authorized. Use or operation of rollerblades, skates, skateboards, bicycles, and similar items inside University facilities, unless expressly permitted.
8. Violation of any policy or guidelines pertaining to specific usage of a University facility.

**P. Sexual Misconduct/Sexual Harassment**

1. Any sexual act that occurs without the consent of the other person or occurs when the other person is unable to give consent.
2. Conduct of a sexual nature that creates an intimidating, hostile or offensive campus, educational or working environment for another person. This includes unwelcome sexual advances or requests for sexual favors, inappropriate sexual or gender-based activities, comments or gestures, or other forms of verbal or physical conduct or communications constituting sexual harassment.
3. Obscene or indecent behavior, which includes, but is not limited to, indecent exposure or the display of sexual behavior that would reasonably be offensive to others.

**Q. Weapons/Firearms/Explosives**

1. Possession, storage or use of firearms and other weapons, including non-lethal weapons. Examples of such weapons may include, but are not limited to pellet guns, air-soft guns and paintball guns.
2. Possession, storage or use of firecrackers, gunpowder, ammunition, explosives or incendiary devices, or other articles or substances which could endanger health or safety.

**R. Other Violations**

1. Violation of any other published or posted University regulations not specifically mentioned in this Section, including, but not limited to, the EMU Policy Manual(s); EMU's Alcohol and Other Drug Policy; Residence Hall Contract and the Guide to Campus Living; Campus Life Council regulations and guidelines for organizations; Student Government monetary allocation guidelines; EMU published undergraduate and graduate catalogs; EMU'S Athletics Alcohol and Other Drug Education and Testing Policy; ORD Research Guidelines; and Greek Social Policy.
2. Aiding and abetting another in any violation of laws and/or University policies.
3. Attempt or intent to commit any violation outlined in the Student Conduct Code.
4. Off-Campus Conduct as described in the Student Conduct Code, Section III: Jurisdiction.

## SECTION VI: SANCTIONS FOR MISCONDUCT

The purpose of University discipline is to be corrective and educational as well as punitive. The disciplinary experience is intended to make clear to students the limits of acceptable behavior and to give students who violate the rules an opportunity to more fully understand the rules and incorporate the experience into his/her overall development. Assigned discipline may include a combination of sanctions for a particular incident. The sanctions which may be incurred include, but are not limited to, the following:

### A. Sanctions for Students and/or Student Groups

1. Verbal Warning: notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. Formal Reprimand: An official written statement of the University's disapproval of a student's actions and a warning that any future violation(s) will be dealt with more severely.
3. Disciplinary Probation: An official notice that the student's conduct is in violation of the Student Conduct Code but does not warrant suspension or permanent dismissal. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student commits another conduct code violation during the probationary period. During the Probation period, a student will be considered "not in good standing" and may be excluded from some programs and curricular or extra-curricular activities, including running for and/or holding office in any student organization.
4. Suspension: An involuntary separation of the student from the University for a definite period of time and/or until certain conditions for readmission are met. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission. (Suspension requires administrative review and approval by the President or his/her designee.)
5. Deferred Suspension: The sanction of Suspension may be placed in deferred status provided that the student completes other assigned sanctions by the specified deadline dates. Failure to complete all sanctions and provide proof of completion by the deadline date(s) will result in the automatic enactment of the suspension without charges or hearing. If a student is found responsible for another violation of the Student Conduct Code during the period of deferred suspension, the student may be permanently dismissed from the University.
6. Permanent Dismissal: An involuntary permanent separation from the University. (Permanent dismissal requires administrative review and approval by the President or his/her designee.)
7. Delay and/or Denial of Degree Award: During the period disciplinary charges are pending against a student, the University may deny and/or delay issuance of a degree. Further, the University may refuse to issue a degree to a student who is serving a suspension or has been permanently dismissed from the University.
8. Revocation of Degree: An awarded degree may be revoked for violations of the Student Conduct Code, which occur prior to the award of the degree but are discovered after the degree has been awarded, where the violation is sufficient to justify the suspension or permanent dismissal of the student. (Revocation of a degree requires administrative review and approval by the President or his/her designee.)

9. Other Secondary Sanctions may be imposed instead of or in addition to those specified above. Secondary sanctions include, but are not limited to:

a. Restitution (compensation for loss, damage or injury)

b. Fines (for alcohol or drug violations)

First Offense = \$100; Second Offense = \$200; Third Offense = \$300

c. Community Service

d. Educational activities such as a reflective writing assignment or attendance at an event directly related to the violation committed. (e.g. alcohol/drug workshop; diversity awareness training; ethics workshop)

e. Restrictions (temporary or permanent loss of privileges or the use of a University facility or service)

## B. Sanctions for Student Organizations

1. Verbal Warning: Notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. Formal Reprimand: An official written statement of the University's disapproval of a student organization's actions and a warning that any future violation(s) will be dealt with more severely.
3. Disciplinary Probation: An official notice that the student organization's conduct is in violation of the Student Conduct Code but does not warrant suspension of or permanent termination of the organization's University status. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student organization commits another conduct code violation during the probationary period. During the Probationary period, a student organization may also be excluded from campus activities, forfeit student monetary allocations, and lose Campus Life status.
4. Suspension: An involuntary withdrawal of student organization status from the University for a definite period of time and/or until certain conditions for renewal of recognition are met. During this time, the University will not in any way recognize nor support the continued operation of said student organization. The Student organization must re-apply to the University for renewed recognition following any period of suspension. The suspension shall be reported to said organization's national office, if applicable. (Suspension requires administrative review and approval by the President or his/her official designee.)
5. Deferred Suspension: The sanction of Suspension may be placed in deferred status provided that the student organization completes other assigned sanctions by the specified deadline dates. Failure to complete all sanctions and provide proof of completion by the deadline date(s) will result in the automatic enactment of the suspension without charges or hearing. If a student organization is found responsible for another violation of the Student Conduct Code during the period of deferred suspension, the student organization may have its University status permanently terminated.
6. Permanent Termination of University Status: An involuntary permanent withdrawal of student organization status from the University. The University will not in any way recognize nor support the continued operation of said student organization. The permanent termination shall be reported to said organization's national office, if applicable. (Permanent termination requires administrative review and approval by the President or his/her official designee.)
7. Other Secondary Sanctions may be imposed instead of or in addition to those specified above. Secondary sanctions include, but are not limited to:

a. Restitution (compensation for loss, damage or injury)

b. Fines (for alcohol or drug violations)

First Offense = \$100; Second Offense = \$200; Third Offense = \$300

c. Community Service

- d. Educational activities such as a reflective writing assignment or attendance at an event directly related to the violation committed. (e.g. alcohol/drug workshop, diversity awareness training; ethics workshop)
- e. Restrictions (temporary or permanent loss of privileges or the use of a University facility or service)

### C. Enhanced Sanctions

Any violation of the Student Conduct Code against any individual, group or student organization which is shown to be motivated by the individual's, group's or student organization's racial identity, religion or religious beliefs, disability, national origin, gender, sexual orientation or other personal characteristic will subject a student/student organization to a more severe sanction than would ordinarily accompany that violation.

### D. Counseling Assessments and Counseling

In addition to any sanctions assigned, a student may also be required to undergo a mandated counseling assessment. Participation in counseling may be recommended. Issuance of sanctions may be postponed pending the results of the counseling assessment.

## SECTION VII: ORGANIZATION OF THE UNIVERSITY JUDICIAL SYSTEM

### A. University Judicial Board

1. Composition – The University Judicial Board will consist of ten (10) enrolled students and four (4) alternates; four (4) full-time faculty members and two (2) alternates; and four (4) full-time members of the University community and two (2) alternates. A student member must be a student in good standing in order to be selected for and remain on the University Judicial Board.
2. Selection of Board Members – In consultation with the Director of Student Conduct and Community Standards, student members will be appointed by the Student Government; faculty members will be selected by Faculty Council; and the full-time members from the University community will be selected by the President or his/her designee.
3. Terms of Office – Board members will be appointed for a two-year term. They may be reappointed by the person or body who appointed them. Two members serving as Chairpersons will be elected by a majority vote of all of the University Judicial Board members.
4. Removal From Office – A board member may be removed from the board for poor attendance by a simple majority vote of the total University Judicial Board.
5. Jurisdiction – The University Judicial Board will serve as the panel to hear the case of any student(s)/student organization seeking resolution of the case through the formal hearing process.
6. Procedural Considerations
  - a. Selection of the University Judicial Board members for any given case depends on the availability of the members at the time scheduled for the hearing.
  - b. A quorum for a given hearing will exist with the presence of any five (5) members. During vacation periods or summer session, the University Judicial Board has the authority to convene a disciplinary hearing with only three (3) members, provided that at least one of those is a student.
  - c. The Chairperson will exercise control over the proceedings.

### B. Judicial Appeals Board

1. Composition – The Judicial Appeals Board will consist of four (4) enrolled students; four (4) full-time faculty members; and four (4) full-time members of the University community. A student member must be a student in good standing in order to be selected for and remain on the Judicial Appeals Board.
2. Selection of Board Members – In consultation with the Director of Student Conduct and Community Standards, student members will be appointed by the Student Government; faculty members will be selected by Faculty Council; and the full-time members from the University community will be selected by the President or his/her designee.
3. Terms of Office – Board members will be appointed for a three-year term. They may be reappointed by the person or body who appointed them. Two members serving as Chairpersons will be elected by a majority vote of all of the Judicial Appeals Board members.
4. Removal from Office – A board member who is consistently unavailable for appellate reviews may be removed from the board by a simple majority vote of the total Judicial Appeals Board.
5. Jurisdiction – The Judicial Appeals Board will serve as the panel to review decisions rendered by the University Judicial Board during the formal hearing process. Both the charged party and the University will have the right to appeal a University Judicial Board decision.
6. Procedural Considerations
  - a. Selection of the Judicial Appeals Board members for any given case depends on the availability of the members at the time scheduled for the appeal.
  - b. A quorum will exist with the presence of a Chairperson and any two (2) other Judicial Appeals Board members, EXCEPT that any three (3) Judicial Appeals Board members may hear the assessment. Participation in counseling may be recommended. Issuance of sanctions may be postponed pending the results of the counseling assessment. appeal if a Chairperson cannot be available within a reasonable time, not to exceed fourteen (14) work days from the date of receipt of the written appeal.

## SECTION VIII: RIGHTS OF CHARGED STUDENT(S)/STUDENT ORGANIZATIONS IN DISCIPLINARY PROCEEDINGS

- A. The following rights apply to a student conduct proceeding that has reached the level of a formal hearing, EXCEPT that Rights One (1) through Four (4) apply also to any investigative meeting held with the Office of Student Conduct and Community Standards and to the Informal Disposition Conference. Student(s)/student organizations will have the right to:
1. Remain silent and not have that silence used against them.
  2. Have a voluntary advisor, or conduct advocate, present who may participate in the proceedings. The advisor or advocate must be a member of the university community, and if the advisor or advocate is another EMU student, she/he must be a student in good standing.
  3. Engage an attorney, at the student/student organization's own expense only when criminal prosecution is pending on charges stemming from the same incident. The attorney may appear at the proceedings with the student(s) to provide advice, but may not represent the student(s)/student organization, directly question or cross-examine witnesses, or, in any other way, participate in the proceedings.
  4. Be given a written statement of the charges against them, in accordance with the provisions of Section IX.B. of the Student Conduct Code.
  5. Adequate notice of dates set for all hearings, and related conferences and meetings.
  6. Reasonable review of the disciplinary case file maintained by the Office of Student Conduct and Community Standards prior to a formal hearing and/or appeal.
  7. Question and cross-examine the complainant and all witnesses.

8. Present witnesses and submit any pertinent, supportive documentation. The hearing board, by a 2/3 vote of members present at the hearing, may limit the number of witnesses in order to avoid dilatory tactics.
9. An open or closed hearing. A hearing will be considered open if no person is excluded until the room's capacity has been reached EXCEPT that a person may be removed if his/her behavior is disruptive to the hearing process. A closed hearing will include only the charged student(s)/student organization, Student Conduct and Community Standards official(s), witnesses, and members of the particular judicial board hearing the case.
10. Challenge a judicial board member on the grounds of bias, conflict of interest or any other factor that could preclude the board member from rendering an impartial and fair decision. The board member may be disqualified upon majority vote of the remaining members of the board present at the hearing, conducted by secret ballot. If the board votes to exclude the challenged board member from that particular hearing, the hearing will continue with the remaining board members present, even if the number of board members remaining is less than the number required by the Student Conduct Code to reach a quorum for that hearing.
11. A written statement of the outcome of the proceeding, and a description of the appeal procedure.
12. Make a taped recording of the proceeding at their own expense.
13. Appeal the decision of the university judicial board, subject to the provisions of the Student Conduct Code, Section IX.E: Appeal of Formal Hearing Results.

## **SECTION IX: UNIVERSITY DISCIPLINARY PROCEDURES**

### **A. Reporting**

Any member of the university community may initiate a complaint against a student or student organization for an alleged violation of the Student Conduct Code through the Office of Student Conduct and Community Standards. A complainant shall submit the complaint to the Office of Student Conduct and Community Standards within a reasonable amount of time from the date he/she becomes aware of the alleged violation. For purposes of this Code, an incident report generated by the Department of Public Safety or an incident report generated by a member of the University will be considered a complaint to be reviewed by the Office of Student Conduct and Community Standards for possible Student Conduct Code violations.

### **B. Charges and Notice**

1. The Office of Student Conduct and Community Standards will investigate each complaint, and if the circumstances surrounding the complaint indicate that a violation of the Student Conduct Code may have occurred, disciplinary charges may be issued. The student(s)/student organization will be notified of the charges in writing. Notice of the charges will be considered adequate if it is sent to the student(s)/student organization's last known address registered with the University OR to the address given by a student on either an EMU Department of Public Safety's Incident Report or on a Housing Incident Report.
2. Proper written notice to a student/student organization will include the following:
  - a. Recitation of facts surrounding the incident, in as sufficient detail as possible as to date, time, and location;
  - b. Statement of the specific conduct code provision(s) violated;
  - c. Any penalty assigned or other action taken;
  - d. Amount of time in which the student(s)/student organization has to respond to the notice;
  - e. Ramifications of not responding to the notice within the time limit; and
  - f. Copy of "Rights of Charged Students/Student Organizations in Disciplinary Proceedings".
    1. The Office of Student Conduct and Community Standards may place a judicial hold on a student's academic

record, and/or may go forward with disciplinary action against a student/student organization in either of the following situations:

- a. The student or student organization fails to respond to a charge letter sent by the Office of Student Conduct and Community Standards within the applicable time limit.
- b. The student withdraws from the University after allegedly committing a violation, whether or not the Office of Student Conduct and Community Standards has yet had the opportunity to charge the student with a conduct code violation.
- c. The student/student organization fails to appear at his/her scheduled formal hearing or appeal hearing.

### C. Disposition of Cases

A disciplinary case may be handled in one of the following two formats:

1. Informal Disposition Conference – The student(s)/student organization representative and a judicial officer will meet informally to discuss the alleged violation(s). If the substantive facts and sanction(s) can be agreed upon by the judicial officer and the charged student(s), a disciplinary action agreement will be prepared and signed by both sides. A signed disciplinary action agreement will constitute a waiver of the right to a formal hearing and any appeal, and an acceptance of the finding(s) and sanction(s). The President or his/her designee must approve any suspension, permanent dismissal or permanent termination of a student organization's university status.
2. Formal Hearing – If, during the informal disposition conference, the student(s)/student organization disputes the findings by the Office of Student Conduct and Community Standards that a violation has occurred or if an appropriate sanction(s) cannot be agreed upon, the case will be referred for a formal hearing. In cases where the student(s)/student organization was issued a verbal warning or formal reprimand as part of the Informal Disposition Conference, a formal hearing will be offered before a judicial officer different than the one who proposed the original sanction. Procedures for this hearing will be consistent with those noted in Section IX.D. This option allows the student(s)/student organization to respond to the charges, present witnesses on his or her own behalf and question witnesses. Formal hearings are tape-recorded. The judicial officer may find the party charged not responsible for violating the Code of Conduct. If the party is found responsible the student(s)/student organization will be notified in writing. This decision of the judicial officer is final and there is no right of appeal.

*In cases where sanctions other than verbal warning or formal reprimand are proposed as part of the Informal Disposition Conference, a formal hearing will be offered before the University Judicial Board. Procedures for this hearing are set forth in Section IX.D.*

### D. Procedures for Formal Hearings

1. Notice of Hearing – After the formal hearing is scheduled, the Office of Student Conduct and Community Standards will notify the student(s)/student organization involved of the date, time and place of the hearing and of the pre-conference.
2. Pre-conference – At least two (2) days prior to the formal hearing, a pre-hearing conference will be scheduled by the Office of Student Conduct and Community Standards for any charged student(s)/student organization. The two (2) day requirement may be modified by mutual consent of the charged student(s)/student organization and the Office of Student Conduct and Community Standards. The conference will include the presiding officer of the University Judicial Board or a designee, the Director of Student Conduct and Community Standards or a designee, any individual designated to represent the University, and the charged student(s)/student organization and their advisor.

The purpose of the pre-hearing conference will be to identify those issues and facts which will be presented at the hearing, to exchange information as to witnesses likely to be called, to answer procedural questions, and to settle those matters which may be agreeably concluded. The conference will not be used to settle the issue of whether or not the violation was committed or to challenge any recommended sanctions. Failure of the charged student(s)/student organization or the advisor to appear will in no way affect any of their procedural rights and will not prohibit a hearing from being set and being held.

1. Formal Hearing Premises – The following premises will govern any formal hearing:

- a. The focus of inquiry in a University hearing will be the determination of whether a violation of University rules occurred, and such decision will be totally unrelated to any criminal or civil decisions against the student(s)/student organization arising from the same incident.
- b. Formal rules of evidence will not apply to University proceedings, nor will deviations from these prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student(s)/student organization or the University may result.
- c. The charged student(s)/student organization will be presumed to have not violated the Student Conduct Code until it is proven otherwise.
- d. The burden of proof during a formal hearing will rest with the University. The University must prove its case by a preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the charged student(s)/student organization committed the violation(s).
- e. The judicial officer may recommend a sanction to the University Judicial Board during the formal hearing, but the University Judicial Board will have the authority to reject the recommendation and issue any sanction(s) deemed appropriate.
- f. All formal hearings will be recorded. Copies of the recording will remain the property of the University and will serve as the official record of the proceedings.

1. Disposition of the Case

- a. University Judicial Board decisions as to culpability of the charged student(s)/student organization and sanctions to be issued will be made by a simple majority of the University Judicial Board members present at the hearing. After hearing the case, board members will go into closed session to reach a decision.
- b. Decisions of the University Judicial Board will be in writing. The decision will state what rule was violated, the behavior constituting the violation, and any sanctions issued. Within two (2) working days, the written decision will be submitted to the Director of Student Conduct and Community Standards. If the recommended sanction is not a suspension, permanent dismissal of the student or permanent termination of University status, the Director of Student Conduct and Community Standards will mail the decision to the student(s)/student organization within two (2) working days after being submitted to that office by the University Judicial Board.
- c. If the recommended sanction is either a suspension, permanent dismissal or permanent termination of University Status, the Director of Student Conduct and Community Standards will submit the decision to the President or his/her designee for review. The President or his/her designee will either accept or reject the University Judicial Board's decision to suspend, permanently dismiss the student, or permanently terminate the University status of a student organization. If the decision is rejected, the President or his/her designee will provide to Student Conduct and Community Standards a written rationale for the rejection of the University Judicial Board's sanction. A rejection of the University Judicial Board's sanction will constitute an automatic appeal to the Judicial Appeals Board.
- d. The President or his/her designee will have five (5) working days after submission of the University Judicial Board's decision to take action. If no action is taken during that time, the University Judicial Board's decision will be considered approved.
- e. The Office of Student Conduct and Community Standards will send the written decision to the student(s)/student organization by using the address of record. Additional copies will be sent to the student(s)/student organization by

using an official university e-mail address. The communication will take place within one (1) working day following any presidential action. If the five (5) working days lapse without the President or his/her designee taking action, the Office of Student Conduct and Community Standards will mail the University Judicial Board's written decision to the student(s)/student organization on the sixth (6) working day following the submission of the decision to the President or his/her designee for review.

## E. Appeal of Formal Hearing Results

1. Right to Appeal – Student(s)/student organizations or the University (represented by the Office of Student Conduct and Community Standards) may request that the University's Judicial Appeals Board review the decision rendered at the conclusion of the formal hearing process. Student(s)/student organization(s) may challenge the finding of the University Judicial Board that a violation occurred and/or the sanction(s) assigned. Conversely, the University may challenge the finding of the Board that no violation occurred or that the sanction(s) issued were not severe enough for the violation committed.
2. Appeal Process for Student(s)/Student Organizations – The following steps should be followed by student(s)/student organizations in order to file an appeal:

a. A written request for an appeal must be submitted to the Office of Student Conduct and Community Standards within seven (7) working days from the date of the written decision from the formal hearing. The appeal will be immediately forwarded to the Judicial Appeals Board for consideration. Unless extenuating circumstances can be shown, failure to appeal within the allotted time will render the University Judicial Board's decision final.

b. The written request for an appeal must state the grounds for appeal (citing the appropriate grounds from the "Grounds for Appeal" list below); a discussion of the evidence and facts in support of the appeal; and a recommended solution.

c. The request for an appeal must be typed and should include any supporting documentation that should be considered by the Judicial Appeals Board.

d. Grounds for Appeal – The following will be considered the only grounds for an appeal:

- 1) There were procedural errors in the case or in the interpretation of University rules and regulations serious enough to deny the student(s)/student organization a fair hearing.
- 2) There is new evidence of a substantive nature not previously available at the time of the hearing, which would have materially affected the decision.
- 3) The severity of the sanction is disproportionate to the violation(s) committed.
- 4) The decision of the Board was not supported by the evidence presented at the hearing.

1. Appeal Process for the University – The following steps should be followed by the University in order to file an appeal:

a. A written request for an appeal must be submitted by Student Conduct and Community Standards to the Judicial Appeals Board within seven (7) working days from the date of the written decision from the formal hearing. A copy of the appeal will also be made available to the student(s)/student organization. Unless extenuating circumstances can be shown, failure to appeal within the allotted time will render the University Judicial Board's decision final and conclusive.

b. The written request for an appeal must state the grounds for appeal (citing the appropriate grounds from the "Grounds for Appeal" list below); a discussion of the evidence and fac

### Authority for Creation and Revision

Minutes of the Board of Regents, September 17, 1969, para. .816M.

Minutes of the Board of Regents, August 19, 1970, para. .921M.

Minutes of the Board of Regents, March 27, 1991, para. .4356M.  
Minutes of the Board of Regents, December 1, 1992, para. .4630M.  
Minutes of the Board of Regents, January 17, 2006, para. .6103M.  
Minutes of the Board of Regents, February 24, 2009.  
Minutes of the Board of Regents, September 18, 2012