

Code of Student Rights, Responsibilities and Disciplinary Procedures

This publication presents the Code of Student Rights, Responsibilities and Disciplinary Procedures at Central Michigan University. It establishes the procedures followed and outlines the possible consequences for students found in violation of the "Code of Conduct." The disciplinary procedures outlined in this document do not replace or substitute for filing charges through law enforcement agencies if it is determined that such action is appropriate.

This document was formally adopted by the Board of Trustees for Central Michigan University on December 16, 1972. Since that time, it has been periodically reviewed and revised as needs changed. This revision was approved by the President and the Board of Trustees on December 6, 2018.

In keeping with the policies and goals established by the Board of Trustees, the President is responsible for communicating rules and regulations pertaining to student rights and responsibilities, including regulations governing student organizations. In fulfilling this responsibility, the President is obligated to assure the right of due process for students.

The President has designated the Associate Vice President for Student Affairs as the person charged with the administration of student discipline. The Associate Vice President for Student Affairs appoints Conduct Proceedings Officers to answer questions concerning the rights and responsibilities of students, to receive complaints as they are reported, and to follow through with discipline cases to their resolution.

1. Preamble

The students, faculty, and staff of Central Michigan University constitute an academic community that is committed to the preservation, communication, and discovery of knowledge, and to the active pursuit of truth. Consistent with this purpose, the university recognizes its obligation to afford each student the opportunity to develop the student's educational potential while retaining free exercise of rights and freedoms as a citizen. Such opportunity should be limited only by the necessity of insuring equality of opportunity to all students, and by the corollary requirement of orderly operation of the educational processes. Each member of the Central Michigan University community assumes an obligation regarding self-conduct to act in a manner consistent with a respect for the rights of others and with the university's function as an educational institution. As guides for individual and group actions within this community, the university affirms the following general principles of conduct. These principles serve as the basis for regulations concerning student conduct.

1.1 The community requires a system of order supportive of the educational process that is the purpose of the university. Primary responsibility for preserving the system of order rests upon the

individuals making up the community. Each individual must accept responsibility for their own actions and values and for recognizing that such actions and values affect the whole community. Implicit in the community's recognition of the rights of the individual is an obligation on the part of the individual to accept responsibilities toward the community.

1.2 Even though there is a diversity of opinion regarding many ethical and moral standards, each person should endeavor to maintain self conduct in a manner consistent with respect for others and thoughtful consideration for the needs of society. In social relationships generally, including relations involving the civil, property, and personal rights of others, each individual has an obligation to act in a manner consistent with these fundamental values.

1.3 The educational function depends upon honesty, integrity, and respect for truth. Any action not consistent with these principles is unacceptable.

1.4 As part of the democratic tradition, members of the community should be free to study and act upon social issues, including issues affecting the university. Each person ought to learn and practice the art of thoughtfully examining controversial issues, expressing views individually and as a group member responsibly, and in a manner that is consistent with the educational purpose of the university.

1.5 The university community recognizes the need for the development of personal ethics and philosophies. The members of this community should be committed to broad personal growth and development in society, realizing that each individual has both the freedom and obligation to make ethical choices and to accept the attendant responsibilities.

2. Student Rights

Free inquiry and free expression are essential attributes of a community of scholars. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus generally, and in the community at large. The responsibility to secure and respect general conditions conducive to the freedom to learn is shared by all members of the university community. Students should strive to develop the capacity for critical judgment and the ability to engage in a sustained and independent search for truth, while endeavoring to exercise their freedom with maturity and responsibility. As students undertake to fulfill the obligations and duties outlined in this document, the university community of which they are a part undertakes to respect the basic freedoms of students.

2.1 Rights of Students

In recognition of students' rights and dignity as members of the university community, Central Michigan University is committed to supporting the following principles and to protecting those rights guaranteed by the Constitution, the laws of the United States and the State of Michigan, local ordinances, and the policies adopted by the Board of Trustees.

2.1.1 Students have the right to free inquiry, expression and association.

2.1.2 Students have the right to editorial freedom in student publications and other student media, e.g. CM Life, WMHW, and MHTV.

2.1.3 Students have the right to representation on the appropriate, designated bodies.

2.1.4 Students accused of misconduct or of violating university policy have the right to have a determination of their violation or non-violation in accordance with university procedures.

2.1.5 Students have the right to protection against improper disclosure of their student records.

2.1.6 Students have the right of access to their personal educational records.

2.1.7 Students have the right to access all policies, rules and decisions concerning their continued enrollment, and to the required course materials and facilities necessary to pursue their studies.

2.1.8 Students have the right to educational programs that meet the objectives of the master syllabus, to teaching consistent with those objectives, and to a learning environment that encourages the students' engagement with their education.

2.1.9 Students have the right to be informed by the faculty near the beginning of each course about course requirements, evaluation procedures, and evaluation criteria to be used, and the right to expect that those criteria be employed. Faculty members have the authority to change a course syllabus after the beginning of the semester and are expected to inform students of these changes in a timely manner.

2.1.10 Students have the right to take reasoned exception to the data or views offered in any course of study; they are, however, responsible for learning the content of any course of study for which they are enrolled.

2.1.11 Students have the right to be evaluated solely on relevant academic criteria and to have protection against arbitrary or capricious academic evaluation as described in the "Grade Grievance Policy" in the University Bulletin.

2.1.12 Students have the right to request and receive timely assessment of their academic work by the instructor, or in the case of graduate students by their thesis/dissertation/Plan B committee chairperson and committee members.

2.1.13 Students have the right to request and receive a reasonable and timely review of their grades by the instructor.

2.1.14 Students have the right of complaint about academic matters if they believe their rights have been violated. When not covered by another policy, a complaint is properly filed by presenting the issue first to the faculty member or thesis, doctoral research project or dissertation committee chairperson. If not resolved, the student may take the issue to the department

chairperson. If not resolved at this level, the student may take the complaint to the office of the dean of the academic college or the Dean of the College of Graduate Studies.

2.2 Relationships with the University

2.2.1 As citizens, students have the same duties and obligations as do other citizens and enjoy the same freedoms of speech, press, religion, peaceful assembly, and petition that other citizens enjoy. In all of its dealings with students, the university will respect the rights guaranteed to them by the Constitutions and laws of the United States, the State of Michigan, and local ordinances.

2.2.2 All registered student organizations are open to all students without respect to race, religion, creed, sexual orientation, gender, disability, or national origin except that certain organizations (e.g. social fraternities and sororities) are restricted as to gender, as allowed under Title IX of the Education Amendments of 1972.

2.2.3 Students individually and collectively are free to examine and to discuss all questions of interest to them, including questions relating to university policies, and to express opinions publicly and privately. They are free to support causes by any orderly means that do not disrupt the operation of the university.

2.3 Responsibilities of Students and Faculty

Students should conscientiously strive to complete course requirements as stated, and accept responsibility to contribute positively to the learning environment established by faculty. Proper evaluation of students in a course is based solely on performance in meeting appropriate standards established and communicated by the instructor for that course. Each course has a master syllabus approved through university curricular processes, which includes a description of the scope of the course and a list of the goals and objectives of the learning experience. Faculty members assigned to teach a course develop a course outline, based on the master syllabus, to provide students with greater specificity about how the course will be conducted in order to accomplish the intended goals and objectives. Proper evaluation of progress of graduate students in thesis or dissertation work or other research projects is based on attainment of objectives established by the chair of the student's committee according to written departmental guidelines.

2.4 Relationships with Law Enforcement Agencies

In addition to filing complaints under these regulations, victims are encouraged to report crimes to the appropriate law enforcement agency. The CMU Police Department is the designated law enforcement agency for crimes committed on campus. As members of the local community, students are expected to cooperate with all law enforcement agencies.

2.5 Confidentiality of Information

All information about students' views, beliefs, and political associations that members of the university acquire in the course of their work as teachers, administrators, advisers, and counselors

is confidential. Improper disclosure of confidential information is a serious violation of the obligations of a member of this university community. Judgments of a student's ability and character, however, may be provided under appropriate circumstances.

2.6 Student Associations

Students are free to form and join associations that advance the common interest of their members. Activities of such organizations must be conducted in accordance with university regulations and public law.

3. Responsibilities of Students

3.1 General Regulations Concerning Student Conduct

3.1.1 The Board of Trustees is responsible for promulgating policies regarding student conduct at Central Michigan University. The President, as its executive officer, is the final authority in all discipline cases. The Vice President for Enrollment and Student Services is the designated officer responsible to the president for conducting discretionary review of a decision of the Appeals Board to suspend a student for more than one week or to dismiss a student. The Associate Vice President for Student Affairs is the designated officer responsible to the President for the administration of student conduct policies. All misconduct of students is reported to the Associate Vice President for Student Affairs or to the persons designated by the AVP for Student Affairs to receive such reports.

3.1.2 This Code applies to student conduct that occurs either on or off campus, especially when such conduct affects the interests of the university. The university shall take disciplinary action in cases concerning a student's actions or offenses occurring within or affecting people on property within the physical boundaries of Central Michigan University, on or affecting university owned or controlled property, or when the student is in attendance at a university sponsored event, or when the interests of the university as a community are clearly involved. A student committing a criminal offense, whether that offense occurs on or off campus, that is also a violation of the Code of Student Rights, Responsibilities and Disciplinary Procedures, may be subject to University discipline. In other cases, where the health and safety of members of this community are clearly involved, the university shall assert its authority.

Students subject to the provisions of this Code are defined as all persons who have enrolled at the university, either full-time or part-time, pursuing undergraduate, graduate, or non-degree studies. Persons who have been enrolled at the university, and who have not withdrawn, are students even when they are not enrolled for a particular term. Students also include persons who have been admitted to the university and who, before their first attendance, participate in activities intended only for prospective students (e.g., orientation, leadership, band, or other camp, athletic training and practices).

3.2 Specific Regulations Concerning Student Conduct

3.2.1 Academic Dishonesty. Written or other work that a student submits in a course shall be the product of that student's own efforts. Plagiarism, cheating, and all other forms of academic dishonesty are prohibited. Students are expected to adhere to the ethical and professional standards associated with their programs and academic courses. Alleged violations of this section shall be adjudicated in accordance with CMU's Policy on Academic Integrity. Copies of the Policy on Academic Integrity may be accessed via the Office of Student Conduct website (<https://www.cmich.edu/ess/studentaffairs/StudentConductOffice/Pages/default.aspx>).

3.2.2 False Information. A student shall not furnish, or attempt to furnish, false or misleading information to university officials or on official university records. Furthermore, a student shall not forge, alter, or misuse the university name, the name of any university employee, documents, records of identification, or attempt to do the same.

3.2.3 Disruption of Learning. A student shall not obstruct, disrupt or interfere, or attempt to obstruct, disrupt or interfere with another student's right to study, learn or complete academic requirements. This includes acts to destroy or prevent or limit access to information or records used by other students in connection with their university responsibilities.

3.2.4 Disruptive Behavior During Class. A student shall not obstruct, disrupt or interfere, or attempt to obstruct or interfere with another student's right to study, learn, participate, or a teacher's right to teach during a class. Whether in the classroom or online, this includes but is not limited to such behaviors as talking at inappropriate times, drawing unwarranted attention to oneself, engaging in loud or distracting behaviors, or refusing to leave a classroom when ordered to do so.

3.2.5 Disruption of University Authorized and Scheduled Events. A student, group of students, or registered student organization shall not obstruct or disrupt, or attempt to obstruct or disrupt, teaching, research, administration, disciplinary procedures, or other university activities. This includes, but is not limited to: acts to destroy or prevent or limit access to information or records used by other students in connection with their university responsibilities or impeding classes, the carrying forward of the university's business, or the arrangements for properly authorized and scheduled events. A person attempts to disrupt when, with the intent to disrupt, that person does any act that constitutes a material step toward disruption.

3.2.6 Access to Facilities. A student shall not enter, or attempt to enter, closed university facilities or facilities clearly under the authorized control of another individual, e.g., student vehicles, rooms or apartments; disrupt or attempt to disrupt, the scheduled use of university facilities; block, or attempt to block, access to or from university facilities; or remain within, or attempt to remain within, university facilities after their closing unless authorized to do so by the President, or the President's designated representative, or the student authorized to and in control of said facility or facilities.

3.2.7 Threat/Endangerment/Assault. A student shall take no action that threatens or endangers the safety, health, or life, or impairs the freedom of any person, nor shall a student make any

verbal threat of such action. This includes actions commonly understood to constitute assault or battery.

3.2.7.1 Sexual Assault. A student shall adhere to the university's Sexual Misconduct Policy (#3-39) and the policies contained therein. Copies of the Policy on Sexual Misconduct may be accessed via the Office of Student Conduct website (<https://www.cmich.edu/ess/studentaffairs/StudentConductOffice/Pages/default.aspx>).

3.2.8 Disruptive Self-Injurious Behavior. A student shall not engage or threaten to engage in self-injurious behavior that negatively impacts or is disruptive to the learning/living environment of others.

3.2.9 Property Damage. A student shall take no action that damages or tends to damage property not the student's own.

3.2.10 Theft. A student shall not appropriate for the student's own use, sale, or other disposition, property not the student's own without consent of the owner or the person legally responsible for it. This includes embezzlement, misappropriation and/or theft of university and/or student organizational resources and theft of personal information.

3.2.11 Disorderly Conduct. A student shall not act as a disorderly person or engage in disorderly conduct or disturb the peace, as defined by state statute or local ordinance. This includes acts of indecent exposure or lewd conduct.

3.2.12 Controlled Substances. A student shall not possess, use, manufacture, produce, or distribute, or aid in the use, manufacture, production, or distribution of, any controlled substance except as expressly permitted by federal law and university policy. Possession, use, manufacture, production, or distribution of marijuana is strictly prohibited by federal law and university policy on university properties or at any university related event, regardless of state law. Federal Law, including the Drug Free Schools and Communities Act, prohibits marijuana on university properties or at any university related event.

Violation of the Residence Life Alcohol and Controlled Substances Policy is a violation of this section. Controlled substances are defined in the Controlled Substances Act of 1971, as amended.

The use or abuse of prescription drugs or over the counter substances such as inhalants or herbals, in any way other than the intended or appropriate use, may be interpreted as a violation under this policy.

A student agrees that if the student is in possession of marijuana, or any related or derivative marijuana product (product), the student will comply with the directive of a CMU employee, including in university housing, to discard such product in accordance with the CMU employee's directive. If a student fails or refuses to comply with such directive, the student will be considered in violation of a Grave Offense (Section 4.4.14) under this Code, which carries the minimum mandatory sanction of suspension from the university.

3.2.13 Violation of Alcohol Policy. A student shall not possess, consume or furnish, or aid in the consumption or furnishing of, alcoholic beverages except as permitted by law and university

policy. Violation of the Residence Life Alcohol & Controlled Substances Policy is a violation of this section.

3.2.14 Firearms/Explosives/Weapons. A student shall not possess or use firearms; explosives (including, but not limited to, fireworks and black powder); dangerous chemicals; weapons; knives with a blade longer than three inches, hunting knives, fixed blade knives, switchblade knives, throwing knives, daggers, razors, other cutting instruments the blade of which is exposed; or items that forcibly eject projectiles (including BB, CO₂-powered, pellet and air soft guns); and any other device that may be injurious to others, except as part of an approved university activity and under the supervision of a university official. Firearms (including BB, CO₂-powered, pellet and air soft guns) may not be stored in university residences. Stun guns and tasers are also prohibited. Any replica of any of the foregoing weapons is also prohibited. Firearms used for hunting must be properly registered with the CMU Police Department and stored in compliance with university regulations.

The State of Michigan has enacted a concealed carry law that prohibits carrying a concealed pistol into a dormitory (residence hall) or classroom of a university.

3.2.15 Complying with University Agents. A student shall comply with the directions of university agents acting in the performance of their regular or delegated duties and must identify him self or her self to these agents upon request.

3.2.16 Payment of Fines/Restitution. A student shall pay fines or restitution levied by a proper hearing body or university authority by the deadline established.

3.2.17 Misuse of Buildings/Facilities/Services. A student must observe rules and regulations concerning the use of campus buildings and other university owned or operated facilities, vehicles, equipment and services.

3.2.18 Computer Abuse. A student shall not abuse university computer time or equipment, including but not limited to: CMU-hosted Blackboard, online chat rooms, Skype meetings and other social media technologies, when such resources are accessed or utilized using CMU's computers, networks, servers, or other CMU-provided technologies. Abuse includes but is not limited to: unauthorized entry or transfer of a file, unauthorized downloading or uploading of copyrighted information, unauthorized use of another individual's identification and password; use of computing facilities to interfere with the work of a student, faculty members or university officials; or use of computing facilities to interfere with normal operation of the university; or improper use of the learning management system (LMS) and digital environments. A student shall adhere to the rules and practices promulgated by the university Office of Information Technology (www.oit.cmich.edu) and the policies contained therein, including but not limited to the Copyright Infringement Responsible Use of Computing and Data Stewardship Policies.

3.2.19 Bullying/Hazing/Harassment. A student shall not bully, haze or harass any person or group of persons. Telephone harassment, texting, email, computer or online social media harassment, are included under this policy, as are all other forms of bullying and harassment.

3.2.20 Civil Disorder. A student shall not participate in a riot or civil disorder, which is defined as five or more persons, acting in concert, who intentionally or recklessly cause or create a serious risk of causing public terror or alarm.

3.2.21 Aiding Civil Disorder. A student shall not, intending to cause or aid or abet the institution or maintenance of a riot or civil disorder, act or engage in conduct which urges other persons to commit acts of unlawful force or violence or the unlawful burning or destroying of property or the unlawful interference with a police officer, peace officer, **firefighter** or member of the Michigan National Guard or any unit of the armed services officially assigned to civil disorder duty in the lawful performance of **their** duty.

3.2.22 Participation in Riot. A student shall not assemble or act in concert with four or more persons for the purpose of engaging in conduct which creates a serious risk of a riot or civil disorder or be present at an assembly that either has or develops such a purpose and remain there after an order has been given to disperse.

3.2.23 Violation of Injunction. A student shall not violate the terms of any injunction regulating conduct in Isabella County or the terms of the Mt. Pleasant Nuisance Party Ordinance during and as part of a riot or civil disorder.

3.2.24 Discrimination. Violation of the CMU Nondiscrimination Policy or the Equal Opportunity and Affirmative Action protocol shall be treated as an offense under these regulations.

3.2.25 Violations by Registered Student Organizations. Violation by Registered Student Organizations of these regulations, and other rules pertaining to Registered Student Organizations as outlined in the Registered Student Organization Manual shall be treated as an offense under these regulations.

3.2.26 Violation of Residence Hall Rules.

Violation of "Residence Hall Rules" shall be treated as an offense under these regulations.

3.2.27 Collusion. A student who shall with any one or more persons enter into a combination or agreement, expressed or implied, to commit a violation of any of these regulations, is in violation of the regulation. Students are responsible for the actions of their guests while present on CMU property or at university sponsored activities.

3.2.28 Aiding/Abetting. A student implicated in the violation of any regulation in this document, whether **the student** directly commits the act constituting the violation or procedures in connection with it, or aids or abets in its commission, may be treated under the regulations as if **the student** had directly committed such violation.

3.2.29 Violation of Federal/State/Local Law. Violation of federal, state or local law in a manner that affects the university shall be treated as an offense under these regulations.

3.2.30 Retaliation. A student, group of students, or registered student organization shall not retaliate against anyone who files a complaint or grievance; requests an administrative hearing; participates in an investigation; appears as a witness in an administrative hearing; or opposes an unlawful act, discriminatory practice, or policy.

3.2.31 Violation of University Regulations. Violation of other university regulations, policies or established procedures shall be treated as an offense under these regulations.

3.2.32 Unauthorized Fires. No student shall start or allow to be started a fire with the intent to destroy property including their own and/or rubbish.

3.2.33 Arson. A person who uses, arranges, places, devises, or distributes an inflammable, combustible, or explosive material, liquid, or substance or any device in or near a building, structure, other real property, or personal property with the intent to commit arson or who aids, counsels, induces, persuades, or procures another to do so is in violation of arson.

4. Official University Sanctions

4.1 Sanctions. Sanctions that may be imposed for violation of university regulations include the following:

4.1.1 Reprimand: A written reprimand, including the possibility of more severe disciplinary sanctions in the event of the finding of a subsequent violation of university regulations within a stated period of time.

4.1.2 Restitution: Reimbursement for defacement, damage to, or misappropriation of property. The person or body imposing this sanction may impose another allowed sanction as an alternative if restitution is not made within the time specified.

4.1.3 Fines: Fines may be levied. In no circumstance shall the fine levied exceed \$1,000. Failure to pay a fine in the time limit prescribed shall result in further disciplinary action.

4.1.4 Removal from University Housing: Cancellation of contract and requirement to vacate university housing within a specified period of time. If housing is not vacated within the prescribed time, additional sanctions shall be imposed.

4.1.5 Campus Restrictions: Limitations on the times and/or places where a student may be present on campus. If said restrictions are not observed, additional sanctions shall be imposed.

4.1.6 Educational Programs: Participation in educational programs, i.e., workshops, seminars, or other educational activities may be required. The person or body imposing this sanction shall impose another sanction as an alternative if the specified program is not completed within the time stipulated and may impose additional sanctions.

4.1.7 Revocation of the Privilege of being a Registered Student Organization

4.1.8 Disciplinary Probation: Subjection to a period of critical examination and evaluation of behavior. In addition to any of the sanctions set forth above, the student or organization may be placed on probation for a stated period. Placement on probation may include additional restrictions or requirements, including but not limited to the following:

- a) Withdrawal of the privilege of campus registration of a motor vehicle
- b) Withdrawal of the privilege of membership in a campus organization
- c) Withdrawal of the privilege of holding office in a campus organization
- d) Withdrawal of the privilege of representing the university in any inter-university event
- e) Requirement to complete a specified number of credit hours with a specific grade point average during the current or subsequent academic session
- f) Requirement to complete coursework related to the violation
- g) Withdrawal of the privilege of using computing resources
- h) Completion of work or other service to be provided to the university or other organization within a specified time. The person or body imposing this sanction may impose another allowed sanction as an alternative if the specified service is not completed within the time stipulated, and may impose additional sanctions.

A condition of probation may be that automatic suspension or dismissal of a student or organization shall occur upon a determination (under the procedures set forth in Article 5 herein) that a violation of a condition of probation or any other violation has occurred.

4.1.9 Suspension/Dismissal from an Academic Program: Exclusion from an academic program as set forth for a definite or indefinite period of time.

4.1.10 Suspension: Exclusion from classes and other privileges or activities as set forth for a definite period of time. Suspension may include exclusion from the campus and property belonging to the university for a stated period of time and may require an independent evaluation supporting the student or organization's return, with which CMU concurs.

4.1.11 Dismissal: Permanent termination of student status.

4.2 Additional Sanctions

Sanctions in addition to those listed in Article 4.1 may be established by the university.

4.3 Interim Measures Temporary Suspension

Section 4.3.1 Interim Measure

Should there be reasonable cause, the University may find it necessary to take interim measures before a formal decision is made to mitigate the effects of the alleged misconduct and otherwise promote the safety of University community members. If a student fails to comply with the requirements of the interim measure(s) the University may take such further action as it deems necessary to ensure the safety of the campus community.

Interim measures may include, but are not limited to:

- No contact orders;
- Residential reassignments or removal;
- Changes to employment assignments;
- Changes to academic schedule;
- Counseling;
- Temporary delay of graduation or other academic progress;
- Restriction on the student's presence in University buildings, on University property, and/or at University events.

Students can request an interim measure review to be conducted. The student's request for the review must be submitted to the Office of Student Conduct in writing and include an explanation as to why they believe there is no cause for the interim measure, or that the cause no longer exists. The student may include additional information not available at the time the interim measure was imposed in their written statement.

Section 4.3.2 Temporary Suspension

The university reserves the right to suspend a student, summarily and without notice, if in the judgment of the President of the university or the President's representative a student's presence would constitute a continuing danger to the student, other persons or property, or that the operation of the university would be seriously impaired. In the case of temporary suspension, the student will be given written notice of the charges against the student following the conclusion of any related investigations and a hearing before a Hearing Officer will be held as soon as possible considering the complexities of the matter and the status of any related criminal proceedings.

4.4 Automatic Sanctions for Grave Offenses

Certain grave offenses require that the sanctions be stipulated in advance and imposed automatically. The following shall be breaches of the student conduct regulations for which the minimum sanction of suspension is mandatory:

4.4.1 Bomb threat or knowingly false bomb warning.

4.4.2 Willful destruction of property worth more than \$1,000.

4.4.3 Willful disruption of scheduled university activities.

4.4.4 Violence against persons that results in bodily injury requiring substantial medical treatment or death.

4.4.5 Administering or causing to be administered to any person unknowingly or against the person's will any "Controlled Substance" as defined in the Controlled Substances Act of 1971, as amended.

4.4.6 Sale or distribution of, or aiding or assisting in the sale or distribution of, any "Controlled Substance" as defined in the Controlled Substances Act of 1971, as amended.

4.4.7 Possession of a firearm or any other dangerous weapon as described in Section 3.2.14.

4.4.8 Participation in a riot or civil disorder as described in Section 3.2.20 or 3.2.22.

4.4.9 Urging other persons to commit unlawful acts during a riot or civil disorder, as described in 3.2.21.

4.4.10 Being present at a riot or civil disorder after an order has been given to disperse.

4.4.11 Violations of Sections 3.2.7 (Threat/Endangerment/Assault), or 3.2.9 (Property Damage) during a riot or civil disorder.

4.4.12 Violation of the terms of any injunction regulating conduct in Isabella County or the terms of the Mt. Pleasant Nuisance Party Ordinance during and as a part of a riot or civil disorder.

4.4.13 Violation of section 3.2.33 (Arson).

5. Student Hearing Procedures for Charged Violation of Student Conduct Regulations

5.1 Intake Conduct Proceedings Officer

5.1.1 A charge may be made to the Conduct Proceedings Officer by any member of the university community or may be brought by the Conduct Proceedings Officer on one's own initiative stating that a student has violated the Specific Regulations Concerning Student Conduct (3.2). Students subject to the provisions of this Code are defined as all persons who have enrolled at the university, either full-time or part-time, pursuing undergraduate, graduate, or non-degree studies. Persons who have been enrolled at the university, and who have not withdrawn (or been academically dismissed), are students even when they are not enrolled for a particular term. Students also include persons who have been admitted to the university and who, before their first attendance, participate in activities intended only for prospective students (e.g., orientation, leadership, band, or other camp, athletic training and practices).

5.1.2 One or more Conduct Proceedings Officers shall be appointed by the President or the President's designated representative. The Conduct Proceedings Officer will make, or cause to be made, an investigation of the charge.

5.1.3 If, from the investigation, the Conduct Proceedings Officer determines the matter may be reason for discipline under the student conduct regulations, the Conduct Proceedings Officer will notify the student that a charge has been made and will offer the student an opportunity to discuss the matter.

If notified by either United States mail or by university email, the notice will be mailed to the last address for the student on file with the university Office of the Registrar. The notice will be deemed received two (2) business days following the date the notice is posted at facilities of the United States Post Office (for U.S. Postal mail) or immediately upon delivery for electronic mail. In the absence of mailing, personal delivery to the student cited, or delivery to the last address on file in the Office of the Registrar constitutes proper notice. If personal delivery to the student or delivery to the last address is used, the date notice is so delivered shall be deemed the date the notice is received.

The student will have two (2) business days from the date of receipt (through any of the mediums listed above) in which to respond to the notice. If the student has not responded at the end of this two-day period, the Conduct Proceedings Officer will set up a hearing.

5.1.4 The student may bring an advisor of the student's choice to the discussion with the Conduct Proceedings Officer. If the student's advisor is an attorney, the student must notify the Conduct Proceedings Officer of this at least three (3) business days in advance of the discussion. The advisor's role is limited to providing advice to the student. The advisor is not permitted to ask or answer questions or make oral arguments. Any case presented must be made by the student.

5.1.5 If the student chooses to discuss the matter, the Conduct Proceedings Officer will at the discussion inform the student of the charge(s) and the regulation(s) which are alleged to have been violated and will explain to the student the process outlined in this document.

5.1.6 Student Admits Violation

5.1.6.1 If the student admits to the violation, the Conduct Proceedings Officer may:

- a) Issue a sanction
- b) Order that the sanction be set by a university Hearing Officer
- c) Enter into a written, mutually acceptable, behavioral contract with the Student
- d) Refer the student for counseling

5.1.6.2 The student charged or the person or group who first brought the charge, or the university, may appeal the sanction (except the terms of a behavioral contract), by a letter delivered to the Office of the Conduct Proceedings Officer or university Hearing Officer within five (5) business days after the Conduct Proceedings Officer has set the sanction. Since admission of the violation by the student is a prerequisite to the Conduct Proceedings Officer acting under this

section, such an appeal will only be as to the appropriateness of the sanction and not the fact of whether the violation occurred.

Once a student admits a violation for which there is an automatic sanction, the sanction is automatically imposed and only the terms of a suspension may be appealed. The appeal is to the Appeals Board.

5.1.7 Student Does Not Admit Violation

After discussion with the student, the Conduct Proceedings Officer may determine that the matter requires no further action. The Conduct Proceedings Officer will refer the matter for hearing if:

5.1.7.1 The student denies the charge and the Conduct Proceedings Officer determines the matter may be reason for discipline.

5.1.7.2 The student chooses not to discuss the matter at the discussion offered by the Conduct Proceedings Officer. The student will be notified of the date and time of the hearing.

5.1.8 Alternative Resolution

5.1.8.1 Mutual Settlement. In lieu of referral to a hearing or prior to a student's admission of a violation of the Code, the Conduct Proceedings Officer may offer or accept mutual settlements of any charged violations under this code. Settlements shall be in writing and shall state the conditions of the agreement and any sanctions imposed. Mutual settlements may not be appealed.

Cases not settled in a timely manner shall proceed to a hearing.

5.1.8.2 Counseling. In lieu of, or in addition to, a sanction or referral to a hearing the Conduct Proceedings Officer may refer the student for psychological counseling.

5.1.8.3 Behavioral Contract. In lieu of, or in addition to, a sanction or referral to a hearing, the Conduct Proceedings Officer may arrange a behavioral contract with the student. A behavioral contract is a mutually acceptable agreement between the university and a student that specifies certain behavior with which the student must comply, and specifies automatic sanctions that will be imposed if the contract is broken. If the contract is broken, as determined by a finding of fact under procedures set forth in Article 5 herein, the student may be suspended from the university as determined by the Conduct Proceedings Officer. In cases where suspension is automatic under the terms of a behavioral contract, a hearing to determine if the contract has been broken will be on fact only.

5.1.8.4 Referral to Behavioral Evaluation Team. In lieu of referral to a hearing, the Conduct Proceedings Officer and the student may agree to a referral to a process provided by the Care Team, Care Team Coordinator, or Behavioral Evaluation Team. This option is available in situations where the alleged conduct of the student appears to be related to a mental health concern(s) or emotional issue(s).

5.2 Hearings

There are two hearing forums: The university Hearing Officer and the university Hearing Body. The Conduct Proceedings Officer will assign a case to one of these forums, except that in cases where there is potential for a sanction of suspension or dismissal, the student may choose which hearing forum will hear the case. The student will have two (2) business days from the date of the meeting with the Conduct Proceedings Officer to make a final choice in writing to the Conduct Proceedings Officer. If no such timely choice is made, the Conduct Proceedings Officer will designate whether the case will be heard by a Hearing Officer or Hearing Body. The student will be notified of the time and date of the hearing.

5.2.1 University Hearing Officer

5.2.1.1 One or more university Hearing Officers will be appointed by the President or the President's designee and must participate in the appropriate training sessions regarding the Code of Student Rights, Responsibilities and Disciplinary Proceedings.

5.2.1.2 The university Hearing Officer will be assigned by the Associate Vice President for Student Affairs, or the Director of the Office of Student Conduct, as the designee of the Associate Vice President for Student Affairs, to hear the case.

5.2.1.3 The university Hearing Officer, based on the information presented at the hearing, determines whether the student charged violated the student conduct regulations, and sets the sanction, when applicable. Failure to complete the terms of the sanction may result in suspension from the university as determined by the Conduct Proceedings Officer. Certain violations have automatic sanctions imposed according to Section 4.4. In such cases, the university Hearing Officer will decide if a violation has occurred and, if so, the terms of a mandatory sanction.

5.2.2 University Hearing Body

5.2.2.1 The university Hearing Body consists of one university Hearing Officer and two students.

5.2.2.2 The students will be selected from a pool of students who are approved by the Vice President for Enrollment and Student Services or his/her designee in consultation with the Student Government Association and must participate in the appropriate training sessions regarding the Code of Student Rights, Responsibilities and Disciplinary Proceedings.

5.2.2.3 The university Hearing Body, based upon the information presented at the hearing, determines whether the student charged violated student conduct regulations, and sets the sanction, when applicable. Failure to complete the terms of the sanction may result in suspension from the university as determined by the Conduct Proceedings Officer. Certain violations have automatic sanctions imposed according to Section 4.4. In such cases, the university Hearing Body will decide if a violation has occurred and, if so, the terms of a mandatory sanction.

5.2.3 Hearing Procedures

5.2.3.1 In all disciplinary hearings, the burden of proof rests with the Conduct Proceedings Officer, who must prove by a preponderance of evidence that a violation has occurred.

5.2.3.2 The student charged may have an advisor of the student's choice present at the hearing. If the student's advisor is an attorney, the student must notify the Conduct Proceedings Officer of this at least three (3) business days in advance of the hearing. The advisor's role is limited to providing advice to the student. The advisor is not permitted to ask or answer questions or make oral arguments. Any case presented must be made by the student.

5.2.3.3 A record of the hearing, made by an audio recording device, will be kept by the Conduct Proceedings Officer at least until the appeal time is exhausted. The Conduct Proceedings Officer, on behalf of the university, will maintain all copies of these recordings.

5.2.3.4 A university Hearing Officer presides at all hearings.

5.2.3.5 Hearing notifications and procedures will be communicated to the charged student at least twenty-four (24) hours before the hearing.

5.2.3.6 The Hearing Officer or Hearing Body will issue a written decision within ten (10) business days to the Conduct Proceedings Officer stating if a violation has been found, what facts support this finding, and the sanction(s) to be imposed.

5.2.3.7 A decision letter will be emailed to the student within three (3) business days from the date the decision is received by the Conduct Proceedings Officer.

5.2.3.8 The student charged has the right to cross-examine the complainant and any witnesses in the case against him or her. The Hearing Officer, however, has the right to determine the method the cross-examination will take (direct confrontation, submission of written questions, or any other method that, in the Hearing Officer's opinion, will elicit the desired testimony).

5.3 Complainant's Rights

Central Michigan University recognizes that complainants have rights that need to be protected as well as those of the person who is cited.

5.3.1 The complainant has the right to have a person of his or her choice accompany him or her throughout the disciplinary hearing.

5.3.2 The complainant has the right to remain present during any disciplinary or appeal hearings.

5.3.3 The complainant has the right to submit an "impact statement" and to suggest an appropriate sanction if the person cited is found in violation of the Code of Student Rights, Responsibilities and Disciplinary Procedures.

5.3.4 The complainant has the right to be informed in a timely manner of the outcome of the hearing regarding the findings and the sanction.

5.3.5 The complainant has the right to appeal either the findings or the sanction.

5.3.6 The complainant has the right to cross-examine the student charged and any “defense” witnesses in the case. The Hearing Officer, however, has the right to determine the method the cross-examination will take (direct confrontation, submission of written questions, or any other method that, in the Hearing Officer’s opinion, will elicit the desired testimony).

5.4 Appeals

5.4.1 The following matters may be appealed to the Appeals Board:

5.4.1.1 The decision of a university Hearing Body or a university Hearing Officer as provided in Section 5.2. The appeal may be as to the facts found or the sanction set or both. If the sanction is automatic, then the appeal may only be made as to the findings, or the terms of a suspension. The appeals board may not reduce the sanction below the minimum imposed by Section 4.4 or by the terms of behavioral contracts or other disciplinary actions in which automatic sanctions are specified.

5.4.1.2 The sanction set by the Conduct Proceedings Officer after admission of violation by the student. Imposition of any automatic sanction after such an admission may not be appealed; however, the terms or conditions of the sanction may be appealed. See Section 5.1.6.2 for more information regarding this type of appeal.

5.4.2 The Appeals Board consists of the Student Government Association President or designee, the Chairperson of the Academic Senate or designee, and the Associate Vice President for Student Affairs or designee and must participate in the appropriate training sessions regarding the Code of Student Rights, Responsibilities and Disciplinary Proceedings.

5.4.3 An appeal to the Appeals Board may be made by the student involved, by the person or group who first brought the charge, or by the university.

5.4.4 An appeal is timely only if taken within five (5) business days of the decision appealed. An appeal not made within the time limit will not be heard unless the President or the President’s designee makes an exception.

5.4.5 An appeal is made by submitting a written statement of appeal to the Conduct Proceedings Officer within the time limit. The written statement of appeal must state: the name of the person appealing, the basis of the appeal, the person or group making the decision from which the appeal is made, whether a decision as to fact or sanction or both is appealed, and the remedy that the person appealing is requesting from the Appeals Board.

5.4.6 The student charged may have an advisor of the student's choice present at the hearing of the appeal. If the student's advisor is an attorney, the student must notify the Proceedings Officer of this at least three (3) business days in advance of the hearing. The advisor's role is limited to

providing advice to the student. The advisor is not permitted to ask or answer questions or make oral arguments. Any case presented must be made by the student.

5.4.7 The Conduct Proceedings Officer is responsible for notifying members of the Appeals Board of the appeal and for setting a time and place for holding a meeting of the Appeals Board. The Conduct Proceedings Officer will provide notice of time and place of the meeting of the Appeals Board to the student(s) charged, the charging party, and other university persons deemed appropriate by the Conduct Proceedings Officer.

5.4.8 The Conduct Proceedings Officer will assemble the documentary evidence introduced at the hearing, the record made of the hearing, and the administrative contact history made in connection with the matter and will make these materials available to the Appeals Board.

5.4.9 The Appeals Board may establish its own procedure for conducting any appeal appropriate to the circumstances designed to achieve fairness to the student charged as well as the interests protected by the Central Michigan University Code of Student Rights, Responsibilities and Disciplinary Procedures.

5.4.10 The Appeals Board makes its determination based solely on the record of the student's hearing, facts that are presented to the Appeals Board, and arguments before the Appeals Board. No additional witnesses, witness statements, or other materials may be introduced during the Appeal.

5.4.11 The purpose of the Appeals Board is to decide if the findings and/or the sanction of the Hearing Body were so incorrect that the decision should be changed. It is not the purpose of the Appeals Board to substitute its judgment for that of the Hearing Officer or Body. It is not the purpose of the Appeals Board to decide if it would have reached the same decision had it been the Hearing Officer or Body. It is not the function of the Appeals Board to rehear the charges against the student; it is an appeal of the findings and/or the sanction of the Conduct Proceedings Officer, Hearing Officer or Body only as requested by the person or persons making the appeal. The Appeals Board may:

- a) Find that there are not sufficient facts presented to warrant the findings of fact made at the original hearing and may set aside the finding or determine the facts differently.
- b) Order that a new hearing be held.
- c) Change the sanction.
- d) Provide such further and additional relief or changes as dictated by fairness to the student and to the interests protected by the Central Michigan University Code of Student Rights, Responsibilities and Disciplinary Procedures.

5.4.12 The Appeals Board must hear the appeal within fifteen (15) business days from the date the appeal is made in writing and delivered to the Conduct Proceedings Officer.

5.4.13 A decision of the Appeals Board is final except that a decision to suspend for more than one week or to dismiss a student is subject to discretionary review by the Vice President for Enrollment and Student Services or the President (see 5.4.14).

In these cases (suspension for more than one week or to dismissal) any student respondent, any complainant, or the administration, may make a written application to the Vice President for Enrollment and Student Services to review such a decision made by the Appeals Board. The application must be received in the Office of the Vice President for Enrollment and Student Services within five (5) business days after the date of the Appeals Board decision. Failure to make application for review within the time limit ends the right to make application for review unless the time limit is extended by the Vice President for Enrollment and Student Services. The application for review must contain the following information:

- a) Name of the student(s) charged in the proceeding in which the Appeals Board has rendered a decision.
- b) Name, address, and telephone number of the person making application for review.
- c) A copy of the Appeals Board decision involved.
- d) A statement as to what portion(s) of the Appeals Board decision the applicant wishes reviewed, and the reason(s) why the person making application for review considers the decision to be capricious, or the procedures followed to be fundamentally unfair.
- e) A statement of the relief requested from the Vice President for Enrollment and Student Services by the person making application for review.

If the Vice President for Enrollment and Student Services elects to review a decision of the Appeals Board, either in part or entirely, the Vice President for Enrollment and Student Services may establish whatever procedures are deemed appropriate and consistent with fairness to govern the review.

5.4.14 The university reserves the right for the President or the President's designee to impose a different sanction after a determination of violation, than the sanction imposed by the Conduct Proceedings Officer, Hearing Officer, Hearing Body, Appeals Board, or others under these procedures.

5.5 Charges Involving Student Organizations

All notices referred to in this document, when involving a Registered Student Organization, shall be sent to the president of the organization, at the president of the organization's last address on file with the Office of the Registrar, unless another representative of the organization is designated by the organization to receive such notices. When a Registered Student Organization is charged with a violation, the president of the organization shall represent the organization in the process described in Section 5, unless the Registered Student Organization designates some other

representative. The representative of the student organization must be a registered student at Central Michigan, and must be a regular member of that organization.

5.6 Changes in Procedures

5.6.1 The procedures set forth herein shall apply throughout the calendar year. A university Hearing Officer may be appointed by the Conduct Proceedings Officer to hear a case at times when a university Hearing Body cannot be readily assembled such as when students are not in attendance at regular sessions, during exam week, summer sessions.

5.6.2 These procedures are subject to change by the President of the university or designee. If any change is deemed necessary, any new procedures shall guarantee a fair hearing with due process.

5.7 Clarifying Processes

Clarifying processes that are consistent with the Hearing Procedures in this document may be proposed by the Office of Student Conduct.