

UNIVERSITY OF MONTANA

# STUDENT CODE OF CONDUCT





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# ARTICLE I: MISSION AND INTRODUCTION

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## A. Mission

This Code of Conduct embodies and promotes honesty, integrity, accountability, and duties associated with citizenship as a student in our community at the University of Montana. This Code exists to protect the interests of the community and dignity of its members, and to challenge those behaviors which are not in accordance with our policies. This Code describes expected standards of behavior for all students, including academic conduct and general conduct, and it outlines students' rights, responsibilities, and the campus processes for adjudicating alleged violations.

## B. Definitions of "Student"

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

1. Any person who is enrolled at the University of Montana, Missoula College, or the Bitterroot College of the University of Montana (hereinafter "the University") and is pursuing undergraduate, graduate, or professional studies, including full-time and part-time status.
2. Any person who has completed an academic term and can be reasonably expected to enroll the following term.
3. Any person who attended the University during a previous academic term and who committed an alleged violation of the Code during the time of enrollment.
4. Any resident living in University housing with a current student housing contract, even if they are not enrolled.

## C. Jurisdiction

The Student Code of Conduct and conduct process apply to the conduct of individual students and all University-affiliated student organizations. The Student Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University Community and/or the pursuit of its objectives. Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Office of Community Standards shall decide whether the Student Code of Conduct applies to conduct occurring off campus, on a case-by-case basis.

## D. Violations of Laws

The University may take notice of alleged violations of federal, state and local laws by students. When a student is arrested or otherwise subject to criminal charges the University may initiate proceedings to determine if the student has violated the Student Code of Conduct. The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal charges in accordance with Article VI, below.

## E. Discrimination, Harassment, and Retaliation [INTERIM]

In addition to the Student Code of Conduct, all students at the University of Montana are also subject to the University's Discrimination, Harassment, and Retaliation policy(ies) and accompanying procedures. A violation of the Discrimination, Harassment, and Retaliation policy(ies) is a violation of this Student Code of Conduct.

## ARTICLE II: STUDENT RIGHTS

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In University Student Code of Conduct disciplinary proceedings, for both cases involving general misconduct and academic misconduct, students have the following rights.

### Records and Confidentiality

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

#### A. Disciplinary records

1. Sanctions of expulsion and suspension affect the student's academic status, and records are maintained by the Office of Community Standards and/or the Office of the Provost during such time as the imposed sanctions are in effect.
2. During the time that a Student Code of Conduct case is in process, the student continues to have the same rights and privileges as other students, unless interim action (which may include restrictions, suspension, or expulsion) has been imposed.
3. If a student authorizes the release of the student's transcript and/or conduct records to another institution or to a prospective employer while there is a pending case under the Student Code of Conduct, it is with the understanding that if the student is found to have violated the Code in a manner that would require that the previously-released transcript and/or conduct records be altered, the University may notify the institution and/or employer and forward a corrected copy.
4. All records of Student Code of Conduct proceedings and sanctions are maintained by the Office of Community Standards (for general misconduct) or the Office of the Provost (for academic misconduct). These records will be maintained in accordance with the Montana University System General Record Retention Schedule. Sanctions of expulsion and suspension affect the student's academic status and will be maintained indefinitely.

#### B. Confidentiality

1. All disciplinary proceedings are closed to the public.
2. The University, except as required by law, will not disclose information to anyone not connected with the proceeding. The fact that there is or has been a disciplinary proceeding concerning an incident may be disclosed; however, the identity(ies) of individual students involved in the proceedings will not be disclosed.
3. The University, will disclose the results of the proceeding, including sanctions imposed, only to those who need to know for purposes of record keeping, enforcement of the sanctions, further proceedings, eligibility for participation in certain University activities, health and safety of others, or compliance with federal or state laws. The fact that a disciplinary proceeding has been concluded and appropriate action has been taken may be disclosed.
4. In accordance with federal law the University will disclose to an accuser, the results (including interim actions) of campus disciplinary proceedings that arise from allegations of a violent crime, dating violence, domestic violence, sexual assault, and stalking.

## Process Based Rights

### A. Respondent

A student accused of violating the Student Code of Conduct (the “respondent”) has certain rights. These include the right to:

1. Be provided written notice at least 24 hours in advance of the hearing (with the exception of Interim Action, see Article VI for more information). This notice includes that a complaint is being investigated, the nature of the complaint, and the provisions of the Student Code of Conduct that the student is alleged to have violated.
  - a. If the respondent has an unavoidable conflict for the designated hearing time, as determined by the administrative conduct officer, the respondent may contact the administrative conduct officer identified in the notice as soon as possible in advance of the conduct hearing to schedule an alternate meeting date or time.
  - b. Respondent may request to waive their 24-hour notice by contacting the administrative conduct officer to ask for an earlier meeting. The administrative conduct officer will determine if appropriate arrangements can be made for an earlier hearing.
2. Request a different administrative conduct officer in advance of the hearing. The University will attempt to eliminate any administrative conduct officer bias in the conduct process. If a respondent is concerned about bias, they may request a different administrative conduct officer in advance of the hearing. Determination of whether a different administrative conduct officer is warranted will be decided by the Vice Provost for Student Success, Executive Director for UM Housing and Community Standards, or designee.
3. Be accompanied by one advisor and/or an attorney (who is not a party to the case or a potential witness) for personal advice, consultation, and/or support during the conduct hearing. However, only the respondent, and not the advisor or attorney, may speak on the student’s behalf during the conduct hearing. A student who intends to bring an attorney to a meeting must notify the University official in advance of the meeting so the University may make the appropriate arrangements, which could include having a University attorney present. In the instance that the arrangements are not possible prior to the scheduled hearing, the hearing will be postponed for a reasonable amount of time for the arrangements to be made.
4. Review all redacted written or physical evidence relied on by the hearing officer during the conduct process, but may not take a copy or photograph it. All such records may be reviewed by the respondent during normal business hours. In the instance that a request to review of documents is not possible prior to the scheduled hearing, the hearing will be postponed for a reasonable amount of time to allow for document review.
5. Present one’s own case, including a written account of the incident. The respondent has the right to remain silent at the conduct hearing and the choice to remain silent will not be taken as an admission of responsibility, though the student is encouraged to participate in the conduct hearing.
6. Present relevant witnesses, to submit questions for witnesses to the conduct hearing officer, and to respond to and question all information and charges presented. The number of witnesses called, and questions asked will be vetted by the hearing officer for relevancy and may be limited to prevent redundancy or the unreasonable prolonging of the hearing.
7. Timely adjudication and resolution of the case.

During the time that a Student Code of Conduct case is in process, the student continues to have the same rights and privileges as other students unless interim action (which may include restrictions, suspension, or expulsion) has been imposed.

### B. Complainant

A student who brings a complaint against another student under the Student Code of Conduct (the “complainant”) also has certain rights. These include the right to:

1. Request to meet with the designated administrative official to discuss the disciplinary process.
2. Present one’s own case, including a written account of the incident and a statement describing the effect of the alleged misconduct.
3. Be accompanied by one advisor and/or an attorney (who is not a party to the case or a potential witness) for personal consultation and/or support. However, only the complainant, not the advisor or attorney, may speak on the student’s behalf during the conduct hearing.

4. Timely adjudication and resolution of the case.
5. Privacy regarding past conduct that is irrelevant to the case. This irrelevant information will not be discussed during the proceedings.
6. Be notified of the outcome of the case when the proceedings are concluded, for proceedings involving accusations of violent crimes, dating violence, domestic violence, sexual assault, and stalking only.

## ARTICLE III: INFORMAL RESOLUTIONS

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Nothing in this Code limits the right of the Office of Community Standards with the approval of the Vice Provost of Student Success or Vice Provost for Academic Affairs as appropriate and the respondent to agree at any time to disciplinary sanctions if the Respondent student agrees to the charges. Any such agreement must be in writing. When it is approved by the appropriate University official(s), signed by the student, and filed with the Office of Community Standards, the case is concluded.

## ARTICLE IV: PROSCRIBED ACADEMIC CONDUCT

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Students at the University of Montana are expected to practice academic honesty at all times. Academic misconduct is subject to Academic Penalty (or penalties) by the course instructor and/or University Sanction(s) by the University through the Provost and Vice Provost for Academic Affairs.

Academic misconduct is defined as all forms of academic dishonesty, including but not limited to:

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

10. **Altering transcripts, grades, examinations, or other academically related documents:** Falsifying, tampering with, or misrepresenting a transcript, other academic records, or any material relevant to academic performance, enrollment, or admission, or causing falsification or misrepresentation of any of the above.

**Disciplinary Procedures for Academic Misconduct:** The focus of inquiry in disciplinary proceedings related to academic misconduct is to determine if a violation of the Standards of Academic Conduct has occurred and, if so, to determine an appropriate academic penalty and/or University sanction. Student Code of Conduct proceedings are administrative proceedings and do not follow formal rules of evidence applicable in legal and criminal proceedings. The University has the burden of proof to establish a violation of academic misconduct by a **preponderance of the evidence (it is more likely than not that the incident occurred)**.

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

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

## **Procedures for Academic Misconduct:**

### **A. Investigation by the Course Instructor**

1. **Misconduct alleged during the course:** When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within ten (10) working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting (see Article II "Rights to Due Process"). The role of legal counsel, if any, at this stage should be restricted to consultation with the student. At this meeting the course instructor will:
  - a. Inform the student of the alleged academic misconduct and present the evidence supporting the allegation.
  - b. Inform the student of the Student Code of Conduct procedures.
  - c. Allow the student an opportunity to respond to the charge(s) and evidence (the student is not required to respond).
  - d. Discuss the academic penalty and possible University sanctions and allow the student to respond.
2. **Misconduct alleged at or after the conclusion of course:** When an incident of alleged academic misconduct is discovered or brought to the attention of the course instructor at or after the conclusion of the course, the course instructor notifies the student in writing and takes steps (a) through (d) above and will follow up in writing. The instructor also informs the student that an "N" grade will be given for the course or the assigned grade will be revoked until there is a final resolution of the charge(s). Academic letter appendices
3. **Consultation with the Chair and Academic Dean (or designee):** The course instructor should consult with the Department Chair and Academic Dean (or designee) in order to determine whether any record of prior academic misconduct on file with the Office of the Provost warrants a recommendation that the University impose a sanction on the student. The course instructor and/or Chair may make such a recommendation to the Academic Dean (or designee) based on the severity of the alleged offense and/or prior record of misconduct.
4. **Resolution of the charge by the course instructor:**
  - a. If the instructor concludes that the student engaged in academic misconduct, the instructor informs the student of the academic penalty to be imposed. The academic penalty does not take effect until the final resolution of the charge(s) or until the deadline for an appeal has passed. An "N" grade may be assigned in the interim.
  - b. If a University sanction is recommended, the course instructor or Department Chair notifies the student that the case will be transferred to the Academic Dean (or designee).
  - c. The course instructor informs the student of the appeal procedure as outlined in the Student Code of Conduct.

- d. If a University sanction is recommended, or if the student appeals, the course instructor will prepare a written summary for the Academic Dean (or designee) that will include a concise statement of the act of academic misconduct and the evidence. A copy of this summary will be provided to the student, the Department Chair, the Department Chair of the student's major, and the Provost and Vice Provost for Academic Affairs. A copy of this summary is also added to the student's disciplinary file maintained by the Office of the Provost. The student also may provide a written statement to be placed in the file. In cases where the student accepts the academic penalty, the written summary prepared by the instructor will be included in the student's file.
5. **Resolution of the charge by the instructor when the student does not appear for the investigative meeting:** If the student does not appear for the investigative meeting with the course instructor, the course instructor informs the student in writing of the following: [Academic letter appendices](#)
- a. The academic penalty recommended. The academic penalty is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "N" grade is assigned.
  - b. The transfer of the case to the Academic Dean (or designee) if a University sanction is recommended.
  - c. Student Code of Conduct procedures and opportunity for appeal (a copy of this Code will suffice).
  - d. The fact that a written summary of the case has been sent to the student, the Department Chair, the Department Chair of the student's major, and the Provost and Vice Provost for Academic Affairs, with a copy placed in the student's disciplinary file maintained by the Office of Community Standards. The student also may provide a written statement to be placed in the file.

## B. Sanction(s) Imposed by the University for Academic Misconduct:

1. **Investigation by the Academic Dean (or designee):** After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor and the Chair, the Academic Dean (or designee) reviews the student's disciplinary record maintained by the Office of the Provost, reviews the evidence, and interviews individually or together the instructor, the accused student and possible witnesses. Before the interview, the accused student is informed that they may bring a person of choice and that they also have the right to have legal counsel present during the interview. The student must notify the Academic Dean (or designee) at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.
2. **Resolution of the charge(s) by the Academic Dean (or designee):**
  - a. If the Academic Dean decides not to impose a University sanction, the Dean notifies and provides written justification of the decision to the student, course instructor, and Department Chair. The decision of the Academic Dean to not impose a University sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor.
  - b. If the Academic Dean decides to impose a University sanction, the Dean informs the course instructor and Department Chair, and the student is notified in writing. See Appendix Form 3 for an example of this notice. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Academic Dean will present the recommendation to the Provost for review and approval prior to notifying the student. The notice should come from the Dean, who copies the Chair and the Provost on this message.
  - c. The notice to the student includes:
    1. A statement of the specific academic misconduct committed
    2. A concise summary of the facts upon which the charge is based
    3. A statement of the University sanction(s)
    4. A statement of the appeal procedure
  - d. If, within ten (10) working days, the student does not appeal the decision to impose the University sanction, the allegation in the notice of University sanction will be accepted. The Vice Provost for Academic Affairs will instruct the appropriate University officials to implement the sanction.



- e. A written summary of the case will be placed in the student's disciplinary file maintained by the Office of Community Standards, as well as in the Provost's Office.
  - f. No University sanction or academic penalty is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed.
3. **Student Appeal of Academic Penalties and/or University Sanctions:** If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the Academic Conduct Board. A request for appeal with supporting evidence must be presented in writing to the Provost and Vice Provost for Academic Affairs within ten (10) working days after the student is informed by the instructor of the imposed academic penalty or within ten (10) working days after receiving the notice of a University sanction, whichever occurs later.

## Academic Conduct Board:

### A. Composition

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

- 1. The chair of the Academic Conduct Board is the Vice Provost for Academic Affairs.
- 2. Faculty members are appointed for two (2) years. No member will serve more than two consecutive terms.
- 3. In case of unavailability or disqualification of any member for a given proceeding, the appropriate alternative member will serve on the Board.
- 4. No member of the Academic Conduct Board may sit on a case if they are: (a) from the same academic unit as the faculty member charging a student with misconduct or the accused student, or (b) otherwise closely associated personally or professionally with the faculty member or the student. A Board member should disqualify themselves when any ground for disqualification is present. The accused student may assert grounds for disqualification of a Board member to the Chair of the Academic Conduct Board no later than three (3) working days prior to the scheduled hearing. The Chair shall implement a disqualification when warranted by the facts asserted.

### B. Academic Conduct Board Hearings:

- 1. When a student appeals to the Academic Conduct Board, the Chair schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing to the student, course instructor, Department Chair, and Academic Dean. In the absence of extenuating circumstances, the hearing is held within fifteen (15) working days of the appeal.
- 2. A student appealing to the Academic Conduct Board may be accompanied by a representative. If the representative is an attorney, the student must notify the Chair of the Academic Conduct Board in writing at least three (3) working days before the scheduled hearing. Failure to give notice of representation may delay the hearing. If the student is to be represented at the hearing by an attorney, then the University may also be represented by legal counsel.
- 3. Hearings are closed to the public.
- 4. The Chair of the Academic Conduct Board is responsible for conducting the hearing in an orderly manner. The student presents witnesses and/or evidence in support of the appeal. The course instructor, Department Chair, and Academic Dean also presents witnesses and evidence. Each party may question the other party's witnesses, either directly or through the Chair at the discretion of the Chair. The burden of proof is on the University to establish a violation by a preponderance of the evidence.
- 5. Formal rules of evidence (such as in a legal proceeding) do not apply. The Chair decides the admissibility of all evidence presented and rules on all procedural issues.

6. Hearings are recorded at University expense. This is the official recording to the hearing. Other recordings of the hearing are not permitted.
7. At the sole discretion of the Chair, the hearing may be held on Zoom or other such visual/audio platform that provides all parties and the panel with the ability to participate the hearing remotely.
8. The Chair may prescribe additional procedural rules for the hearing that are consistent with this Code.
9. The Academic Conduct Board reaches a decision by majority vote. The Chair has the right of vote. The vote upholds, alters, or overturns the academic penalty and/or University sanction. The decision of the Board is submitted to the Provost of the University for review and final approval. Board deliberations are closed to the parties and others and are not recorded.
10. Within ten (10) working days, a copy of the Board's decision is provided by the Chair to the student, the course instructor, Department Chair, Academic Dean, Office of Community Standards, Provost and Vice Provost for Academic Affairs, and the President.
11. A student who fails to appear for the Academic Conduct Board hearing is considered to have waived the right to appeal. The student receives the academic penalty(ies) and/or University sanction(s) recommended by the Academic Dean and approved by the Provost and Vice Provost for Academic Affairs.
12. **The Respondent student may seek further administrative review by the Commissioner of Higher Education and the Board of Regents in accordance with to Montana University System Policy and Procedures Manual, 203.5.2.**

### C. Hearing Officer Option:

If a case is transferred to the Academic Conduct Board during a time when the Board will not be able to hear the case within a reasonable period of time (e.g. between semesters, during the summer, during other academic breaks), after consultation with the Academic Conduct Board, the Provost may appoint an impartial Hearing Officer to conduct the hearing following the general procedures described in this Code.

**Penalties for Academic Misconduct:** Depending on the severity of the academic misconduct, a student may incur one or more of the following penalties:

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

# ARTICLE V: PROSCRIBED GENERAL CONDUCT

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Students at the University of Montana are expected to practice responsible behavior at all times. General misconduct is subject to University Sanction(s) by the Office of Community Standards and/or College or Organizational Sanction(s) by the colleges or organizations.

General misconduct is defined as conduct including, but not limited to, the following:

## A. Acts of Dishonesty:

1. **Falsification:** Forgery, alteration or misuse of University documents, records, instruments of identification, computer programs, or accounts.
2. **Unauthorized Access:** Unauthorized access to any University building or unauthorized possession, duplication or use of means of access (Griz card, keys, etc.) to any university building or failing to timely report a lost key or Griz card with access to university housing or buildings.
3. **False Information:** Providing false information to any University official acting in performance of their duties or capacities.

## B. Harassment, Hazing, and Bystanding:

1. **Harassment** includes but is not limited to unwelcome verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion.
  - a. **Cyberbullying** is repeated and/or severe aggressive electronic communications that are direct at another person or are intended to intimidate, harm, or control another person emotionally.
2. **Hazing** includes but is not limited to acts that humiliate, ridicule, or endanger the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation.
3. **Bystanding** includes but is not limited to:
  - a. Conduct of a student who is present when a violation of the Code of Student conduct occurs and who encourages, assists, or otherwise enables conduct that could result in serious injury to a person, including sexual misconduct; or
  - b. Conduct of an organized group that encourages, assists, or otherwise enables conduct that could result in serious injury to a person, including sexual misconduct.

## C. Assault and Harm to Persons:

1. **Physical assault** which includes but is not limited to: physical contact of an insulting or provoking nature, physical contact that puts the person in fear for their physical safety, or physical contact that causes the person to suffer physical injury.
2. **Threatening and Intimidating Behaviors:**
  - a. A threat is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b. Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another.

## D. Discrimination, Harassment, and Retaliation [INTERIM]:

1. Violation of the University's Policy(ies) on <https://www.umt.edu/eo/> is a violation of this Student Code of Conduct.



## E. Alcohol and Drug Offenses:

1. **Tobacco:** Smoking, Vaping, or tobacco use on campus is a violation of the Tobacco Free UM Policy and of this Student Code of Conduct.
2. **Alcohol:** Use, possession, or distribution of intoxicants, including alcohol, except as expressly permitted by law or [University policy](#) (No. 1000) is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
3. **Drugs:** Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This also includes the abuse, distribution, or improper use of prescription drugs.

## F. Firearms, Explosives, and Weapons Offenses:

1. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises, or use or storage of any such item, even if legally possessed, in a manner that harms or threatens the safety of others. Weapons and explosives can include, but are not limited to air, BB, paintball, facsimile weapons and pellet guns, fireworks, ammunition, and dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than four (4) inches.

## G. Illegal and Disruptive Conduct:

1. **Disruptive Behavior:** Substantial disruption or obstruction to University operations or University-sponsored activities, including but not limited to studying, teaching, research, administration, disciplinary proceedings, or fire, police, or emergency services.
2. **Violation of federal, state or local law, or policies;** Violation of published University policies, rules or regulations and violation of federal, state or local law.
3. **Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University,** including but not limited to:
  - a. Use of amplification systems on the campus outside of University buildings except with written permission of Event Services.
  - b. Failure to comply with directions of University officials acting in the performance of their duties.
  - c. Failure to comply with any authorized Student Code of Conduct sanction(s)/condition(s).
  - d. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property on University premises.
4. **Misuse of Medical Amnesty Policy** (see below for details regarding the Medical Amnesty policy), including but not limited to:
  - a. Discouraging or otherwise interfering with outreach to emergency medical services or law enforcement in the event of a medical emergency
  - b. Intentionally making unnecessary contact with emergency medical services or law enforcement (e.g, after situation is under control by University or another official who has already responded or is on scene).
  - c. Purposefully misusing the Medical Amnesty policy.
5. **Unreasonably interfering with the lawful freedom of expression of others**

## H. Theft / Misuse of Property:

1. **Stolen Property:** Theft or attempted theft of property or services or knowingly possessing stolen property.

2. **Defacing, tampering, damaging, or destroying University property** or the property of any member of the University community.
3. **IT and Acceptable Use:** Unauthorized or illegal use of the University's telephone system, mail system, computers, or computer network, or use of any of the above for any illegal act.
4. **University IT Policy:** A violation of the END USER LICENSE AGREEMENT, found online at: [https://www.umt.edu/sait/policies\\_documentation/end-user-license-agreement.php](https://www.umt.edu/sait/policies_documentation/end-user-license-agreement.php)

## I. Other Conduct Issues

1. **Fire Safety:** Violation of local, state, federal, or campus fire policies, including but not limited to:
  - a. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury;
  - b. Failure to evacuate a University-controlled building during a fire alarm;
  - c. Improper use of University fire safety equipment; or
  - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions.
2. **Wheeled Devices:** Skateboards, roller blades, roller skates, bicycles, electronic hover boards, and similar devices are not permitted to be ridden inside University buildings. Bicycles are not permitted inside University buildings for storage, except as allowed in the residence halls and family housing by UM Housing policy. Additionally, skateboards and other wheeled items may not be operated in a dangerous or reckless fashion, or on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to University property caused by these activities. Failure to yield to pedestrians or failure to abide by traffic laws/rules on campus is considered a conduct violation.
3. **Animals:** Animals, with the exception of service animals and authorized assistance animals, are not permitted in campus buildings or on campus without a leash. Not cleaning up after animals on campus is a conduct violation. Not having animals under control is a conduct violation.
4. **Abuse of Conduct Process:** Abuse or interference with, or failure to comply with, University process including conduct and academic integrity hearings, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information;
  - b. Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
  - c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
  - d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during and/or following a campus conduct proceeding;
  - e. Failure to comply with the sanction(s) imposed by the campus conduct system;
  - f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
5. **Arrest:** Failure of any student to accurately report the student's arrest by any law enforcement agency to the Office of Community Standards within seventy-two (72) hours of any violent, sexual, or felony crime that occurs on University premises, at University sponsored activities, or off-campus. A felony crime is a crime for which more than one year in prison may be imposed.
6. **Other Policies:** Violation of other published regulations, rules, or policies as stated in Article VII of this Code.

## J. General Misconduct in the Classroom:

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

2. If circumstances warrant dismissal from a class session for behavior reasons, the faculty member may contact the Office of Community Standards immediately following the class to discuss the situation and make a determination about whether Student Code of Conduct charges will be initiated.
3. The student remains eligible to return to the next class session, unless interim action prohibiting class attendance is imposed per Article VI of this Code.
4. The faculty member maintains the authority to remove the student from any future class session during which the student is disruptive.
5. The student may be suspended permanently from a class upon recommendation of the Dean of the college or school offering the class in accordance with the disciplinary procedures outlined in the section below.

## Medical Amnesty

The University of Montana strongly encourages students and organizations to immediately contact University staff, emergency medical services, and/or law enforcement when they have reason to believe that a student's health or safety is at risk. To mitigate barriers to requesting medical aid that may be caused by consumption or use of alcohol or drugs, a Medical Amnesty policy shall apply to:

1. Students who request aid for themselves;
2. Students who request aid for another student(s);
3. Students for whom aid is rendered; and
4. Students whose use or possession of alcohol and/or drugs were discovered because of a call for medical assistance.

In the situation where a student needs medical assistance, the student(s) who requests and/or receives emergency medical aid and fully complies with University, medical, and/or law enforcement personnel will not be issued disciplinary sanctions nor have conduct files created for the use or possession of alcohol and/or drugs that occurred in connection with the reported incident.

If the University of Montana becomes aware of student's use or possession of drugs and/or alcohol because of a call for medical assistance, then these students will also be covered by the Medical Amnesty policy.

In order for amnesty policies to apply, the University of Montana may require students involved to participate in an alcohol/drug education program or seek medical treatment for alcohol and/or drug abuse, but these requirements will not be recorded as disciplinary sanctions.

The following are not covered by the Medical Amnesty policy:

- The University of Montana has discretion to determine that this policy does not apply in more serious situations, including but not limited to manufacturing and sales of drugs, assault or harm to persons, damage to property, and hazing. This policy does not apply to alleged violations of other University Discrimination, Harassment, and Retaliation policies.
- Repeated use of this Medical Amnesty Policy for the purpose of avoiding disciplinary action by the University will be considered interference with the conduct process and may lead to additional disciplinary measures.
- Making unnecessary contact with emergency medical services or law enforcement (e.g., after situation is under control by University or another official who has already responded or is on scene).

Students and organizations may be subject to disciplinary measures if they discourage or otherwise interfere with outreach to emergency medical services or law enforcement in the event of a medical emergency.

The University of Montana encourages students to call for help anytime there is concern for their own health or the health of others. The Community Standards Office may issue sanctions to students and organizations, including but not limited to the alcohol or drug sanctions, to students and organizations who purposely misuse the Medical Amnesty policy.

This policy does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes. Montana has multiple laws offering Good Samaritan protections: MCA § 50-32-609 provides protections in situations involving drugs, and MCA § 45-5-624(10) provides protections in situations involving minors in possession of alcohol.



## Procedures for General Misconduct

### A. Overview

This overview gives a general idea of how the University of Montana's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University of Montana policy or other rules.

1. Once notice or a report is received from any source (victim, RA, 3rd party, online, UMPD, etc.), the Office of Community Standards (OCS) or UM Housing conduct officials may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the conduct process to the responding student and gather information.
2. Incidents involving alleged violations of the Student Code of Conduct that occur within any of the Housing areas are investigated and adjudicated by designated UM Housing staff.
3. Incidents that occur outside of the housing areas are investigated and/or adjudicated by the Office of Community Standards. In some instances, incidents that occur off campus will be investigated and/or adjudicated by the Office of Community Standards. Serious cases with potential sanctions of Suspension or Expulsion from the University will be referred directly to the Office of Community Standards, regardless of where they originate.

### B. Procedures:

1. A referral is made to the Office of Community Standards or designated UM Housing official. The designated staff member receiving the referral will begin a preliminary investigation to determine if an alleged violation has occurred. If a determination is made that no violation occurred, then the referral is closed. If the determination is made that an alleged violation may have occurred, then the investigation continues.
2. A student or students will be notified via their student email account that a report has been received and their attendance to discuss this report is requested. The student will be presented with the charge(s) that are being investigated as well as their rights through the conduct process. This is known as the Preliminary Meeting for the conduct process.
3. At this time, the student can choose to meet with a hearing officer to discuss the report and what evidence they have to share. This meeting is known as the Findings Meeting.
  - a. The Findings Meeting must occur within ten (10) working days of the Preliminary Meeting unless the University provides notice and reasonable explanation for a delay or alternate arrangements are made that are agreeable to both parties.
  - b. During the Findings Meeting, the student will have the opportunity to review relevant evidence and have an opportunity to respond to the evidence and charges. The student will also have the opportunity to present additional evidence or witnesses if applicable. Both parties are allowed to ask questions of each other and seek clarification.
  - c. If the student does not show for the Findings Meeting, the charges are accepted as outlined in the notice letter and appropriate sanctions will be imposed. The student is notified of the findings and the sanctions (if applicable) and loses the right for further appeal.
4. After completing the Findings Meeting, the hearing officer will complete their investigation and determine if there is a violation of the Code of Conduct or not, as well as impose appropriate sanctions.
5. The Hearing Officer summarizes the findings and recommended sanctions (if applicable) in a Findings Letter that is sent to the student via their student email account. This letter includes findings for each individual charge, a statement of evidence that informed that decision, and a list of recommended sanctions.
6. Except for interim action that may be taken by the University, disciplinary sanctions are not imposed until the final resolution of the charges or until the deadline for a final appeal has passed.

### C. Student Response to Findings Outcome:

1. The student has three (3) options in response to the outcome of the Findings Letter:
  - a. To accept the findings and the sanctions issued;
  - b. To not accept the findings and/or the sanctions issued and commence the appeal process; or
  - c. To not respond at all. The student has five (5) working days to respond to the Findings Letter after being issued.
2. If the student signs the Findings Letter that they are accepting the outcome, the case is closed, and sanctions are imposed. A copy of the letter is kept on file by the Office of Community Standards and a copy is given to the student.
3. If the student does not accept the Findings Letter or sanctions, the student can request the case be transferred to the next appellate authority. The student also needs to submit a statement indicating their reason for appealing. (See criteria for Appeal in section E.)
4. If the student chooses not to sign or respond to the Findings Letter within five (5) working days, the findings and sanctions are accepted, and the student loses the right to appeal the case further. This letter is kept on file by the Office of Community Standards and a copy is provided to the student.

### D. Sanction(s) Imposed by the University for General Misconduct:

1. Sanctions for violating the Student Code of Conduct may include one or more of the following:
  - a. **Disciplinary Warning:** The student is warned that further misconduct may result in more severe disciplinary sanctions.
  - b. **Disciplinary Probation:** The student may continue attending the University but is subject to restrictions and/or conditions imposed by the University for a specified period of time. Further violation of the Code while under disciplinary probation will result in more severe sanctions including the possibility of expulsion.
  - c. **Suspension:** The student is separated from the University for a specified period of time and may also be excluded from participation in University-sponsored activities. A sanction of suspension requires approval by the Vice Provost for Student Success.
  - d. **Expulsion:** Involuntary removal of student status indefinitely. This may also include exclusion from any and all University-owned and/or controlled property, events, or activities. A sanction of expulsion requires approval by the Vice Provost for Student Success.
  - e. **Restitution:** The student is required to make payment to the University and/or another person or entity for actual financial loss resulting from a Student Code of Conduct violation.
  - f. **Withholding or Revocation of a Degree:** A degree is withheld, or a previously awarded degree is rescinded. This sanction may be imposed when a person who is no longer enrolled is found to have violated the Code during the time of enrollment, and the proper sanction would have been expulsion (see Article I, Section B "Definitions of Student").
  - g. **Other Sanctions:** In addition to or in place of the above, other sanctions may be imposed such as eviction from University housing, restriction or banning from certain on-campus facilities, restriction or prohibition from attending campus events or participating in campus activities, and requirements to attend and complete classes, programs, workshops, and/or counseling sessions. Details of the terms of the sanction will be provided to the student in writing.
2. Committing any act prohibited by this Code may result in suspension or expulsion from the University unless specific and mitigating factors are present. Potential mitigating factors include but are not limited to:
  - a. The attitude of the student;
  - b. Disciplinary history;
  - c. The nature of the offense; and
  - d. The severity of any damage, injury, or harm resulting from it.

3. **Readmission:** Readmission to the University after suspension for general misconduct is dependent upon the student's compliance with the conditions of the suspension and the student's fitness to return to the campus community. These decisions are made by the Office of Community Standards upon consultation with appropriate campus officials and/or community members. In some cases, appropriate documentation may be required for readmission. Upon readmission, the student may be placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior.

**Appropriate University officials will be notified of Student Code of Conduct findings and/or sanctions imposed. Repeated or aggravated violations of this Code may result in more severe disciplinary sanctions than any individual violation might warrant.**

## **E. Appeals Procedure for General Misconduct:**

If a student wants to appeal the findings and/or sanctions against them, they have the right to do so as long as it is based on at least one of the following criteria:

1. A procedural error; the hearing officer did not follow procedure in conducting the initial meetings;
2. New evidence or witness has been discovered that was not reasonably discoverable during earlier proceedings, since the findings meeting was held; or
3. Excessive sanctions are issued in relation to the behavior or violation in question and the respondent's conduct history.

If a student feels one or more of these criteria exist, they should submit a statement online via Maxient stating their case. This statement will be reviewed by the Office of Community Standards to ensure at least one of the criteria is met and then initiate a meeting for the student and the appellate officer. The appeal process follows:

1. Cases that are heard by UM Housing are appealed to the Executive Director of UM Housing and Community Standards, or designee.
2. Cases that are heard by the Office of Community Standards are appealed to the Vice Provost for Student Success, or designee.

If the student wants to appeal the decision of the appellate officer, the case is transferred within five (5) working days to the University Conduct Board. There may be times that the appeal will be sent to an impartial hearing officer if the University Conduct Board cannot be convened in a timely manner, such as semester breaks or summer.

## **F. University Conduct Board:**

1. **Composition:** Members of the University Conduct Board are appointed by each of the Faculty Senate, Staff Senate, Student Senate, and a Chair appointed by the President of the University. At the beginning of each academic year, any vacancies on the Conduct Board will be selected, and all members of the Conduct Board pool are trained for the responsibilities associated with this duty. The Conduct Board pool should be at least two members per shared governance and two Chairs to provide alternatives based on conflicts of interest or availability restrictions. Oversight and management of the Conduct Board is provided by the Office of the Provost and training is provided by the Office of General Counsel.
  - a. Student members of the Board are appointed for one-year terms. Faculty and staff members are appointed for two-year terms. If possible, the Staff and Faculty members appointments should be staggered to prevent large turnover between academic years. No member of the University Conduct Board may hear a case if the member is closely associated personally or professionally with the respondent, the complainant, the person who referred the case, or any other relevant party. A Conduct Board member is expected to raise the issue of stepping down whenever any potential reason for disqualification becomes known.
  - b. The respondent and complainant (if applicable) will be notified of the membership of the Conduct Board that will hear the case in advance and may assert grounds for disqualification of any particular Board member to the Chair of the Conduct Board up until three (3) working days prior to the date of the hearing. The Chair has the discretion to accept or reject a request for a disqualification based on the facts presented.



2. **University Conduct Board Hearings:** The following individuals may participate in the University Conduct Board Hearings:
- a. **Chair of the University Conduct Board:** The Chair of the hearing is an impartial Student Affairs staff member that is appointed by the President and trained to hear case's involving alleged violations of the Student Code of Conduct. The role of the Chair is to lead the proceedings, exercise control, and ensure that the hearing proceeds in an orderly and just manner. The Chair will make the final decision in the event that the Conduct Board does not reach consensus.
  - b. **University Conduct Board Members:** The Conduct Board consists of four (4) members total: (a) one representative from the Student Senate, (b) one representative from the Faculty Senate, (c) one representative from the Staff Senate and (d) the Conduct Board Chair.
  - c. **Respondent (and a support person and/or attorney if desired):** The respondent is the student accused of violating the Student Code of Conduct. The respondent may be accompanied at the hearing by a support person and/or an attorney. If the student chooses to bring an attorney, the role of the attorney is limited to advice, consultation, and guidance to the respondent; the attorney may not have a speaking role in the hearing.
  - d. **University Official (or designee) to present the University's case:** The Vice Provost for Student Success will designate an appropriate University official, staff member, law student, attorney, or other designee to present the case to the Conduct Board on behalf of the University.
  - e. **Complainant (if applicable, and a support person or an attorney if desired):** In cases involving a complaint of one student against another student, the student who brings forth the allegation is the complainant. The complainant may attend the hearing and serve as a witness for the University. The complainant may also be accompanied by a support person and/or an attorney at the hearing. If the complainant chooses to bring an attorney, the role of the attorney is limited to advice, consultation, and guidance to the complainant; the attorney may not have a speaking role in the hearing.
  - f. **Witnesses (if applicable):** Both the respondent and the University may choose to call witnesses who have information relevant to the case to assist in the presentation of their respective cases. Witnesses may include other students, faculty or staff members, police officers, friends, family members, expert witnesses, community members, and/or character witnesses. Witnesses may appear and participate at the University's discretion.
3. **Pre-Hearing Notices:**
- a. **Notice of the Hearing:** When proceedings have been transferred to the University Conduct Board, the Chair of the Board, in consultation with the Office for Community Standards (or designee), schedules a date and time for the hearing. The Chair provides notice to the respondent and the complainant (if applicable) of the date, time, and place of the hearing. The hearing will occur at least five (5) working days after the date of this notice unless an alternate arrangement is made that is agreeable to all parties.
  - b. **Presenter of the University Case:** The Vice Provost for Student Success will identify and designate an appropriate person to present the case for the University. This person may be a University official, staff member, law student, attorney, or other designee. The respondent and complainant (if applicable) will be notified of the identity of this person at least three (3) working days before the hearing.
  - c. **Notice of Participation of Attorneys:** If the University should elect to present its case through an attorney, the respondent may be granted an extension of up to five (5) working days to obtain an attorney if desired after being notified that the University case will be presented by an attorney. If the respondent intends to be accompanied by an attorney, the respondent must provide written notice to the Office of Community Standards (or designated official) at least three (3) working days before the scheduled date of the hearing so the University may also make arrangements to have an attorney present.
4. **Hearing Proceedings**
- a. **Hearings are Closed to the Public:** To protect the privacy rights of student participants, hearings are closed to the public.
  - b. **Elements of the Hearing:** Although the exact structure and flow of each hearing may vary, in general, University Conduct Board hearing proceedings will include the following:
    - 1. Hearing are recorded or transcribed at University expense. This is the official recording of the hearing. Other recordings of the hearing are not permitted.

2. At the sole discretion of the Chair, Hearing may be conducted via Zoom or other audio/visual platform which allows the Conduct Board, respondent and other participants to fully participate remotely,
  3. Introduction of all parties
  4. Statement of the charges against the respondent
  5. Presentation of the University's case, including an opening statement, evidence, and any witnesses
  6. Presentation of the respondent's case, including an opening statement, evidence, and any witnesses
  7. Opportunities throughout for the respondent to ask questions, for the University presenter to ask questions, and for Conduct Board members to ask questions
  8. Closing statements
  9. Conduct Board deliberations (all parties other than Conduct Board members are excused)
5. **Additional Characteristics of Conduct Board Hearings:**
- a. Formal (legal) rules of evidence do not apply.
  - b. The Chair determines the admissibility of any evidence presented including witness testimony, rules on all procedural issues, and may put in place additional procedural rules during the hearing consistent with this Code. Any of the Chair's rulings may be overruled by a majority of the Conduct Board members.
6. **Conduct Board Deliberations and Decisions:**
- a. The deliberations of the Conduct Board will include two distinct phases:
    1. **Findings:** Whether the student violated any standard(s) of the Code of Conduct.
    2. **Sanctioning:** Appropriate sanction(s) should the student be found in violation.
  - b. The Board is charged with rendering a decision about findings and/or sanctions within five (5) working days after the close of the hearing. The Chair will make the final decision in the event that the Conduct Board does not reach consensus.
  - c. The Board develops a written decision that includes:
    1. Findings for each specific charge;
    2. A statement of the reasons for the decision(s); and
    3. A description of the sanctions (if applicable).
  - d. The Board's written decision is provided to the respondent, the Office of Community Standards, and the Vice Provost for Student Success. In cases involving student complainants, notification of the Board's decision is also made to the complainant consistent with this Code and constraints of individual privacy rights of the respondent.
7. **Failure to Appear for a University Conduct Board Hearing:** A respondent who fails or refuses to appear after proper notice of a University Conduct Board hearing is considered to have waived their rights to be heard by the Board. In this case, the University Conduct Board will consider the evidence and make findings and if it determines that the respondent has violated the Code of Conduct, it will impose the disciplinary sanctions specified in the statement of charges. Sanctions of suspension or expulsion require approval of the Vice Provost for Student Success.
8. **Hearing Officer Option:** If a case is transferred to the University Conduct Board during a time when the Board will not be able to hear the case within a reasonable period of time (e.g. between semesters, during the summer, during other academic breaks), after consultation with the University Conduct Board, the Provost may, when it appears to be in the best interest of the University and/or the student(s) involved, appoint an impartial Hearing Officer to conduct the hearing following the general procedures described in this Code.

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

## ARTICLE VI: INTERIM ACTION

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

**A student may be temporarily suspended from the University, evicted from University Housing, prohibited from being on campus property, restricted or prohibited from campus events, and/or restricted in other ways by the Office of Community Standards or designee pending University disciplinary proceedings.**

If there is evidence that the student's continued presence on campus, at certain activities, or at certain locations, constitutes an immediate threat to others or to the continuance of normal University operations, or if a student is facing criminal charges, interim suspension, eviction, and/or restrictions may be imposed effective immediately and without prior notice.

**Right to Hearing:** In cases of interim suspension, eviction, or restriction, the student may appear before the Vice Provost for Student Success, within five (5) working days from the effective date of the suspension or eviction to discuss the following:

1. The reliability of the evidence against the student.
2. Whether the alleged conduct and surrounding circumstances reasonably indicate that the student's presence on campus constitutes a threat to others or to the continuance of normal University operations.

The Vice Provost for Student Success will determine if the interim action will continue.

## ARTICLE VII: OTHER UNIVERSITY POLICIES, RULES, AND STANDARDS

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

### A. UM Housing Student Conduct Program:

1. Students who reside in the Residence Halls or the apartment communities of University Villages or Lewis and Clark Village, are also subject to the conduct requirements set forth in the UM Housing Handbook. UM Housing staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the UM Housing Handbook and may impose sanctions related to a student's use of the housing areas.
2. All allegations of violations of the University's Code of Conduct reported to UM Housing Staff will be promptly referred to the Executive Director of Housing and Community Standards. In such cases, the Executive Director of Housing and Community Standards may delegate the investigation and adjudication to the UM Housing staff. When such matters are delegated, the investigation and adjudication shall be conducted in accordance with the procedures of this Code.
3. The Executive Director of Housing and Community Standards will coordinate the delegated UM Housing Conduct Program and will work closely with the Director of Residential Education and Community Standards and the Assistant Director of Community Standards to assure consistency.
4. All regulations are available from UM Housing Office or online at:
  - a. Lewis and Clark Village - <http://www.umt.edu/housing/lcv/policies.php>
  - b. University Villages - <http://www.umt.edu/housing/uv/policies-UV/default.php>
  - c. Residence Halls - <http://www.umt.edu/housing/rh/policies/default.php>

## **B. Department of Athletics:**

1. Student athletes are also subject to the Department of Intercollegiate Athletics conduct requirements found in team rules, Athletic Department and NCAA policies, and the Student-Athlete Code of Conduct. The Director of Athletics, or designee, will coordinate the Student-Athlete Code of Conduct for alleged violation of departmental conduct requirements and may impose sanctions related to a student's participation in intercollegiate athletics.
2. The Director of Athletics will refer allegations of violations of the University's Code of Conduct to the Associate Director of Community Standards for processing under the Code of Conduct. Additional University sanctions by the Associate Director of Community Standards may be in addition to, or in lieu of, the process outlined in the Student-Athlete Code of Conduct.
3. Regulations are available online at: [https://gogriz.com/sports/2015/3/3/GEN\\_2014010118.aspx](https://gogriz.com/sports/2015/3/3/GEN_2014010118.aspx)

## **C. Fraternity and Sorority Involvement:**

1. Students participating in Greek life are also subject to the mutual relationship agreement. The Fraternity and Sorority Involvement Director (or designee) will coordinate the mutual relationship agreement for alleged violation of departmental conduct requirements and may impose sanctions related to a student's participation in Greek life.
2. The Fraternity and Sorority Involvement Director will refer allegations of violations of the University's Code of Conduct to the Associate Director of Community Standards for processing under the Code of Conduct. Additional University sanctions by the Associate Director of Community Standards may be in addition to, or in lieu of, the process outlined in the mutual relationship agreement

## **D. Student Organizations**

1. Students participating in student organizations are also subject to the ASUM constitution and bylaws. The ASUM Senate will coordinate the ASUM Constitution and Bylaws for alleged violation of organizational conduct requirements and may impose sanctions on the student organization.
2. The ASUM Senate will refer allegations of violations of the University's Code of Conduct to the Associate Director of Community Standards for processing under the Code of Conduct. Additional University sanctions by the Associate Director of Community Standards may be in addition to, or in lieu of, the process outlined in the ASUM constitution or bylaws.

## **E. Responsible Conduct of Research**

1. This policy establishes an administrative process for dealing with misconduct in research and creative activities, or allegations thereof, so that the integrity of research conducted, or services provided at the University of Montana are maintained, and to provide assurance to federal agencies that the University of Montana is in compliance with federal regulations for institutional oversight of misconduct.
2. Procedure available from the Office of the Vice President for Research and Development. It may also be found online at: <http://www.umt.edu/research/compliance/RCR/default.php>

## **F. Discrimination, Harassment, and Retaliation**

1. Students are also subject to the Discrimination, Harassment, and Retaliation Policy(ies). The University's discrimination, harassment and retaliation policies are available from the University's Title IX Coordinator and the Office of Equal Opportunity or online at: <https://www.umt.edu/eo/>
2. Discrimination Grievance Procedures: Available through a link in the policy, or at <https://www.umt.edu/eo/>

## **G. Drug and Alcohol Policies**

1. Students are also subject to the Drug and Alcohol policies. This policy explains the requirements for possessing, consuming, selling and serving alcohol on University of Montana property, and at University of Montana events. This policy is applicable to both on-campus and off-campus events. Available from the Office of Community Standards or the University of Montana Police Dept.



## **H. Professional Program Standards**

1. Students participating in professional programs may also be subject to departmental or program specific codes of conduct. Please see your academic program, college, school or department for more information.

## **I. Responsible Use of Electronic Communications Policy, University System Policies, and UM Policies Related to Student Use of IT Resources**

1. Students are also subject to the various policies related to student use of IT resources.
2. These policies are available from the Office of Information Technology or online at: <https://www.umt.edu/it/about/policies/default.php>.

## **J. University Property Use and Access Procedure**

1. Students must use University property in accordance with the University Property Use and Access Procedure.

## **K. Vehicle and Traffic Regulations**

1. Students are also required to follow vehicle and traffic regulations. These regulations are available from the University of Montana Police Department or online at: <https://www.umt.edu/police/parking/Vehicle%20Regulations/default.php>

### **University of Montana Code of Conduct – Adoption & Revisions**

Adopted May 1985

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