

STUDENT CODE OF CONDUCT

ARTICLE I: MISSION AND INTRODUCTION

- 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 Western. 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 Western and is pursuing undergraduate studies including full-time and part-time status.
 2. Any person who has completed an academic Block and can be reasonably expected to enroll the following Block.
 3. Any person who attended the University during a previous academic Block 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 Blocks 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 Dean of Students or designee 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 IX, below.
- E. Discrimination, Harassment, and Retaliation:** In addition to the Student Code of Conduct, all students at the University of Montana Western are also subject to the University's Discrimination, Harassment, and Retaliation policy and accompanying Discrimination Grievance Procedures. The University's Discrimination and Harassment policy covers behaviors related to discrimination, sexual harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, stalking, and retaliation. A violation of the Discrimination, Harassment, and Retaliation policy is a violation of this Student Code of Conduct.

ARTICLE II: STUDENT RIGHTS

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 Western 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. 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, subject to any interim action (which may include restrictions, up to and including suspension) which may be imposed.
2. 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 be altered, the University may notify the institution and/or employer and forward a corrected copy.
3. All records of Student Code of Conduct proceedings and sanctions are maintained by the Dean of Students. 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 the incident may be disclosed; however, the identity(ies) of individual students involved in the proceedings will not be publically 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, 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. As allowed by the Jeanne Clery Disclosure of Campus Crime Statistics Act (commonly known as the Clery Act) the University will disclose the results of campus disciplinary proceedings to an alleged victim of a violent crime.
5. Title IX of the Education Amendments of 1972 requires the University to tell a complainant in a case of sexual violence whether or not it found that the sexual violence occurred, any sanctions imposed upon the perpetrator that relate directly to the complainant, and other steps the University has taken to eliminate the hostile environment and prevent recurrence.

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 IX for more information). The notice will include 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 (Senior Director of Auxiliary Services or designee, or the Dean of Students or designee), 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 Provost 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 the 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 administrative conduct 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 administrative conduct 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, up to and including suspension) 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 conduct officer 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. The administrative conduct officer will determine relevancy and has the discretion to exclude irrelevant information.
 6. Be notified of the outcome of the case when the proceedings are concluded, for instances of violent crimes only.

ARTICLE III: INFORMAL RESOLUTIONS

Nothing in this Code limits the right of the conduct offices with the approval of the Provost/Vice Chancellor for Academic Affairs and Student Affairs, here after known as Provost, as appropriate and the respondent to agree at any time to disciplinary sanctions if the respondent agrees to the charges. Any such agreement must be in writing. When it is approved by the appropriate University official(s), signed by the student, and filed with the Dean of Students, the case is concluded.

ARTICLE IV: PROSCRIBED ACADEMIC CONDUCT

Students at the University of Montana Western 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 Division Chair, in consultation with the Provost, or the Dean of Students.

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

1. **Plagiarism:** Representing another person's words, ideas, data, or materials as one's own.
2. **Misconduct during an examination or academic exercise:** Copying from another student's paper, consulting unauthorized material, giving information to another student, collaborating with one or more students without authorization, or otherwise failing to abide by the University or instructor's rules governing the examination or academic exercise without the instructor's permission.
3. **Unauthorized possession of examination or other course materials:** Acquiring or possessing an examination or other course materials without authorization by the instructor.
4. **Tampering with course materials:** Destroying, hiding, or otherwise tampering with source materials, library materials, laboratory materials, computer equipment or programs, or other course materials.

5. **Submitting false information:** Knowingly submitting false, altered, or invented information, data, quotations, citations, or documentation in connection with an academic exercise.
6. **Submitting work previously presented in another course:** Knowingly making such submission in violation of stated course requirements.
7. **Improperly influencing conduct:** Acting calculatedly to influence an instructor to assign a grade other than the grade actually earned.
8. **Substituting, or arranging substitution, for another student during an examination or other academic exercise:** Knowingly allowing others to offer one's work as their own.
9. **Facilitating academic dishonesty:** Knowingly helping or attempting to help another person commit an act of academic dishonesty, including assistance in an arrangement whereby any work, classroom performance, examination activity, or other academic exercise is submitted or performed by a person other than the student under whose name the work is submitted or performed.
10. **Altering transcripts, grades, examinations, or other academically related documents:** Falsifying, tampering with, or misrepresenting a transcript, other academic records, or any material relevant to academic performance, enrollment, or admission, or causing falsification or misrepresentation of any of the above.

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 course instructor and Division Chair (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). Email all information to the Dean of Students to be filed in Maxient. The course instructor will complete an incident report (Maxient) with all information pertaining to the case. The report is to be completed even when a university sanction is not given.
 3. **Consultation with the Provost, Division Chair and Dean of Students (or designee):** The course instructor should consult with the Dean of Students in order to determine whether any record of prior misconduct is on file with the Dean of Students that warrants a recommendation that the University impose a sanction on the student. The course instructor and/or Division Chair may make such a recommendation to the Provost (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 notifies the student that the case will be transferred to the Division Chair (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 Division Chair (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 Division Chair, the Division Chair of the student's major, and the Provost. A copy of this summary is also added to the student's disciplinary file maintained by the Dean of Students. 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:
 - 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 Division Chair (or designee) if a University sanction is recommended. Division Chair will consult with the Provost of recommended sanctions.
- 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 Division Chair, the Division Chair of the student's major, and the Provost, with a copy placed in the student's disciplinary file maintained by the Dean of Students. 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 Division Chair (or designee) in consultation with the Provost:** After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor and the Division Chair (or designee) reviews the student's disciplinary record maintained by the Dean of Students, 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 Division Chair (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 Division Chair (or designee):**
 - a. If the Division Chair in consultation with the Provost decides not to impose a University sanction, the Chair notifies and provides written justification of the decision to the student and course instructor. The decision of the Division Chair 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 Division Chair decides to impose a University sanction, the Chair informs the course instructor and the student is notified in writing. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Division Chair will present the recommendation to the Provost for review and approval prior to notifying the student.
 - 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 Division Chair 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 Dean of Students.

- 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 University Court. A request for appeal with supporting evidence must be presented in writing to the Provost 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.

ARTICLE V: 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:
 - 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 VI: PROSCRIBED GENERAL CONDUCT

Students at the University of Montana Western are expected to practice responsible behavior at all times. General misconduct is subject to University Sanction(s) by the Dean of Student or designee.

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 (Bulldog card, keys,

etc.) to any university building or failing to timely report a lost key or Bulldog 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 stop 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 stop 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:

1. Violation of the University's Policy on [Discrimination, Harassment, and Retaliation Policy](#) is a violation of this Student Code of Conduct.

E. Alcohol and Drug Offenses:

1. **Tobacco:** Smoking, Vaping, or tobacco use (including cigarettes, cigars, e-cigarettes, pipes, bidi, hookah, snus, orbs, vape, vapor, vaporizer pens and all forms of smokeless tobacco) on campus is a violation of the Tobacco Free Campus Policy and of this Student Code of Conduct.
2. **Alcohol:** Use, possession, or distribution of intoxicants, including alcohol, in the buildings or on the grounds of the University of Montana Western except as expressly permitted by law or University policy 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. Students on campus found to be in a clearly intoxicated state as documented by University staff members are in violation of the policy.

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. Although Montana state law permits the use of marijuana, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds.

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 normal University 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** on University premises or at University sponsored activities; violation of published University policies, rules or regulations.
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 Conference and 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. **Interfering with the lawful freedom of expression of others** on University premises or at University-sponsored activities.

H. Theft / Misuse of Property:

1. **Stolen Property:** Theft or attempted theft of property or services or knowingly possessing stolen property on University premises or at University-sponsored activities.
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 Information Technology Policies, found online at: <https://w.umwestern.edu/section/500-1-acceptable-use/>

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 UMW 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 also 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 Dean of Students within seventy-two (72) hours of for 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. Course instructors at the University of Montana Western 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 course instructor may contact the Dean of Students 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 IX of this Code.
4. The course instructor 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 Division Chair or Dean of Students in accordance with the disciplinary procedures outlined in the section below.

Procedures for General Misconduct:

A. Overview: This overview gives a general idea of how the University of Montana Western 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 Western policy or other rules.

1. Once notice or a report is received from any source (victim, RA, 3rd party, online, etc.), the Dean of Students or Residence Life 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 Residence Life staff.
3. Incidents that occur outside of the housing areas are investigated and/or adjudicated by the Dean of Students. In some instances, incidents that occur off campus will be investigated and/or adjudicated by the Dean of Students. Serious cases with potential sanctions of Suspension or Expulsion from the University will be referred directly to the Dean of Students, regardless of where they originate.

B. Procedures:

1. A referral is made to the Dean of Students or designee. 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 Maxient to 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 alleged 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 an administrative conduct 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 five (5) working days of the Preliminary Meeting unless 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

potential 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 administrative conduct officer will then 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 administrative conduct officer summarizes the findings and recommended sanctions (if applicable) in a Case Adjudication Letter (Findings Letter) that is sent to the student via Maxient to 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 Dean of Students in Maxient 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 Article VII.4)
4. If the student chooses not to sign the Findings Letter or otherwise request that the case be transferred to the next appellate authority 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 Dean of Students in Maxient and a copy is provided to the student.

ARTICLE VII: SANCTION(S) IMPOSED BY THE UNIVERSITY FOR GENERAL MISCONDUCT

1. Sanctions for violating the Student Code of Conduct under the University of Montana Western 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 Provost.*
 - 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 Provost.*
 - 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:
 - 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 Dean of Students upon consultation with appropriate campus officials and/or community members. In some cases, appropriate documentation may be required for readmission. Upon readmission, the student may be placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior.

Advisor for the student, registrar, Housing office, or Provost may 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.

4. Appeals Procedure for General Misconduct:

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

1. A procedural error; the administrative conduct officer did not follow procedure in conducting the initial meetings;

2. New material evidence or material witness has been discovered, that could not reasonably have been discovered earlier, since the findings meeting was held; or
3. Excessive sanctions are issued in relation to the behavior or violation in question.

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

1. Residence Life conduct is appealed to the Dean of Students.
2. Dean of Students conduct is appealed to the Provost.
3. If the student wants to appeal the decision of the Provost, the case is transferred within five (5) working days to the University Court. There may be times that the appeal will be sent to an impartial hearing officer if the University Court cannot be convened in a timely manner, such as semester breaks or summer.

ARTICLE VIII: UNIVERSITY COURT

- A. Composition:** Members of the University Court are appointed by the Provost of the University. At the beginning of each academic year, a pool of University Court members is selected, and members are trained for the responsibilities associated with this duty. The Court consists of four faculty members nominated by the President of the University Faculty Association (one per division); one faculty member nominated by the Academic Admissions & Standards Committee; three undergraduate students nominated by the ASUMW President. The oversight and management of the University Court is provided by the Provost and training is provided by the Dean of Students.
1. The chair of The University Court is selected by the members of The University Court from among the faculty appointees at the first meeting..
 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 Court.
 4. No member of The University Court 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 Court member should disqualify himself or herself when any ground for disqualification is present. The accused student may assert grounds for disqualification of a Court member to the Chair of The University Court 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. University Court Hearings:** The following individuals may participate in the University Court Hearings:
1. **Chair of the University Court:** The Chair of the hearing is a faculty member selected by the other University Court members. The role of the Chair is to lead the proceedings, exercise control, and ensure that the hearing proceeds in an orderly and just manner.
 2. **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 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.

3. **University Official (or designee) to present the University's case:** The Provost will designate an appropriate University official, staff member, attorney, or other designee to present the case to the University Court on behalf of the University.
4. **Complainant (if applicable, and a support person or an attorney if desired):** In cases involving a complaint of one student against another student, the student who brings forth the allegation is the complainant. The complainant may attend the hearing and serve as a witness for the University. The complainant may also be accompanied by a support person or an attorney at the hearing. If the complainant chooses to bring an attorney, the role of the attorney is limited to advice, consultation, and guidance to the complainant; the attorney may not have a speaking role in the hearing.
5. **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.

C. Pre-Hearing Notices:

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

D. Hearing Proceedings

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

- a. Hearing are recorded or transcribed at University expense. This is the official recording of the hearing. Other recordings of the hearing are not permitted. The provost's office will make arrangements for administrative support to the Court.
- b. Introduction of all parties
- c. Statement of the charges against the respondent
- d. Presentation of the University's case, including an opening statement, evidence, and any witnesses
- e. Presentation of the respondent's case, including an opening statement, evidence, and any witnesses
- f. Opportunities throughout for the respondent to ask questions, for the University presenter to ask questions, and for Court members to ask questions
- g. Closing statements
- h. University Court deliberations (all parties other than Court members are excused)

E. Additional Characteristics of University Court Hearings:

- 1. Formal (legal) rules of evidence do not apply.
- 2. 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 University Court members.

F. University Court Deliberations and Decisions:

- 1. The deliberations of the University Court will include two distinct phases:
 - a. **Findings:** Whether the student violated any standard(s) of the Code of Conduct.
 - b. **Sanctioning:** Appropriate sanction(s) should the student be found in violation.
- 2. The Court is charged with rendering a decision about findings and/or sanctions within five (5) working days after the close of the hearing. All votes are by majority rule and the Chair has a vote in all cases.
- 3. The Court develops a written decision that includes:
 - a. Findings for each specific charge;
 - b. A statement of the reasons for the decision(s); and
 - c. A description of the sanctions (if applicable).
- 4. The Court's written decision is provided to the respondent, the Dean of Students, and the Provost for review. In cases involving student complainants, notification of the Court's decision is also made to the complainant consistent with this Code and constraints of individual privacy rights of the respondent.

G. Failure to Appear for a University Court Hearing: A respondent who fails or refuses to appear after proper notice of a University Court hearing is considered to have waived their rights to appeal to the University Court. In this case, the student receives the penalty(ies) and/or University sanction(s) recommended in the Findings Letter. Sanctions of suspension or expulsion require approval of the Provost.

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

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 IX: INTERIM ACTION

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

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

If there is evidence that the student's continued presence on campus, at certain activities, or at certain locations, constitutes a threat to others or to the continuance of normal University operations, 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 Provost, 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 Provost will determine if the interim action will continue, should be modified, or should be withdrawn.

ARTICLE X: OTHER UNIVERSITY POLICIES, RULES, AND STANDARDS

Students at the University of Montana Western 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. Residence Life Polices:

1. Students who reside in the Residence Halls or Family Housing, are also subject to the specific UMW Housing Policies. UMW Housing staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the UMW Housing Policies 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 Residence Life Staff will be promptly referred to the Senior Director of Auxiliary Services. In such cases, the Senior Director of Auxiliary Services may delegate the investigation and adjudication to Residence Life staff. When such matters are delegated, the investigation and adjudication shall be conducted in accordance with the procedures of this Code.

3. The Senior Director of Auxiliary Services will coordinate the delegated UMW Housing Policies and will work closely with the Dean of Students to assure consistency.
4. All regulations are available from Residence Life or online at:
 - a. Residence Halls- <https://w.umwestern.edu/section/housing-policies/>

B. Department of Athletics:

1. Student athletes are also subject to the Department of Intercollegiate Athletics conduct requirements found in team rules, NAIA 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 Dean of Students for processing under the Code of Conduct. Additional University sanctions by the Dean of Students may be in addition to, or in lieu of, the process outlined in the Student-Athlete Code of Conduct.
3. Regulations are available at the office of the Athletic Director.

C. Student Organizations

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

D. Discrimination, Harassment, and Retaliation Policy

1. Students are also subject to the Discrimination, Harassment, and Retaliation Policy. Available from the University's Title IX Coordinator and the Dean of Students or online at: <https://w.umwestern.edu/section/101-4-discrimination-harassment-and-retaliation/>

E. 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 Western property, and at University of Montana Western events. This policy is applicable to both on-campus and off-campus events. Available online at: <https://w.umwestern.edu/section/100-5-campus-alcohol/>

F. 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.

G. 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://w.umwestern.edu/section/500-information-technology-policies/>

H. University Property Use and Access Procedure

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

University of Montana Western Code of Conduct – Revisions

Current Revision – Fall 2020