



MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES
Executive Action Summary

Committee Name: Student Life and Culture

Date: February 2, 2024

Agenda Item: Approval of revisions of Student Rights and Responsibilities (SRR) and General Student Regulations (GSR)

Information

Review

Action

Resolution:

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby approves the proposed revisions to the Student Rights and Responsibilities (SRR) and General Student Regulations (GSR) documents as outlined in Attachment A.

Recommendation:

The Trustee Committee on Student Life and Culture recommends that the Board of Trustees approve revisions to the SRR and GSR documents as outlined in Attachment A. The Committee also recommends that the Senior Vice President for Student Life and Engagement be authorized to implement the updated Student Rights and Responsibilities for Fall 2024.

Prior Action by BOT:

The SRR was last revised by the Board of Trustees on February 16, 2018. For the GSR, the University President provides final approval, and the last approved revision went into effect on January 1, 2018.

Responsible Officers: Vennie Gore, Senior Vice President for Student Life & Engagement

Allyn Shaw, Ph.D., Assistant Vice President for Student Life & Engagement and Dean of Students

Mackenzie Fritz, Ph.D., Director of the Office of Student Support & Accountability

Summary:

The original Student Rights and Responsibilities (SRR) document was approved in March 1967 and has

had minor revisions in 1971 (June), 1971 (July), 1977, 1983, 2018, and 2021 due to changes in law. The current review and revision focused on ensuring the student rights documents were meeting the needs of the MSU community:

- That current policy is appropriately responding to evolving societal norms and modern challenges;
- To remain compliant with federal, state, and local laws;
- To improve clarity and consistency, all through the lens of equity and inclusiveness.

The proposed revisions derive from input from students, faculty, staff, and considerations from benchmarking across the Big 10 conference and other universities in Michigan. Additionally, best practices in student conduct and the Model Code of Conduct, a guiding standard of practice in higher education, were reviewed.

The proposed revision combines the Student Rights and Responsibilities (SRR) and General Student Regulations (GSR) into a single document to create a more comprehensive, universal, and accessible student rights document. Additionally, edits sought to strengthen clarity and use of plain language, remove redundancy, and remove gender-based language.

Primary revisions to the policy include:

- Combining the SRR and GSR documents into one student rights document for ease of understanding and use by constituents.
- Consolidating the restructuring articles 4 and 6 into a new hearing board section to reduce redundancy and improve consistency of procedure.
- Combining articles 5 and 7 into a new resolution process to reduce redundancy and improve consistency of procedure.
- Addition of gambling policy to establish a clear, consistent prohibition of gambling (Section 3, VI.I: General Student Regulations).
- Expanded jurisdiction beyond campus boundaries to include off campus and online behavior that could potentially compromise safety or disrupt the learning environment (Section 1, II: Guiding Values and Principles).
- Addition of retaliation policy to establish a clear prohibition of retaliation at the request of constituents (Section 1, III: Guiding Values and Principles).

Background Information:

Michigan State University hired Huron Consulting Firm to conduct a complete review of the student rights documents, including benchmarking Big Ten institutions and other universities in the state of Michigan. In addition, Huron conducted constituent engagement sessions with advisory group members, staff and student focus groups including ASMSU, COGS, CORES/COPS, and Fraternity and Sorority Life, and administered a university survey with nearly 1,000 responses. The proposed SRR document has been endorsed by ASMSU, COGS, the University Committee on Student Life and Engagement, and the University Council.

Source of Funds:

Not applicable.

Resource Impact:

As the new SRR document is implemented, there will be a need to examine resources, including staffing support, to best operationalization the revision. Specifically, with the transition to an investigative conduct model, there may be a need for additional staff to conduct investigations in a timely manner.

~~DRAFT – 11.14.23~~ DRAFT – 12.6.23

Student Rights and Responsibilities

This document provides the framework for student rights and responsibilities at Michigan State University (MSU or University), including student conduct, academic pursuits, keeping of records, and publications. It describes procedures for formulating regulations governing student conduct and for providing due process in the adjudication of student disciplinary cases. This document also defines channels and procedures for student complaints.

Commented [KM1]: Rationale: The current version of the document edits and combines the Student Right and Responsibilities (SRR) and General Student Regulations (GSR) into a single document. The purpose of merging the documents was to create a more comprehensive, universal, and "user-friendly" student rights document. The target date for formal Board of Trustees adoption is FEB 2024 and the target launch for the new code is Fall 2024.

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1. Guiding Values and Principles

MSU is a community of scholars whose members include its faculty, staff, students, and administrators. The University occupies the ancestral, traditional, and contemporary Lands of the Anishinaabeg–Three Fires Confederacy of Ojibwe, Odawa, and Potawatomi peoples and resides on Land ceded in the 1819 Treaty of Saginaw. Acting as a trusteeship of intellect in the service of society, the basic purposes of the University are the advancement, dissemination, and application of knowledge. The most basic condition for the achievement of these purposes is freedom of expression and communication. The University must always strive to strike that balance between maximum freedom and necessary order which best promotes its basic purposes by providing the environment most conducive to the many faceted activities of instruction, research, and service. This document, originally named Academic Freedom for Students at Michigan State University, outlines a student's rights and duties as a member of the academic community.

Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with those rights of others which are equally essential to the purposes and processes of the University.

Regulations governing the activities and conduct of student groups and individual students should not be comprehensive codes of desirable conduct; rather, they should be limited to the prescription of procedures for meeting the practical, routine necessities of a complex community and to the prohibition or limitation of acts which cannot be tolerated because they seriously interfere with the basic purposes, necessities, and processes of the academic community, or with rights essential to other members of the community.

The student is not only a member of the academic community, but a part of the larger society, who retains those rights, protections, and guarantees of fair treatment held by all citizens, and which the University may not deny. The enforcement of the student's duties to the larger society is, however, the responsibility of the legal and judicial authorities duly established for that purpose.

This policy document identifies rights and duties of students and provides for students a carefully prescribed system of due process. It does not contain a general or abstract definition of academic freedom. Rather, the document is an operational definition with concrete application of the concept of academic freedom for students.

I. Definition of a Student

Commented [KM2]: Rationale: Key points outlined in the original documents Forward and Preface have been incorporated into section 1

Commented [KM3]: Rationale: MSU's Brief Land Acknowledgement language was requested to be added by the Advisory Group.

A student is a person enrolled or participating in a collegiate-level, University-sponsored program or course, regardless of program level; full-time or part-time status; credit, degree, or certificate awarded; location; or mode of instruction. A person remains a student until graduation or completion of the program, permanent dismissal, or non-attendance for three full, consecutive semesters (including summer semester). This definition includes a person who is on a leave of absence, recess, withdraws, or graduates after an alleged violation of student conduct policies.

II. Jurisdiction

When a student enrolls or participates in a collegiate-level, University-sponsored program or course, they accept the rights and responsibilities of membership in the University's academic and social community. Because the University establishes high standards for membership, its standards of conduct, while falling within the limits of the law, may exceed federal, state, or local requirements.

As technology is constantly changing the landscape of teaching, learning, and administrative processes, it is understood that the general principles that govern these regulations should also be extended to apply to new and unanticipated situations involving technology.

That said, student conduct regulations apply to students and student groups if the behavior occurs in any of the following scenarios:

- A. On the land governed by the Board of Trustees of Michigan State University. Regulations relating to scholarship and grades, University functions and services, and University property apply without reference to where the activity occurs.
- B. When students or student groups are engaged in University-sponsored or student group-sponsored activities off campus.
- C. When the conduct of a student poses a clear and present danger to the health and safety of person or property. The regulations relating to protection of individuals apply without reference to where the activity occurs when the alleged misconduct involves:

a. Hazing, defined as requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, affiliation with, continued membership, or participation in any group that causes or creates a substantial risk of causing mental or physical harm or humiliation;

b. Acts causing or explicitly threatening to cause serious bodily harm to other individuals; or

Commented [KM4]: Rationale: A clear outline and definition of a student and jurisdiction was requested by constituents through the course of the revision process. This definition incorporates language previously vetted and currently being used by MSU while also considering benchmarking, best practice, and the model code.

c. Acts causing an adverse effect on campus or in any University program or activity. Adverse effect is defined as causing or threatening to cause a substantial negative impact on the safety of members of the University community or the functions, services, or property of the University. -This includes, but is not limited to, causing an unreasonable interference with the educational or work environment of members of the University community-, outside of activities protected by the First Amendment of the Constitution of the United States of America. Violations causing an adverse effect on campus generally threaten the safety of others or the function of University operations. Violations that involve personal misconduct without a broad or significant impact on community members do not cause an adverse effect.

Alleged misconduct by student groups or organizations is adjudicated under the Student Organization (SO) Conduct policy by the Office of Student Support and Accountability (OSSA). Alleged conduct violations by individual SO officers or members are adjudicated under this policy by the OSSA.

The jurisdiction outlined above allows the University to maintain a productive learning environment, its academic reputation, and the right of all students to experience the educational opportunities the University offers without unwarranted interference.

III. Retaliation

Retaliation is a serious violation of University policy and will be adjudicated under this document.

A. Definition: An act or attempted act, motivated by a person's participation (or anticipated participation) in a protected activity that is intended to discourage a reasonable person from engaging in the protected activity. Protected activity includes a person's good faith:

- a. Opposition to prohibited conduct;
- b. Report of prohibited conduct to the University; or
- c. Participation (or reasonable expectation of participation) in any manner in an investigation, proceeding, hearing, or supportive measure under this policy.

Retaliatory actions include, but are not limited to:

- a. Threats or actual violence against the person or their property;
- b. Adverse educational or employment consequences; or,
- c. Ridicule, intimidation, bullying or ostracism.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Commented [KM5]: Rationale: A clear outline and definition of retaliation was requested by constituents through the course of the revision process.

This definition incorporates language previously vetted by MSU's TIX policy while also considering benchmarking and best practice.

Certain acts of retaliation may be treated as an instance of harassment or discrimination that is adjudicated under the MSU Relationship Violence and Sexual Misconduct and Title IX Policy or the Anti-Discrimination Policy.

B. *Reporting Retaliation:* Acts of alleged retaliation should be reported immediately and will be promptly addressed. The University will take appropriate steps to protect individuals who fear retaliation.

Commented [PR6]: Examples of retaliation are best placed in a separate document discussing procedures rather than in this policy document.

Commented [KM7R6]: removed

IV. Guidelines

To protect student rights and define student responsibilities at MSU, the following guidelines apply to conditions under which student conduct is regulated and broadly referred to as regulations.

- A. This document, the Graduate Student Rights and Responsibilities, the Law Student Rights and Responsibilities, and the Medical Student Rights and Responsibilities contain the rights and duties of students in matters of conduct, academic pursuits, the keeping of records, and publications.
- B. All regulations shall seek the best possible reconciliation of the principles of maximum freedom and necessary order.
- C. There shall be no regulation unless there is a demonstrable need which is reasonably related to the basic purposes and necessities of the University as stipulated herein.
- D. To the maximum extent feasible, students shall participate in formulating and revising regulations governing student conduct.
- E. All regulations governing student conduct shall be made public in an appropriate manner. A copy of the University's current regulations relating to student rights and responsibilities shall be made available to every member of the academic community.
- F. Every regulation shall be as brief, clear, and specific as possible.
- G. Wherever rights conflict, regulations shall, to the maximum extent feasible, permit reasonable accommodations for each conflicting right by defining the circumstances of time, place, and means appropriate to its exercise.
- H. Regulations shall respect the free expression of ideas and shall encourage the competition of ideas from diverse perspectives.

- I. Procedures and penalties for the violation of regulations shall be primarily designed for guidance or correction of behavior.
- J. Penalties shall correspond with the seriousness of the offense. Repeated violations may justify increasingly severe penalties.
- K. There shall be clearly defined channels and procedures for the appeal and review of:
 - a. The finding of responsibility in an alleged violation of a regulation.
 - b. The reasonableness, under the circumstances, of the penalty imposed for a specific violation.
 - c. The substance of a regulation or administrative decision which is alleged to be inconsistent with the guidelines in this document.
 - d. The fairness of the procedures followed in the adjudication.
- L. Students accused of violating a regulation or University policy shall have the right to appear before a duly constituted hearing body (e.g., hearing administrator, hearing board) as provided in this document. No student shall be suspended or dismissed from the University for disciplinary reasons, except through the procedures of this document or the applicable sections of the *Graduate Student Rights and Responsibilities*, the *Law Student Rights and Responsibilities*, or the *Medical Student Rights and Responsibilities*.
- M. Every regulation shall specify to whom it applies and whether responsibility for compliance lies with individuals, groups, or both.

2. Academic Rights and Responsibilities

I. Preamble

The responsibility to secure, respect, and protect a learning environment that is supportive of diversity among ideas, cultures, and student characteristics is shared by all members of the University. The primary intellectual purpose of the University — its intellectual content and integrity— and the centrality of the faculty’s role in the educational process must be recognized and preserved.

The proper relationship between instructor and student is fundamental to the University’s function and should be founded on mutual respect and understanding together with shared dedication to the educational process.

II. Role of the Faculty in the Instructional Process

- A. No provision for the rights of students can be valid which suspends the rights of the faculty. Consistent with the principle that the competency of a professional can be rightly judged only by professionals, therefore, the competence of instruction shall be judged by the faculty.
- B. Faculty shall have authority and responsibility for academic policy and practices in areas such as degree eligibility and requirements, course content and grading, classroom procedure, and standards of professional behavior in accordance with the [Bylaws for Academic Governance](#), the [Code of Teaching Responsibility](#), and other documents on faculty rights and responsibilities.
- C. No hearing board established under this document shall interfere with the evaluation of a student that represents a course instructor’s good faith judgment of the student’s performance. In the event an evaluation is determined to be based on inappropriate or irrelevant factors, as discussed in Section 4 below, the dean of the relevant college shall cause the student’s performance to be reassessed and a good faith evaluation to be made.
- D. The University shall provide appropriate and clearly defined channels for the receipt and consideration of student complaints concerning instruction. In no instance shall the competence of instruction form the basis for an adversarial proceeding before any of the judicial bodies established in this document.

III. Rights and Responsibilities of the Student

Commented [KM8]: Rationale: Preamble Section was edited to ensure clarity and remove redundancy.

Commented [KM9]: Document Alignment: The Code of Teaching will need to be updated to reflect changes in this document. Specifically the section on hearing procedures.

Commented [PR10]: Make names of all policies referenced in this document a hyperlink.

Commented [KM11R10]: addressed

- A. The student is responsible for learning and demonstrating mastery of the content and skills of a course of study, while participating actively in the course’s intellectual community, according to standards of performance established by the faculty.
- B. The student has a right to academic evaluations that represent the course instructor’s good faith judgments of performance. Course grades shall represent the instructor’s professional and objective evaluation of the student’s academic performance. The student shall have the right to know all course requirements, including grading criteria, and course procedures at the beginning of the course. (See also the [Code of Teaching Responsibility](#).)
 - 1. To overcome the presumption of good faith, it must be demonstrated that an evaluation was based entirely or in part upon factors that are inappropriate or irrelevant to academic performance and applicable professional standards.

Academic performance includes meeting applicable professional standards when such standards are a component of the curriculum. Professional standards must be approved by the relevant academic unit and the dean and, in the case of college statements, the Office of the Provost. The development of such standards within academic units shall include student participation. The dean and the Office of the Provost shall consult with appropriate governance groups before approving professional standards.

- 2. The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards.
- 3. The student shall be free to take reasoned exception to information and views offered in the instructional context, and to reserve judgment about matters of opinion, without fear of penalty or reprisal.
- 4. The student’s behavior in the classroom shall be conducive to the teaching and learning process for all concerned.
- 5. The student has a right to be governed by educationally justifiable academic regulations and professional standards. The academic unit shall inform students in writing of such regulations, including codes of professional behavior, at the time of the student’s entry into the academic program.
- 6. The student has a right to accurate, timely, and clear information in writing at the time of entry into an academic program concerning:

Commented [KM12]: Rationale: In an attempt to ensure clarity previous footnotes were incorporated directly into policy where possible.

- i. general academic requirements for establishing and maintaining an acceptable academic standing;
 - ii. the student’s academic relationship with the University and the details of any special conditions that may apply; and
 - iii. graduation requirements for the student’s academic program.
7. Students are responsible for informing themselves of University, college, department, and school requirements as stated in unit publications and in the University catalog. In planning to meet such requirements, students are responsible for consulting with their academic advisors.
8. The student has a right to protection against improper disclosure of their education records. See the [MSU Access to Student Information Guidelines](#) for information regarding confidentiality of student education records. (See also Section 6.)
9. The student has a right to be protected from personal exploitation, including, but not limited to, academic bullying or harassment, and to receive recognition for scholarly assistance to faculty.
10. The student and the faculty share the responsibility for maintaining professional relationships based on mutual trust and civility.

Commented [KM13]: Rationale: Clause updated to more clearly callout academic bullying/academic harassment based of constituent requests.

3. General Student Regulations

I. INTRODUCTION

General student regulations shall be those regulations established to secure the safety of members of the University community and University facilities, maintain order, and ensure the successful operation of the institution. Such regulations shall apply to all students regardless of class level, place of residence, or group affiliation as well as to all governing bodies, governing groups, living groups, and student organizations as established under Jurisdiction in Section 1.

MSU's student conduct process requires a preponderance of the evidence for a student to be found in violation of this policy. This means that a student will be found to have violated this policy if the evidence demonstrates that it is more likely than not that the alleged misconduct occurred.

These regulations shall not be interpreted to abridge First Amendment rights. The protections of the First Amendment must be carefully considered in any student conduct complaint involving speech or expressive conduct. See MSU's Freedom of Speech statement for more information.

Commented [KM14]: Rationale: A call out and definition of MSU's burden of proof was added to ensure understanding of needed criteria to be found in violation of a policy as well as to better align with leading practices.

II. PROTECTION OF SCHOLARSHIPS AND GRADES

The principles of truth and honesty are fundamental to the educational process and the academic integrity of the University. Therefore, it is prohibited for any student or student group to:

- A. Claim or submit the academic work of another as one's own.
- B. Obtain, share, accept or use-utilize any materials/resources not authorized by an instructor when completing an exam or assignment containing questions or answers to any examination or assignment without proper authorization.
- C. Complete or attempt to complete any assignment or examination for another individual without proper authorization.
- D. Allow any examination or assignment to be completed for oneself, in part or in total, by another without proper authorization.
- E. Alter, tamper with, take without permission, destroy or otherwise interfere with the research, resources, or other academic work of another person.
- F. Fabricate or falsify data or results.

Commented [KM15]: Rationale: Section added to ensure alignment with MSU's Free Speech policy.

(See also [Integrity of Scholarship and Grades](#).)

III. PROTECTION OF INDIVIDUALS

Physical security and an environment free of harassment are necessary for individuals if they are to successfully pursue their educational endeavors and fulfill responsibilities. Therefore, it is prohibited for any student to:

- A. Cause or threaten physical harm to another or put another person at risk or danger of physical harm.
- B. Engage in sexual misconduct as defined by University policy. Definitions of sexual misconduct, domestic violence, dating violence, and stalking are included in the [Relationship Violence and Sexual Misconduct Policy and Title IX Policy](#). Cases involving sexual misconduct are adjudicated by the MSU [Office of Civil Rights and Title IX Education and Compliance](#). ~~Office of Institutional Equity~~.
- C. Engage in domestic violence or dating violence, including stalking, as defined by the [Relationship Violence and Sexual Misconduct Policy and Title IX Policy](#). Cases involving domestic violence or dating violence, including stalking are adjudicated by the MSU [Office of Civil Rights and Title IX Education and Compliance](#). ~~Office of Institutional Equity~~.
- D. Continuously or persistently intimidate or frighten another individual so as to coerce that individual into some action or avoidance of action.
- E. Engage in repeated, unwanted electronic, verbal, or written communication or personal contact with another individual, including stalking or bullying. ~~The definition of stalking is included in the~~ [Relationship Violence and Sexual Misconduct Policy and Title IX Policy](#). -Bullying is defined as an intentional electronic, written, verbal, or physical act, or a series of acts, directed at another person that is severe, persistent, or pervasive and has the effect of doing any of the following:
 - i. Substantially interfering with a student's education;
 - ii. Creating a threatening environment; or
 - iii. Substantially disrupting the orderly operation of the University.
- F. Harass any other individual in violation of the [Anti-Discrimination Policy](#). Cases involving harassment are adjudicated by the MSU ~~Office of Institutional Equity~~ [Office of Civil Rights and Title IX Education and Compliance](#).

Commented [KM16]: Document Alignment: The Integrity of Scholarship and Grades policy will need to be updated to reflect changes in this document. Specifically, the document calls out individual articles and statements in the old version of the SRR and GSR.

Commented [PR17]: This does not link to the Integrity of Scholarship and Grades policy. The link must be corrected.

Commented [KM18R17]: addressed

Commented [PR19]: Is it possible to incorporate the Integrity of Scholarship and Grades policy within this document?

Commented [KM20R19]: Hyperlinked, not incorporated

Commented [PR21]: Correct title of policy is "Relationship Violence and Sexual Misconduct and Title IX Policy".

Commented [KM22R21]: Addressed

Commented [PR23]: Correct title of policy is "Relationship Violence and Sexual Misconduct and Title IX Policy".

Commented [KM24R23]: addressed

G. Engage in hazing, defined as, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, affiliation with, continued membership, or participation in any group that causes or creates a substantial risk of causing mental or physical harm or humiliation. Examples of hazing include, but are not limited to, the following:

Commented [KM25]: Rationale: The definition of hazing was expanded upon, with multiple illustrative examples provided.

- i. Any physical act of violence or intimidation.
- ii. Forced physical activities (e.g. working out excessively).
- iii. Peer-pressuring or coercing someone to consume any legal or illegal substance.
- iv. Placing foreign substances on one's body or that of another (e.g., using a permanent marker on the body).
- v. Not allowing someone to use or possess certain items.
- vi. Depriving individuals of sleep, meals, ways to keep their body clean, or means of communication (e.g., restricting access to cell phones).
- vii. Forcing an individual to create and/or distribute digital content to cause ridicule or embarrassment (e.g., posting photos or videos to social media).
- viii. Forcing someone to expose themselves to weather.
- ix. Activities such as scavenger hunts, pledge ditches, kidnapping, forced road trips, or abandonment (e.g., leaving someone in a field with no way to get home or contact anyone), which result in illegal or otherwise prohibited conduct.
- x. Requiring someone to possess specific items (e.g., carry a brick).
- xi. Servitude (e.g., expecting a new member to do the tasks of an existing member).
- xii. Changing appearance (e.g., wearing a costume or shaving head).
- xiii. Line-ups and berating.
- xiv. Coerced lewd/sexually explicit conduct (e.g., nudity) or sexual acts.
- xv. Engaging in games, activities or public stunts that are purposely degrading or intend to cause embarrassment.
- xvi. Interference with academic pursuits (e.g., not permitting someone to attend class or exams).
- xvii. Violation of University policies.
- xviii. Requiring illegal and/or unlawful activities.

H. Abuse, neglect, or improperly care for an animal.

I. Possess or use any firearms, explosive materials, incendiary device or other dangerous objects or substance without proper University authorization.

J. Obstruct or disrupt the activities of another individual as protected by law, ordinance, regulation, or policy.

- K. Enter or remain in another individual's place of residence or work without permission of that individual or without proper authorization.
- L. Allow an unknown individual or non-guest access to any University building, space, or property. Propping open doors or allowing individuals who are not guests to enter locked buildings is strictly prohibited.
- M. Possess or use any drug prohibited by federal or state laws.
- N. Manufacture, produce, sell, exchange, or otherwise distribute any drug prohibited by federal or state laws.
- O. Possess or use any alcoholic beverages, except as permitted by state law, University policy, and University ordinance.
- P. Manufacture, produce, sell, furnish, exchange or otherwise distribute any alcoholic beverages except as permitted by state law, University policy, and University ordinance.
- Q. Violate federal, state, or local laws, ordinances, or regulations.

(See also Alcoholic Beverages; Anti-Discrimination Policy; Disorderly Assemblages or Conduct; Distribution of Literature; Facilities and Services; University Housing Regulations; Residence Hall Room Entry Policy; and Safety.)

IV. PROTECTION OF STUDENT ORGANIZATIONS AND GOVERNING ORGANIZATIONS

Student organizations serve to extend and provide support for the learning environment. Therefore, it is prohibited for any student to:

- A. Obstruct or disrupt the activities or functions of an organization as protected by law, ordinance, regulation, or policy.
- B. Continuously or persistently intimidate an organization so as to coerce that group into some action or avoidance of action.
- C. Provide false information to an organization for the purpose of gaining membership, service, or privilege.
- D. Represent an organization falsely or use the resources of an organization without proper authorization.

(See also All-University Events and Activities; Anti-Discrimination

Commented [KM26]: Rationale: A policy specifically prohibiting individuals from granting an unknown entity unauthorized access to a MSU buildings was requested. It was also requested that the language relate to already utilized language in MSU's on-campus housing policies.

Commented [KM27]: Rationale: Added clause to allow the University to address federal, state, or local issues as requested.

Clause exists in the Model Code of Conduct as well.

Policy; Campaigning, Canvassing and Petition Drives; Disorderly Assemblages or Conduct; Distribution of Literature; Facilities and Services; Non-Disciplinary Judicial Process; University Housing Regulations; and Safety.)

V. PROTECTION OF PROPERTY

It is important that the property of individuals, student organizations, and the University be protected if the University and the members of the academic community are to engage in their activities and to effectively discharge their responsibilities. Therefore, it is prohibited for any student to:

- A. Damage, deface, or destroy the property of another person or the University.
- B. Tamper with or misuse University fire or safety equipment, including, but not necessarily limited to, fire extinguishers, fire hoses, and alarm systems.
- C. Copy, take, or use the property of another without proper authorization.
- D. Remove property or goods from their assigned place without proper authorization or accept or convey property or goods which have been procured without proper authorization.
- E. Use any University facility, equipment, or materials except for their authorized purposes.
- F. Take, alter, damage, remove, manufacture, or use, any University key card, lock, password, or other security device without proper authorization.
- G. Without proper authorization enter or remain in any University building or on University property.
- H. Place posters, signs, or handbills except on one's own personal property or in areas authorized by the University.
- I. Sell or otherwise commercialize intellectual property of the instructor or University-provided class materials (e.g., notes, homework, tests) without the written consent of the instructor.

(See also Bicycles-Illegal Taking of; Closing Hours; Distribution of Literature; Facilities and Services; Plant Materials; University Housing Regulations; Residence Hall Room Entry; and Signs.)

VI. PROTECTION OF UNIVERSITY FUNCTIONS AND SERVICES

Functions, services, and processes of the University must be protected if the

institution is to be effective in discharging its responsibilities. Therefore, it is prohibited for any student to:

- A. Knowingly provide false information to any office, agency, or individual acting on behalf of the University.
- B. Obstruct, disrupt, or interfere with the functions, services, or directives of the University, its offices, or its employees (e.g., classes, social, cultural, and athletic events, computing services, registration, housing and food services, governance meetings, and hearings).
- C. Alter or forge any University document and/or record, including identification materials, issued or used by the University.
- D. Allow any University equipment, document and/or record, including identification materials, issued by the University for one's own use to be used by another.
- E. Use any University equipment document and/or record for other than its authorized purpose, including identification materials issued to another.
- F. Act or represent oneself as an agent of the University (including the ability to provide University services) unless authorized to do so.
- G. Fail to properly identify oneself or present University-issued identification when requested to do so by a non-law enforcement University employee acting in the performance of assigned job responsibilities or who has a reasonable suspicion that the student may be involved in the violation of a University policy or regulation.
- H. Sell or make contracts for purchase or delivery of any commercial merchandise or services for personal profit or gain, or solicit voluntary contributions for organizations, without proper authorization.
- I. Engage in unsanctioned gambling or games of chance for money or other items of value on University property.
- J. Fail to comply with the lawful directions of any person employed by, or acting for, the University in the good faith performance of their duties. Students also must comply with the regulations and policies of all University offices and departments.
- K. Violate other University policies or regulations, including University housing policies.

(See also *Campus Bus Policy*; *Disorderly Assemblages or Conduct*; *Distribution of Literature*; *Facilities and Services*; *Housing Policy*; *Non-Disciplinary Judicial*

Commented [KM28]: Rationale: A clear prohibition of gambling was requested by constituents through the course of the revision process. The language included here is in line with the current language included in the ResHall regulations.

Commented [KM29]: Rationale: A clear "non-compliance" policy was requested. Language considered benchmarking, best practice, and the model code.

Process; Records; University Housing Regulations; and Student Identification Cards.)

DRAFT

4. Resolution Process

I. Complaints

The resolution procedures stated in this document govern cases involving non-academic student complaints and academic complaints by any student at MSU.

A. *Non-Academic Complaints*. The resolution procedures stated in this document govern cases involving non-academic student complaints and apply to all students at MSU. Anyone may file a complaint against a student, a student organization, student governing group, or University employee alleging a violation of this document or the student group's constitution, bylaws, or policies. Any student may also file a complaint under this section to challenge a University policy or regulation as being inconsistent with the procedures established in this document.

B. *Academic Complaints*. The resolution procedures stated in this document govern cases involving academic complaints. An academic complaint may: (i) allege a violation of any of the academic rights of students under this document; (ii) challenge an academic evaluation on the grounds that the evaluation was based entirely or in part upon factors other than a good faith judgment of the student's academic performance, including compliance with applicable professional standards; (iii) contest a penalty grade or other disciplinary sanctions (e.g., written assignments) based on a charge of academic misconduct, or (iv) allege academic dishonesty, violation of professional standards, or falsification of academic or admissions records ("academic misconduct"). Instructors and deans seeking sanctions for academic misconduct other than, or in addition to, penalty grades must file a complaint as described in Section 4.II.C. (See also [Integrity of Scholarship and Grades](#) policy and [Code of Teaching Responsibilities](#).)

1. Allegations of falsification of records submitted for admission to the University are handled by the Office of the Provost. The relevant Dean of Undergraduate Studies or the Dean of Graduate Studies may decide the appropriate recourse for a student who is found to have falsified admissions records, including rescinding the applicant's admission. The applicant has ten calendar days from the date the decision was sent to appeal to the Provost. Allegations of falsification of records submitted by a current student for admission to a school, college, or program are handled through the academic disciplinary process as allegations of academic misconduct.
2. A student who has been dismissed by a college for lack of academic progress may file a complaint under this section alleging procedural violations. Students may not file a complaint challenging a decision to

Commented [KM30]: Rationale: This new section attempted to combine and remove redundancy from previous articles related to non-academic and academic case resolution processes.

Commented [PR31]: What is the difference between a personal misconduct complaint and a non-academic student complaint?

Commented [KM32R31]: Addressed by removing reference to personal misconduct case type

Commented [PR33]: This last sentence in paragraph 1 appears to conflict with the first sentence.

Commented [KM34R33]: The difference is admission to the university vs a school, college or program

Commented [PR35]: Is this complaint filed with OSSA or the academic unit?

Commented [KM36R35]: It would be OSSA as outlined below

dismiss on substantive grounds.

3. Where an instructor or a committee has rendered a decision regarding a student's academic performance, that decision is presumed to be made in good faith and the grievant bears the burden of proving the contrary. In cases involving allegations of academic misconduct, the instructor or committee bears the burden of proof.

II. Resolution Procedures

A. *Office of the Ombudsperson.* At any time during the hearing process, the parties may consult with the [Office of the Ombudsperson](#).

B. *Complaints.* A complaint is defined as:

1. An allegation that a student has violated a University regulation, ordinance, or policy;
2. An allegation filed by a student that a member of the University community violated their rights;
3. An allegation by a student that a faculty or staff member violated their academic rights; or
4. An allegation by a member of the University community that a student engaged in academic misconduct.

Anyone with knowledge of concerning information is encouraged to share it with the University. Any member of the University community, including faculty, staff, or students, may file a complaint. The University may initiate a complaint against a student upon receiving credible information alleging a violation of a University policy. The University will determine if a complaint has merit and the appropriate hearing process for adjudicating the complaint. The University bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. The University may dismiss a complaint at any time if the complaint is deemed baseless or lacks adequate evidence, or if the underlying issue may be resolved through alternative means.

C. *Informal Resolution.* Prior to filing a complaint and where appropriate, the parties are encouraged to consider alternative dispute resolutions, including but not limited to restorative justice, mediation, and/or conflict coaching. If informal resolution is an option, the parties are encouraged to consult with one or more of the following:

Commented [PR37]: Shouldn't this section D be placed under "Resolution Procedures"? It is awkward to have it included under the "Types of Cases" section.

Commented [KM38R37]: addressed

Commented [KM39]: Rationale: In order to move toward a more investigative model, language was added to clearly indicate the burden of investigation and proof lies with the University. This language is in line with model codes and benchmarking. Additional information on how an investigation is conducted could be added to doc. As examples, Ohio State includes a relatively robust investigative outline, Rutgers is more brief and Penn State doesn't include an outline of investigative components. If MSU is looking to spell this out, in addition to the referenced policy examples, TNG's model code offers an example on page 28: <https://prod.wp.cdn.aws.wfu.edu/wp-content/uploads/sites/294/2017/09/28060603/NCHERM-Model-Code.pdf>

1. Chairperson, director, or dean of the relevant unit;
2. Supervisory support personnel;
3. Title IX Coordinator or Deputy Title IX Coordinator for Investigations;
4. ADA Coordinator;
5. Office for Institutional Diversity & Inclusion;
6. University Ombudsperson;
7. Faculty Grievance Official;
8. Division of Student Life and Engagement;
9. Faculty or staff academic advisors; or
10. MSU Counseling and Psychiatric Services.

Informal resolution is generally used when a claimant asks to participate in an informal resolution, requests anonymity, or does not consent to participation in an investigation. Informal resolution may also be used when the alleged conduct is best addressed by remedial, educational, or preventive action. Participation in informal resolution is voluntary, and either party may terminate the informal resolution process at any time. If the parties are unable to resolve the matter informally, formal adjudication of the complaint may begin.

The availability and appropriateness of informal resolution processes involving claims of gender discrimination, including sexual and gender-based harassment, assault, and violence, are governed by the Relationship Violence & Sexual Misconduct & Title IX Policy.

Faculty and students must make a good-faith attempt to resolve academic complaints in informal, direct discussions. If the problem remains unresolved, they should consult the unit administrator. Either party may file a request for a hearing if all attempts to resolve the academic issue informally fail.

C.D. Filing a Complaint. To file a complaint, a party ~~may a member of the faculty, staff, or student body must~~ submit a statement in writing to the Office of Student Support and Accountability (OSSA) containing the following information:

1. A ~~1. The specific policy, ordinance, or regulation that has allegedly been violated;~~

Commented [PR40]: Make reference to RVSM policy a hyperlink.

Commented [KM41R40]: addressed

Commented [KM42]: Rationale: A more robust definition/explanation of informal resolution options was requested by constituents through the course of the revision process.

This definition incorporates language utilized in MSU's Anti-Discrimination policy.

Commented [KM43]: Rationale: Language updated to remove reference to any specific community member requirements for filing a complaint in light of move toward more of an investigative model.

2. detailed explanation of the facts underlying the complaint, including time, place, and specific description of the alleged misconduct, and any potential redress sought to rectify the issue;

2. The name of the University community member or group against whom the complaint is filed (the “respondent”);

3. The name, PID, and contact information of the individual who is filing the complaint (the “complainant”). Anonymous complaints generally will not be accepted unless the allegations warrant urgent action by the University.

Academic complaints must be filed not later than the middle of the semester, including summer semester, as determined by the Office of the Registrar, following the semester in which the incident first occurred. Academic complaints that are untimely reported will not be accepted, unless extraordinary circumstances precluded a party from timely filing the complaint. The Dean of Students will decide if an exception to the deadline to file the complaint is warranted. If either party to the complaint leaves the University prior to its resolution, adjudication of the complaint may continue at the discretion of the chair of the relevant hearing board or the Dean of Students.

D.E. *Notice of Complaint.* Upon receipt and preliminary review of a personal misconduct or academic misconduct complaint, the Office of Student Support and Accountability will notify the respondent in writing generally within five class days of the allegations. The respondent will be required to meet with an administrator in OSSA for the purposes described in Section 4.II.E below. The notice of complaint to the respondent will include:

1. The specific policy, ordinance, or regulation that has allegedly been violated;
2. The time, place, and specific description of the alleged violation;
3. The name of the individual/office/unit who filed the complaint;
4. Notice of the opportunity to review the complaint in person;
5. A list of conflict resolution options and campus resources available to the parties; and
6. The deadline by which the respondent is required to meet with the administrator.

For academic and non-academic complaints involving a student organization, student governing group, or University employee, OSSA will review the complaint

Commented [KM44]: MSU Question: Do you want to consider establishing a specific amount of days. 30, 60, or 90 days from the last day of the semester in which the complaint was reported to occur?

Commented [PR45R44]: Establishing a set number of days in which to file a complaint is better. This may conflict though with college or department policies/handbooks that identify the deadline to be the middle of the semester. Each department would need to review its policies to ensure they are consistent with this document.

Commented [KM46R44]: Determined by SLE leadership to leave as “middle of semester”

Commented [PR47]: Doesn't Section E only apply to personal misconduct cases?

Commented [KM48R47]: It could include group misconduct as well

Commented [PR49]: Is it problematic to provide a copy of the complaint to the respondent at this time?

Commented [KM50R49]: This is current and leading practice. A hard copy does not need to be issued

Commented [PR51]: Are “non-academic complaints” the same as personal misconduct complaints? If so, why would such complaints be sent to the unit to adjudicate?

Commented [KM52R51]: Addressed

and send it to the appropriate college, department administrator, or hearing body with jurisdiction for adjudication. The respondent will be provided a copy of the complaint and an opportunity to respond in writing.

After considering all submitted information, the hearing board chair may work with OSSA to:

1. Schedule a hearing.
2. Reject the complaint for lack of jurisdiction and provide a written explanation for that decision.
3. Invite the parties to meet with the hearing board for an informal discussion of the issues. Such a discussion shall not preclude a subsequent hearing.
4. For academic complaints the hearing board may accept the complaint, in whole or in part, and schedule a hearing.

E-F. Non-Academic Complaints, Administrative Meeting.

1. The respondent will meet with the administrator to discuss the complaint. The administrator will advise the respondent of their rights and responsibilities under this document and review available options for resolution. At that time, the respondent will have the opportunity to review a copy of the complaint. The respondent will be given five class days following the administrative meeting to admit or deny the alleged violation.
2. If the respondent fails to attend the administrative meeting, or timely admit or deny the alleged violation(s), the administrator may take one of the following actions:
 - i. Place a hold on the respondent's registration until the respondent meets with the administrator.
 - ii. Refer the complaint to the appropriate hearing board for a formal hearing.
 - iii. Render a decision on the complaint.
 - a. If the administrator's decision does not include a suspension or dismissal, the respondent may appeal pursuant to Section 4.II.J below.
 - b. If the administrator's decision includes a suspension or dismissal, the respondent shall have five class days from the date of the decision to request a formal hearing before the Student-Faculty-Staff Hearing Board. Such a request must be consistent with the directions in the decision letter and will void the administrator's decision, which will not be shared with the hearing board that hears the complaint.

Commented [PR53]: Explain in a few words here what the college or department administrator is expected to do with the complaint.

Commented [KM54R53]: Addressed

Commented [PR55]: It seems like some information is missing between the end of the prior paragraph and this sentence. Need a better transition here.

Commented [KM56R55]: This is the current language being utilized in the active SRR/GSR

Commented [PR57]: What purpose does an "informal discussion" with the hearing board serve? I have concerns that this "informal discussion" will turn into a hearing.

Commented [KM58R57]: This is in the current policy. Mackenzie and Allyn would you like to remove?

Commented [PR59]: Why is a separate paragraph necessary here specifically for academic complaints? What request is being made here of the hearing board?

Commented [KM60R59]: Current language in SRR

Commented [PR61]: What is the difference between a personal misconduct complaint and a non-academic student complaint?

Commented [KM62R61]: Addressed

Commented [KM63]: Rationale: Removed gendered language throughout the document.

Commented [PR64]: This appears to be giving the respondent a second chance to request a hearing despite failing to appear for the administrative meeting. Is this the intent?

Commented [KM65R64]: Current policy language

Commented [PR66]: Why is the administrator's decision voided? Should it not be held in abeyance while the hearing board considers the appeal?

Commented [KM67R66]: Current policy language

Commented [PR68]: If the respondent must appeal to the hearing board when the administrator's decision includes a suspension or dismissal, the hearing board would be aware of the administrator's decision. What purpose does it serve not to share the decision with the hearing board then?

Commented [KM69R68]: Current policy language; Mackenzie and Allyn, Would you like to change this section?

- c. In the absence of a properly submitted appeal or hearing request, the administrator's original decision will be final, pending any necessary approval and implementation by the Dean of Students.
3. A respondent who admits they violated this policy waives their right to a hearing on the matter of responsibility. In such circumstances, the respondent may request that the administrator or the relevant hearing board determine the sanction. Where appropriate, the respondent may also request to participate in another dispute resolution process, in lieu of or in addition to the adjudication procedures outlined in this section. The respondent may participate in another dispute resolution process only if the complainant agrees and the Dean of Students approves.
4. If the respondent denies the violation, the respondent may choose to have the matter heard by an administrator or a hearing body.

Commented [PR70]: Does SLE intend to permanent fill the Dean of Students position? If not, all references to the Dean of Students in this document should be replaced.

Commented [KM71R70]: Question for Mackenzie and Allyn

F.G. *Academic Misconduct Administrative Meeting*

1. The student shall be required to meet with an OSSA administrator, as requested, to discuss the alleged academic misconduct and review the academic disciplinary hearing process. The administrator will inform the student of their right to contest the allegations in a hearing before the University Academic Integrity Hearing Board or an administrator. If the respondent chooses to have a hearing conducted by the University Academic Integrity Hearing Board, the complaint will be sent to the chair of the hearing board.
2. The student shall have ten class days to request a hearing on the academic misconduct complaint, including any penalty grade assigned. If the University Academic Integrity Hearing Board determines and any subsequent appeals affirm that the student did not commit academic misconduct, no additional sanctions may be issued on those allegations.
3. A student who admits their academic misconduct waives the right to a hearing to contest the allegations. In this event, the administrator will impose an appropriate redress or sanction for the academic misconduct. The student may appeal the appropriateness of the sanction or redress to the University Academic Appeal Board.
4. If a student fails to meet with the administrator when required, the academic misconduct complaint will be referred to the University Academic Integrity Hearing Board for adjudication. (See also [Integrity of Scholarship and Grades Policy](#) and [General Student Regulation](#).)

Commented [PR72]: Clarify when the student must attend the administrative meeting. Is it after the complaint is filed? Is it after having an informal meeting with the faculty member, or after exhausting all options to resolve informally in the academic unit or with the Dean?

Commented [KM73R72]: Addressed

Commented [PR74]: A brief statement about what happens after the complaint is referred to the hearing board is needed here.

Commented [KM75R74]: Subsequent sections explain this

Protection of Scholarship and Grades.)

G-H. Hearing Procedures.

1. At least five class days prior to a hearing, the hearing body adjudicating the complaint will provide the complainant and respondent a written notice of the hearing. This notice of hearing shall include:
 - i. A description of the alleged misconduct;
 - ii. The date, time, and location of the hearing;
 - iii. The name(s) of the individual(s) who will conduct the hearing; and
 - iv. The names of the complainant's witnesses and advisor (if known).
2. The hearing body or administrator adjudicating the complaint will take necessary precautions to avoid any conflict of interest. The parties will have two class days after receiving the notice of hearing to challenge any hearing board member or administrator for cause. The challenge must explain the cause for removing the hearing board member. The standard in ruling on challenges for cause is whether the hearing board member's or administrator's knowledge of the case, or personal or professional relationships with the complainant, respondent, or witness, inhibit their ability to decide the case fairly and impartially. The chair of the hearing body or the administrator will decide any such challenge. If the challenge requests removal of the chair of the hearing body or administrator, the Dean of Student will decide.

Any hearing board member or administrator that must be removed will be replaced with another individual from the pool of hearing board alternates or OSSA administrators. The parties will be promptly informed of the new hearing board member or administrator.
3. The parties shall have two class days after receiving the notice of hearing to provide the hearing body with the names of their witnesses and advisors. The complainant and respondent will receive a second notice containing this information not less than one class day prior to the hearing.
4. Any amendment to a complaint must be filed at least five class days before the date of the hearing.
5. Either party may request for good cause that the hearing be postponed. The hearing body or administrator may grant or deny such a request.
6. Hearings will generally be closed unless both parties agree to an open hearing. Hearings regarding non-academic student complaints involving a student organization and/or student governing group will be open unless the hearing body decides to close the hearing to protect the confidentiality

Commented [PR76]: Do these hearing procedures apply to all complaint types?

Commented [KM77R76]: Yes, unless caveats are called out.

of information. The hearing body or administrator may close an open hearing at any time to maintain order or protect the confidentiality of information. All hearing bodies should refer to University policies and applicable laws regarding confidentiality of information. An open hearing is open to any member of the University community (i.e. students, faculty, and staff).

7. The complainant and respondent are expected to appear at the hearing to present their cases in person or virtually. If the complainant fails to appear, the hearing may be postponed or the case may be dismissed. If the respondent fails to appear, the hearing may be postponed or the case may be heard despite the respondent's absence. The respondent's failure to appear shall not mean the respondent is presumed to have committed the alleged violation.
8. The hearing body will determine whether each allegation in the complaint has been supported by a preponderance of the evidence. The respondent cannot be found responsible for a policy violation that is not supported by a preponderance of the evidence. If the respondent is found to have violated the policy, the hearing body may impose one or more sanctions listed in Section 4.II.L of this document.

Under the preponderance of the evidence standard, a respondent has violated University policy if the evidence demonstrates it is "more likely than not" that the alleged violation occurred.

9. The hearing body will prepare and deliver a written decision within five class days of the hearing. The decision must include the rationale for the decision and notification of the right to appeal. A copy of the decision will be provided to the complainant and respondent, who are required to maintain the confidentiality of the document to the extent permitted by law.
 - i. If a respondent is found to have violated policy, the hearing board shall determine what, if any, redress or sanction should be implemented. Within five class days of receipt of the decision, the appropriate unit administrator shall implement the redress or sanction, other than suspension or dismissal from the University.
 - ii. If an appeal is filed pursuant to Section 4.II.J. below, any redress or sanction imposed will be held in abeyance while the appeal is pending.

4.I. *Rights of the Parties.*

Commented [PR78]: Why are hearings on non-academic student complaints open by default and treated differently on this point than the other complaints? This language restricts the hearing body's ability to close the hearing for only those two stated reasons. Was this intentional?

Commented [KM79R78]: Current practice. Addressed by calling out a hearing involving student orgs/governing bodies

Commented [PR80]: Is "university community" limited to students, faculty, and staff? Or can individuals with no affiliation with the University attend?

Commented [KM81R80]: Addressed

Commented [KM82]: Rationale: Additional language added clarifying the definition of "preponderance of the evidence."

The complainant and respondent shall be entitled to:

1. Receive a timely, collegial hearing.
2. Call witnesses on their behalf. Witnesses must be members of the University community, unless the hearing body determines that the witness has direct knowledge of the facts pertaining to the matter at issue. Witnesses may be present in the hearing only when participating as a witness. Witnesses may submit written statements to the hearing body in lieu of attending the hearing only with the express permission of the hearing body. The witness statement must be submitted at least three class days before the scheduled hearing. Expert or character witnesses are not allowed, except as deemed necessary by the hearing body. The hearing body may limit the number of witnesses.
3. Submit information in support of their positions.
4. Be accompanied by an advisor to all meetings, interviews, and/or hearings part of the resolution process.
5. During the hearing, each party shall have an opportunity to make an opening statement, present evidence, question witnesses, ask questions of the opposing party, give a rebuttal, and present a closing statement. The chair of the hearing board will decide the schedule and time allotted to each party to present their case.

6. Request reasonable accommodations and support needed to ensure equal access to the adjudication process.

J. Role of an Advisor.

1. The parties may select one individual they wish to serve as their advisor, who is available for the adjudication process as scheduled and not otherwise involved in the current resolution process, such as serving as a witness or a hearing panelist.
2. The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with during the resolution process.
3. If one party selects an attorney to serve as their advisor, and the other party cannot afford an attorney, the University is not obligated to provide an attorney or other equivalent representation.

Commented [KM83]: Rationale: Section reclassified to more clearly outline the rights of individuals participating in a hearing process and offer opportunity to request accommodations.

Commented [KM84]: Rationale: Updated to allow for any advisor of the parties choosing, including an attorney, and to outline the role and scope of an advisor.

4. The advisor may be present throughout the hearing process, but has no voice in the hearing, unless otherwise permitted by the chair of the hearing body. The chair ~~may~~ shall normally grant permission for a student representative from the Student Rights Advocates program to have limited voice in the hearing.

5. Advisors must not interfere with the resolution process. Any advisor who fails to comply with these guidelines will be given only one warning. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. If an advisor is removed, the meeting or hearing may continue without the advisor present.

I.K. Appeals.

1. The University Student Appeals Board and University Academic Appeal Board have jurisdiction over all appeals of decisions made by a hearing body under this section.
2. The parties may appeal an adverse decision on one or more of the following basis:
 - i. The information presented does not support the decision reached.
 - ii. The sanction recommended is not commensurate with the seriousness of the offense.
 - iii. Applicable procedures were not followed.
 - iv. There was a conflict of interest involving a member of the hearing body.
3. A written appeal must be filed within five class days after the date on which the decision was sent to the complainant and respondent. Generally, ~~Any~~ sanctions imposed will be held in abeyance while the appeal is pending unless the misconduct involves hazing or acts causing or explicitly threatening to cause serious bodily harm to other individuals, as determined by the Dean of Students.
4. The appeals board will take necessary precautions to avoid any conflict of interest on the part of its members. Upon receipt of the appeal, the complainant and respondent will be provided the names of all appeal board members. The parties will have two class days from receiving such notice to challenge any member for cause.

Commented [KM85]: Rationale: Added an option to allow sanctions to remain in place during appeal under specific circumstances.

5. The appeals board will review the written appeal, request additional information if needed, and decide the following:
 - i. Reject the appeal for lack of jurisdiction.
 - ii. Affirm, reverse, or modify the original decision.
 - iii. Direct the original hearing body to rehear the case or to reconsider or clarify its decision.
6. The appeals board will issue a written decision on the appeal, including the rationale for its decision, within ten class days of convening. A copy of the decision will be provided to the complainant, respondent, and the appropriate academic unit administrator, who are required to maintain the confidentiality of the document to the extent permitted by law. The academic unit administrator or dean will implement the redress or sanction. The decision of the appeals board is final and shall be effective immediately.

7.

K. ~~G.~~ *Requests for Reconsideration.* Each hearing body shall allow a complainant or respondent to request reconsideration of a case within thirty calendar days of its decision, if either party can demonstrate that new information has been learned that was not available or known to the appealing party during the conduct process. An exception to the thirty day time limit may be granted by the appropriate hearing body only upon a showing of good cause.

K.L. *Sanctions and Remedies.* Disciplinary sanctions imposed should be based on a consideration of all circumstances in a particular case, including a student's record of any prior misconduct. Failure to comply with a sanction imposed may form the basis for additional conduct charges and the imposition of more severe disciplinary sanctions.

1. Sanctions for an individual may include any one or more of the following:
 - i. Warning: An official written statement expressing disapproval of the behavior and notifying the student the behavior must not reoccur.
 - ii. Educational Program/Activity: The student may be required to complete an educational program or activity. An academic dean may request additional sanctions in accordance with the [Integrity of Scholarships and Grades Policy](#).
 - iii. Change of residence: The student may be required to move from their current on-campus residence, to an off-campus location or to another location within the University housing system.
 - iv. Probation: An official written statement establishing a period of time for observing and evaluating a student's conduct and indicating that any additional violations may result in more severe disciplinary action. This period may be accompanied by stipulations, including

Commented [KM86]: MSU Question: This reads as a 2nd appeal. It may be worth a wider discussion to determine if MSU would like to keep this language in place.

Commented [PR87]: Why is this called "individual sanctions"?

Commented [KM88R87]: Typically used for individuals

Commented [PR89]: The list of sanctions should be listed in order of degree of severity, with dismissal last.

Commented [KM90R89]: addressed

Commented [PR91]: Make all references to other policies hyperlinks throughout the document.

Commented [KM92R91]: addressed

- but not limited to restitution, participation in an educational program, or loss of certain University privileges.
- v. Restitution: A requirement that a student pay for property damages or losses resulting from acts committed by the student, with the date by which the restitution must be completed.
 - vi. Disenrollment from a course: If the complaint is based on disruptive behavior in a specific class the hearing body may recommend that the student be disenrolled from that course. Behavior is considered disruptive when a student, intentionally or unintentionally, significantly disturbs or unreasonably impedes a faculty member's ability to carry out classroom instruction, research, mentoring, or any other faculty-related duties.
 - vi-vii. Suspension: A suspension is temporary removal from the University for a particular period of time, at the conclusion of which the student is eligible to apply for readmission. A suspension may also be a conditional suspension, in which case the student must demonstrate that they have fulfilled stated conditions prior to applying for readmission. Only the Dean of Students or Provost may impose the sanction of suspension from the University. A suspended student may not attend or otherwise participate in any University-sponsored or student group-sponsored (student governing groups and registered student organizations) events or activities, whether on or off-campus.
 - vii-viii. Dismissal: A dismissal is permanent removal from the University. Only the Dean of Students or Provost may impose the sanction of dismissal from the University.

Commented [KM93]: Rationale: Clearer definition of "disruptive behavior" requested and added.

Commented [PR94]: Move "dismissal" section last on the list.

Commented [KM95R94]: addressed

Commented [PR96]: Is it necessary to have separate lists of sanctions? There appears to be much overlap. Dividing it in this way also suggests the identified categories are limited to those sanctions listed under that category.

Commented [KM97R96]: With the different types of cases current policy calls out different types of sanctions.

2. Sanctions for a student organization may include any one or more of the following:

- i. Warning: An official written statement expressing disapproval of the behavior and notifying the respondent it must not recur.
- ii. Probation: An official written statement establishing a period of time for observing and evaluating a student group's conduct and indicating that further violations may result in more severe consequences. This probation may be accompanied by conditions.
- iii. Revocation of privileges for a student organization or student governing group.
- iv. Revocation of registration of a student organization.
- v. Completion of an educational program or an activity.
- vi. A formal recommendation to the organization or group to correct the action, policy, or regulation in question.

Commented [PR98]: How/when do these apply?

Commented [KM99R98]: Mackenzie or Allyn may have information on this. I could envision a student raising concern about mistreatment from a staff member

3. Remedies involving an employee may include:

- i. A formal recommendation to the appropriate administrator to address the employee's action.
4. Remedies involving a University policy or regulation:
 - i. A formal recommendation to the appropriate administrator to correct or revise the policy or regulation in question.

L.M. Interim Measures. If the Dean of Students, or a hearing board, is presented with credible information that

- a. A student's continued presence at the University poses a clear and present danger to the health or safety of persons or property, or
- b. a group action allegedly threatens immediate and irreparable harm through action contrary to the constitution of any undergraduate or graduate student governing group within the judiciary's jurisdiction, or
- c. a regulation or administrative decision allegedly threatens immediate and irreparable harm through infringement of rights defined by this document,

the Dean of Students may temporarily suspend a respondent from the University and a hearing body may issue other interim measures as appropriate. Respondents issued interim measures shall face disciplinary action for the underlying conduct pursuant to this document, regardless of where the conduct occurred.

Before initiating interim measures, the OSSA or the hearing board will make a reasonable attempt to notify the respondent of the potential interim action and offer the respondent an opportunity to present information that they do not pose a threat to persons or property and/or to consider the nature and potential extent of irreparable harm.

The interim measures shall not preclude, render irrelevant, or predetermine the outcome of subsequent disciplinary action relating to conduct on which the interim action is based. Nor shall interim measures create a presumption that the respondent violated University policy. Respondents issued interim action may petition for the measures to be removed at any time, subject to the following guidelines.

1. Such petitions will be decided by the Dean of Students, the Provost, or the appropriate hearing board.
2. Within five class days after receipt of a petition, the Dean of Students or the Provost shall meet with the respondent for the sole purpose of deciding whether to continue the interim measure or grant reinstatement.

Commented [PR100]: Shouldn't this be called temporary restraining actions? This section is awkwardly written and should be revised. This paragraph still contains the reference to temporary restraining actions. Is this intentional?

Commented [KM101R100]: Renamed to interim measures to be more inline with benchmarks. Adjusted formatting for clarity. If Mackenzie or Allyn would like to return to Temp Restraining Action that change can be made

A hearing board shall make every reasonable effort to meet whatever exigencies requirements of time may exist in such a case. If necessary, the hearing board may announce its decision regarding a temporary action without a written statement of its reasons, provided that such a statement of its reasons shall be made available to the parties as soon as is reasonably possible.

3. The outcome of this meeting shall also not preclude, render irrelevant, or predetermine the outcome of subsequent disciplinary action.

Commented [PR102]: This statement is redundant to the statement that appear a few paragraphs above.

Commented [KM103R102]: The statement above references the action itself. This statement references the outcome of the meeting to discuss the action

DRAFT

5: Office of the Ombudsperson

Commented [KM104]: Rationale: Changes to this section were submitted by the current Ombudsperson, Shannon Burton.

I. Appointment

- A. The President shall appoint a senior faculty member, executive manager, or other qualified person with the title of University Ombudsperson. The Ombudsperson shall be confidential, independent, informal, and neutral in accordance with the charter for the office. ~~The Ombudsperson shall respect the sensitive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsperson, thereby protecting them against retaliation.~~

II. Roles and Responsibilities

The Ombudsperson's functions shall include the following charges:

- A. The Ombudsperson shall establish simple, orderly procedures for receiving requests, complaints, and concerns/grievances.
- B. The Ombudsperson shall assist ~~students~~ the University community in accomplishing the expeditious ~~settlement/resolution~~ of requests, complaints, and concerns and concerns -and may provide information, options, and referrals for appropriate avenues for resolution. ~~Additionally, the Ombudsperson explains university policies, processes, and rights, advise a student that the student's request, complaint, or grievance lacks merit, or that the student should seek a remedy elsewhere in the University.~~ The Ombudsperson may also assist the student in obtaining an informal ~~settlement of the student's problem~~ resolution.
- C. The Ombudsperson shall provide systemic feedback to the university based on aggregated data to protect confidentiality of visitors.
- D. The Ombudsperson shall have broad investigatory inquiry powers and direct and ready access to all University officials, including the President.
- ~~C.E.~~ The Ombudsperson is not an office of formal report and does not take formal complaints on behalf of the University, nor does the Ombudsperson participate in the formal processes of the University.
- ~~D.F.~~ When necessary, the Ombudsperson shall may report directly to the President valid complaints and concerns for which no remedy has been found. The Ombudsperson shall may also report any recommendations regarding such complaints and concerns.

E.G. ____ The Ombudsperson shall make periodic reports to the President regarding the operation of the Office of the Ombudsperson.

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6: Student Records

- I. All policies and practices concerning records, including the acquisition and dissemination of information in student records, shall be formulated with due regard for the student's right to privacy and access and will conform with all current federal and state law.
- II. Record keeping must be performed only by University personnel whose job responsibilities require record keeping.
- III. All policies and practices governing access to, and maintenance and release of, student records shall conform to the University's published guidelines. (See the [MSU Access to Student Information Guidelines](#).)
- IV. No record shall be made, reproduced, or retained unless there is a demonstrable need for the record that is reasonably related to the basic purposes and necessities of the University.
- V. The University shall not make, reproduce, or retain records of a student's religious or political beliefs or affiliations without the student's knowledge and consent.
- VI. Students shall have the right to inspect any of their own educational records, except as specifically waived by the student (e.g., confidential letters of recommendation). Student educational records include, but are not limited to, official transcripts, student disciplinary records, and records regarding academic performance.
- VII. All student educational records that are used or may be used to make determinations about a student's employment, financial aid, or academic progress shall include a notation of the name of the person who supplied the information and the date of its entry, with the exception of central, Student Information System records.
- VIII. Confidential records shall be responsibly handled. Units shall train persons handling such records in appropriate methods of keeping and disposing of confidential records.
- IX. No one outside the faculty or administrative staff of MSU, except as permitted by law, may have access to the record of a student's offenses against University regulations without the written permission of the student.
- X. All policies governing the maintenance and the selective release of records and of portions of records shall be made public in an appropriate manner and shall be

Commented [KM105]: Rationale: Section was updated for clarity and removal of redundancy with no substantive or material changes.

Commented [PR106]: Make reference to the FERPA policy a hyperlink.

Commented [KM107R106]: addressed

subject to judicial review as provided in Section 4 of this document. Any changes to the policies shall be made known to the student body through the appropriate student governance bodies.

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7: Hearing Board Composition and Guidelines

This section describes the composition and jurisdiction of all non-academic and academic hearing boards that hear cases involving undergraduate students. Academic hearing boards that hear cases involving graduate students are described in the *Graduate Student Rights & Responsibilities* document. Academic hearing boards that hear cases involving medical students are described in the *Medical Student Rights & Responsibilities* document.

I. General Guidelines

- A. *Student Membership and Selection.* A nomination committee composed of undergraduate and graduate members from each of the hearing boards outlined in this section, as well as representatives from the Residence Hall Association (RHA), Associated Students of Michigan State University (ASMSU), and the Council of Graduate Students (COGS), will typically be responsible for recruiting and nominating a full complement of students to serve on each hearing board, including at least *three* undergraduate students nominated from each college that offers undergraduate courses. At its discretion, the committee may include faculty and/or staff members in the nomination process. The committee will be advised by a designee of the Dean of Students, who shall be a non-voting member. The committee will develop and follow written procedures to govern the nomination process.

Once the nomination process is complete, the committee must submit the names of the candidates for appointment to the appropriate governing body (see Section 7.1.B below) typically no later than the sixth week of spring semester.

- B. *Student Appointment/Reappointment.* COGS shall be responsible for the appointment of graduate students to the hearing boards described in this document. RHA shall be responsible for the appointment of residence hall hearing board members. ASMSU shall be responsible for the appointment of undergraduates to remaining hearing boards described in this document. All student appointments shall typically be made by the tenth week of spring semester.

Student hearing board members shall serve for one full calendar year, commencing with summer semester following appointment and will have the opportunity for reappointment for one additional term. Student members

Commented [KM108]: MSU Question: Very specific. Still true? Do we want to make this less specific? Could some be nominated and approved out of cycle?

Commented [KM109]: MSU Question: Still true?

appointed mid-semester will serve until the beginning of the next succeeding summer semester.

Each governing body shall make provisions for filling mid-semester vacancies on an interim basis prior to completion of the appointment process. If such vacancies have not been filled within two weeks, the Provost and/or Dean of Students may appoint student members to fill the vacancies. The Provost and/or Dean of Students may also appoint students to fill vacancies if students are unable to serve during the summer or if interim members are necessary to meet quorum requirements.

- C. *Faculty and Staff Membership and Appointments.* Faculty members on the hearing boards described in this section shall be nominated pursuant to the [Bylaws for Academic Governance](#) and appointed by the President. Staff members on the hearing boards described in this document shall be nominated by the Executive Vice President for Administrative Services and appointed by the President.

Commented [KM110]: MSU Question: Does this need to be at the President level?

Individuals shall be nominated no later than the middle of Spring Semester for terms of one calendar year, beginning at the start of Summer Semester and ending at the end of the following Spring Semester. Colleges can opt to appoint faculty to two-year terms. Currently serving pool members will extend their service until a replacement is nominated. Members can serve up to three consecutive terms, not to exceed four consecutive years.

The Provost may appoint members from the faculty and staff ranks to fill vacancies in the event that mid-semester openings occur, members are unable to serve during the summer, or interim members are necessary to meet quorum requirements.

- D. *Composition of Academic Hearing Boards.* The three academic hearing boards described in this section will all draw their members from the same pool of potential hearing board members. This pool will consist of *three* faculty members from each college and *three* undergraduate students nominated from each college that offers undergraduate courses.

The senior faculty member on any academic hearing board shall act as the chair of that hearing board. The chair shall serve without vote, except in the event of a tie.

- E. *Advisors.* Each hearing board described in this document shall have an advisor designated by the OSSA. The role of the advisor is to ensure that each hearing board follows the provisions outlined in this document.

F. *Code of Operations.* All hearing boards shall follow a written code of operations that will be reviewed and approved by the University Committee on Student Life and Engagement (UCSLE). The codes of operation of student-only hearing boards described in Section 7.II of this document must be approved by their related major governing groups. Each code of operations must be consistent with this document, including confidentiality provisions, procedures for determining whether a complaint warrants a judicial hearing, and how a hearing is to be conducted.

The codes of operation shall, at a minimum, require that board members be trained, provide for the appointment of board members to specific board roles, and establish procedures for the assessment of conflicts of interest and removal of board members if necessary. The codes of operation shall also define the quorum for the hearing board, which in no case shall be less than five board members or 50% of the currently appointed memberships. The adjudication of complaints should proceed in a timely manner. The codes of operation shall also address procedures for expedited consideration of urgent cases in which a interim measures are sought.

II. **Hearing Board Structures**

A. *University Housing Hearing Boards*

1. *Jurisdiction.* The RHA may establish University Housing Hearing Boards with jurisdiction over cases involving complaints of personal misconduct occurring in, or within reasonable proximity to, University housing, including alleged violations of General Student Regulations, as outlined in this document, Student Group Regulations, Living Group Regulations, or University policies, where the possible sanction would not be expected to result in suspension or dismissal from the University; and complaints regarding the constitution, bylaws, or policies of RHA. University Housing Hearing Boards do not have jurisdiction over cases involving academic misconduct, except as described in Article 4 of this document.
2. *Composition.* The University Housing Hearing Boards shall be comprised of student membership as outlined in RHA's codes of operations.
3. *Appeals.* Decisions of the University Housing Hearing Boards may be appealed to the University Student Appeal Board.

B. *All-University Student Hearing Board*

1. *Jurisdiction.* ASMSU and COGS shall form one All-University Student Hearing Board with jurisdiction over cases involving complaints of

Commented [PR111]: If the term temporary restraining action is no longer being used, this statement should be revised accordingly.

Commented [KM112R111]: addressed

Commented [KM113]: MSU Questions: There may be an opportunity to restructure the number of boards and utilize a centralized pool of board members (trained on all cases) to be pulled to certain types of cases. You could have chairs who receive special training on AI issues, appeals, etc.

Commented [PR114R113]: This is a good idea.

Commented [KM115R113]: Mackenzie and Allyn to weigh in

Commented [PR116]: Is it appropriate to reference the GSR here if it has presumably been incorporated in this document?

Commented [KM117R116]: I think so, yes. It is still a separate section of this document that calls out specific prohibited conduct.

Commented [PR118]: Since this appears to be first time ASMSU and COGS have been referenced in this document, it is best to use their full titles and not abbreviate they first time they appear.

Commented [KM119R118]: Referenced in 7.I.A above

personal misconduct occurring in, or within reasonable proximity to, University housing that involve a graduate student, or for which another hearing board is not available and where the possible sanction would not be expected to result in suspension or dismissal from the University; complaints alleging violations of General Student Regulations, as outlined in this document, Student Group Regulations, or University policies by individual members or constituent groups within ASMSU or COGS where the possible sanction would not be expected to result in suspension or dismissal from the University; complaints regarding the constitution, bylaws, or policies of ASMSU or COGS. The All-University Student Hearing Board does not have jurisdiction over cases involving academic misconduct, except as described in Section 4.II.L of this document.

2. *Composition.* The All-University Hearing Board shall be comprised of at least three undergraduate students and three graduate students.
3. *Appeals.* Decisions of the All-University Hearing Board may be appealed to the University Student Appeal Board.

C. Student-Faculty-Staff Hearing Board

1. *Jurisdiction.* The Student-Faculty-Staff Hearing Board shall have jurisdiction over cases involving complaints of personal misconduct, including alleged violations of general student, student group, or living group regulations, or University policies; complaints arising between or within major governing groups, student governing groups, living units, and/or registered student organizations that allege a violation of the group's, unit's, or organization's constitution, bylaws, or policies; complaints between ASMSU and COGS that allege a violation of either governing body's constitution, bylaws, or policies. The Student-Faculty-Staff Hearing Board does not have jurisdiction over cases involving academic misconduct, except as described in Section 4 of this document.
2. *Composition.* The Student-Faculty-Staff Hearing Board shall be comprised of five undergraduate students, three graduate students, two staff members, and three faculty members.
3. *Appeals.* Decisions of the All-University Hearing Board may be appealed to the University Student Appeal Board.

D. University Student Appeals Board

1. *Jurisdiction.* The University Student Appeals Board shall have appellate jurisdiction over disciplinary decisions arising from processes outlined in Section 4. The University Student Appeals Board shall also have original

Commented [PR120]: Another reference to the GSR appears here.

Commented [KM121R120]: Previous rationale

jurisdiction over non-academic student complaints filed pursuant to Section 4 to challenge a University policy or regulation.

2. *Composition.* The University Student Appeals Board shall be comprised of two undergraduate students, one graduate student, one staff member, and two faculty members.
3. *Appeals.* Decisions of the University Student Appeals Board are final and are not eligible for appeal.

E. *University Academic Grievance Hearing Board*

1. *Jurisdiction.* The University Academic Grievance Hearing Board shall have initial jurisdiction over student academic grievances alleging violations of student academic rights (see Section 2).
2. *Composition.* In addition to the chair, the University Academic Grievance Hearing Board will consist of an equal number (no fewer than two) of voting undergraduate students and faculty members. Board composition is specified in the relevant code of operations for each board.
3. *Appeals.* Decisions of the University Academic Grievance Hearing Board may be appealed to the University Academic Appeal Board.

Commented [KM122]: MSU Question: May want to change name of board to align with removal of grievance language.

F. *University Academic Integrity Hearing Board*

1. *Jurisdiction.* The University Academic Integrity Hearing Board shall have jurisdiction over academic grievances brought by a student to contest a charge of academic misconduct or the severity of the penalty grade imposed by an instructor. The University Academic Integrity Hearing Board shall also have jurisdiction over academic disciplinary hearings involving academic misconduct.
2. *Composition.* In addition to the chair, the University Academic Integrity Hearing Board will consist of an equal number (no fewer than two) of voting undergraduate students and faculty members.
3. *Appeals.* Decisions of the University Academic Integrity Hearing Board may be appealed to the University Academic Appeal Board.

G. *University Academic Appeal Board*

1. *Jurisdiction.* The University Academic Appeal Board shall have appellate jurisdiction over (i) decisions by the University Academic Integrity Hearing Board, and (ii) decisions by the University Academic Grievance Hearing

Board.

2. *Composition.* In addition to the chair, the University Academic Appeal Board will consist of an equal number (no fewer than two) of voting undergraduate students and faculty members. Board composition is specified in the relevant code of operations for each board.

3. *Appeals.* All decisions of the University Academic Appeal Board are final and are not eligible for appeal.

Commented [KM123]: Rationale: Options for second appeal on academic cases removed as requested.

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8: Independent and University-Supported Student Publications

I. Definitions

- A. *Independent student publications*: Publications that are prepared and distributed, at least in part, by students and that are not funded by the administrative units of the University. Independent student publications are typically publications of student living units, governing groups, registered student organizations, or student groups.
- B. *University-supported student publications*: Publications that receive funding from administrative units of the University.

II. General Guidelines

- A. Students and student groups shall have maximum freedom to express opinions and communicate ideas by preparing and distributing independent student publications.
- B. The University shall neither authorize nor prohibit the solicitation of advertising by an independent student publication.
- C. Administrative units may provide advice and counsel, but all University-supported student publications shall be guaranteed freedom of content and editorial policy.
- D. The withdrawal of financial support as a means of censorship over those University-supported student publications which are in substance a forum for free speech is recognized to be inappropriate.
- E. A University-funded publication should identify the campus unit responsible for its preparation and distribution.
- F. Regulations governing distribution of publications shall apply equally to all publications.
- G. Each on-campus living unit shall decide what policies shall be formulated for distribution of publications within that living unit.
- H. For buildings other than organized living units, the Secretary of the Board of Trustees and the all-University student governing bodies, after consultation with the administrative, faculty, and student occupants of the building, shall determine

designated places for the distribution of publications.

- I. Publications may be distributed in living units, classroom buildings, and office buildings, but only in the places established through the procedures described above. Hand-to-hand distribution is permitted in all public areas of campus buildings, subject only to building security and access rules and such limitations as are necessary to prevent interference with scheduled University activities.
- J. Publications shall be permitted outside campus buildings, subject only to such limitations as are necessary to prevent interference with the use of streets, sidewalks, and building entrances for other purposes.
- K. The offices of the Secretary of the Board of Trustees and ASMSU shall keep available for inspection an up-to-date list of places of distribution within campus buildings.
- L. Any regulations necessary to implement these guidelines shall be developed in accordance with Section 10 of this document.

9: Procedures for Amendments and Revisions of Related Regulations & Policies

The University community's expectations for student and group conduct which hold the potential for disciplinary action shall be disseminated through ~~General this document, Student Rights and Responsibilities, Regulations, as outlined in this document,~~ Student Group Regulations, Living Group Regulations, and All-University Policies as defined herein. Administrative decisions which mediate the flow of services and privileges in the operation of the University are Administrative Rulings. All regulations, policies, and rulings declared by the University shall be consistent with this document.

Commented [PR124]: Another reference to the GSR here.

Commented [KM125R124]: Previous rationale

Commented [KM126]: MSU Note: OARC to confirm this section

~~I. General Student Regulations~~

~~A. General Student Regulations shall be those regulations established within the University community to secure the safety of members of the University community and University facilities, maintain order, and ensure the successful operation of the institution. Such regulations shall apply to all students, as defined in Section 1, regardless of class level, place of residence, or organization affiliation, as well as to all governing bodies, governing organizations, living organizations, and registered student organizations.~~

~~B.A. Any governing body, governing group, living group, or registered student organization or any individual member of the University community may propose amendments to the General Student Regulations by submitting that proposal to the University Committee on Student Life and Engagement (UCSLE). The UCSLE may also propose amendments to the General Student Regulations.~~

~~C.A. Proposals submitted to the UCSLE may be approved or rejected. If rejected, the UCSLE shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the UCSLE shall forward the proposal to the University Council.~~

~~D.A. The University Council may approve or reject the proposal. If the University Council rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSLE. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the University Council shall forward the proposal to the President.~~

~~E.A. The President may approve or reject the proposal. If the President rejects the proposal, a written explanation of the rejection shall be forwarded to the~~

~~UCSLE. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the amendment shall take effect upon its approval by the President.~~

III.I. Student Group Regulations

- A. Student Group Regulations shall be those regulations established within the University community to govern the conduct of the constituent members of a governing body or a governing group and the activities of living groups and registered student organizations under a governing body or governing group's jurisdiction. Such Regulations shall apply only to the students, bodies, groups, and organizations specified by the Regulations.
- B. Any constituent member of a governing body or governing group or any living group or registered student organization under its jurisdiction may propose amendments to the Student Group Regulations by submitting that proposal to the governing body or group with the appropriate legislative authority. A governing body or governing group may also propose amendments to the General Student Regulations.
- C. Proposals submitted to the appropriate student governing body (Associated Students of Michigan State University [ASMSU] or the Council of Graduate Students [COGS]) may be approved or rejected. If rejected, the student governing body shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the student governing body shall forward the proposal to the University Committee on Student Life and Engagement (UCSLE).
- D. The UCSLE may approve or reject the proposal. If rejected, the University Committee on Student Life and Engagement (UCSLE) shall forward a written explanation to the appropriate student governing body (ASMSU or COGS). The explanation may include suggestions for modification of the proposal. If approved, the proposal shall be forwarded to the Senior Vice President for Student Life and Engagement (SVPSLE).
- E. The SVPSLE may approve or reject the proposal. If the SVPSLE rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSLE. The explanation may include suggestions for modification of the proposal. If the proposal is approved, the amendment shall take effect upon its approval by the SVPSLE .

III.II. Living Group Regulations

- A. Living Group Regulations shall be those regulations established within the University community to govern the conduct of residents and other students who

are visitors and guests while within the building or buildings defining the living group. Such Regulations shall apply to all students regardless of class level, place of residence, or group affiliation.

- B. Any constituent member of a living group may propose amendments to that group's Living Group Regulations by submitting such proposals to the living group with appropriate legislative authority. Living groups may also propose amendments to their own Living Group Regulations.
- C. Proposals submitted to the living group may be approved or rejected. If rejected, the living group shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the living group shall forward the proposal to the appropriate student governing body.
- D. The student governing body may approve or reject the proposal. If rejected, the student governing body shall forward a written explanation to the initiator of the proposal. If approved, the student governing body shall forward the proposal to the University Committee on Student Life and Engagement (UCSLE).
- E. The UCSLE may approve or reject the proposal. If rejected, the UCSLE shall forward a written explanation to the appropriate student governing body. The explanation may include suggestions for modification of the proposal. If approved, the proposal shall be forwarded to the Senior Vice President for Student Life and Engagement (SVPSLE).
- F. The SVPSLE may approve or reject the proposal. If the SVPSLE rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSLE. The explanation may include suggestions for modification of the proposal. If the proposal is approved, the amendment shall take effect upon its approval by the SVPSLE.

IV.III. All-University Policies

- A. All-University Policies shall be policies established within the University community to define and prescribe broad areas of institutional concern. Such policies shall apply to the individuals, groups, and organizations specified by the policies.
- B. All-University Policies are established by the Board of Trustees, usually following University-wide discussion and endorsement or as the result of a recommendation by an administrative unit or committee. It is the expectation that the appropriate academic governance bodies will be provided with an opportunity to review and provide input on such Policies as part of the approval process. All-University Policies may also be initiated and enacted by the Board itself.

V.IV. Administrative Rulings

- A.** Administrative Rulings shall be those policies, procedures, and practices established to implement the functions of the University's various administrative units. Such Rulings shall apply to the individuals, groups, and organizations specified by the Rulings. The various administrative units are delegated authority, by the Board of Trustees through the President, to establish Administrative Rulings.
- B.** The process by which Administrative Rulings are developed shall be consistent with the legislative and advisory duties and prerogatives of the relevant academic governance bodies. The process shall reflect concern for student input when the substance of a ruling affects students.
- C.** When a student is alleged to be noncompliant with an Administrative Ruling that may result in disciplinary action under Section 4 of this document, the relevant unit administrator shall invite the student to a meeting to allow the student an opportunity to clarify the situation.
 - 1. The administrator shall determine whether the alleged noncompliance may violate a General Student Regulation, Student Group Regulation, or Living Group Regulation, or an All-University Policy. If so, the administrator may refer the student for disciplinary action under Section 4 of this document.
 - 2. The administrator shall assess the situation and decide whether any interim or temporary non-disciplinary actions must be taken during the pendency of their investigation (if applicable) or to prevent similar acts from occurring. The administrator may not impose disciplinary sanctions against a student without going through the judicial process described in Section 4 of this document.
 - 3. The administrator shall notify the student, in writing, of any non-disciplinary action taken; the rationale for the action, and whether the Administrative Ruling provides any avenue of appeal of the decision. The student may challenge the Administrative Ruling itself pursuant to Section 4 of this document.

10: Procedures for Amendments and Revisions of this Document

This document may be amended and revised according to the following procedures.

- I. The Senior Vice President for Student Life and Engagement or their designee may make minor modifications to the entirety of this document, including but not limited to changes such as formatting, office/personnel names, titles, and contact information, clarifying language, grammatical/typographical corrections, and/or non-substantive procedural adjustments, without prior notice or hearing, but shall promptly provide notice of such modifications and the reasons therefor to the University Committee on Student Life and Engagement (UCSLE).
- II. Amendment Procedures for Section 3: General Student Regulations
 - A. General Student Regulations shall be those regulations established within the University community to secure the safety of members of the University community and University facilities, maintain order, and ensure the successful operation of the institution. Such regulations shall apply to all students, as defined in Section 1, regardless of class level, place of residence, or organization affiliation, as well as to all governing bodies, governing organizations, living organizations, and registered student organizations.
 - B. Any governing body, governing group, living group, or registered student organization or any individual member of the University community may propose amendments to the General Student Regulations by submitting that proposal to the University Committee on Student Life and Engagement (UCSLE). The UCSLE may also propose amendments to the General Student Regulations.
 - C. Proposals submitted to the UCSLE may be approved or rejected. If rejected, the UCSLE shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the UCSLE shall forward the proposal to the University Council.
 - D. The University Council may approve or reject the proposal. If the University Council rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSLE. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the University Council shall forward the proposal to the President.
 - E. The President may approve or reject the proposal. If the President rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSLE. The written explanation may include suggestions for modification of the proposal.

Commented [KM127]: MSU Question: Certain sections of this document (i.e. Student Records, Hearing Board Composition, etc.) may not need to go through full governance (through Board of Trustees). Should this bifurcation be requested, this section could be updated to outline which sections of the document will be subject to full governance and which would use an abridged governance process (through University Council).

If the proposal is approved, the amendment shall take effect upon its approval by the President.

~~I.~~ Amendment Procedures for Section 1-2 and 4-11, document
III.

- A. The University Committee on Student Life and Engagement (UCSLE) shall review this document at least once every five years.
- B. Any member of the University community and any constituent body of the University may propose amendments to this document by forwarding them to the University Committee on Student Life and Engagement (UCSLE).
- C. The University Committee on Student Life and Engagement (UCSLE) shall review any proposed amendments. It may approve, reject, or amend the proposal.
- D. If the University Committee on Student Life and Engagement (UCSLE) approves the proposal, it shall forward the proposal to the Associated Students of MSU (ASMSU) and the Council of Graduate Students (COGS). ASMSU and COGS shall review the proposal. Each may approve or reject it.
- E. If either ASMSU or COGS rejects the proposal, it shall submit a written explanation of the rejection to the University Committee on Student Life and Engagement (UCSLE). This explanation may include suggestions for alteration of the proposal.
- ~~F.~~ If ASMSU and COGS both approve the proposal, it shall be returned to the Chairperson of the University Committee on Student Life and Engagement (UCSLE) for presentation to the University Council.
- F.
G. The University Council shall review the proposal and either approve or reject it in accordance with the [Bylaws for Academic Governance](#). If it rejects the proposal, the University Council shall return the proposal to the University Committee on Student Life and Engagement (UCSLE), ASMSU, and COGS, along with a written explanation for the rejection. This explanation may include suggestions for alteration of the proposal. If it approves the proposal, the University Council shall forward the proposal to the President who shall submit it to the Board of Trustees for action.
- H. The Board of Trustees shall review the proposal. If the Board rejects the proposal, the Board shall return the proposal to University Council with an explanation. If the Board approves the proposal, the amendment shall take immediate effect, unless the Board specifies another effective date.

- I. The University community shall be promptly informed of all action taken on proposed amendments to this document.

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11: Definitions and Acronyms

Commented [KM128]: Rationale: Section updated to reflect, incorporate and align with any changes or additions throughout the edited document.

For the purposes of this document, the following definitions shall apply:

Academic Misconduct: Instances of academic dishonesty, violations of professional standards, and falsification of academic records or records for admission to a department, school, or college. See also [General Student Regulation](#), [Integrity of Scholarships and Grades Policy](#).

Academic Misconduct Case: A case brought against a student accused of academic misconduct involving sanctions other than or in addition to a penalty grade.

Administrators: University employees who manage University budgets, direct work units, or formulate, evaluate, and/or administer University policy.

Advisor: Any individual chosen by a party to advise, support, and/or consult with throughout a resolution process assist in the preparation of a case.

ASMSU/Associated Students of Michigan State University: All-University undergraduate student governing body.

Associate Provost: Associate Provost for Undergraduate Education of Michigan State University or the Associate Provost's designee.

Bullying: An intentional electronic, written, verbal, or physical act, or a series of acts, directed at another person that is severe, persistent, or pervasive and has the effect of doing any of the following:

- Substantially interfering with a student's education;
- Creating a threatening environment; or
- Substantially disrupting the orderly operation of the University.

Class Day: A day on which classes are being held at the University, including the days of Final Exam Week but excluding weekends and break periods.

Clear and Present Danger: An immediate and significant danger to the health or safety of persons or property.

COGS/Council of Graduate Students: All-University graduate student governing body.

Complainant: A member of the University community who initiates a proceeding against a student member of the MSU community under this document.

Complaint: An allegation of a violation of University regulation, ordinance, or policy filed by a member of the University community ~~against a student~~.

Adverse Effect: Causing or threatening to cause a substantial negative impact on the safety of members of the University community or the functions, services, or property of the University. This would include, but is not limited to, causing an unreasonable interference with the educational or work environment of members of the University community. Violations causing an adverse effect on campus generally threaten the safety of others or the efficient operation of University operations; violations that involve personal misconduct without a broad or significant impact on other community members do not cause an adverse effect on campus.

Dean of Graduate Studies: Dean of Graduate Studies of Michigan State University or the Graduate Dean's designee.

Dean of Students: Dean of Students of Michigan State University or the Dean's designee.

Direct discussion: Conversation in person, by phone, text, email, videoconferencing (e.g. Facetime, Zoom, Teams, etc), or other communication medium, including any and all forms of social media.

Faculty: All persons appointed by the University to the rank of professor, associate professor, assistant professor, or instructor, all persons appointed by the University as librarians, and all other University employees with approved titles in the academic personnel system whose duties involve instructional activities.

Falsification of Admission or Academic Records: Falsification of any record submitted for admission to the University or an academic unit of the University. Falsification of any record created, used, and/or maintained by the Office of the Registrar, the Office of Admissions, or academic units (e.g. colleges, departments, and schools).

Good Cause: Reasons including, but not limited to, circumstances outside of a party's control, such as illness, death in the family, or a class conflict.

Graduate Student: A student enrolled in a master's, doctoral, or educational specialist program or in a graduate non-degree program, including Lifelong Education.

Hazing: Requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, affiliation with, continued membership, or participation in any organization that causes or creates a substantial risk of causing mental or physical harm or humiliation. Examples of hazing include, but are not limited to, the following:

Commented [PR129]: Definition of hazing here should be consistent with any other policies that define hazing and allow for discipline for it.

Commented [KM130R129]: Consistent throughout the doc and in line with current policy on OSSA website

- A. Any physical act of violence or intimidation.
- B. Forced physical activities (e.g. working out excessively).
- C. Peer-pressuring or coercing someone to consume any legal or illegal substance.
- D. Placing foreign substances on one's body or that of another (e.g., using a permanent marker on the body).
- E. Not allowing someone to use or possess certain items.
- F. Depriving individuals of sleep, meals, ways to keep their body clean, or means of communication (e.g., restricting access to cell phones).
- G. Forcing an individual to create and/or distribute digital content to cause ridicule or embarrassment (e.g., posting photos or videos to social media).
- H. Forcing someone to expose themselves to weather.
- I. Activities such as scavenger hunts, pledge ditches, kidnapping, forced road trips, or abandonment (e.g., leaving someone in a field with no way to get home or contact anyone), which result in illegal or otherwise prohibited conduct.
- J. Requiring someone to possess specific items (e.g., carry a brick).
- K. Servitude (e.g., expecting a new member to do the tasks of an existing member).
- L. Changing appearance (e.g., wearing a costume or shaving head).
- M. Line-ups and berating.
- N. Coerced lewd/sexually explicit conduct (e.g., nudity) or sexual acts.
- O. Engaging in games, activities or public stunts that are purposely degrading or intend to cause embarrassment.
- P. Interference with academic pursuits (e.g., not permitting someone to attend class or exams)
- Q. Violation of University policies.
- R. Requiring illegal and/or unlawful activities.

Hearing Body: A hearing administrator or duly constituted judiciary as described in this document.

Intellectual Property: Any work or invention that is the result of creativity, such as a manuscript or design, and can be protected by statute of legislation, such as patent or copyright. It includes inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data, and other creative or artistic works. IP also includes the physical embodiment of intellectual efforts (e.g., models, machines, devices, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, and other compositions of matter, plans, and records of research). See www.technologies.msu.edu/researchers/patent-copyright-policy.

Jurisdiction: Official authority to make decisions and judgments under conditions specified herein (e.g., permissible bases for appeal, adherence to stated deadlines).

Living Group: A campus residence hall or residential complex, or a floor in such a residence hall or complex.

Major Governing Groups: ASMSU/Associated Students of Michigan State University, COGS/Council of Graduate Students, The Greek Governing Boards, Student Housing Cooperative, Owen Graduate Association, Residence Hall AssociationHA, and University Apartment Council of ResidentsACOR, etc.

New Information: Relevant information or documents previously unavailable to a party although the party acted with due diligence to obtain such information.

Non-Academic Disciplinary Case: A case brought against a student accused of violating a General Student Regulation, University ordinance, or University policy.

Office of the Provost: The Provost of Michigan State University or the Provost's designee.

Ombudsperson: The University Ombudsperson, a senior faculty member, executive manager, or other qualified person who assists members of the MSU community in resolving complaints or concerns confidentially, informally, impartially, and independently.

Penalty Grade: A grade assigned to a student by a faculty member based on a charge of academic misconduct.

Preponderance of the Evidence: Standard of evidence meaning that an individual will be found in violation of a University policy if the evidence demonstrates that it is more likely than not that the alleged violation occurred. Evidence that is more convincing, more credible, and of greater weight.

President: The President of Michigan State University or the President's designee.

Professional Standards: Codes of expected professional conduct, sometimes referred to as honor codes.

Provost: The Provost of Michigan State University, the Office of the Provost, or a designee of the Provost.

Respondent: An individual or group against whom or which a complaint is filed.

RHA/Residence Halls Association: The residence halls governing body.

Semester Start Date: The first date in the semester on which the University opens its residence halls to student residents.

Staff: Employees of the University other than administrators or faculty.

Student: A student is a person enrolled or participating in a collegiate-level, University-sponsored program or course, regardless of program level; full-time or part-time status; credit, degree, or certificate awarded; location; or mode of instruction. A person remains a student until graduation or completion of the program, permanent dismissal, or non-attendance for three full, consecutive semesters (including summer semester). This definition includes a person who is on a leave of absence, withdraws, recess, or graduates after an alleged violation of student conduct policies.

Student Organization (SO): A SO is defined as any group whose membership consists of students currently enrolled at the University that is: (1) registered with the Office of Student Life and Engagement; or (2) affiliated with the University through an academic department or administrative entity which supports, endorses, supervises, or recognizes the organization, unless the Senior Vice President for Student Life and Engagement otherwise determines the organization is a University function.

UACOR/University Apartments Council of Residents.

UCSLEA/ University Committee on Student Life and Engagement~~University Committee on Student Affairs.~~

Undergraduate: A student enrolled in a program leading to a bachelor's degree or in an undergraduate non-degree program, including Lifelong Education.

University Community: All University students, Trustees, administrators, faculty, and staff.

University Document: A document created by any unit of the University, regardless of its form or medium, for the administration, operation, or governance of the University or a unit of the University.

Voice (limited voice): Authority to speak (authority to speak if and when granted by a hearing-body).

Senior Vice President for Student Life and Engagement (SVPSLE) ~~Senior Vice President for Student Life and Engagement (SVPSLE) at Vice President for Student Affairs and Services of Michigan State University or the jr Vice President's~~ designee.

Written/in writing: In paper or electronic form.

History of Approval

ORIGINAL RIGHTS & RESPONSIBILITIES DOCUMENT

Academic Council – January 10, 1967
Academic Senate – February 28, 1967
Board of Trustees – March 16, 1967

AMENDMENTS

Board of Trustees – June 18, 1971
Board of Trustees – July 1, 1971
Board of Trustees – June 24, 1977
Board of Trustees – June 24, 1983
Board of Trustees – September 6, 2019
Board of Trustees – April 26, 2021

COMPLETE REVISIONS

UCSA – February 28, 1983
ASMSU Student Board – March 8, 1983
UCSA – March 10, 1983
Elected Student Council – April 12, 1983
Academic Council – January 17, 1984
Board of Trustees – July 27, 1984
UCSA – December 4, 2009
ASMSU Academic Assembly – December 8, 2009
COGS – December 9, 2009
Academic Council – January 26, 2010
Board of Trustees – February 12, 2010
UCSA – February 7, 2014
ASMSU – February 20, 2014
COGS – March 12, 2014
University Council – April 22, 2014
Board of Trustees – June 20, 2014
ASMSU – December 7, 2017
COGS – December 6, 2017
University Council – January 23, 2018
Board of Trustees – February 16, 2018

ORIGINAL GENERAL STUDENT REGULATIONS DOCUMENT

University Committee on Student Affairs – February 19, 1988
Academic Council – January 17, 1989
President, – effective September 1, 1989

REVISIONS:

University Committee on Student Affairs – February 13, 2015
University Council – March 24, 2015
President – effective May 18, 2015
University Committee on Student Affairs – April 21, 2017 and October 20, 2017
University Committee on Student Affairs – October 20, 2017
University Council – November 28, 2017
President – effective January 1, 2018

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