



UNIVERSITY OF MICHIGAN-FLINT™

Statement

OF STUDENT RIGHTS
AND RESPONSIBILITIES



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UNIVERSITY OF MICHIGAN-FLINT™

Introduction

The primary purpose of the Statement of Student Rights and Responsibilities (the Statement) is to assist the University of Michigan-Flint (the University) in providing an environment which supports the educational process and the well-being and safety of the campus community. Free inquiry and free expression are essential attributes of the University community. As members of the community, students are encouraged to develop the capacity for critical judgment and to engage in a substantial independent search for truth. The freedom to learn depends upon the opportunities and conditions in the classroom, the campus, and in the larger community. The responsibility to secure and respect general conditions conducive to the freedom to learn should be shared by all members of the academic community. When students choose to accept admission to the University, they accept the rights and responsibilities of membership in the University's academic and social community.

As members of the University community, students are expected to uphold its values by maintaining a high standard of conduct. Such values include, but are not limited to, civility, dignity, diversity, education, equality, freedom, honesty, and safety. The Statement is intended to define conduct expectations, to identify sanctions which may be imposed when misconduct occurs, and to ensure that students are treated with fundamental fairness and personal dignity. The Statement is an articulation of the University's commitment to recognize and support the rights of its students and to provide a guide for defining behaviors the University considers inappropriate. It is not, however, meant to be an exhaustive list of all rights supported by the University or of all actions which may be considered misconduct.

Within the University, entities (such as schools and colleges, campus, professional, and student organizations) have developed policies that outline standards of conduct governing their constituents and that sometimes provide procedures for sanctioning violations of those standards. This Statement of Student Rights and Responsibilities does not replace those standards; nor does it constrain the procedures or sanctions provided by those policies. This Statement describes possible behaviors which are inconsistent with the values of the University community; it outlines procedures to respond to such behaviors; and it suggests possible sanctions which are intended to educate and to safeguard members of the University community.

Members of the University community are accountable to both civil authorities and to the University for acts which violate the law and this Statement. Disciplinary action at the University will, normally, proceed during the pendency of external civil or criminal proceedings and will not be subject to challenge on the grounds that external civil or criminal charges involving the same incident are pending or have been invoked, dismissed, or reduced.

Nothing in this document should be construed so as to limit the Chancellor's authority to maintain health, diligence, and order among students under Regents' Bylaw 2.03.

Academic Rights



1. **Protection of Freedom of Expression.** Students are responsible for learning thoroughly the content of any course of study, but are free to take exception to the data or views presented and to reserve judgment about matters of opinion.
2. **Protection Against Improper Disclosure.** Protection against improper disclosure of information regarding student views, beliefs, and political associations which instructors acquire in the course of their work as instructors, advisors, and counselors is considered a professional obligation.
3. **Protection Against Improper Academic Evaluation.** Students can expect protection, through orderly procedures, against prejudice or capricious evaluation. Students are also expected to respect the academic freedom of faculty and their rights and responsibilities to determine curriculum and evaluate academic performance.

If any student has a grievance regarding academic practices and policies, there are established procedures within each college and school of the University of Michigan-Flint for resolving such problems. See the appropriate school or college section of the Catalog for a statement of the academic grievance procedure to be followed. Graduate students should consult the Office of Graduate Programs at the University of Michigan-Flint.

For conflicts involving a faculty member, all such procedures require initial consultation with the individual instructor. If the conflict is of a discriminatory or sexual harassing nature, the student should consult with the Human Resources Office or the Assistant Vice Chancellor for Student Affairs. Formal complaints must be filed with the Human Resources Office.

Student Rights

Students at the University have the same rights and protections under the Constitutions of the United States and the State of Michigan as other citizens. These rights include freedom of expression, press, religion, and assembly. The academy has a long tradition of student activism and values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, students have the right to express their own views, but must also take responsibility for granting the same right to others.

Students have the right to be treated fairly and with dignity regardless of race, sex, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, gender identity, gender expression, disability, or Vietnam-era veteran status.

Students have the right to be protected from capricious decision-making by the University and to have access to University policies which affect them. The University has an enduring commitment to provide students with a balanced and fair system of dispute resolution. Accordingly, this Statement will not deprive students of the appropriate due process protections to which they are entitled. This Statement is one of the University's administrative procedures and should not be equated with procedures used in civil or criminal courts.

Students and student organizations are free to discuss questions of interest to them and to express opinions publicly and privately without penalty. In conveying the ideas and opinions of students, the student press is free from censorship and the need of advance approval.

Editors, managers, and writers must subscribe to the standards of responsible journalism. At the same time, they are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content.

Students have the right to privacy of personal possessions. Searches and seizures may be conducted by appropriate University officials, but only for specific reasons of probable cause and not freely at will. The student(s) being searched must be notified of the object of the search, unless there is immediate danger to person or property.

Student Responsibilities



Along with rights come certain responsibilities. Students at the University are expected to act consistently with the values of the University community and to obey local, state, and federal laws.

Violations

Students are expected to comply with published University policies. The following behaviors, for example, contradict the values of the University community and are subject to disciplinary action under this Statement:

- A. Physically harming another person including acts such as killing, assaulting, or battering
- B. Sexually assaulting another person
- C. Sexually harassing another person. Sexual harassment consists of sexual advances, requests for sexual favors, and verbal, visual, or physical conduct that stigmatizes or victimizes an individual on the basis of sex or sexual orientation where such behavior:
 - Involves an express or implied threat to an individual's academic efforts, employment, participation in University-sponsored extracurricular activities, or personal safety; or
 - Has the purpose or reasonably foreseeable effect of interfering with an individual's academic efforts, employment, participation in University-sponsored extracurricular activities, or personal safety; or
 - Creates an intimidating, hostile, or demeaning environment for educational pursuits, employment, or participation in University-sponsored extracurricular activities.
- D. Hazing
- E. Stalking or harassing another person
- F. Possessing, using, or storing firearms, explosives, or weapons on University-controlled property or at University events or programs (unless approved by the Department of Public Safety; such approval will be given only in extraordinary circumstances)
- G. Tampering with fire or other safety equipment or setting unauthorized fires
- H. Illegally possessing or using alcohol
- I. Illegally distributing, manufacturing, or selling alcohol
- J. Illegally possessing or using drugs
- K. Illegally distributing, manufacturing, or selling drugs
- L. Intentionally and falsely reporting bombs, fires, or other emergencies to a University official

- M. Stealing, vandalizing, damaging, destroying, or defacing University property or the property of others
- N. Obstructing or disrupting classes, research projects, or other activities or programs of the University; or obstructing access to University facilities, property, or programs (except for behavior that is protected by the University's policy on Freedom of Speech and Artistic Expression)
- O. Making, possessing, or using any falsified University document or record; altering any University document or record, including identification cards
- P. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, email address, signature, or indicia of another person without proper authorization, or communicating under the rubric of an organization, entity, or unit that you do not have the authority to represent
- Q. Failing to leave University-controlled premises when told to do so by a police or security officer with reasonable cause
- R. Conviction, a plea of no contest, acceptance of responsibility or acceptance of sanctions for a crime or civil infraction (other than a minor traffic offense) in state or federal court if the underlying behavior impacts the University community
- S. Misusing, failing to comply with, or jeopardizing Statement procedures, sanctions, or mediated agreements, or interfering with participants involved in the resolution process
- T. Violating University computer policies

Scope of the Violations

Behavior which occurs in the city of Flint, on University-controlled property, or at University sponsored events/programs may violate the Statement. Behavior which occurs outside the city of Flint or outside University-controlled property may violate the Statement only if the behavior poses an obvious and serious threat to harm to any member (s) of the University community.

The Statement of Student Rights and Responsibilities is intended to incorporate other specific University policies by reference. These policies include: Information Technology Services (ITS) Technology Policies, and A Resident's Guide to Community Living from the Office of Housing and Residential Life (available in their entirety

at www.umflint.edu/its/services/policies.htm, www.umflint.edu/housing/policyproceduremanual.htm.) The Statement will be used to address violations of these policies only if the violation warrants a process or a sanction beyond what is available in these policies. In such cases, policy adjudicators may take intermediate action regarding a complaint as defined by their individual policy; however, final resolution may occur under the procedures outlined in this Statement.

Procedures

The University will use the following procedures to respond to behavior which goes against the values of the University community as defined in this Statement. The University considers the procedures for resolving disputes a part of its educational mission and is committed to a process that provides for peer review. Persons who have questions about the Statement should contact the Assistant Vice Chancellor for Student Affairs who provides support to all participants. Resolution and appeal processes are administrative functions and are not subject to the same rules of civil or criminal proceedings. Because some violations of these standards are also violations of law, students may be accountable to both the legal system and the University.

Any person who knowingly and intentionally files a false complaint under these procedures is subject to disciplinary action.

Records of non-academic misconduct will be maintained by the Assistant Vice Chancellor for Student Affairs and destroyed seven (7) years after the charged student's separation from the University.

For good cause, any time limit in these procedures may be extended by the Vice Chancellor for Student Affairs.

The Hearing Panel is not bound by the legal rules of evidence.

The Hearing Panel shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. The Hearing Board may limit testimony based on redundancy or lack of relevancy.

Stage 1: Initiating the Resolution Process: Any student, faculty member, or staff member may submit a complaint alleging a violation of the Statement. A student, faculty member, or staff member may also submit a complaint based upon information reported to that person. All complaints must be submitted to the Assistant Vice Chancellor for Student Affairs (AVC DSA), in writing, within six months after the incident(s) alleged in the complaint. The AVC DSA may waive the six-month limitation when a late submission is reasonable. If the AVC DSA determines, based on an investigation, that the alleged behavior may be a violation of the

Statement, the AVC DSA will notify the accused student and schedule a meeting as described below.

Stage 2: Resolution Process: The AVC DSA will meet with the accused student to explain the complaint and the resolution process. The student may be accompanied by an advisor. The student will have the opportunity to ask questions and make a statement. The AVC DSA will inform the accused student (1) that statements the student makes to the AVC DSA may be considered at any hearing, (2) that the student does not have to make a statement at the initial meeting, (3) that all disciplinary records are confidential to the extent permitted by law, and (4) that the student has a right to know the potential sanctions before admitting responsibility (but may not appeal if he/she accepts responsibility without asking about sanctions).

The accused student has a choice of the following methods of dispute resolution:

A. Acceptance of Responsibility: The accused student has the option of accepting responsibility for the charges and accepting the sanction chosen by the AVC DSA. Upon request, the accused student has the right to know the potential sanctions before accepting responsibility, however the accused student may not appeal if he/she accepts responsibility without asking about sanctions. The accused student also has the option of accepting responsibility for the charges and requesting a hearing on the sanctions under the procedures outlined in B.

B. Hearing: The accused student may choose to have a Resolution Officer or a Student Resolution Panel arbitrate the dispute. In cases which involve more than one accused student, the students will have the option of choosing whether they have the same or separate hearings. If students cannot agree, the hearings will be separate.

Each party may be accompanied at the hearing by a personal advisor, who may be an attorney; however, the advisor may not participate directly in the proceedings, but may only advise the party. For example, the advisor may not question witnesses or make presentations.



At a hearing, the AVC DSA will be in charge of preparing and submitting information gathered during the investigation. Both parties may have access to all written or other information that will be considered prior to the hearing. Both parties have the right to the names of witnesses providing information prior to the hearing.

During the hearing, the Resolution Officer, AVC DSA, accused student, complaining witness and student panelists (if applicable)

have the right to question (See Appendix A) the complaining witness and the AVC DSA. Each of the above-enumerated persons may also ask questions of (1) the accused student, if he/she chooses to testify and (2) of any witnesses who have presented information. Silence by the accused will not be used as evidence of responsibility for a charge. Witnesses may be present in the hearing room only when they are presenting information. At any time during the hearing, the accused student may request a recess to consult with his/her advisor.

The accused student, complaining witness, and AVC may also present written reports to the panel or Resolution Officer. The accused student and complaining witness may make statements to the panel or Resolution Officer at the beginning and end of the proceeding.

To ensure the privacy of the parties and to maximize the educational potential of the process, both parties must agree to the admission of any other people (except witnesses or advisors) to the hearing. To ensure fairness and consistency, and to maximize the educational potential of the process, panelists must have access to details, rationales, and results of past cases. The student is presumed not responsible unless clear and convincing evidence is presented that a violation of the Statement has occurred.

A tape recording will be made of Statement hearings, and will be made available (in the Assistant Vice Chancellor's office) to the accused student or complaining witness upon request during the period in which an appeal may be filed or is pending. In all cases, the Resolution Officer will issue a written decision containing findings of fact, conclusions as to responsibility, and rationales for all sanctions imposed.

The hearing body will deliberate in closed session and its decision will be communicated to the student charged, in writing, by the Assistant Vice Chancellor for Student Affairs within five (5) days.

Stage 3: Appealing the Resolution Process: An appeals process is an essential safeguard for an imperfect human process that attempts very hard to be fair. The appeal process is available to each party. Appeals may be filed for the following reasons: proper procedures were not followed, the evidence clearly does not support the finding(s), sanctions are insufficient or excessive relative to the violation, or there is new evidence not reasonably available at the time of the hearing. All appeals must be submitted in writing to the Vice Chancellor for Student Affairs within ten (10) academic calendar days following the Assistant Vice Chancellor's (AVC DSA) decision to accept or modify the recommendations resulting from the hearing. The Vice Chancellor for Student Affairs (VC DSA) may waive the 10 day limitation when a late submission is reasonable. Appeals will be reviewed by the Faculty Committee for Student Concerns. The Faculty Committee for Student Concerns may take one of the following actions: confirm the decision made through the hearing process, alter the sanction(s), or recommend a re-hearing.

Sanctions

Sanctions are designed to promote the University's educational mission. Sanctions may also serve to promote safety or to deter students from behavior which harms, harasses, or threatens people or property or is motivated by bias because of membership in a group listed in Paragraph 2 under Student Rights. Although it is inappropriate for the University to try to change a student's convictions, it is appropriate for the University to ask a student to change inappropriate behavior. Some behavior is so harmful to the University community or so deleterious to the educational process that it may require more serious sanctions: removal from housing, removal from specific courses or activities, suspension from the University, or expulsion. One or more of the following sanctions may be recommended:

A. Formal Reprimand: A formal notice that the Statement has been violated and that future violations will be dealt with more severely.

B. Disciplinary Probation: A designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations. The appropriate University units shall be notified of the student's probationary status.

C. Restitution: Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

D. Restriction from Employment at the University: Prohibition or limitation on University employment.

E. Class/Workshop Attendance: Enrollment and completion of a class or workshop that could help the student understand why her or his behavior was inappropriate.

F. Educational Project: Completion of a project specifically designed to help the student understand why her or his behavior was inappropriate.

G. Service: Performance of one or more tasks designed to benefit the community and help the student understand why her or his behavior was inappropriate.

H. Removal from Specific Courses or Activities: Suspension or transfer from courses or activities at the University for a specified period of time.

I. No Contact: Restriction from entering specific University areas and/or all forms of contact with certain person(s).

J. Suspension in Abeyance: During Suspension in Abeyance, the student remains enrolled. However, any violation of the conduct regulations during the period of Suspension in Abeyance will, after a determination of guilt, result in automatic suspension.

K. Suspension: Separation from the University for a specified period of time or until certain conditions are met. When a student is suspended during a term, he or she is not exempted from the payment of tuition for that term.

L. Expulsion: Permanent separation from the University. When a student is expelled during a term, he or she is not exempted from the payment of tuition for that term.

M. University Housing Transfer or Removal: Placement in another room or removal from University housing.

Related Procedures

A. Emergency Suspension. If a student's actions pose an immediate danger to any member of the University community, the Vice Chancellor for Student Affairs or a designee may immediately suspend the student pending a meeting. Except in extraordinary circumstances that meeting will be scheduled within two academic calendar days. At this meeting, the student will be informed of the nature of the alleged violation, presented with available evidence, and given the opportunity to make a statement and present evidence. If the emergency suspension is continued, the student will be offered a hearing option within ten academic calendar days.

B. Procedural and Interpretive Questions. All procedural and interpretive questions concerning the Statement will be resolved by the Vice Chancellor for Student Affairs (VC DSA) or a designee. At any time, the VC DSA or the Assistant Vice Chancellor (AVC DSA) may consult the Office of General Counsel about a case or procedures.

C. Selection of Student Panelists, Resolution Officers, and Appeals Committee Members. Members of the Student Judicial Board, whose selection is outlined in the Student Government Council Constitution (See Appendix B), will serve as student panelists. Resolution Officers are recommended by the Faculty Council and/or the Vice Chancellor for Student Affairs. Each Student Resolution Panel will consist of three (3) voting student panelists and a non-voting Resolution Officer.

D. Records of Resolution Actions: Records will be maintained by the AVC DSA with regard to any and all actions taken under the Statement. Accordingly, records will be maintained by the AVC DSA of complaints, hearings, findings,

and sanctions. For each case in which a complaint is issued, including cases where the student accepts responsibility, the record will recite the facts of all conduct found or admitted to be in violation of the Statement with sufficient specificity to indicate that a violation of the Statement occurred. Confidentiality of records will be maintained to the extent permitted by law and the University of Michigan-Flint Rights and Records Policy. If a student is suspended or expelled, a notation will be made on the student's academic record. The notation of suspension will be removed at the time the student is readmitted to the University.

E. Student Access to Records. Records and documents that will be considered during a hearing will be made available in advance to all parties but may be redacted to protect the privacy rights of individuals not directly involved in the resolution process.

F. Reports of Actions. Statistical reports of actions taken through the Statement will be published following each academic term. These data will cover the number of complaints and the types of violations, resolutions, and sanctions.

G. Concurrent Legal and Statement Proceedings. To ensure the educational potential of the process and in fairness to a complainant, the University should provide a prompt response to behavior which goes against the values of the University as defined by the Statement. In the interest of fairness to an accused student, however, a student undergoing civil or criminal action for the same behavior which forms the basis of a complaint under this Statement, may request a reasonable delay of the Statement resolution process until external proceedings are resolved. In determining whether a request is reasonable, the AVC DSA will evaluate the unique circumstances of the case, including the length of the delay and the impact of delay on the complainant and community, in addition to protecting the integrity of the resolution process. In granting a request for a delay, the AVC DSA may implement conditions on continued enrollment, as appropriate. If an accused student's request for delay is denied, he or she may withdraw from enrollment and may not re-enroll until authorized by the Vice Chancellor for Student Affairs or his/her designee.

H. Amending the Statement of Student Rights and Responsibilities: The Student Government Council, the Faculty Council, or the Executive Officers of the Flint campus may propose amendments to the Statement. All proposed amendments will be reviewed by the Faculty Committee for Student Concerns. After consultation with each of the above mentioned groups, as well as the Vice Chancellor for Student Affairs, the Faculty Committee for Student Concerns will forward the proposed amendments to the Chancellor of the University of Michigan-Flint with the committee's recommendation on implementation. The final decision on amending the Statement will be the Chancellor's.

The chancellor will endeavor to communicate his or her decision to accept or reject each of the proposed amendments in a public and timely manner, during the regular academic year. It is suggested that the chancellor's communication to the student body state a rationale for each decision to reject an amendment. The Vice Chancellor for Student Affairs has the authority to publish procedures for the amendment process.

Appendix A

The following protocol will be observed during hearings:

Witness:

- Witness (complainant or other) has the opportunity to make a statement
- Panelists question the witness
- Charged student questions the witness
- Panelists ask any follow-up questions

Charged Student:

- Charged student has the opportunity to make a statement
- Panelists question the charged student

Appendix B

The Judicial Board (J-Board) shall consist of five students. Candidates for the Judicial Board shall be interviewed and appointed by an interview board consisting of seven members as outlined below:

Composition of Interview Board

- Two members of the faculty
- J-Board Chief Justice and (1) Associate Justice
- Student Government (SG) (or designee) & Vice President (or designee)
- Vice Chancellor for Student Affairs (or designee)

All appointments to the Judicial Board shall be made by recommendation of the SG advisor and shall require the confirmation of the SG by a 2/3 vote. The term of office shall last from the time of such confirmation, until such time as he/she shall cease being a student at the University, or until such time as he/she resigns or is removed from office.

The Judicial Board shall consist of a Chief Justice, Senior Associate Justice, and three Associate Justices; one of whom shall be elected as secretary. Appointments to the position of Chief Justice shall be given to the most senior member, with the second most senior member being given the position of Senior Associate Justice. The secretary shall be selected from the three remaining members. In the event of a tie for seniority, the members involved in the tie shall become candidates for an election to be held among the members of SG.

For a complete copy of the Student Government constitution, please contact SG at (810) 762-3078 or visit Room 364 University Center.



Regents of the University of Michigan

Julia Donovan Darlow, Ann Arbor
Laurence B. Deitch, Bingham Farms
Denise Ilitch, Bingham Farms
Olivia P. Maynard, Goodrich
Andrea Fischer Newman, Ann Arbor
Andrew C. Richner, Grosse Pointe Park
S. Martin Taylor, Grosse Pointe Farms
Katherine E. White, Ann Arbor
Mary Sue Coleman [Ex Officio]

UM-Flint Executive Officers

Ruth J. Person, Chancellor
Gerard Voland, Provost and Vice Chancellor for Academic Affairs
David W. Barthelmes, Vice Chancellor for Business and Finance
Mary Jo Sekelsky, Vice Chancellor for Student Affairs



UNIVERSITY OF MICHIGAN-FLINT™

The University of Michigan, Non-Discrimination Policy

The University of Michigan, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action, including Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973. The University of Michigan is committed to a policy of nondiscrimination and equal opportunity for all persons regardless of race, sex, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, gender identity, gender expression, disability, or Vietnam-era veteran status in employment, educational programs and activities, and admissions. Inquiries or complaints may be addressed to the Senior Director for Institutional Equity and Title IX/Section 504 Coordinator, Office of Institutional Equity, 2072 Administrative Services Building, Ann Arbor, Michigan 48109-1432, 734-763-0235, TTY 734-647-1388. For other University of Michigan information call 734-764-1817.

For additional copies of the
STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES
call (810) 762-3434