

THE UNIVERSITY OF MICHIGAN-FLINT

CODE OF STUDENT CONDUCT

I. Introduction

The primary purpose of the Code of Student Conduct (the Code) is to assist the University of Michigan-Flint (“University” or “UM-Flint”) in providing an environment that 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 Code is intended to define conduct expectations, to identify sanctions that may be imposed when misconduct occurs, and to ensure that students are treated with fundamental fairness and personal dignity. The Code 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, academic units have developed policies that outline standards of conduct governing their constituents and that sometimes provide procedures for sanctioning violations of those standards. This Code of Student Conduct does not replace those standards; nor does it constrain the procedures or sanctions provided by those policies. This Code 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. For more information on academic policies please review <http://catalog.umflint.edu/content.php?catoid=22&navoid=1959>.

Students are accountable to both civil and criminal authorities and to the University for acts that violate the law or this Code. 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 the Code should be construed so as to limit the Chancellor’s authority to maintain health, diligence, and order among students under Regents’ Bylaw 2.03.

II. Definitions

A. The term “**University**” means University of Michigan-Flint.

- B.** The term “**student**” means all persons who have been notified of their acceptance, expressed intent to and/or registered for classes, or otherwise entered into any other contractual relationship with the University to take instruction. This includes, but is not limited to all individuals:
1. Taking classes in person or through distance learning whether on a part-time and full-time basis or
 2. Who are not enrolled for the current term but who have a continuing enrollment relationship with the University.
- Student status for the purposes of this code ceases when an individual graduates, is not enrolled for 12 consecutive months and/or their status becomes “inactive”, or an individual who is suspended, dismissed, or expelled for any reason.
- C.** The term “**Code**” means the Code of Student Conduct
- D.** The term “**University official**” includes any person employed by the University and any person serving the University in an official capacity.
- E.** The term “**member of the University community**” includes any person who is a student, University official, regent, or any other person serving the University in an official capacity. The Vice Chancellor for Campus Inclusion & Student Life shall determine a person’s status.
- F.** The term “**University premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, whether in Flint, Michigan or elsewhere.
- G.** The term “**organization**” means any student organization affiliated with UM-Flint.
- H.** The terms “**shall**” and “**will**” are used in the imperative sense.
- I.** The term “**may**” is used in the permissive sense.
- J.** The term “**day**” means business days (Monday – Friday) when the University is open, regardless of whether classes are in session. In determining any deadlines as set forth in the Code, references to a number of “days” prior to or after occurrence of an event shall not include the day of the incident.
- K.** The term “**Complainant**” means any person filing an Incident Report of alleged misconduct or otherwise bringing a complaint to the attention of a University official charged with receiving, investigating and remedying a complaint.
- L.** The term “**Respondent**” means a student or organization against whom an Incident Report of alleged misconduct has been filed under this Code.
- M.** The term “**health**” means physical or mental well-being.
- N.** For the purposes of the Code of Student Conduct, the term “**residence hall**” means any living unit owned or leased by the University for the principle purpose of providing student housing.
- O.** The term “**Incident Report**” means any accusation of alleged misconduct submitted through the “Report an Incident” function at https://umflint-advocate.symplicity.com/public_report/index.php/pid372566?
The University treats law enforcement agency reports and citations as incident reports.
- P.** The term “**Student Conduct Officer**” means a person who is designated to investigate and adjudicate possible violations of this Code.

III. Conduct Authority

Ultimate authority for student conduct is vested in the Regents of the University of Michigan. The Regents have delegated authority for student conduct to the Chancellor. The Vice Chancellor for Campus Inclusion and Student Life is the person designated by the Chancellor to be responsible for the administration of the Code. Conduct authority may be delegated to University officials and committees as set forth in this document, in accordance with other University policies, rules, or regulations, and as deemed appropriate by the Vice Chancellor for Campus Inclusion and Student Life.

IV. Scope of the Violations

Behavior that occurs on University-controlled property, in the City of Flint or at University-sponsored activities may violate the Code. Behavior which occurs outside the City of Flint or outside University-controlled property may violate the Code if the behavior poses an obvious and serious threat of harm to any member(s) of the University community.

The Code of Student Conduct is intended to incorporate other specific University policies by reference. These policies include:

- Information Technology Services (ITS) Technology Policies
<http://www.umflint.edu/its/policies>
ITS may suspend access privileges for as long as necessary to protect the university's computing resources.
- Housing and Residential Life – A Resident's Guide to Community Living
www.umflint.edu/housing/policyproceduremanual.htm

The Code 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 immediate action regarding a complaint as defined by their individual policy; however, additional and/or final resolution may occur under the procedures outlined in this Code.

V. 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. Higher education 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, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status, and as revised in the University of Michigan Nondiscrimination Policy. The University has a long-standing tradition of commitment to pluralistic education. Accordingly, the University, through this Code, will not unlawfully discriminate on the basis of protected group status.

Students have the right to be protected from capricious decision-making by the University and to have access to University policies that affect them. The University has an enduring commitment to provide students with a balanced and fair system of dispute resolution. Accordingly, this Code will not deprive students of any applicable due process protections. This Code 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 only be conducted by appropriate University officials, but only for specific reasons of probable cause or exigent/emergency circumstances and not freely at will or pursuant to other applicable policies. The student(s) being searched must be notified of the object of the search, unless there is immediate danger to person or property.

VI. Student Responsibilities

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

An Incident Report may be filed against a student or organization charged with a violation of a law that is also a violation of this Code if both violations result from the same factual situation, independent of any pending criminal prosecution or civil litigation. Proceedings under the Code may be carried out prior to, simultaneously with, or following criminal prosecution or civil litigation.

Students and registered student organizations are expected to comply with published University policies. Any student or organization found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions. The standard of proof in determining whether a student or organization has violated the Code is preponderance of the evidence which means "more likely than not". The following behaviors, for example, contradict the values of the University community and are subject to disciplinary action under this Code.

A. Offenses Against the University Community

1. Acts of dishonesty, including but not limited to the following:
 - a. Furnishing false information to the University or any University official.
 - b. Forgery, alteration, or misuse of any University or government document, record, or instrument of identification.
 - c. Tampering with the election of any organization.
 - d. 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.
2. Disruption or obstruction of teaching, research, administration, conduct proceedings, or other University activities, including its public service functions, whether on or off campus, and other authorized non-University activities, which occur on University premises (except for behavior that is protected by the University's policy on Freedom of Speech and Artistic Expression – UM Standard Practice Guide 601.01 - <http://www.spg.umich.edu/policy/601.01>).
3. Failure to comply with directions of University officials and law enforcement officers acting in performance of their duties, including but not limited to:
 - a. Failure to identify oneself to when requested to do so.
 - b. Failing to leave University-controlled premises when told to do so.
4. Violations of other published University policies, rules or regulations. Such policies, rules or regulations include but are not limited to Residential Life Community Living Guide, Information Technology Policies, parking and traffic regulations, policies governing student organizations and other published policies.
5. Faculty have the right to control the classroom environment and to permit or deny permission, at their discretion, for a student to record a lecture or classroom interaction. The only exception is if a student has a current and documented accommodation for such a recording on file with Disability & Accessibility Services.
6. It is prohibited to use electronic or other means to make a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge or permission in each instance, when such a recording is likely to cause injury, distress, or damage to reputation. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.
7. Littering on University premises.
8. Commission of any crime on University premises or at University-sponsored activities.
9. Smoking on University property.

B. Offenses Against Persons

1. These behaviors include but are not limited to any contact or communication that is intended to threaten, harass or injure a person(s):
 - a. Causing or threatening to cause physical harm to another person including acts such as killing, assaulting, or battering;
 - b. Threats, intimidation, bullying, or coercion;
 - c. Harassment – any severe or pervasive verbal, written, or electronic communication or action that causes a reasonable person to feel emotionally or mentally distressed or frightened. Harassment also includes communication or action that interferes with an individual’s participation in an educational, work, or University activity or environment;
 - Discrimination or harassment in violation of the University’s Nondiscrimination and Harassment Policy found at: <https://www.umflint.edu/node/2237>
 - d. Sexual misconduct – any action or behavior that violates the Student Sexual Misconduct Policy is in violation of the Code of Student Conduct. Violations outlined in the Policy include sexual misconduct, sexual assault, sexual harassment, stalking, and intimate partner violence. Information on the Student Sexual Misconduct policy is located at https://www.umflint.edu/sites/default/files/groups/Human_Resources/flint_finalssmp_01.07.2019_0.pdf
 - e. Other conduct that threatens or endangers the health or safety of any person.
2. Retaliation – a student or organization shall not retaliate against any member of the UM-Flint community who files an Incident Report or who brings forward a complaint or concern. Retaliation may result in a separate charge under the Code of Student Conduct.
3. Any action or behavior that violates Title IX of the Education Amendments Act of 1972, is a violation of the Code of Conduct. Information on Title IX is located at: <https://www.umflint.edu/hr/institutional-equity>.
4. Hazing – any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health, welfare or academic progress of the person; or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person; or which destroys or removes public or private property; or which violates any federal, state, or local laws, or University policy, whether on or off-campus. No member of the University community shall fail to report hazing. A person’s consent to hazing is not an excuse under this section.

C. Offenses Against Property

1. Attempted or actual theft of property or funds; possession of stolen property.
2. Attempted or actual damage or vandalism to property.
3. Destroying, defacing, damaging, or misusing any University funds, equipment, materials, services or the funds, equipment, materials, services or property of others.
4. Unauthorized possession, duplication, or use of keys and other entry codes or devices to any University premises or unauthorized entry to or use of University premises.
5. Any violation of University of Michigan-Flint's Information Technology Policies. ITS Policies are located at <http://www.umflint.edu/its/policies>.
6. Intentionally setting fire to property.

D. Offenses Disrupting Order or Disregarding Health and Safety

1. Drugs - Use, possession, distribution, sale or manufacture of illegal drugs including drug-related paraphernalia containing illegal residue; or prescription medications that are unmarked or not for the person in possession of them; or using materials for the purpose of an intoxicant except as expressly permitted (e.g., whip-its, huffing).
2. Alcohol - Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and University regulations.
3. Weapons - Possession of firearms, explosives, incendiary devices, or illegal or unauthorized possession of weapons, or dangerous chemicals 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).
4. Fire Safety – On University premises or at University sponsored events, entering false fire alarms, bomb threats, or other emergency report or tampering with fire extinguishers, alarms, smoke detectors or other safety equipment.
5. Gambling - Illegal gambling or wagering. Promoting, wagering, receiving monies for wagering, or gambling for money or property in any form on University premises or University-sponsored activities that is in violation of applicable laws.
6. Disorderly Conduct – Engaging in disorderly conduct that causes alarm, concern, or nuisance in which the conduct:
 - a. disrupts the normal operations of the University including, but not limited to, classes, research projects, activities, programs, and/or events;
 - b. causes or provokes a disturbance within a community;
 - c. causes harm or has the potential to harm others or one's self.

E. Violation of State, Federal or Local Laws and University Policies

1. Any act or omission that constitutes a violation of federal, state or local laws and University policy, which is not otherwise covered in this Code.
2. 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.
3. Any act or behavior that violates the Regents' Ordinance is in violation of the Code of Student Conduct. Information on the Regents' Ordinance is located at <http://regents.umich.edu/ordinance.html>.

F. Interfering with the Conduct Process, Including but not Limited to:

1. Failure to appear at a conduct meeting or hearing when directed to do so.
2. Falsifying, distorting or misrepresenting information at a conduct meeting or hearing, or knowingly initiating a false complaint.
3. Attempting to discourage a person's proper participation in, or use of, the conduct process including retaliation or intimidation of individuals who participate, or choose to not participate, in the conduct process.
4. Harassment, retaliation or intimidation of a University official or member of a conduct committee.
5. Failure to comply with sanction(s) imposed under the Code.

G. Shared Responsibility for Infractions

1. Presence during any violation of University policies or rules in such a way as to incite, aid or abet the violation.
2. Students and student organizations may be held responsible for the conduct of their guests while on University premises, at University-sponsored or supervised activities, and at functions sponsored by any registered student organization.

Organizational Responsibility

An Incident Report may be filed against a student organization under the Code of Student Conduct. An organization and its members may be held collectively and individually responsible for violations of the Code by those associated with the organization, including guests and alumni of the organization. When an Incident Report is filed naming an organization as Respondent, affiliated student leader(s) with the group shall be required to attend meetings and hearings as representatives of the group.

VII. RESOLUTION PROCESS

A. Purpose

The University will use the following procedures to respond to behavior that goes against the values of the University community as defined in this Code. The University considers the procedures for resolving disputes a part of its educational mission and supports a process that provides for peer review. Persons who have questions about the Code should

contact the Office of the Dean of Students, which 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.

B. Conduct Procedures

1. Filing an Incident Report

- a. Any person may file an Incident Report against a student or organization alleging violation(s) of this Code. An Incident Report shall be made in writing and directed to the Office of the Dean of Students.
- b. A Complainant is normally expected to participate in the conduct meeting or hearing and to present relevant information.
- c. Incident Reports should be submitted as soon as possible after the event takes place; however, no later than 180 calendar days after the alleged incident. The Dean of Students or designee may waive the limitation period when a late submission is reasonable.
- d. The Dean of Students or designee may review the Incident Report to determine if it has merit and/or if it can be resolved by mutual consent of the persons involved on a basis acceptable to the Dean of Students or designee. Such resolution shall be final and there shall be no subsequent proceedings.
- e. If the Dean of Students determines the Incident Report has merit and cannot be resolved by mutual consent, the Dean of Students or designee may participate in any subsequent conduct meeting or hearing to resolve the Incident Report.
- f. The Dean of Students or designee reserves the right to reject an Incident Report without further investigation.
- g. The Dean of Students or designee will conduct a preliminary review of the Incident Report to determine whether the alleged misconduct may result in suspension or expulsion from the University.
- h. The Dean of Students or designee will also determine whether the Respondent disputes the facts that form the basis of the Incident Report.
- i. Respondents not subject to expulsion and those who do not dispute the facts of the Incident Report are entitled to an administrative conduct meeting with the Dean of Students or designee.
- j. Respondents subject to expulsion and those disputing the facts of the Incident Report are entitled to a hearing before the University Conduct Committee (See section 4. Board Disposition-University Conduct Committee).
- k. The Vice Chancellor for Campus Inclusion & Student Life reserves the right to refer any Incident Report to a University official or committee other than the Dean of Students, or the University Conduct Committee.

1. If a Respondent fails to keep a meeting with the Dean of Students or designee, a hold may be placed on the student's registration account and/or a decision regarding appropriate charges, responsibility and/or sanctions may still be made.

2. Investigation

- a. Respondents will have the opportunity to meet with a Student Conduct Officer to discuss the Incident Report. The student will receive, via electronic mail, written notice of the complaint at least three (3) days prior to the investigation meeting. During the investigation meeting, respondents will receive:
 - i. Reasonable access to the Incident Report filed.
 - ii. An opportunity to be assisted by an advisor of their choosing and at the student's personal expense. Advisors are not allowed to speak or participate in the conduct process. Advisors may not appear in lieu of the Respondent. The Respondent has the opportunity to request an advisor from the Student Conduct Officer if they are unable to identify one on their own.
 - iii. An opportunity to respond to the Incident Report and to present relevant information and/or witnesses.
 - iv. The Student Conduct Officer will inform the Respondent:
 1. That statements the student makes 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.
- b. Based on the information presented by the Complainant and the Respondent, a determination will be made whether or not the information presented warrants a charge under the Code.
- c. A claimant will maintain complainant rights when reporting alleged misconduct of another student(s) or organization(s) including when the incident is filed by a third party.
- d. Respondents will be provided up to two (2) days to choose between the administrative and board disposition options.

3. Administrative Disposition - Conduct Meeting

Respondents not subject to expulsion, and those not disputing the Incident Report, may choose the informal process of an Administrative Disposition Conduct Meeting for resolution of one or more violations of the Code.

- a. The Respondent will have the opportunity to discuss sanctions with the Student Conduct Officer.
- b. A final determination of sanctions will be provided in writing to the Respondent through email.
- c. The right to appeal sanctions as part of the informal disposition as defined in the appeal section of the Code.

- d. Victims of crimes of violence, including sexual misconduct, will be notified of the resolution and the sanctions.

4. Board Disposition - University Conduct Committee (UCC)

Respondents subject to expulsion and those who dispute the Incident Report are entitled to a hearing before the UCC.

1. Composition of the UCC

- a. The UCC shall be composed of at least three (3) full-time faculty, six (6) full-time students and three (3) full-time staff members. Members shall be appointed for a one (1) year term and may be reappointed. Student member selection is outlined in the Student Government Constitution.
- b. A Student Conduct Officer shall chair all UCC hearings (chairperson). Quorum for a hearing is five (5) members, one each from the faculty and staff members and three (3) from the student members, are necessary to hold a hearing. In the event of a tie the chair will have a vote.
- c. In the event quorum cannot be reached both the Complainant and the Respondent can waive the five (5) member requirement. If both parties do not agree, the hearing will not be conducted. A hearing will not be conducted without a minimum of four (4) UCC members.
- d. A Student Conduct Officer is responsible for coordinating hearings and assigning Incident Reports.
- e. The Vice Chancellor for Campus Inclusion & Student Life may remove a member from the UCC when the member has failed or refused to perform his or her duties or responsibilities. Student members found in violation of this Code may be removed from the UCC.
- f. A Complainant or Respondent may challenge a UCC member on the grounds of a conflict or bias that might affect impartial consideration of the Incident Report. The remaining members of the UCC will conduct a secret ballot vote to determine if the challenged member shall be disqualified.

2. UCC Hearing Procedures

The following procedures are followed in UCC hearings:

- a. The Respondent will receive written notice of the Incident Report and hearing date at least five (5) days prior to the hearing.
- b. On a date specified by the Student Conduct Officer, the Complainant and Respondent will submit to a list of witnesses for the hearing, a summary of the information each witness is expected to provide and any document(s) the Complainant and Respondent expect to present at the hearing. The Student Conduct Officer will make copies of this information available to the Complainant, Respondent and the UCC at least 2 days prior to the hearing.

- c. The Complainant and Respondent may be assisted by an advisor of their choosing and at their expense. The Respondent or Complainant may request an advisor from the Student Conduct Officer if they are unable to identify one on their own. Advisors are not permitted to speak or to participate in a hearing. Complainants and Respondents who choose an advisor shall notify the Student Conduct Officer of the advisor's name and telephone number at least three (3) days prior to the hearing. Advisors may not appear in lieu of the Complainant or Respondent; however, the Complainant or Respondent may consult with their advisor during a hearing and the advisor may assist with preparation for the hearing.
- d. If a Respondent fails to appear for a hearing, the hearing will proceed without the Respondent's presence.
- e. Either the Complainant or Respondent may request alternative accommodations in lieu of being physically present at the hearing.
- f. Witnesses, other than the Complainant and Respondent, will be excluded from the hearing during the testimony of other witnesses.
- g. The Student Conduct Officer will exercise control over the proceedings. Any person disrupting a hearing or who fails to abide by the decisions of the chairperson may be removed or excluded from the hearing.
- h. The Student Conduct Officer shall determine what information the UCC will consider. Information will be considered if it directly relates to the facts of the Incident Report or appropriateness of a particular sanction. Formal rules of evidence shall not apply.
- i. The Complainant, Respondent, and UCC may examine the information accepted by the Student Conduct Officer and may question all witnesses.
- j. Respondents may speak on their own behalf; however, they will not be forced to speak against themselves and their silence shall not be used to their detriment.
- k. Should the Respondent be recommended responsible for any violation of the Code, the Complainant and Respondent will be given the opportunity to provide relevant information regarding possible sanction outcomes. The Respondent's prior conduct record may be considered only to recommend an appropriate sanction.
- l. Recommendations by the UCC shall be by majority vote.
- m. The hearing will be recorded and the recording will remain the property of the University.
- n. Within three (3) days of the hearing, the UCC's recommendation will be forwarded in writing to the Dean of Students with a copy to the Respondent.
- o. The Dean of Students will review the recommendation to determine the final decision. The Dean of Students will advise the Respondent of the decision in writing through email.

- p. Victims of crimes of violence, including sexual misconduct, will be notified of the resolution and the sanctions.
- q. Appeals shall be made to the Vice Chancellor for Campus Inclusion & Student Life in writing stating the grounds of the appeal within five (5) days of the date that the decision letter was emailed to the respondent and/or complainant. The decision of the Vice Chancellor for Campus Inclusion & Student Life or designee is final. Grounds for appeal are found in the Appeal Section of this Code of Student Conduct.
- r. Guidelines for the implementation of sanction(s) are outlined in Sanction Section of this Code of Student Conduct.

5. Standard of Proof

The standard of proof is the preponderance of the evidence. This standard requires that the information supporting each finding be more convincing than the information offered in opposition to it. Under this standard, individuals are presumed not to have engaged in the conduct reported unless a preponderance of the evidence supports a finding of responsibility. Violations will be determined on the basis of whether it is “more likely than not” that the Respondent violated the Code.

C. 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 Section V. Student Rights, paragraph 2. 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 such as 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:

1. **Formal Reprimand:** A formal notice that the Code has been violated and that future violations will be dealt with more severely.
2. **Disciplinary Warning:** A designated period of time which may involve restrictions of student privileges and/or set specific behavioral expectations.
3. **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.

4. **Restitution:** Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.
5. **Restriction from Employment at the University:** Prohibition or limitation on University employment.
6. **Class/Workshop Attendance:** Enrollment and completion of a class or workshop that could help the student understand why the behavior was inappropriate.
7. **Educational Project:** Completion of a project specifically designed to help the student understand why the behavior was inappropriate.
8. **Service:** Performance of one or more tasks designed to benefit the community and help the student understand why the behavior was inappropriate.
9. **Removal from Specific Courses or Activities:** Suspension or transfer from courses or activities at the University for a specified period of time.
10. **No Contact:** Restriction from entering specific University areas and/or all forms of contact with certain person(s).
11. **Suspension from Specific Course or Activity:** Removal from a specific course or activity.
12. **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 may, after a determination of responsibility, result in automatic suspension.
13. **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, the student is not exempted from the payment of tuition for that term.
14. **Expulsion:** Permanent separation from the University. When a student is expelled during a term, the student is not exempted from the payment of tuition for that term.
15. **University Housing Transfer or Removal:** Placement in another room or removal from University housing.

D. Appeals

1. Right to Appeal

A Respondent may appeal the sanction imposed by the Conduct Director or designee (administrative disposition) or the decision rendered by the Dean of Students (board disposition).

2. Grounds for Appeal

- a. Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the conduct meeting or hearing. The specifics to be addressed on appeal are:
 - i. Were the procedures of the Code of Student Conduct followed?
 - ii. If a procedural error occurred, were the rights of the student or organization violated to the extent that the student or organization did not receive a fair hearing?
 - iii. Was the meeting or hearing conducted in a way that permitted the student or organization adequate notice and the opportunity to present its version of the facts?
 - iv. Was the information presented at the meeting or hearing sufficient to justify the decision and/or sanctions reached?
 - v. Was there information that was not discovered until after the hearing?

3. Appeal of Administrative Disposition (Individual Hearing Officer)

- a. Appeals shall be made to the Dean of Students within five (5) days of the date that the Respondent was emailed the sanction notification letter rendered by the Conduct Officer.
- b. The appeal shall be in writing (email is acceptable), stating the ground(s) for appeal.
- c. The Dean of Students is not governed by a specific timeline for response but will endeavor to resolve appeals with 10 days.
- d. The decision of the Dean of Students is final.

4. Appeal of Board Disposition (UCC Hearing)

- a. Appeals shall be made to the Vice Chancellor for Campus Inclusion & Student Life within five (5) days of the date that the Respondent was emailed the sanction notification letter of the decision of the Dean of Students. The appeal shall be in writing, including by email, stating the ground(s) for appeal. The Vice Chancellor for Campus Inclusion & Student Life may waive the five (5) day limitation period, prior to its expiration. A request for an extension must be submitted prior to the five (5) day limitation period. Please see section VIII item F.
- b. An appeal will be reviewed by the Faculty Student Concerns Committee.
- c. The Faculty Student Concerns Committee will prepare a written report in response to any appeal within ten (10) days of receiving the appeal.

- d. The Vice Chancellor for Campus Inclusion & Student Life may accept or modify the recommendations made by the Faculty Student Concerns Committee.
- e. The Vice Chancellor for Campus Inclusion & Student Life's final decision will be made available to the Respondent, to the extent appropriate to honor due process and privacy concerns within five (5) days of receiving the Faculty Student Concerns Committee's report.
- f. The decision of the Vice Chancellor for Campus Inclusion & Student Life is final.

5. Appeal Proceedings

- a. An appeal is confined to the criteria set forth above.
- b. No appeal may be taken where no discipline is imposed and no transcript notation is entered.
- c. An appeal is confined to the subjects presented at the hearing. No new matters may be presented on appeal except those which, through the exercise of reasonable diligence the appellant could not have discovered prior to the hearing.
- d. The written appeal and the supporting documents will be reviewed in determining the outcome.
- e. There will typically be no oral argument before the appeal officer/committee. However, the appeal officer may choose to meet with the Respondent and/or Complainant before determining the outcome.
- f. The appeal officer's or committee's review is confined to reviewing the proceedings below to determine if there were violations of the procedure or if there was substantial error.

6. Potential Appeal Outcomes

- a. Uphold the original sanction(s) in the informal disposition process;
- b. Uphold the original sanction(s) and/or decision in the formal disposition process;
- c. Dismiss the case or individual charge(s) against the student;
- d. Modify or eliminate the sanction(s); or
- e. Refer the case to be reheard. This process may include a new recommendation on responsibility and, if applicable, sanctions. Appeal Outcomes are final and may not be appealed.

7. Implementation of Sanction(s)

Sanctions shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is completed. The Vice Chancellor for Campus Inclusion & Student Life may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

VIII. Related Procedures

A. Emergency Suspension

The Vice Chancellor for Campus Inclusion & Student Life or designee may impose a University or Residence Hall Suspension on a student prior to a conduct meeting or hearing. The Vice Chancellor for Campus Inclusion & Student Life may suspend the registration of an organization prior to a conduct meeting or hearing.

1. Emergency suspension may be imposed only:
 - a. To ensure the safety and well-being of members of the University community or preservation of University property;
 - b. If the student or organization poses a reasonable threat of disruption or interference with the normal operations of the University.
2. During an emergency suspension, a student may be denied access to a living unit and/or to the campus, including classes, and/or all other University activities or privileges for which the student might otherwise be eligible. An organization shall discontinue all activities during an interim suspension.
3. An emergency suspension takes effect immediately upon issuance.
 - a. A student or organization will receive written notice of the emergency suspension, including a description of the suspected misconduct.
 - b. Except in extraordinary circumstances, a meeting with the student or student organization will be scheduled within two (2) days.
 - c. A hearing will take place within ten (10) days or such other time as may be specified in the notice of emergency suspension of the student's or the organization's receipt of written notice of the interim suspension.

B. Procedures for Handling Discrimination and Unlawful Harassment

Complaints: When a student is accused of engaging in discrimination or harassment including, but not limited to, sexual misconduct in violation of the University's Student Sexual Misconduct Policy, the following procedures will apply.

1. The Dean of Students or the Student Conduct Officer will refer the matter to the Institutional Equity Specialist for review and investigation.
2. The Institutional Equity Specialist (IES) will conduct all investigations.
3. If a student is found responsible for engaging in discrimination or harassment, the matter will be referred to the Dean of Students or designee for sanctioning.
4. The Complainant or the Respondent will have the option to file an appeal of the sanction only consistent with the procedures outlined in the Appeals Section of this Code and the grounds for review outlined in the Student Sexual Misconduct Policy.

- C. Procedural and Interpretive Questions:** All procedural and interpretive questions concerning the Code will be resolved by the Vice Chancellor for Campus Inclusion & Student Life or designee.

- D. Records of Resolution Actions:** Records will be maintained by the Office of the Dean of Students with regard to any and all actions taken under the Code. Accordingly, records will be maintained by the Office of the Dean of Students 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 Code with sufficient specificity to indicate that a violation of the Code occurred. Confidentiality of records will be maintained to the extent permitted by law and the University of Michigan-Flint Rights and Records Policy (<https://www.umflint.edu/finaid/understanding-privacy-rights>). If a student is suspended or expelled for non-academic reasons, 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. Records of non-academic misconduct will be maintained by the Dean of Students and destroyed seven (7) years after the charged student's separation from the University except as where required by law. Expulsion records will be maintained indefinitely.
- E. Time Limits:** For good cause, any time limit in these procedures may be extended by the Vice Chancellor for Campus Inclusion & Student Life.
- F. Reports of Actions:** Statistical reports of actions taken through the Code will be published annually. These data will cover the number of complaints and the types of violations, resolutions, and sanctions.
- G. Concurrent Legal and Conduct Proceedings:** To ensure the educational potential of the process and in fairness to a Complainant, the University should provide a prompt response to behavior that goes against the values of the University as defined by the Code. In the interest of fairness to an accused student, however, a student undergoing civil or criminal action for the same behavior that forms the basis of a complaint under this Code may request a reasonable delay of the Code resolution process until external proceedings are resolved. In determining whether a request is reasonable, the Dean of Students 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 Dean of Students may implement conditions on continued enrollment, as appropriate. If an accused student's request for delay is denied, the student may withdraw from enrollment and may not re-enroll until authorized by the Vice Chancellor for Campus Inclusion & Student Life or designee.
- H. Amending the Code of Student Conduct:** Student Government, the Faculty Council, or the Executive Officers of the University of Michigan-Flint may propose amendments to the Code. All proposed amendments are reviewed by the Faculty Student Concerns Committee. After consultation, the Faculty Student Concerns Committee will forward the proposed amendments to the Chancellor of

the University of Michigan-Flint with the committee's recommendation for implementation. The final decision on amending the Code will be the Chancellor's.

The Chancellor will endeavor to communicate the 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 Campus Inclusion & Student Life has the authority to publish procedures for the amendment process.

Regents of the University of Michigan

Michael J. Behm
Mark J. Bernstein
Shauna Ryder Diggs
Denise Ilitch
Andrea Fischer Newman
Andrew C. Richner
Ronald Weiser
Katherine E. White
Mark Schlissel (*ex-officio*)

UM-Flint Executive Officers

Susan E. Borrego, Chancellor
Douglas Knerr, Provost and Vice Chancellor for Academic Affairs
Mike Hague, Vice Chancellor for Business & Finance
Kristi Hottenstein, Vice Chancellor for Enrollment Management
Barbara Avery, Vice Chancellor for Campus Inclusion and Student Life
Kristin Lindsey, Vice Chancellor for Advancement
Howard Hughey, Director of News & Media Relations

The University of Michigan Nondiscrimination 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. The University of Michigan is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status in employment, educational programs and activities, and admissions. Inquiries or complaints may be addressed to:

Kirstie Stroble
Institutional Equity Specialist
University Human Resources
University of Michigan-Flint
303 E. Kearsley Street
Flint, MI 48502
810.237.6517
stroblek@umflint.edu

or

Office of Institutional Equity
2072 Administrative Services Bldg.
Ann Arbor, Michigan 48109-1432
734-763-0235, TTY 734-647-1388

For additional copies of the
CODE OF STUDENT CONDUCT
call (810) 762-3434

**Adopted by the Faculty Student Concerns Committee
August 17, 2017**