

PART I. FOREWORD

A. General Policy

Montana State University Billings, like any community, must have regulations by which its members abide and procedures by which its organizations function. These regulations are necessary to provide a campus atmosphere conducive to the intellectual and personal development of all members of the University community. When members of the University community break these rules and regulations, the University has a primary responsibility to provide consequences for those individuals and organizations that have failed to abide by reasonable standards of conduct.

By enrolling at the University, a student does not surrender any rights; similarly, a registered organization does not give up any of its rights. Both organizations and students have a responsibility to balance these rights by abiding by the rules and regulations of the University. The **Student Policies and Procedures Handbook** contains policies that affect students and organizations. Within this Handbook and other official University publications are the rules and regulations that govern student and organizational behavior.

B. Misconduct Authority

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and any University officials the Chancellor may designate. The Chancellor has drawn a distinction between academic and non-academic misconduct. The Office of the Vice Chancellor for Student Affairs is the principal agency for the administration of student code compliance and shall implement the student code compliance procedures. All references to the Chancellor of the University or the Vice Chancellor for Student Affairs shall also be interpreted to include persons designated to act on behalf of these officials.

C. Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation Pursuant to Title VI and VII of the Civil Rights Act, Title IX of the Education Amendments Section 504 of the Rehabilitation Act, Executive Order 11246 as amended by 11375, and the Montana State Human Rights Act - Montana State University Billings has a

policy of non-discrimination in employment practices and in admission, access to, and conduct of educational programs. Montana State University's campuses are committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran's status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual

orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation will be addressed consistent with the reference **Discrimination Policy** <http://www.montana.edu/policy/discrimination/>
Students who fail to comply with this policy may be in violation of the Code of Student Conduct, Part IX, and may be subject to student disciplinary action.

Montana State University Billings affords any student, employee, or applicant for admission or employment the opportunity to file a discrimination grievance. Inquiries or grievances should be directed to the Human Resources/EEO-AA/Title IX Coordinator Office, McMullen Hall 308, Phone (406) 657-2278.

<http://www.montana.edu/policy/discrimination/procedures/>

Add link

D. University Name, Document, and Records

The use by any person or organization of the University's name or any of its registered trademarks in connection with any program, product, or activity without the prior written permission of the Administrative Vice Chancellor, or any unauthorized use of University documents, records, or seal is prohibited.

E. Formulation and Review of Regulations

Any student, faculty, or staff member can recommend revisions, additions, or deletions to the policies contained in this document. Recommendations should be submitted to the Office of the Vice Chancellor for Student Affairs. The Vice Chancellor in turn will forward them to the Student Behavior Team.

PART II. RIGHTS AND RESPONSIBILITIES OF STUDENTS IN THE ACADEMIC COMMUNITY

A. General Policy

Montana State University Billings is a community of scholars and members of such University communities have traditionally recognized their individual responsibilities in the development of a mature and sophisticated society.

By enrolling in the University, the student neither loses the rights nor escapes the duties of a citizen. Each student should conduct his/her personal life in the context of mutual regard for the rights, property, and privileges of others. Therefore, it is expected that students will demonstrate respect for the law and for the necessity of orderly conduct in the affairs of the local and campus community.

In certain circumstances where this preferred conduct fails, the University will rely upon the rules and procedures described in its **Code of Student Conduct** to hold students accountable for maintaining the responsibilities that follow.

B. Student Rights

One of the concerns of Montana State University Billings is to provide each student the opportunity to learn. Therefore, some personal freedoms and rights of students include, but are not limited to:

1. Freedom of inquiry, speech, and assembly.
2. Freedom from threats.

3. Freedom from acts of violence.
4. Freedom from unfair or obscene treatment from others.
5. Freedom from interference from others in an unreasonable and unauthorized manner while in class, activities, and public events.
6. Freedom from theft and willful destruction of personal property.
7. Right to study and learn in an atmosphere of academic freedom.
8. Right to procedural due process in University misconduct action.
9. Right to be governed by justifiable academic regulations.
10. To be informed in writing of the academic requirements determined by individual instructors.
11. Right to be informed of the regulations for academic and social conduct, and graduation requirements of the University.
12. Right to petition for redress of grievances, academic and non-academic

C. Student Responsibilities

Each student has the responsibility:

1. To respect the rights and property of others.
2. To be fully acquainted and comply with the published rules and regulations of the University.
3. To comply with all local, state, and federal laws.
4. To recognize that student activities reflect upon the individuals involved as well as upon the entire University community.
5. To recognize the University's obligation to provide a safe environment conducive for learning and academic inquiry.
6. To adhere to the academic requirements determined by individual instructors.
7. To abide by the reasonable direction of a University official acting within the legitimate scope of his or her duties.

D. Disruption or Obstruction of University Activities or Functions

The University is a forum for ideas and their exchange. Such exchange can only occur in a scholarly place if order is maintained and standards of decorum and good behavior are recognized by all. Therefore, any campus demonstration conducted for the purpose of expressing opinions of the participants must adhere to Freedom of Expression Policies – Part VI. G.:

E. Affiliation

The representative governing body for all full-time and part-time students is the Associated Students of Montana State University Billings (ASMSU Billings). Students may also affiliate with any of the registered student organizations at Montana State University Billings for which they are eligible for membership. Further information is in **Part V of this Handbook**.

F. Student Publications and Media

The official Associated Students of Montana State University Billings sponsored student newspaper is the RETORT.

Any student publication shall be free of censorship. The editors shall not be arbitrarily suspended because of disapproval of editorial content. This editorial freedom carries

with it the obligation of responsible journalism. All student publications must explicitly state that the opinions expressed by the publications are not necessarily those of the University or its students.

G. Student Identification

1. All students at the University are entitled to a student identification card referred to as the U-Card.
2. These wallet-size photo ID Cards are the property of Montana State University Billings and the initial card is issued to students at a cost of \$15.00. In order to determine the identity of individuals, University officials may request to see these cards. Refusal to present these cards by the student may result in misconduct action.
3. To be valid, the U-Card must contain the student's photo.
4. Lost U-Cards should be reported immediately to U-Card Office in Admissions (657-2023) in order to prevent unauthorized use.
5. Students needing replacement U-Cards will be charged a \$15.00 fee. The fee must be paid at the Business Office Cashier (if cash only/debit card) or at the U-Card Office in Admissions with check or U-Card funds before the new ID picture can be taken.
6. Photos for replacement U-Cards are made at the Admissions Office in McMullen Hall 1st Floor West anytime during business hours on Monday through Friday.

H. Financial Responsibility

Students are expected to be financially responsible citizens. They are responsible for meeting their financial obligations to the University and the community. Specific financial requirements may be found in the University's General Bulletin. Students suspended from the University for Misconduct reasons have no right to a refund or cancellation of amounts due. Students may also be disenrolled from the University for failure to meet financial obligations.

I. Financial Aid

The University endeavors to assist students who do not have sufficient financial resources to pay educational expenses. The Office of Financial Aid and Scholarships is responsible for administering certain financial aid funds. Students also have responsibilities which are:

1. To apply for admission to the University.
2. To apply for financial aid each year according to the prescribed procedure.
3. To **accept charges** with the Business Office every semester.
4. To maintain satisfactory academic progress at the University.
5. To notify the Office of Financial Aid and Scholarships of any unusual change in their situation.
6. To notify the Office of Financial Aid and Scholarships of any additional financial aid not included in the "Award Notification" or subsequent "Award Revisions."
7. To repay within the term any over-award, loan, and/or grant resulting from the receipt of aid not included in the "Award Notification" or subsequent "Award Revisions."
8. To notify the Office of Financial Aid and Scholarships of changes in enrollment status.
9. To sign for all funds disbursed on their behalf.
10. To use funds solely for educational purposes.

11. To notify the Admissions/Registrar of all address and phone number changes.
12. To notify the lender when enrolled as less than a half-time student.

J. Health and Safety

1. Students at the University have the responsibility to help contribute to the general health and security of the campus. Therefore, individuals and organizations should take reasonable precautions for the safety and health of all members of the University community.
2. Students should expect misconduct action to be taken against them by either University, civil authorities, or both, if they:
 - a. throw objects into or from University facilities.
 - b. misuse fire or other life safety equipment.
 - c. use or possess ammunition, firearms, or weapons on University property.
 - d. conduct themselves in a manner that significantly endangers the health and safety of other persons on campus.
 - e. engage in behavior that is prohibited by federal, state, or local law.
3. The unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid, or object which is flammable which could cause damage to persons or property or cause disruption to campus activities is forbidden, unless authorized by the Vice Chancellor for Student Affairs and University Police.

4. Tobacco Free Policy

The use, sale, or distribution of tobacco products is prohibited on all properties owned, operated, or leased by Montana State University Billings..

a. Definition of tobacco

Tobacco is defined as all tobacco-derived or containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), cigars and cigarillos, hookah-smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff). Additionally, any nicotine delivery device that has not been approved by the FDA for cessation is included in this policy.

b. Usage

The usage of tobacco by students, employees, visitors, guests, and contractors is prohibited on all properties owned, operated, or leased by MSU Billings.

c. Defined tobacco-free environments

Tobacco is prohibited on all property owned, operated, or leased by MSU Billings and satellite campuses, including:

1. all interior space on the MSU Billings campus and property leased by MSU Billings
2. all outside property or grounds on MSU Billings campuses, including areas such as walkways, parking lots, sky bridges, and patios;
3. all outside property leased by MSU Billings;
4. all vehicles owned or leased by MSU Billings;
5. all indoor and outdoor athletic facilities.

d. Sale, distribution and advertising of tobacco products

The sale of tobacco products and tobacco-related merchandise (including logo-containing items) is prohibited, regardless of the vendor. The distribution or sampling of tobacco products is prohibited on all property owned, operated, or leased by MSU Billings, regardless of the vendor. All tobacco industry promotions, advertising, marketing, and distribution are prohibited on campus owned and leased properties.

e. Tobacco industry sponsorship

The sponsorship of athletic events, programs, athletes, campus groups, student organizations, events, departments and individuals by the tobacco industry and related companies is prohibited. No university publication shall accept any form of advertising of tobacco products.

The University will not accept any direct or indirect funding from tobacco companies.

f. Littering

The littering of campus owned, operated or leased property with tobacco products is prohibited.

g. Public events

MSU Billings offers a wide range of public events, such as conferences, meetings, public lectures, social events, cultural events, and sporting events on campus owned and leased properties. All organizers and participants of these events are required to abide by MSU Billings' tobacco-free policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.

h. Exceptions

The following activities may be conducted as exceptions to the policy subject to advance approval as indicated.

a. The use of tobacco products in laboratory and classroom instruction/experiments, or for artistic purposes. All research, educational, and/or artistic purposes that involve the use of tobacco on campus must be approved in advance by the Provost or designee. Such use must be preceded by reasonable advance notice to the public. Nothing in this policy is intended to prohibit research on tobacco companies or tobacco products.

b. Specific activities used in connection with the practice of cultural activities by American Indians that are in accordance with the American Indian Religious Freedom Act, 42 U.S.C. sections 1996 and 1996a allow for the use of ceremonial tobacco. All ceremonial use exceptions must be approved in advance by the Chancellor or designee.

K. Drug-Free Schools and Communities Act

In accordance with the **Drug-Free Schools and Communities Act of 1989**, the unlawful possession, use, or distribution of alcohol and illicit drugs by Montana State University Billings employees and its students on institutional property or at any of its activities is prohibited. Montana State University Billings will uphold the standards of conduct which prohibit the unlawful possession, use, or distribution of alcohol and illicit drugs by its employees and students.

Montana State University Billings will impose misconduct sanctions (consistent with local, state, and federal laws), and consistently enforce such sanctions, relating to the unlawful possession, use, or distribution of alcohol and illicit drugs by its employees and students. Violations of this policy will result in misconduct action up to and including termination and may have legal consequences. (Refer to MSU Billings Personnel Management Memo #21A.) In the case of an enrolled student, suspension or expulsion from the institution may be appropriate. Specific misconduct procedures and sanctions for students involved in these unlawful activities are outlined in **Part IX, B, 2** of this Handbook. At the option of Montana State University Billings, an employee or student violating this policy may be required to satisfactorily complete a drug abuse assistance or rehabilitation program as an alternative to termination, suspension, or

expulsion.

Information regarding health risks associated with the use of illicit drugs and the abuse of alcohol, as well as alcohol counseling treatment and rehabilitation programs for students and employees is available from Student Health Services or the Employee Wellness Program Office.

L. 1988 Drug-Free Workplace Act

In accordance with the **1988 Drug-Free Workplace Act**, it is unlawful to manufacture, distribute, dispense, possess, or use an illegally controlled substance in the workplace. Employees in violation of this act may be suspended, terminated, or required to participate in a rehabilitation program.

As required by the Drug-Free Workplace Act of 1988, as a condition of employment under the grant, the employee will notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

Montana State University Billings, as an institution, agrees to notify the following agency if an employee is convicted of violating a criminal drug statute:

1. Director, Grants & Contract Services
U. S. Department of Education
400 Maryland Avenue, S.W.
Room 3124, GSA Regional Building no. 3
Washington, D.C. 20202-5140
2. This notice will also:
 - a. be in writing and done within ten (10) calendar days of employee's notification of the employer (Montana State University Billings).
 - b. include the employee's name and job title/position.

Furthermore, Montana State University Billings agrees to take one of the following actions within 30 days of receiving notice from the employee of a drug conviction:

1. Take appropriate disciplinary action against the employee, up to and including termination, consistent with the **1972 Rehabilitation Act** and/or binding collective bargaining agreement, or
2. Require the convicted employee to participate satisfactorily in a drug abuse/rehabilitation program as approved by the appropriate federal, state, or local health or law enforcement agency.

A brochure is communicated and given to all employees and students of Montana State University Billings, who agree to comply with its terms and conditions.

PART III. STUDENT RECORDS

A. General Policy

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from misconduct records. The conditions for access to each are set forth in this Handbook.

Transcripts of academic records include information about a student's academic status, except in cases where a student was suspended for misconduct reasons. Upon graduation, notations of misconduct suspension are removed from the permanent

academic record. Information from misconduct and counseling files is not made available to unauthorized persons on campus or to any person off campus without the expressed written consent of the student involved, except under legal compulsion or where the safety of other persons may be involved. See “Release of Information” note in General Bulletin for details.

Montana State University Billings maintains students’ records in various academic and administrative offices on campus. The chief administrative officer in each office is responsible for the student records under his or her control and for the release of information in those records.

Generally, the student’s social security number and/or birth date is used for matriculation and record identification purposes. However, a randomly generated identification number is assigned to each student for registration and records.

| DEPARTMENT | TYPE OF RECORD |
|--|--|
| Academic Chairpersons..... | Academic records |
| Admissions & Records & Registrar..... | Academic records/Admissions records International Student records |
| Athletic Department | Student Athlete records |
| Business Office..... | Financial Obligatory records |
| University Police | Campus Security records |
| Career Services..... | Job Placement records |
| College Deans..... | Academic records |
| Disability Support Services | Disability Documentation |
| Financial Aid & Scholarships | Financial Aid records |
| Graduate Office | Academic/Admissions records |
| Housing & Residential Life | Housing/Misconduct records |
| Human Resources..... | Personnel records of employed students |
| Student Health Services..... | Medical records/Counseling records |
| Vice Chancellor for Student Affairs..... | Student Code Compliance records |

The procedures set forth on the following pages apply to all persons formerly or currently enrolled at Montana State University Billings.

B. Address of Record

1. Students must maintain an address of record in the Admissions & Records Office. The address, unless otherwise indicated, is public information and shall be used for official notification, including notification of misconduct procedures.
2. Students must notify the Admissions & Records Office of any change in address.
3. Students living in the residence halls must notify the Office of Housing and Residential Life of any change in permanent home address.

C. Student Access

All current and former students of the University have the right to access their “educational records” as provided by law.

1. Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.
2. The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the **Family Educational Rights and Privacy Act of 1974 (FERPA)**.
3. A student may waive the right of access to confidential letters of recommendation

in the areas of admissions, job placement, and receipt of awards. A student seeking employment through Career Services may sign a waiver. Personally identifiable information such as rank in class, personal conduct, grade point average, academic progress, etc. shall not be released to non-authorized personnel without the expressed written consent of the student.

D. Records Not Accessible to Students

1. Instructional, supervisory, and administrative personnel records, and the student's educational personnel records, are the sole possession of the author and not revealed to any person other than a substitute (i.e., grade books, notes of observation, and notes for recollection purposes).
2. Employment records of a University employee who is not a student.
3. Student health records, as contained in the **Health Care Information Act (Section 5016-5012)**.

While not considered "educational" records under the **Family Educational Rights and Privacy Act of 1974 (FERPA)**, the mentioned statute still allows the patient, in most instances, to access his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written request for and consent to the release of her/his records. Consent must be in writing and signed by the patient, or legal guardian if patient is a minor. A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental, or emotional health of the patient.

E. Authorized Non-Student Access to Student Records

Educational records (or personally identifiable information within a record) may be released without the written consent of the student to:

1. Officials, faculty, and staff employed by the University, if they have a "legitimate educational interest".
2. Officials of other educational institutions in which the student intends "or seeks" to enroll, if the student is notified of what is being released and given a copy if desired.
3. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, and administrative heads of educational agencies, or state educational authorities.
4. Individuals needing this information in connection with a student application for, or receipt of, financial aid.
5. Organizations, such as Educational Testing Service administering predictive tests, administering student aid programs, and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation, or compliance with federal requirements.
6. Accrediting organizations.
7. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
8. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena, on condition that the student is notified by the University of all such orders and subpoenas in advance of compliance.

PART IV. STUDENT COMPLAINT PROCEDURES

A. General Procedures

When a student has a concern about the action of a particular individual or department, the complaint initially should be directed to the person(s) responsible for the individual or department as noted in the University organizational structure. Certain expeditious procedures to redress specific complaints are outlined on the following pages.

B. Access to Personal Records

Policy and procedures concerning student records are based on respect for the privacy of the individual. Guidelines governing student access to individual records and procedures for challenging information on these records can be found in **Part III of the Student Policies and Procedures Handbook**.

C. Traffic and Parking Complaints

All students driving a car and parking on campus must register that vehicle and display the proper parking permit. Students may appeal violation citations to the University Police Office and file a notice of appeal. Bonds must be posted in the same amount as the fine that would be imposed. Appeals are heard and decided upon by the Montana State University Billings Traffic Appeals Board. A copy of Montana State University Billings Traffic and Parking Regulations is on file at the Montana State University Billings University Police Office.

D. Financial Aid

Specific rules, regulations, and eligibility requirements for obtaining and maintaining financial aid can be found in the Office of Financial Aid and Scholarships. A summary can be found in the General Bulletin. All complaints should be sent in writing to the Director of Financial Aid and Scholarships.

E. Race, National Origin, Sex, Age, or Religious Discrimination

Montana State University Billings is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran's status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation will be addressed consistent with **the Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation**.
<http://www.montana.edu/policy/discrimination/>

All complaints regarding discrimination in the areas covered under this section, if not otherwise resolved, should be registered with the **Human Resources/EEO-AA/Title IX Coordinator Office, McMullen Hall 310, Phone (406) 657-2278**.
<http://www.montana.edu/policy/discrimination/procedures/>

F. Sexual Harassment

Sexual Harassment includes: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual misconduct. Sexual harassment, including sexual misconduct, can involve persons of the same or opposite sex. Sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University program is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program. Sexual Harassment also includes hostile environment harassment based on sex which is severe, pervasive, or persistent and interferes with academic performance. Anyone with questions or concerns about sex discrimination or harassment or who believes they have been a victim can use the link below to contact Title IX Coordinator and review policy <http://www.montana.edu/policy/discrimination/>. The grievance procedure <http://www.montana.edu/policy/discrimination/procedures/>. Policy violations include retaliation against an individual for taking any of the actions in support of the policy as defined in Section 128.00 of the Policy.

Sexually Explicit Materials in the Workplace

In keeping with its policy on sexual harassment, Montana State University Billings desires to create a working environment for employees and a learning environment for students which is free of sexual harassment and intimidation. Materials such as calendars, posters, post cards, photographs, and cartoons which contain sexually explicit images or language can create an intimidating, hostile, or offensive environment and may subject persons of either sex to humiliation, embarrassment or discomfort. Such materials are inappropriate and should be removed from the workplace.

This policy applies to space provided by the University such as offices, shops, classrooms, hallways, lounges, computer labs (including the Information Commons located on the lower level of the Library), and study carrels.

This policy does not apply to: (1) libraries, resource rooms, research collections; (2) materials related to course content or assignments; (3) displays and exhibits in galleries and museums; or (4) private rooms or family housing units which are rented from the University.

Complaints regarding sexually explicit materials in the workplace should be filed with the Human Resources/EEO-AA/Title IX Coordinator Office, McMullen Hall 310, Phone (406) 657-2278. Students' failure to comply with this policy may be a violation of the Code of Student Conduct, and may subject a student to disciplinary action.

G. Student Employment

Montana State University Billings is an equal opportunity employer. Students should initiate discrimination complaints with the Office of Human Resources. The Equal Opportunity policy can be found in the Affirmative Action Plan located in the Offices of the Administrative Vice Chancellor, Provost, Vice Chancellor for Student Affairs, Human Resources, and the Library.

H. Students with Disabilities

Montana State University Billings does not discriminate on the basis of disability in

employment or in access to programs.

Students with disabilities have the right to access programs and services at Montana State University Billings as stated in **Section 504 of the Rehabilitation Act of 1973**, as amended, which states:

“No otherwise qualified disabled individual . . . shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . .” and in accordance with the Americans with Disabilities Act (ADA) of 1990, which states: “. . . no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity . . . no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation.”

Students with disabilities have the responsibility to identify themselves and request appropriate accommodations and reasonable modifications and are encouraged to contact Disability Support Services in the Academic Support Center, Room 10, (406) 657-2283 (V/TTY/VP). Employees with disabilities are encouraged to address questions to the Human Resources Office, McMullen Hall, Room 310, (406) 657-2278.

If students with disabilities have a complaint, prior to filing a formal grievance, they are encouraged to attempt to resolve any problems relating to the stated provisions of **Section 504** of the ADA directly with the individual(s) involved, or seek advice and/or assistance from the Director of Disability Support Services. Students will find that most situations can be effectively addressed in this manner.

To file a formal grievance, students may obtain the ADA grievance procedure from the Director of Disability Support Services or the Director of Human Resources.

Any student seeking remedy on the basis of disability must register as a person with a disability with the Director of Disability Support Services and must provide all required documentation of disability. Contact Disability Support Services for more information about Montana State University Billings' policy concerning documentation.

I. Resident/Non-Resident Classification

The residency status of a student is set by policy established by the Board of Regents. A copy of the regulations used to interpret and establish residency status is available in the Office of Admissions and Records. A summary of the policy can be found in the General Bulletin. Complaints regarding residency status should be filed with the Office of Admissions and Records, which will make a determination. Contested decisions are heard by the Chancellor.

J. Student Resolution Officer

The Associated Students of Montana State University Billings (ASMSUB) employ a Student Resolution Officer (SRO) to assist students with various academic and non-academic questions and concerns. The purpose of the Student Resolution Officer is to help students resolve problems at the lowest possible organizational level, refer them to the appropriate University officer for assistance if necessary, and provide support and guidance to them as they follow the student complaint resolution procedure. The Student Resolution Officer (SRO) is located in the ASMSU Billings Student Senate Office in the Student Union Building, Room 213, and can be contacted at 657-2365.

K. Student Complaint Resolution Procedure

When a student has good cause to believe that he/she has a complaint, he/she may

utilize the following procedure. The student should meet with the Student Resolution Officer (SRO) to discuss the complaint, clarify the details of the complaint, identify a desired resolution to the complaint, and submit written documentation to clearly state the nature of the complaint. Complaints of sexual harassment (including sexual violence) by students will be referred to the Title IX Coordinator/**Human Resources Office, McMullen Hall 310, Phone (406) 657-2278**

“Complainant,” when used in this section, refers to the student making the complaint. The individual(s) upon whose action the complaint is based (respondent) has the right and obligation to attend complaint resolution meetings. Failure of either party(s) to attend reasonably scheduled meetings or hearings shall constitute forfeiture of the right to participate in the complaint resolution process at that step. The SRO can help schedule and confirm meetings. In such instances the Campus Hearing Committee shall proceed as indicated in Step IV.

Step I - The student, after meeting with the SRO, will confer with the faculty or staff member against whom the complaint exists. If resolution cannot be reached through discussion, the complaint must be put in writing to ensure that all parties understand the issues.

Step II - If the student feels the complaint is unresolved after the Step I meeting, the student must then attempt a resolution through discussion with the Department Chair (or supervisor in the case of a staff member) or, in the event the complaint is against a Department Chair or supervisor, with the appropriate Dean or Vice Chancellor. This meeting must take place within ten (10) University business days of the Step I conference with the faculty or staff member and written documentation from Step I must be provided.

Step III - If the student feels that the complaint is unresolved after the Step II meeting, the student shall request a meeting with the appropriate next-level supervisor (Dean, Provost, Vice Chancellor) in an effort to informally resolve the complaint through discussion. This meeting must take place within fifteen (15) University business days of the Step II meeting or within twenty-five (25) University business days of the Step I meeting. In the case that the Step II meeting was with a Dean or Vice Chancellor, the process will move directly to Step IV.

Step IV - If the complainant feels that the complaint is unresolved after the Step III meeting, the complainant may, within ten (10) University business days, file the written complaint as a formal complaint with the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs will review the complaint and make and will contact the Complainant and SRO regarding outcome. The Vice Chancellor for Student Affairs can refer the complaint to the Chancellor for final determination or resolution. In the event the complaint is against the Chancellor, the final disposition of the complaint rests with the President of Montana State University.

PLEASE NOTE: Online students who are distant from campus will participate in this process via telephone and teleconference in Steps I, II and III. In the case of a Step IV complaint, other technology may be employed or the student may choose to physically come to campus for the hearing.

A complaint against a faculty member shall not result in the forfeiture of said faculty member’s rights as protected under the Collective Bargaining Agreement between Montana State University Billings Faculty Association and the Montana University System.

L. Grade Appeal Procedure

Montana State University Billings has a set of procedures for contesting a grade which must be followed for appropriate resolution. The student must understand that they cannot appeal a grade after fifteen (15) University business days from the official release date of those grades. All documentation must be in writing and submitted to the instructor and Student Resolution Officer (SRO) (see [Part IV. J.](#)).

Step I – The student must meet with or attempt to make appropriate contact (email, phone, office hours, etc.) with their instructor to discuss their reasons for the grade appeal within fifteen (15) business days from the official release date of those grades. Documentation supporting their claim should be made available at this meeting. The University would like to have the student and the instructor discuss the details, in a reasonable, open manner, and formulate an agreeable resolution.

Step II – If the initial meeting (or attempt to meet) with their instructor did not provide an agreeable resolution, the student must then contact the ASMSU Billings Student Resolution Officer and schedule a time for them and the SRO to meet and discuss the reasons for the appeal. The SRO can then help schedule a meeting between the student and the instructor of the course they are contesting or, if Step I was not successful, can help move the appeal to Step III. The student must submit any documentation supporting your claim and a copy of the course syllabus to the SRO. This information should be presented at the meeting with the instructor. The instructor will submit a formal decision to the student, in writing, within fifteen (15) University business days. A copy of the letter must be sent to the SRO.

Step III – If no resolution is achieved at Step I or II, the dispute may be brought to the Department Chair of the relevant department (if the dispute is with the Department Chair, then refer to Step IV). The student must submit all documentation and a letter of appeal to the Department Chair within ten (10) University business days after receipt of the formal decision by the instructor. The student will then schedule a meeting with the Department Chair. The Chair will submit a formal decision to the student, in writing, within fifteen (15) University business days. A copy of the letter must be sent to the SRO and the vice provost for Academic Affairs (VPAA).

Step IV – If no resolution is achieved at Step III, the dispute may be brought to the Dean of the relevant college. The student must submit all documentation and a letter of appeal to the Dean within ten (10) University business days after receipt of the formal decision by the Chair. The student will then schedule a meeting with the Dean at which the SRO will be present. The Dean, as the representative of the relevant college, has the authority to review all documentation, discuss the matter with the instructor and Department Chair, and formulate a resolution. The Dean will submit a formal decision to the student, in writing, within fifteen (15) University business days. A copy of the letter must be sent to the SRO and the VPAA.

Step V – If no resolution is achieved at Step IV and the student wish to appeal further, the dispute may be brought before the vice provost for Academic Affairs. The student must submit a letter of appeal to the VPAA within ten (10) University business days after receipt of the formal decision by the Dean. The VPAA will review all grade appeal materials and documentation, and determine if the appeal needs to be heard by a Campus Hearing Committee. The Campus Hearing Committee is comprised of a maximum of three students chosen by the Associated Students of Montana State University Billings (ASMSUB), three faculty members chosen by the VPAA from a pool of faculty members who serve on the Academic Senate Academic Standards Committee, and the VPAA, who shall serve as the Hearing Officer. The Hearing Officer will not vote during the proceedings except in the case of a tie vote. The Campus Hearing Committee will follow prescribed hearing procedures and make a recommendation to the Chancellor who makes

the final decision. The Chancellor will then have fifteen (15) University business days to send a formal and final decision to the student.

M. Due Process

The University's academic and non-academic (personal/organizational) discipline codes, procedures and appeals processes are outlined in **Part IX of the Student Policies and Procedures Handbook**.

PART V. CHARTERING & REGISTRATION PROCEDURES FOR STUDENT ORGANIZATIONS

All student organizations must register each year and attend an information session. Any student interested in joining an organization may review the list of current active student organizations at the Student Union Activities Office (SUB 219), and the student union staff will assist with contacting the organization. Students interested in chartering a new student organization or re-activating an inactive organization can do so through an outlined process.

Contact the Student Union and Activities Office (SUB 219, 657-2387) for more information about chartering a student organization or joining one. Visit our website at: www.msbillings.edu/sub.

PART VI. USE OF UNIVERSITY BUILDINGS, SPACE, FACILITIES, AND AMPLIFICATION EQUIPMENT AND FREEDOM OF EXPRESSION

A. General Policy

Buildings and facilities on the University campus are intended primarily for the support of the on-going instructional program of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations that are affiliated with such departments. Beyond these two (2) priorities, use of campus buildings and facilities is permitted and encouraged for activities which are intended to serve or benefit the entire University community, and which are sponsored by active chartered student organizations.

Permission to use academic and non-academic campus buildings and facilities is coordinated through the Student Union & Event Services Office. A department, student, or campus organization may not reserve buildings or facilities on campus and then permit it to be used by a non-registered organization or off-campus group or person.

The use of buildings and grounds must at all times conform to these regulations, the Montana University System Board of Regents Policy on Competition with the Private Sector, and any other applicable local, state, or federal law. For additional information concerning building and facilities use policies, contact the Student Union & Event Services Office at (406) 657-2387 or Facility Services at (406) 657-2306 .

B. Building Reservation Requirements

Reservations must be made for use of buildings or facilities under the control of the University. Reservation requests will be granted in accordance with the priorities and policies of the designated area. Reservation requests may be made to the Student Union and Event Services Office (**Part V. D. Specific Requirements for Use of Facilities by Student Organizations**)

1. Student organizations must be registered as an active organization with the Student Union & Events Services Office in order to use University buildings.
2. A group of students that has initiated the process of chartering a new student organization may hold up to three (3) meetings in the Student Union, pending action

on chartering paperwork. These meetings must be held within thirty (30) calendar days from the date the group has filed its intent to charter as an organization. No other campus facilities may be reserved by student organizations during the chartering process.

3. The privilege of using campus buildings and facilities is granted each year after a student organization has completed the annual registration process. The process is completed during the first month of the academic year.

D. Campus Grounds Use (Student Union & Event Services Office 657-2387)

1. Selected grounds areas (other than those described previously) are available for activities (programs or events) that are sponsored and approved by University departments, active chartered student organizations, or individual students and employees. Academic use by departments and colleges has priority, and assignments may be changed or canceled if conflicts with regular academic programs develop. Those wishing to use campus grounds for events should contact Student Union and Events Services for a Ground Use Events Form. **Areas include: Student Union Patio, Campus Lawn, Cisel Field, Library Field, Free Speech Area, and designated areas within the Peaks to Plains Park.**

E. General Procedures and Priorities for Designated Campus Facilities

1. Student Union Building/Downtown Campus (657-2387)

Meeting space in the Student Union and/or Downtown Campus is generally scheduled on a first-come, first-served basis. If a space is requested by more than one group at the same time, the following priority system is followed.

- a. First priority is given to active chartered student organizations and University departments.
- b. Second priority is given to non-college groups that are sponsoring meetings that meet the usage requirements and/or policies of the Student Union, the University, and the MUS Board of Regents.

2. Academic Building Classroom or Auditorium Space

Initial requests can be made to the Student Union & Event Services Office, 657-2387. The Operations Manager will handle any billing for the space. No space assignments will be made during final examination periods unless by special permission from the Provost and Academic Vice Chancellor. Academic use by departments and colleges has priority over other uses. Organization assignments may be changed or canceled if conflicts with regular academic programs develop.

- a. Any active chartered student organization affiliated with, and sponsored by, an academic department may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars, or workshops, and special programs, e.g., band functions.
- b. Active chartered student organizations not affiliated with or sponsored by academic departments may request the use of space in academic facilities. This space will be assigned on a "limited" basis under the following conditions:
 - No suitable space is available in the Student Union.
 - The intended use is in keeping with the educational purposes of the University.
 - The intended use does not conflict with use by academic programs or academic/departmental organizations.

3. Physical Education, Recreation and Athletic Facilities

The P.E. Building, tennis bubble, and practice and playing fields are owned and maintained by the University for the primary use and benefit of the instructional, intercollegiate, recreational, and intramural athletic programs of the University, of allied non-college activities consistent with such programs, and of official events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized. All requests must be made to the P.E. Building Manager (657-2370) to be reviewed for approval.

4. Residence Hall Facilities (657-2333)

Common area spaces (i.e., lobbies, lounges, TV rooms, courtyards, balconies, foyers, etc.) are reserved for use by residents residing in that particular building or area.

5. Use of outdoor University space shall be allowed in accordance with the University Freedom of Expression Policy (Part VI F.)

F. Appeals for Denial of Building Use Requests

(Vice Chancellor for Student Affairs Office 657-2307)

1. Students, student organizations, or campus departments whose requests for the use of buildings or non-academic facilities are denied may appeal with the Vice Chancellor for Student Affairs in accordance with the following procedures:
 - a. The student or organization must file a written appeal describing the objections to the denial in the Vice Chancellor for Student Affairs Office no later than five (5) University business days after receiving notice of the denial from the Student Union & Event Services Office.
 - b. The Vice Chancellor for Student Affairs shall convey the appeal decision, in writing, to the student or organization and to the Student Union & Activities Office within a reasonable time after receiving the appeal, but no later than ten (10) University business days from the receipt of the written appeal.
2. The decision of the Vice Chancellor for Student Affairs is final.

G. Freedom of Expression Policy

MSU Billings supports and encourages diverse points of view, though they may seem distasteful or offensive to some, as this is the nature of the University's educational responsibility and is safeguarded by the freedom of expression. The acceptance of diversity is a fundamental tenant of the university system, and is instrumental to the creation of new discourses and the weighing of different views.

MSU Billings recognizes the First Amendment rights to expression. These rights include individual and group activities including but not limited to:

- Assembling,
- Demonstrating,
- Signing,
- Pamphleting,
- Structuring, and
- Political campaigning.

1. The right to freedom of speech includes exercising it responsibly, including abiding by the following:
 - a. The use of violence, or credible threats of violence, is strictly prohibited.
 - b. Activities which infringe upon the rights of another person are prohibited in accordance with Part II, B. and C. of this handbook.
 - c. Activities may not obstruct the free flow of vehicular or pedestrian traffic on campus.
 - d. Activities may not use sound amplification except with prior written approval in accordance with Part. VI, H. of this handbook.
 - e. Activities may not block the entrances or exits to any campus building or facility.
 1. A distance of 50 feet from any building or facility must be kept to alleviate the interruption of the flow of campus community traffic.
 2. To exercise expression at closer than this buffer area, permission must be granted in writing by the Student Union and Activities Office in conjunction with University Police.
 3. No expression activities are allowed within any university buildings, facilities, stadiums, or temporary event facilities such as tents etc., unless the facility use is duly approved in accordance with Part VI of this handbook.
 - f. Printed materials, writing, or other tangible means of expression may not be attached to University property, including sidewalks, trees, walls, or other property (including on vehicles parked on campus), **except** that such materials may be placed on outdoor bulletin boards designated as public bulletin boards. All postings on public bulletin boards will be removed at regular intervals.
 - g. Printed materials, writings, or other tangible means of expression may not be placed on any interior surface of any University building without the written permission of the relevant Building Manager and in accordance with the rules established for each building as outlined in Part VII of this handbook.
 - h. Activities may not disrupt, block, or physically displace performers/programs that have reserved a venue or facility.
 - i. Individuals or groups may not permanently occupy land areas or permanently place signs and posters. This prohibition includes but is not limited to the erection of permanent structures, shelters, or camps.
 - j. Activities may not interfere with classes, university work, arts and cultural activities, research, or scheduled events.
 - k. Individuals and organizations are responsible for cleanup and for any cleanup costs resulting to the University from their activities.
 - l. Individuals and organizations are responsible for the content of any signage, pamphlets, or structure that they post, distribute, or erect on campus. Furthermore, the University reminds any organization distributing materials to be aware of laws concerning defamation, obscenity, fair labor practices, etc.

H. Use of Amplification Equipment

1. Permission for Use

The use of loudspeakers or any other type of amplification equipment or amplified musical instruments on the University grounds is by permission only.

2. Procedure

- a. Applications for permission to use amplification equipment must be made in the Student Union & Events Office on forms provided by the office. Each use must be registered. No recurring application shall be made.
- b. Applications must be completed within one (1) week before the intended use in order to receive full consideration.

3. Restrictions

- a. The use of amplification equipment for solicitation purposes must conform to all campus grounds-use provisions specified in this part.
- b. The use of amplification equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours.
- c. Sound equipment must not disrupt normal functions of the University including the residence halls or disturb the surrounding community. Band functions and/or functions involving the amplification of music are restricted to the following times:

| | |
|-----------------|---------------------------|
| Friday | 5:00 pm – 12:00 am |
| Saturday | 1:00 pm – 12:00 am |
| Sunday | 1:00 pm – 5:00 pm |

- d. Outdoor dances and concerts may be held in approved locations only with prior approval by the Student Union & Activities Office. Bands must use their own sound equipment for such dances.
- e. Other special events such as pep rallies, ceremonies, or recreational activities which include the use of bands and/or amplification equipment may be held in approved locations only with prior approval of the Student Union & Activities Office.
- f. During certain times of the year atmospheric conditions may create situations which may cause sounds to be audible for great distances. Therefore, the placement of speakers and the volume of the amplified sound may need to be regulated either prior to or during the course of all outdoor functions which utilize amplification equipment. The Student Union & Activities Office and the Montana State University Billings University Police Department shall make such determinations.
- g. Failure of a sponsoring organization to comply with all requirements of the amplification policy shall lead to the immediate termination of the function and will subject the group to appropriate misconduct action.

PART VII. POSTING OF ADVERTISEMENTS, PRINTED MATERIAL, AND SOLICITATION

A. General Policy

No commercial solicitations or advertisements, and no commercial sales, displays, or distributions of publications on the campus are permissible except as provided for below.

B. Posting of Advertisements, Printed Material, and Publicity

1. General Provisions

- a. All guests, students, faculty and staff must adhere to all provisions and regulations provided under Freedom of Expression policies, which include regulations related to posting materials in campus buildings and grounds. (**Part. VI, G.**), and other regulations under this section.

- b. All printed materials requested to be posted in building or designated posting areas must state the name of the sponsoring student organization or department. Non-University organizations must state that they are such. Sponsor's name must be prominently displayed. All information placed on interior bulletin boards must be approved before posting. The Student Union & Activities Office maintains a current listing of posting locations and approval sites. Within the Student Union, easels, permanent sign holders, LED displays, display cases and boards are available for use upon request on a first-come, first-serve basis.
- c. All printed material placed on motor vehicles is prohibited unless the vehicle owner has granted prior permission.
- d. City code and state statutes prohibit notices on any curb, tree, mailbox, utility pole or public building.
- e. Materials will not be approved if they encourage the use of alcohol.
- f. Materials will not be approved if they promote or advertise an off-campus business. Exemptions are made for some entertainment or education-related community activities, and for services specifically designed for the students of the University. This will be allowed at the discretion of the building manager.
- g. Placement of printed materials such as tabloids, informational directories or guides, and magazines in common areas will be permitted at the discretion of each building manager. A list of building managers is available in the Office of the Provost and Academic Vice Chancellor.

2. Student Union (Room 219, 657-2387)

Printed materials to be posted in the Student Union must be approved and date stamped in advance by the Student Union & Activities Office. After approval and stamping, the materials will be posted by Student Union staff in the designated posting areas.

3. Academic Buildings

Permission for distribution or display of non-academic printed materials must be approved by the appropriate building manager. A list of approved spaces or buildings to post is available in the Student Union & Activities Office.

4. Residence Halls

Permission for distribution and posting of printed materials regarding events or activities that are not sponsored by the University or for commercial advertisements must be approved by the Housing and Residential Life Office.

C. Fund Raising and Solicitation (both on and off campus)

- 1. The Student Union & Activities Office must approve fund raising events or solicitations on behalf of charity by students or student organizations.
- 2. Any student, student organization, or campus department wishing to hold a raffle must first request permission from the Student Union & Activities Office. If permission is granted, the organization must contact the County Commissioner's Office at the Yellowstone Court House to obtain a raffle permit and instructions for holding a raffle when appropriate.
- 3. In order to protect the privacy of the student residence, no solicitation may be conducted in the living area units of University students on University property, unless approved by the Housing and Residential Life Office.
- 4. Requests for all solicitation shall be made at least ten (10) University working days in advance of the activity on forms provided by the Student Union & Activities Office.

Appeals to the decision may be made in writing to the Vice Chancellor for Student Affairs.

5. Fund raising and solicitation by registered student organizations off-campus must be approved by the MSU Billings Foundation.

D. Student Union

1. Montana State University Billings Jackets and Company has exclusive franchise to conduct all mercantile activity on campus. Only mercantile activity associated with a recognized and registered student organization or institutional administrative unit will be permitted in the Student Union. Permission must first be granted by the Student Union & Activities Office.
2. Reservations for vending space are coordinated by the Student Union & Activities Office (SUB 219). Vending space will only be approved for student organizations or University departments for unit related activities.
3. Displays in the Student Union must have prior approval by the Student Union & Activities Office. Only displays sponsored by a recognized student organization or University department will be approved.

E. Violations of all campus grounds and building-use regulations are subject to the misconduct penalties and procedures outlined in **Part IX of the Student Policies and Procedures Handbook, the Code of Student Conduct.**

PART VIII. LIQUOR CONSUMPTION ON MONTANA STATE UNIVERSITY BILLINGS CAMPUS

A. Board of Regents Policy

Montana State University Billings understands that the service of alcoholic beverages in a controlled and responsible manner is consistent with the laws and practices of society. **Board of Regents Policy (503.1)** states:

1. Consumption of alcoholic beverages on property belonging to the Montana University System is prohibited except as expressly permitted.
2. Alcoholic beverages may be consumed by students and their guests in individual residence hall rooms or in individual family student housing units, provided such consumption is in compliance with state law.
3. Unless otherwise authorized by the Chancellor, alcoholic beverages may not be consumed in the halls, lounge areas, utility rooms, other public areas of residence halls, or in any other campus locations.
4. Authorizations by the Chancellor for consumption of alcoholic beverages in locations other than individual residence hall rooms or individual family student housing units shall conform to the following conditions:
 - a. consumption shall be in connection with a substantive event, such as a banquet, official entertainment, reception;
 - b. food and non-alcoholic beverages shall also be available;
 - c. the event shall be monitored to prevent consumption by a person not of legal age.
5. Each unit may establish additional regulations, not in conflict with this policy, controlling the consumption of alcoholic beverages.

“Alcoholic beverage” means any beverage which is subject to the “Montana Alcoholic Beverages Code.”

Property belonging to the Montana University System means any property which is owned, leased or otherwise controlled by any unit of the Montana University System.

B. Montana State University Billings Liquor Consumption Policy and Guidelines

According to the Board of Regents’ policy, Montana State University Billings will

allow the serving of alcoholic beverages on campus provided the following conditions are met:

1. The Chancellor or his designee must approve all requests for the serving of alcoholic beverages on or off campus. All requests must be presented at least twenty (20) days prior to the event.

Note: The “Request to Serve Alcoholic Beverages On/Off Campus” form must be completed and proper signatures obtained before final approval from the Chancellor or his designee. Forms are available at the Student Union & Activities Office, SUB 219, or the Office of the Vice Chancellor for Student Affairs, McMullen 201.

2. All functions using alcoholic beverages and sponsored by student groups or organizations must channel their requests to the Vice Chancellor for Student Affairs who will in turn send them to the Chancellor with a recommendation.
3. All functions where alcoholic beverages are approved by the Chancellor must be coordinated with the Montana State University Billings Dining Service General Manager. The Dining Service General Manager will either make the arrangements with the caterer or secure the beverages.
4. A licensed or state approved vendor must be used wherever a charge is involved. The vendor must then be responsible to prevent serving minors or control excessive consumption by an individual.
5. In the absence of a vendor, the sponsoring group or organization shall assume the responsibility for preventing consumption by minors or excessive consumption by an individual.
6. The alcoholic beverages served under this policy shall be limited to beer, wine, and punch. Groups or organizations that are requesting permits to serve alcoholic beverages must meet the following qualifications:
 - a. The events must be substantive (i.e., Foundation events, receptions of various types, large dinners, etc.).
 - b. Limited time - normally three (3) hours or less, with exceptions for special events.
 - c. All occasions where alcoholic beverages will be served must be accompanied by food and non-alcoholic beverages.
 - d. Registered student organizations may not serve alcohol at any event, on or off campus, unless prior approval has been obtained from the Vice Chancellor for Student Affairs. The organization’s advisor must be present for the duration of the event.
 - e. Locations must be approved by the appropriate building manager (i.e., Liberal Arts Building, Dean of Arts and Sciences). Building manager information can be obtained from the Student Union and Activities Office, SUB 219 (657-2387).
 - f. All efforts must be made to insure that the event be held in a private area.
 - g. Violations of any University regulation and local, state or federal laws, ordinances or regulations shall justify discontinuance of the event and denial of all future requests.

PART IX. CODE OF CONDUCT

A. General Policy

The preservation of freedom of discussion, inquiry, and expression is possible only in an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood. Accordingly, the University has developed regulations and policies pertaining to students and to student organizations. Any student or

organization violating an established policy or regulation of the University is subject to misconduct action according to the provisions outlined in the **Code of Student Conduct**.

Personal conduct on University-owned or University-controlled property or at University-sponsored events is subject to University jurisdiction. The University may also enforce its own Code of Conduct, even when the behavior occurs off campus, when personal or organizational conduct directly, seriously, or adversely interferes with or disrupts the educational mission, programs, or other functions of the University, or violates federal, state, or local law.

In addition to the guidelines of conduct set forth elsewhere in the Handbook and other official University publications, acts of conduct for which misconduct action may be taken and the misconduct procedures which apply for the fair review of alleged violations follows.

1. Definitions

- A. **“University”** shall mean Montana State University Billings.
- B. **“Vice Chancellor”** shall mean the Vice Chancellor for Student Affairs and or the Vice Chancellor’s designee.
- C. **“Student”** shall mean a person enrolled at the University either full or part-time, pursuing undergraduate, graduate, or extension studies, or a person accepted for admission or readmission to the University.
- D. **“University community”** shall include the employees and students of Montana State University Billings and all property and equipment of the University.
- E. **“Sanction” shall mean a stipulation or requirement placed on the student based on their violation of the code of student conduct.**

2. Cooperation with Law Enforcement Agencies

- A. Montana State University Billings distinguishes its responsibility for student conduct from the controls imposed by the larger community beyond the University, and of which the University is a part. The University does not have the responsibilities of a parent for the conduct of students and will not be held responsible for conduct of students off campus. When students are charged with violations of laws of the nation or state, or ordinances of the county or city, the University will neither request nor agree to special consideration for students because of their status as students, but the University will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

Montana State University Billings reserves the right to impose the provisions of this policy and apply further sanctions before or after law enforcement agencies, courts, and other agencies have imposed penalties or otherwise disposed of a case.

B. Code of Student Conduct

1. Academic Misconduct

- A. Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional help or attempt to help, or conspiracy to help, another student commit an act of academic dishonesty. Academic dishonesty includes, but is not limited to, each of the following acts when performed in any type of academic or academically-related matter, exercise, or activity.
 - 1. Cheating - using or attempting to use unauthorized materials, information, study aids, or computer-related information.
 - 2. Plagiarism - representing the words, data, works, ideas, computer program or output, or anything not generated in an

authorized fashion as one's own. For the purposes of this policy, a student's own papers submitted to one course are considered 'published,' and submitting them to a second or subsequent course without substantial modification or citation would constitute plagiarism (See APA, 2010).

3. **3. Fabrication** - presenting as genuine any invented or falsified citation or material.
4. **4. Misrepresentation** - falsifying, altering, or misstating the contents of documents or other materials related to academic matters, including schedules, prerequisites, transcripts, and/or misrepresenting personal identification in an online course, which includes, but is not limited to, another person completing course requirements.

B. When academic dishonesty is alleged to have occurred, the instructor has the right and obligation to take appropriate action, which may include a verbal or written reprimand or warning, a grade of "F" (failure) for the assignment or test involved or a grade of "F" for the course. To initiate this process, the instructor must discuss the alleged violation with the student at the time of discovery and prior to taking formal action so the student has an opportunity to respond. The instructor may also refer the incident for possible institutional review, as outlined in **Part IX, B, 4**. If a student wishes to appeal his/her grade, he/she must follow the grade appeal guidelines outlined in (**Part IV, L.**).

C. When misconduct of a behavioral nature occurs in the classroom (onsite or online), the instructor has the right and obligation to take appropriate action, which may include a verbal or written reprimand or warning that the behavior may be in violation of the **Code of Student Conduct Part IX, B, 2, F (Actions Against Persons or Groups, 4. Disorderly conduct or behavior)**. Furthermore, failure to comply with a request to cease the disorderly behavior may result in an additional violation **Part IX, B, 2, P (Failure to comply with Directions of University Officials)**. In such case that disorderly behavior continues in the classroom, the instructor may elect to refer the incident for institutional, review as outlined in **Part IX, B, 4**.

2. Personal and Organizational Misconduct

Each student and organization's conduct is expected to be in accordance with standards of common decency and decorum, with recognition and respect for the personal and property rights of others and the educational mission of the University. Further, the right to proceed in accordance with this Code shall in no way be affected by the filing of criminal or civil charges in any court by any person or any governmental entity against the accused student or student organization. The University also reserves the right to respond and act in accordance to criminal activity of a student that has happened prior to their status as a student and has been falsely reported to the University. A student or student organization may be charged with and sanctioned for the following:

A. Alcoholic Beverages

1. The unlawful possession, sale, manufacture, distribution, or consumption of alcoholic beverages, public drunkenness, driving under the influence or violation of state or local laws regarding alcohol use or possession.
2. The University does not allow the consumption of alcoholic beverages by

persons not of legal age at functions sponsored by Montana State University Billings organizations. Organizations will be held responsible for the conduct of their members at functions sponsored by the organization and may be charged under this Code for failure to comply with Montana state laws related to alcoholic beverages.

3. Repeated or flagrant violation of the University Alcohol Policy as set forth in **Part VIII**.
4. If a student agrees with and signs a release of information form, Montana State University Billings may notify parents when their underage (under 21) student has a second or third time violation of campus alcohol and drug policies or state laws. Parents may be notified on first time violations if the violation includes a medical emergency, vandalism, any violence or gross disrespect of residence hall staff or law enforcement officials (**IX.B.2.A.4**).

B. Narcotics or Drugs

The unlawful use, possession, manufacture, sale, or distribution of marijuana or any narcotic, drug, drug paraphernalia, medicine, chemical compound, or other controlled substance defined as illegal under federal, state, or local laws. Although Montana state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds.

Possession of a valid and appropriately held Medical Marijuana Permit identification card does not authorize a student to possess, use, or distribute marijuana in any university-owned property or in any public area of the university.

C. Firearms and Dangerous Materials

With the exception of law enforcement personnel on duty and serving MSUB, the possession or use of firearms, ammunition, weapons, fireworks, explosives, noxious materials, incendiary devices, dangerous instruments, or other dangerous substances is strictly prohibited on all campus properties. Switchblade knives, bayonets, and all concealable weapons with blades over three (3) inches in length are prohibited on campus and within the residence halls at any time.

D. Theft

Theft of, accessory to theft of, or misappropriation of property or services of the University, of other University students, or other members of the University community, or of campus visitors. Knowingly being in possession of stolen property or services constitutes being an accessory to theft and is therefore a violation of this provision.

E. Damage or Destruction of Property

Intentionally or recklessly destroying, defacing, vandalizing, damaging or misusing the property, equipment, materials, services, or data of the University, of other University students, of other members of the University community, or campus visitors or aiding, abetting, or contributing to such actions.

F. Actions Against Persons or Groups

1. **Physical abuse** or threat of abuse to any person
3. **Conduct** dangerous to the health and safety of any person

4. **Disorderly conduct** or behavior
5. **Indecent, obscene, lewd, or defamatory** conduct or expression
6. **Bullying** - systematically (carried out with a system, method or plan) and chronically (continuing for a long period of time) inflicting physical hurt or psychological distress on one or more students or employees.
7. **Hate Actions** – actions against an individual or individuals which assault, trespass upon, or cause damage to the property of or injure physically or emotionally another person or persons because of such person's race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin.
8. **Harassment**

Harassment includes, but is not limited to, making repeated or untimely telephone calls or texts to a person's cell phone or residence or place of employment, the unauthorized use of computing and network facilities, trailing a person in his or her course of daily activities in such a way that the action inhibits the person from performing his or her duties, and making gestures which may be construed by the individual to be suggestive, abusive or threatening. Harassment based on discrimination as defined in MSU Billings' DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING POLICY is addressed below in Section 9.

9. Violation of MSU Billings' Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking Policy is proscribed conduct under this Student Conduct Code. The definitions of discrimination, harassment, sexual misconduct, dating violence, domestic violence, and stalking are contained in the policy.

<http://www.montana.edu/policy/discrimination/procedures/>

Policy violations include retaliation against an individual for taking any of the actions in support of the policy as defined in Section 128.00 of the Policy.

10. Hazing

For the purpose of this Code, hazing shall include any mental or physical requirement or obligation placed upon a person by a member of an organization, individual, or a group of individuals which could cause discomfort, pain, or injury including, but not limited to, striking, laying open hand upon, treating with violence or offering to do bodily harm to a person with intent to punish or injure the individual, or other treatment of a tyrannical, abusive, shameful, insulting, or humiliating nature. Hazing is any action taken or situation created, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule, including involuntary servitude often called "personal favors." Both individuals and organizations may be held accountable for such activity.

G. Disruption of University-Sponsored Activities

Obstructing or disrupting teaching, research, administration, misconduct

procedures, computing activities, services, or other University-sponsored activities, services or events, including public service functions. This includes deliberate interference with academic freedom and freedom of speech, (including not only classroom activities, but also interference with performances, exhibits, displays, dissemination of information, authorized demonstrations conducted for the purpose of expressing opinions, or the freedom of any speaker invited by any segment of the campus community to express views).

H. Gambling

Any form of illegal gambling or wagering.

I. False Alarms

Entering false reports of fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.

J. Unauthorized Entry or Use

1. Unauthorized entry to or use of University facilities, equipment, materials, properties, services, or other facilities located on University property.
2. Possessing, using, producing, manufacturing or having manufactured without proper authorization, any key or unlocking device for use of University facilities or locks.

K. Traffic and Parking

1. Repeated or flagrant violations of the rules as set forth in University Traffic and Parking Regulations.
2. Tampering with or removal of barricades, traffic cones, ticket machines, parking permits, or traffic control devices.

L. Housing Regulations

Violations of the rules and regulations which govern behavior in the campus residence halls and set forth in the Residence Hall Policies and Procedures.

M. Recreational Activities Regulations

Repeated or flagrant violations of the rules and regulations of Recreational Activities.

N. University Rules and Regulations

Repeated or flagrant violations of University rules or regulations contained in this Handbook, the General Bulletin, and other official policy statements and publications of the University or created by any official, campus administrator, committee, commission, or council, acting within the scope of their authority.

O. Failure to Respond to Directives of University Officials

Failure by a student or organization to respond to notification to appear in the Office of Student Life and/or Housing and Residential Life or the Vice Chancellor for Student Affairs during any stage of a misconduct investigation or proceeding. Failure to appear will not prevent proceeding with misconduct action in the absence of the student or student organization with the provisions outlined in **Section IX, B, 4 (Student Misconduct Procedures)**.

P. Failure to Comply with Directions of University Officials

Failure to comply with directions of a University official, classroom instructor, or university police officer acting in the performance of his/her duty.

Q. Failure to Present Student Identification

Failure to present student identification to any member of the University faculty, staff, administration, or police, on request, when that person is acting in the performance of his/her duty.

R. Misuse or Abuse of Computer Equipment, Programs, or Data

1. Unauthorized use of computing resources or use of computing resources for unauthorized purposes.
2. Accessing or copying programs, records or data belonging to the University or another user without permission.
3. Attempting to breach the security of another user's account or deprive another user of access to the University's computing resources.
4. Using the University's computing resources for personal or financial gain.
5. Transporting copies of University programs, records or data to another person or computer site without written authorization.
6. Attempting to destroy or modify programs, records or data belonging to the University or another user.
7. Disrupting the learning environment in any online class or chat room.
8. Using computing facilities to communicate harassing or abusive images or messages.
9. Information shared on public social networking websites can be used by university officials during the investigation if the information alleges potential violation of university rules, policies, and the Student Code of Conduct.

S. Misuse of Electronic Devices

Cellular phones, pagers and other electronic devices shall not be used in a manner that causes disruption in the classroom, library or within any college owned or college operated facility. Abuse of cellular devices with photographic capabilities, use of devices for purposes of photographing test questions or other notes and materials is prohibited. Photographing individuals in secured areas such as bathrooms, locker rooms or other areas where there is a reasonable expectation of privacy, and/or taking photographs of any person without expressed permission is strictly prohibited. Use of electronic devices to bully another student, as determined by University Officials, is not permitted.

T. Falsification of Records

Knowingly furnishing false information to the University, or forging, altering, misusing, mutilating, or making unauthorized use of a University document, record, or identification. Specifically, for the purpose of this Code, falsification of records includes falsely making, or falsely altering a document issued by the University; conveying or obtaining a document that is known to be false or procuring or aiding such conduct; using as genuine a falsely made or falsely altered document that the user knows is false; making a false written statement about certification achievement in an application for employment, award, or to induce another to issue a diploma, certificate, license or transcript; or furnishing false information to a university official during an investigation.

U. Destruction or Damage to University Grounds

Intentional damage or littering to public grounds of the University or driving

motor vehicles on University property without prior authorization from the appropriate University official.

V. Inappropriate Attempt to Influence University Processes

Influencing or attempting to influence the academic or any University administrative process through explicit or implied bribery, threats, sexual behavior, etc. Organizations shall be held responsible for the actions of their individual members, alumni, and advisers.

W. Obtaining University Services by False Pretenses

Obtaining University services by false pretenses including, but not limited to, misappropriation or conversion of University funds, supplies, equipment, labor, material, space, facilities, or services.

X. Retaliation

Retaliation or the threat of retaliation or attempt to prevent the reporting of sexual misconduct or other misconduct is prohibited.

Y. Violation of State, Federal, or Local Laws

Any act or omission that constitutes a violation of federal, state, or local laws or regulations and which is not otherwise covered in this Code.

Z. Violation of Misconduct Sanctions

Violation(s) of the terms and/or conditions imposed as a result of previous misconduct procedures.

3. Shared Responsibility for Infractions

- A.** Students who act individually or in concert to violate University regulations may be given joint responsibility for such violation(s).
- B.** Students and organizations are responsible for the conduct of their guests on or in University property and at functions sponsored by the University or any registered University function.
- C.** Student organization member(s) who act individually or in concert to violate University regulations may be given joint responsibility along with their respective student organization for such violations.
- D.** Organizations shall be held responsible for the actions of their member(s), alumni, and advisor(s).

4. Student Misconduct Procedures

PLEASE NOTE: Online students who are distant from campus will participate in this process via telephone and teleconference. Other technology may be used or the student may choose to physically come to campus for a hearing.

A. Philosophy

The Student Behavior Team deals with student behaviors which may constitute violations of this Code. The Student Behavior Team meets regularly to review Residence Hall Incident Reports filed by Resident Assistants and Hall Directors, as well as University Police Reports, which may cover both on and off campus students. The Student Behavior Team works together to suggest intervention strategies that are considered to be most appropriate and effective for eliminating specific negative student behaviors. The Student Behavior Team is chaired by the Vice Chancellor for Student Affairs and includes representatives from University Police, Residential Life, COT Student Services, and the Student Health Center. In cases involving sexual

discrimination including sexual harassment or other forms of sexual violence, the Title IX Coordinator will work closely with the Vice Chancellor for Student Affairs and trained investigators.

B. General Provisions

The Vice Chancellor for Student Affairs or designee shall investigate and gather information about reported academic, personal, or organizational misconduct (as detailed in **Part IX, Code of Conduct**) and shall evaluate the accuracy, credibility, and sufficiency of this information. The Vice Chancellor for Student Affairs shall ensure that the requirements of due process are fulfilled in accordance with the following procedures.

C. Review of Complaints

1. A complaint alleging misconduct against any student or organization at the University may be filed by anyone to the Office of the Vice Chancellor for Student Affairs. A complaint alleging violations of MSU Billings' Policy on Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violation, and Stalking Policy <http://www.montana.edu/policy/discrimination/> shall be made in accordance with the Discrimination Procedures to the Title IX Coordinator.:

<http://www.montana.edu/policy/discrimination/procedures/>

Students, faculty members, administrators and other employees of the University shall have concurrent authority to request the commencement of the educational proceedings provided for in this section. A person filing a complaint shall be complainant of record.

Process for Allegations of Discrimination, Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy Violations Offenses.

Complaints against student(s) accused of violations of MSU Billings' Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy (Policy Violations) will be referred to the Title IX Coordinator who will follow the procedures for reports and complaints of Policy Violation in accordance with MSU Billings' Discrimination Grievance Procedures

<http://www.montana.edu/policy/discrimination/procedures/>

- a. The Student Conduct Process in Section 4 shall not apply in allegations of such Policy Violations and shall be replaced by MSU Billings' Discrimination Grievance Procedures.
- b. When a student is found to have engaged in Policy Violations, the Vice Chancellor for Student Affairs or designee will impose sanctions allowed by the Student Conduct Code in Section E. below, including suspension or expulsion from the University. The Vice Chancellor for Student Affairs sanction decision is the final University decision. The Misconduct Appeal Procedure in Section 6. below shall not apply to Policy Violations.

Process for Other Complaints

2. When a complaint is filed, the student or organization named in the complaint may be asked to appear, within 10 business days, before a Hearing Officer in the Office of Student Life and Housing or the Office of the Vice Chancellor for Student Affairs or designee who will initiate a

educational hearing to discuss the alleged violation(s) and possible charge(s). **Refer to Part IX, 4, C.**

3. Any student or organization charged in a complaint shall receive written notification from the Vice Chancellor for Student Affairs or designee. Such notice shall:
 - a. Inform the student or organization that a complaint has been filed alleging that the student or organization violated specific provisions of the Student Code of Conduct and the date of the violation(s);
 - b. Set forth those provisions allegedly violated;
 - c. Specify a time and date the student is required to meet with the Vice Chancellor or designee;
 - d. The right of the student or organization to be accompanied by an advisor; and
 - e. Inform the student that failure to appear at the appointed time at the Vice Chancellor's or designee's office may subject the student to further disciplinary action, have the case heard in absentia, and/or a hold on all registration, transcripts, etc.
4. During the educational hearing, the student or organization shall be informed of the following:
 - a. The nature of the complaint(s) filed, including a statement of the rule or regulation allegedly violated and the alleged act(s) committed.
 - b. The source of each complaint which has been filed.
 - c. The penalties which may be imposed if a charge is proven.
 - d. The freedom of the student or organization from any obligation, at any time, to make any statement relevant to the accusation(s).
 - e. The fact that any statement(s) made by the student or organization may be used against the student or organization.
5. Upon completion of the review with the student, the Vice Chancellor or designee may:
 - a. Drop the charges when they appear to be invalid, without substance or capricious;
 - b. Issue a verbal warning;
 - c. Apply any of the sanctions if such is warranted by the evidence;
 - e. Invoke the temporary suspension or interim action procedure when deemed appropriate.
 - f. Issue other sanctions as determined appropriate.
6. Witnesses and/or complainant may be asked to appear before the hearing officer(s) at any time during the review process.
7. Per the **Family Educational Rights and Privacy Act (FERPA)**, Montana State University Billings has the right to release information relating to a misconduct procedure to an alleged complainant of a crime of violence or non-forcible sex offense or to university officials that are responsible for the safety of students in their buildings (**Part IX, B, 4, E**).
8. Transcripts of academic records will not include information concerning misconduct. Information from misconduct and counseling files will not be

made available to unauthorized persons, except as set forth in **Part III, Student Records, of the Student Policies and Procedures Handbook.**

E. Implementation of Sanctions

The misconduct sanctions shall begin once the sanctions have been issued. If the student or organization wishes to appeal, sanctions will remain in effect until the outcome of the appeal has been determined. Exceptions are made only in cases for which, in the judgment of the Vice Chancellor for Student Affairs, the physical or emotional well-being of the student, the organization, other students, or other members of the University community might be endangered. In such cases, the Vice Chancellor for Student Affairs may implement temporary suspension or interim actions pursuant to **Part IX, B. 4. F.**

F. Temporary Suspension or Interim Actions

1. The Vice Chancellor for Student Affairs or designee or Title IX Coordinator or Investigator may impose interim residence hall restrictions or University temporary suspension or other interim actions upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student's conduct poses an imminent and substantial threat of injury to or interference with persons or property.
2. **Temporary Suspension and Interim Actions** may include, but is not limited to, the following:
 - a. Residence hall and/or University suspension;
 - b. Assignment to alternate housing for students residing in University housing;
 - c. Limitation of access to University housing facilities, other campus facilities or University property in general;
 - d. Restriction of communication with named individuals or groups within the University community;
 - e. The requirement to secure advance authorization to engage in a specified activity; and/or
 - f. Professional evaluation, intervention and/or treatment.
3. The official imposing the temporary restrictions shall notify the student in writing of the restrictions imposed and shall schedule a hearing with the student after the imposition of the temporary restrictions.
 - a. The time limitations set forth in this section may be expanded upon the consent of the student or if further investigation is required.

G. Misconduct Holds

Misconduct holds on registration will be used as necessary to insure that the hearing process is completed and that pertinent sanctions are upheld. Specifically, holds will be placed when a misconduct case has not been resolved, when a sanction has not been completed or when the sanction is suspension. Misconduct holds for case or sanction completion may include, but will not be limited to the following actions: prohibit the release of transcripts, prohibit the ability to register for classes, prohibit participation in commencement exercises and/or withhold institutional endorsement for teaching certification. Misconduct holds for suspension will not be removed during the period of suspension; students who have completed the duration of the suspension must request readmission.

5. Misconduct Sanctions

The following penalties may be assessed whenever a student or organization is found to have violated any of the rules or regulations contained in this Code. The sanctions may be imposed on both students and/or organizations.

A. Misconduct University Warning

When a student or organization is reprimanded, oral or written notification shall be made to the student or organization, warning that continuation or repetition of the specified conduct will be cause for further misconduct action. A reprimand becomes part of a student or organization's misconduct record in the Office of the Vice Chancellor for Student Affairs, but is not made part of a student's academic record. For organizations, a reprimand may include notification to the organization's president or advisor, and to the organization's chapter and national/international headquarters. A reprimand may include restrictive conditions, the terms of which shall be furnished, in writing, to the student or organization.

B. Misconduct Probation

When a student or organization is placed on misconduct probation (hereinafter referred to as probation), written notification shall be made to the student or organization, placing the student or organization on probationary status for a specified period of time. If a student or organization, while on probation, violates any of the provisions of this Code, the student or organization may be subject to further disciplinary sanctions, including suspension from the University. Probation may include restrictive conditions, the terms of which shall be furnished in writing to the student or organization.

C. Misconduct Deferred Suspension

1. Terms of a reprimand or probation with restrictions for students may include, but are not limited to, the following:
 - a. A student may be required to make restitution, monetary or otherwise, particularly in cases of theft, property damage, injury to others, or for losses resulting from improper computing activities;
 - b. A student may be required to move from one University residence hall to another or obtain off-campus housing (eviction);
 - c. A student may be required to seek personal counseling at the Student Health Services, or from other designated University faculty, staff, or administrative officials;
 - d. A student may be denied the right to park or operate a motor vehicle on campus;
 - e. A student may be denied eligibility, for a specified period of time, for election to a student office or to represent a student organization or the University;
 - f. A student may be denied, for a specified period of time, the privilege of participating in athletic, extracurricular, or other student activities; and/or
 - g. A student may be assessed a fine for his or her conduct violation, particularly in cases of theft, property damage, false alarm, hazing, injury to others, and in other cases where the University academic environment has been disrupted. All fines collected will be placed in a Student Affairs fund, which is restricted for student development educational programs.
2. Terms of a reprimand or probation with restrictions for organizations may

include, but are not limited to, the following:

- a. An organization may be denied use of University facilities;
- b. An organization may be prohibited from engaging in certain organizational and/or University programs or functions;
- c. An organization may be required to make restitution, monetary or otherwise, particularly in cases of theft, property damage, or injury to others;
- d. An organization may be restricted from selected social, intramural athletic, or membership recruitment activities; and/or
- e. An organization may be assessed a fine for its conduct violation, particularly in cases of theft, property damage, false alarms, hazing, injury to others, and in other cases where the University academic environment has been disrupted. All fines collected will be placed in a Student Affairs fund, which is restricted for student development educational programs.

D. Misconduct Suspension

1. Misconduct Suspension (hereinafter referred to as suspension), involves exclusion from classes, exclusion from other privileges and activities (including access to computing facilities), and physical exclusion from campus. It may also include the assessment of fines to pay for damages incurred by the University.
2. When a student or organization is suspended, the suspension shall usually be for a stated period, but in no case shall it be for less than the remainder of the term in which the offense is committed. Notification of student or organizational suspension shall indicate the date on which the suspension begins, the earliest date at which application may be made for readmission or registration, and any special conditions relating to the steps required for readmission or registration. During suspension, a student shall not attend classes or participate in any University-related activity. During suspension of an organization, the registration and privileges of the organization are suspended. The only exception to this rule is “temporary suspension” discussed in **Part IX, B, 4, G of this Code**.
3. The Vice Chancellor for Student Affairs may deny a student or organization’s request for readmission if, in his/her judgment, there is sufficient evidence, to indicate that the student’s or organization’s conduct during suspension would have warranted misconduct action, or if the student or organization has failed to satisfy any special conditions that may have been imposed prior to readmission. Upon denial of a student’s or organization’s application for readmission, the Vice Chancellor for Student Affairs shall set a new date at which another application for readmission may be made.

E. Educational Sanctions

1. University Officials may, if a violation of the Code of Student Conduct has been determined, assess certain educational sanctions such as, but not limited to, written letters of apology, research a specific topic related to the violation, asked to attend a counseling session, or assist in developing a program for other students.

6. Misconduct Appeal Procedures

A. Right to Appeal

Any student or organization shall have the right to appeal the final decision of the Office of the Vice Chancellor for Student Affairs or designee within 10 business days from receipt of sanction.

B. Form of Appeal

Appeals must be made in the form of a letter in sufficient detail to inform the Vice Chancellor for Student Affairs of the grounds for appeal. The appeal is not intended to afford a full rehearing of the case, but to serve as a method of reviewing the record of the case and the procedures followed in its adjudication.

C. Grounds for Appeal

1. In general, appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the formal resolution process.
2. The specific questions for the review which should be addressed in any written appeal are the following:
 - a. Were the procedures of this Code followed?
 - b. If a procedural error was committed, were the rights of the accused materially violated?
 - c. Has the student discovered new evidence, not previously available, which would have materially affected the decision?

D. Appeal Procedure

1. The student or organization shall not have more than ten (10) University business days from the date of the decision to prepare and submit the written appeal.
2. The student or organization shall file the written appeal in the Office of Vice Chancellor for Student Affairs.

E. Responsibility of the Vice Chancellor for Student Affairs

1. The Vice Chancellor for Student Affairs shall review the case, the written appeal of the student or organization and other documents provided by the hearing officer, investigator, and student or organization.
 2. The Vice Chancellor for Student Affairs may take one (1) of the following actions:
 - a. Refer the appeal to appropriate designee if the VSCA believes a review is more appropriate at another level.
 - b. She/he/they may find no prejudicial error and affirm the decision.
 - c. She/he/they may decide that there were prejudicial errors sufficient to require another hearing. In this case, the matter will again be referred to the Office of the Vice Chancellor for Student Affairs and a new hearing, following the misconduct procedures outlined in this Code, will be scheduled.
 - d. She/he/they may reduce the sanction.
3. The Vice Chancellor for Student Affairs will communicate his/her decision, in writing, to the accused, and/or Office of Student Life within fifteen (15) University working days from the date he/she receives the case materials.

7. Hearing Officers, Title IX Investigators and Other Judicial Boards

A. Hearing Officers

Campus Hearing Officers consist of the Vice Chancellor for Student Affairs, Director of Student Life and Auxiliaries, Assistant Director of Housing and Student Life, Hall Directors, and those designated by the Vice Chancellor for

Student Affairs.

B. Other Judicial Boards

1. In order to ensure compliance with all other University regulations not specified in this Code but pertinent to, and required for the orderly use and operation of the University's residence halls, recreational facilities and programs, and student organizations, the University reserves the right to establish additional judicial jurisdictions and judicial boards as may be required for the purpose of conducting original review and adjudication of all alleged violations of the specific rules and regulations which govern the use and/or operation of these facilities and programs.
2. The Vice Chancellor for Student Affairs shall grant authority for the establishment and administration of these additional judicial boards and areas of jurisdiction, as he/she deems appropriate for efficient and effective adjudication.
3. These judicial boards may recommend the imposition of sanctions on students or organizations for violations of state rules and regulations to the appropriate University administrative official(s).

PART X. INVOLUNTARY WITHDRAWAL POLICY

If a student is behaving in a way that is threatening to the student or others, or which significantly interferes with the student's education or the rights of others, the Vice Chancellor for Student Affairs or designee from Student Life and Housing may initiate these procedures. This policy is meant to be invoked in those circumstances when a student is unable or unwilling to request a voluntary withdrawal or to participate in normal college proceedings (e.g., academic activities, student conduct processes), and such a withdrawal may be necessary to protect the safety of that student and/or others, or the integrity of the college's learning environment

A. Basis for Interim or Permanent Involuntary Health Withdrawal

Montana State University Billings may initiate proceedings to withdraw a student if it is determined, by a preponderance of available evidence (that it is more likely than not) that the student is engaging in or likely to engage in behavior that poses a direct threat to the health and safety of others. The University will consider whether reasonable accommodations to policies, practices or procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the college. The Vice Chancellor for Student Affairs or designee will seek, if appropriate and feasible, the cooperation and involvement of parents, guardians, children or spouse of the student. The decision to notify a student's family members will be weighed carefully against the student's privacy rights. The student's parents, guardians, children or spouse may be contacted without the expressed consent of the student if it a health or safety emergency exists

B. Referral for Evaluation

The Vice Chancellor for Student Affairs or designee may refer a student for evaluation if it is believed that the student meets the criteria set forth in this policy. This evaluation is to be conducted by an independent, licensed health professional

(e.g., physician, psychologist, and psychiatrist) who is not a family member of the student and who has been approved by the Vice Chancellor for Student Affairs or designee.

Students referred for evaluation will be so informed in writing with confirmed personal delivery. The evaluation must be completed within five business days from the date of the referral letter, unless an extension is granted by the Vice Chancellor for Student Affairs or designee. Students undergoing mandatory evaluation shall sign an authorization to release personal health information allowing the health professional conducting the evaluation to communicate the following information with the Vice Chancellor for Student Affairs or designee: date(s) of evaluation, assessment of current functioning and risk of harm to, recommendations, including possible accommodations to ameliorate risk. Decisions based on the evaluation data may include a student's continuation at the college without restrictions, continuation at the college pending the student meeting certain conditions (e.g., use of accommodation arrangements, periodic re-evaluation), or withdrawal from the University. A student who fails to complete the evaluation in accordance with these policies and procedures, including providing the required authorization to release personal health information, may be suspended on an interim basis, referred for conduct action, or both.

C. Interim Action

The Vice Chancellor for Student Affairs or designee may place a student on **temporary suspension** (Part IX) where it is reasonable to believe that a direct threat to the health or safety of others exists and is currently proceeding through a referral for evaluation. Students suspended under this provision will be notified in writing by confirmed personal delivery, and will also be given a copy of these policies and procedures. Refer to Part IX of the Code of Student Conduct regarding the conduct process and Temporary Suspension guidelines).

D. Involuntary Health Withdrawal

If the evaluation of an approved, licensed health professional supports an involuntary health withdrawal, a hearing will be scheduled before the Vice Chancellor for Student Affairs or designee. The student will be informed, in writing, of the time, date and place, and will be apprised of the conclusions reached by the health professional prior to the hearing. All hearing guidelines and student's rights are outlined in Part IX of the Code of student Conduct.

A student seeking readmission who has been involuntarily withdrawn must reapply, and may not re-enter the University without providing competent professional evidence that any health condition that poses a direct threat no longer exists, or is sufficiently under treatment so as to remove any substantial likelihood of reoccurrence of the situation that caused the health withdrawal.

An involuntary health withdrawal is not considered a conduct action, though a prior involuntary withdrawal may be considered in subsequent conduct hearings involving the student, dependent upon the circumstances of subsequent conduct charges.

E. Support at Hearings

The student subject to either a temporary suspension, educational hearing per code of student conduct, or involuntary health withdrawal hearing may be assisted in the hearing by an individual who serves as an advocate and support. The student will be expected to speak for him or herself whenever possible.

F. Readmission Procedures and Appeals

A student who has been temporarily suspended or subject to an involuntary health withdrawal must request readmission from the Vice Chancellor for Student Affairs at least four (4) weeks prior to the first day of classes of the semester or summer session in which the student wishes to re-enroll. The student will be required to submit all necessary and required to show that any health condition that posed a direct threat no longer exists or is sufficiently under treatment so as to remove any substantial likelihood of reoccurrence of the situation that caused the health withdrawal.

The Vice Chancellor for Student Affairs shall evaluate the student's request and supporting evidence and will review all information from the involuntary health withdrawal and/or temporary suspension process and information from the licensed mental health professional. If the Vice Chancellor for Student Affairs grants approval for the removal of the registration hold, the student must then complete the regular University readmission procedures.

If the Vice Chancellor for Student Affairs does not grant approval for readmission, the student may appeal that decision to the Chancellor. The appeal must be made, in writing, within ten (10) University working days of the date the student was notified by the Vice Chancellor for Student Affairs that the student's request for admission was denied.

The Vice Chancellor for Student Affairs will inform the student that he or she is entitled to a meeting with the Chancellor. This hearing shall be held within ten (10) University working days if possible. The hearing will be conducted by the Chancellor or designated University official. Following the hearing, the Chancellor shall either sustain the decision of the Vice Chancellor for Student Affairs, or shall overrule the decision and allow the student to re-enroll at the University. The Chancellor shall notify all parties of this decision, in writing, within five (5) University working days following completion of the hearing.