

STUDENT AFFAIRS POLICIES & PROCEDURES HANDBOOK

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 Affairs 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 of Non-Discrimination

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. Discrimination is prohibited on the basis of race, sex, color, national origin, religion, age, handicap, marital status, sexual orientation, or parental status.

Montana State University Billings reaffirms its desire to create a work environment for all employees, and a study environment for all students, which supports, nurtures, and rewards career and educational goals on the basis of ability and work performance, regardless of sex.

Sexual harassment of employees by co-workers, superiors, or students OR of students by students, staff, faculty, or administrators, which imposes a requirement of sexual cooperation as a condition of employment or academic advancement, is inimical to this environment. Montana State University Billings prohibits such conduct.

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 Office,

McMullen Hall 308, Phone (406) 657-2278.

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 Affairs Management 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 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:

1. Be conducted in an orderly manner.
2. Not prohibit vehicular or pedestrian traffic.
3. Not interfere with classes, scheduled meetings, events, and ceremonies, or with other educational processes of the University.
4. Not be held within University buildings, residential areas, or on University grounds of the campus without specific written authorization from the appropriate administrative official responsible for scheduling and assigning space in the desired facility. A list of individuals responsible for making these decisions for each building may be obtained from the Student Union Office.

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 improperly 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. Smoking Policy

Smoking may not occur by any person in any manner such that tobacco smoke may enter the entrances, windows, ventilation systems or other accesses of any of the buildings owned, operated, or leased by the University. In order to accomplish this, smoking will not be permitted within 30 feet of buildings. This includes all buildings owned, operated, or leased by MSU Billings.

Smoking may not occur by any person operating any vehicles owned, operated or leased by MSU Billings.

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 is 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 "education" 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 Affairs 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 equal opportunity in employment and education and does not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability, disabled veterans, or veterans of the Vietnam era as identified and defined by law.

All complaints regarding discrimination in the areas covered under this section, if not otherwise resolved, should be registered with the **Human Resources/EEO-AA Office, McMullen Hall 310, Phone (406) 657-2278**.

F. Sexual Harassment

Montana State University Billings affirms its desire to create and maintain a work environment for all employees, and a study environment for all students, which supports, nurtures, and rewards career and educational goals on the basis of ability and work performance regardless of gender.

Sexual harassment of employees by co-workers, superiors, or students OR of students by students, staff, faculty or administrators is unacceptable. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of an intimidating, hostile, or offensive sexual nature. In addition, sexual harassment behavior includes conduct in which:

1. The employee's or student's submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education.
2. The employee's or student's submission to, or rejection of, such conduct is used as the basis for employment or educational decisions.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment.

Montana State University Billings prohibits such conduct. Furthermore, sexual harassment is a violation of state and federal equal opportunity and nondiscrimination regulations.

Misconduct action will be taken when instances of sexual harassment are identified

and confirmed, filed, and result in a finding of probable cause. Retaliation against persons who file complaints is a violation of laws prohibiting discrimination and will result in misconduct action against offenders. Supervisors who knowingly condone or fail to report incidents of harassment will themselves be subject to discipline, including possible individual liability and/or criminal charges.

Complaints of sexual harassment must be filed with the Human Resources/EEO-AA Office, McMullen Hall 310, Phone (406) 657-2278.

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 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.

“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 which may cause the Vice Chancellor for Student Affairs to call for a hearing with the Campus Hearing Committee (**Part IX, B.7**). In the case of a complaint against a faculty member, the Campus Hearing Committee shall consist of a hearing officer from the college where the responding faculty member resides, three (3) faculty members of the standing Campus Hearing Committee and three (3) student members of the standing Campus Hearing Committee. In the case of a grievance against an administrator, a staff member or another student, the Hearing Committee shall consist of the Campus Hearing Officer, three (3) administrative or staff members of the standing Campus Hearing Committee and three (3) student members of the standing Campus Hearing Committee. Students appointed to the Campus Hearing committee must have earned 45 credit hours at Montana State University Billings with a cumulative grade point average of 2.5 or above. Under no circumstances shall any of the six (6) hearing committee members be from the same department or administrative office as the parties to the complaint. No person shall serve on the hearing committee if there is an indication of a potential conflict of interest. The Committee shall be formed and meet within ten (10) University business days of the request and will be convened by the Campus Hearing Officer or a College Hearing Officer. During the hearing, opportunity will be given for all parties to the complaint to make statements, answer questions, and present witnesses. The Committee may confer with other individuals at its discretion. Each party to the complaint may bring an advisor to provide support and guidance. The Student Resolution Officer (SRO), a friend, or even legal counsel may play this role. In the event that a party brings an advisor to the hearing, such person will have no official standing at the hearing and will be welcome to speak only to the party they are advising. Such person will not be allowed to speak to the hearing committee. Within thirty (30) days of its formation, the Hearing Committee shall determine findings of fact and resolution of the complaint. The resolution may include denial of the validity of the complaint, misconduct sanctions as set forth in **Part IX, B, 5 of the University Code of Conduct** and/or a specific remedy limited to curing the complaint. The Committee shall make its decision by

majority vote. A tie vote shall be broken by the decision of the Chair. The Committee's decision shall be the final recommendation to the appropriate Vice Chancellor for disposition of the complaint. Only for compelling reasons resulting from an appeal and stated in writing to the Committee shall the appropriate Vice Chancellor not act favorably upon the Committee's recommended remedy. In the event the complaint is against a Vice Chancellor, the final disposition of the complaint rests with the Chancellor. 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 sixty (60) 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 – You must meet with or attempt to make appropriate contact (email, phone, office hours, etc.) with your instructor to discuss your reasons for the grade appeal within sixty (60) days from the official release date of those grades. Documentation supporting your claim should be made available at this meeting. The University would like to have both you 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 your instructor did not provide an agreeable resolution, you must then contact the ASMSU Billings Student Resolution Officer and schedule a time for you and the SRO to meet and discuss the reasons for the appeal. The SRO can then help schedule a meeting between you and the instructor of the course you are contesting or, if Step I was not successful, can help move the appeal to Step III. You 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). All documentation and a letter of appeal must be submitted to the Department Chair within ten (10) University business days after receipt of the formal decision by the instructor. The SRO can assist with this process. A meeting will then be scheduled between you and 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.

Step IV – If no resolution is achieved at Step III, the dispute may be brought to the Dean of the relevant college. All documentation and a letter of appeal must be submitted to the Dean within ten (10) University business days after receipt of the formal decision by the Chair. The SRO can assist with this process. A meeting will then be scheduled between you and the Dean with the SRO 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.

Step V – If no resolution is achieved at Step IV and you wish to appeal further, the dispute may be brought before the Campus Hearing Committee. All documentation and a letter of appeal must be submitted to the Vice Chancellor for Student Affairs within ten (10) University business days after receipt of the formal decision by the Dean. The SRO can assist with this process. The Campus Hearing Committee will consist of a maximum of (**refer to Part IV. K. Step IV**) three (3) faculty members and three (3) students. One (1) staff member will be selected to chair the hearing process and will have no vote in the recommendation process. The Campus Hearing Committee will follow prescribed hearing procedures and make a recommendation directly 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 you.

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 Affairs 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.msubillings.edu/sub.

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

A. General Policy

The space 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 space 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 space and facilities is coordinated through the appropriate Building Manager and/or Academic Dean's Office, the Operations Manager in the Student Union & Activities Office, or the Office Manager in the Admissions Office. Staff in all of these offices work collaboratively to coordinate use of campus facilities and space. A department, student, or campus organization may not reserve space 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 space use policies, contact the Student Union & Activities Office at (406) 657-2387.

B. Building and Space Reservation Requirements

Reservations must be made for use of buildings and grounds 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 by written application or by phone to the appropriate reserving office (**section D**). Requests from University departments must be signed by the department chairperson, dean, or other designated staff or faculty member, and requests from chartered student organizations must be signed by the organization's president and faculty or staff advisor where appropriate. Requests must be signed by the person(s) applying for use of a space.

C. Specific Requirements for Use of Facilities by Student Organizations

1. Student organizations must be registered as an active organization with the Student Union & Activities Office in order to use University facilities or grounds.
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 facilities and grounds 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. General Procedures and Priorities for Designated Campus Facilities

1. Student Union Building (657-2387)

Meeting space in the Student Union 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 Operations Manager in the Student Union & Activities Office, 657-2387. The Operations Manager will coordinate with the Office Manager in Admissions and Records to determine space availability and appropriate charges, if applicable. 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. Parades, Rallies, and Marches (Student Union & Activities Office, 657-2387)

Any student organization or department wishing to conduct a parade, rally, or march must obtain permission from the Student Union & Activities Office and the Vice Chancellor for Student Affairs at least five (5) University business days in advance of the anticipated date of the activity. Groups can access application forms for this purpose in the Student Union & Activities Office. This office will then route all completed Grounds Use Forms to obtain approval for the scheduled activity. University Police will be involved in the approval process when deemed appropriate. All parades and all parade participants must conform to all pertinent local, state, and federal laws.

E. Campus Grounds Use (Student Union & Activities Office 657-2387)

- 1. Selected grounds areas (other than those described previously) are available for activities** 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. **Areas include: Student Union Patio, Campus Lawn, Cisel Field, Library Field, Free Speech Area, and designated areas within the Peaks to Plains Park.**
- 2. Procedure to secure approval for use of grounds.**
 - a. Students, student organizations, or campus departments desiring to use campus grounds must register for grounds use in the Student Union & Activities Office. Requests for approval must be made on a Grounds Use

Form available in the Student Union & Activities Office. Each single use must be registered. No recurring use assignments shall be made. Student organization faculty or staff advisors need to sign off on Grounds Use forms prior to submitting them to Student Union & Activities office. Completed applications will be routed for final approval by the Vice Chancellor for Student Affairs. When approval is granted, the sponsoring group or individual will be notified and University Police and Facility Services will be given copies of the approved request.

- b. It is recommended that requests for use of a designated campus grounds area be made at least three (3) weeks prior to the intended use.
 - c. The Director of Student Life is responsible for certifying the registered use of campus grounds. The Director of Student Life or a designated staff member from that office will review the space request, and, if necessary, meet with the individual or a representative of the requesting organization to resolve questions concerning the request. Upon review of the request, the Director of Student Life shall grant only grounds-use requests which are consistent with all applicable University regulations as well as with local, state, and federal laws.
 - d. Applications will then be routed for final approval by the Vice Chancellor for Student Affairs. When approval is granted, the sponsoring group or individual will be notified and University Police and Facility Services will be given copies of the approved request.
 - e. A permit granting grounds-use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires, and any special provisions concerning the use of the space.
3. **Use of amplification equipment** must be in accordance with **Part VI section H of the Student Affairs Policies and Procedures Handbook**.
 4. **No structure may be erected on campus grounds without prior approval.** The approval must be secured at the time the activity is registered.
 5. **Notice of cancellation.** The failure of a student, student organization, or campus department to provide the Student Union & Activities Office with notice of cancellation of a proposed activity or event at least two (2) University working days prior to the scheduled activity or event may result in the denial of a future permit for that student organization. Denials of permit pursuant to this provision may be appealed in accordance with the procedures outlined in **Part VI section F of the Student Affairs Policies and Procedures Handbook**.
 6. **Violations** of these campus grounds-use regulations are subject to the misconduct penalties and procedures outlined in **Part IX of the Student Affairs Policies and Procedures Handbook, the Code of Student Conduct**.

F. Appeals for Denial of Grounds Use Requests

(Vice Chancellor for Student Affairs Office 657-2307)

1. Students, student organizations, or campus departments whose requests for the use of campus grounds 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

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.
- 4. Academic Use**

The appropriate use of loudspeakers for official University activities inside academic buildings or on the campus as part of the academic instructional program is determined and approved by the Office of the Provost and Academic Vice Chancellor.

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

A. General Policy

No solicitations or advertisements, and no 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. University departments or active chartered student organizations that are registered may use outdoor and non-departmental bulletin boards for publicity.
- b. Campaigning/Campus Elections: Specific policies regarding distribution and posting of printed campaign material can be obtained from the ASMSU Billings Office, SUB 213, or the Student Union & Activities Office, SUB 219.
- c. All printed materials 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 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.
- d. Items must not be attached to doors, windows, or walls in such a manner as to obstruct traffic flow and/or damage surfaces etc.
- e. All printed material placed on motor vehicles is prohibited unless the vehicle

owner has granted prior permission.

- f. City code and state statutes prohibit notices on any curb, tree, mailbox, utility pole or public building.
- g. Materials will not be approved if they encourage the use of alcohol.
- h. 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.
- i. Individuals posting items are responsible for the removal of all advertising materials within two (2) days after the event has occurred.
- j. 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 Operations Manager in 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.

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 adjudication 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 of the University 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.

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.
 - 3. Fabrication** - presenting as genuine any invented or falsified citation or material.
 - 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 (collusion) in an online course, which includes, but is not

limited to, another person completing course requirements.

- B. When academic dishonesty occurs or 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. The instructor may also refer the incident for possible institutional adjudication, as outlined in **Part IX, B, 4**. If a student wishes to appeal his/her grade, he/she must follow the **Code of Conduct** appeal guidelines outlined in **Part IV, L**.
- C. When misconduct of a behavioral nature occurs in the classroom, 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 conduct may result in an additional violation **Part IX, B, 2, P (Failure to comply with Lawful Directions of University Officials)**. In such case that disorderly behavior continues in the classroom, the instructor may elect to refer the incident for institutional adjudication, 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 disciplined 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.5**). Students will also be required to attend the prevention class for all first time violations. Third time violation of policies and/or laws

may result in misconduct suspension or misconduct deferred suspension if recommended by the Montana State University Billings Office of the Vice Chancellor for Student Affairs. Off-campus violations of underage drinking or other infractions may be referred to the Montana State University Billings Office of the Vice Chancellor for Student Affairs for sanctioning through the discretion of local court officials or law enforcement agencies.

5. Insight class procedures will be as follows:

a. **Step 1: Focus Seminar**--If a student is involved in an alcohol related violation, he/she may be referred to participate in a Focus Seminar. This is an educational program, which provides information about drug and alcohol use. Students are invited into a dialogue about personal use or misuse of chemical substances. **A \$15 fee will be assessed to cover the costs associated with presenting the Focus Seminar.**

b. **Step 2: Screening and assessment**--If a student continues to be involved in violations of the campus alcohol policies, he/she may be required to participate in a chemical dependency evaluation. A conference will be held with the student to discuss the results of the evaluation, to develop a plan for addressing the issue, and to include a clarification of actions that will be taken in such case that any further violations occur.

c. **Step 3: Intervention and referral**--If additional violations of the campus alcohol policies occur subsequent to step 2, the student will be required to meet with the Vice Chancellor for Student Affairs to discuss the possible need for referral and participation in a chemical dependency treatment program. Any plans developed during this step may also be designed in conjunction with actions taken through the institutional misconduct process.

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.

C. Firearms and Dangerous Materials

With the exception of law enforcement personnel, 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 Self, Persons or Groups

1. **Physical abuse** or threat of abuse to any person
2. **Harm** to self or threat of harm to self
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. **Harassment**

Harassment includes, but is not limited to, making repeated or untimely telephone calls to a person's 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. In addition, those behaviors outlined in **Part IV, F. Sexual Harassment** falls under this regulation.

7. Sexual Violence

Montana State University Billings attempts to maintain an environment free of sexual violence. Students have the right to pursue their education without experiencing this kind of behavior. Acts of violence are deeply harmful to victims, degrading to the campus community, and will not be tolerated.

Sexual Assault is defined as knowingly subjecting another person to any sexual contact without her/his consent.

Sexual Intercourse Without Consent is committed when a person knowingly has sexual intercourse with another person without that person's consent.

On a criminal level, these charges are punishable by fines and imprisonment. However, the victim need not file criminal charges for this behavior to be investigated by the institution. Filing of criminal complaints does not negate the ability of Montana State University Billings to take action against the alleged offender.

8. 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 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

Repeated or flagrant 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 promulgated by any official, campus administrator, committee, commission, or council, acting within the scope of their authority.

O. Failure to Respond to Directives of University Officers

Failure by a student or organization to respond to notification to appear in the Office of 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 Lawful Directions of University Officials

Failure to comply with the lawful 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.

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. 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.

Y. 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 employed or the student may choose to physically come to campus for a hearing.

A. Philosophy

The Student Behavior Team deals with student behaviors which 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.

B. General Provisions

The Vice Chancellor for Student Affairs or designee shall investigate and gather evidence 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 evidence. The Vice Chancellor for Student Affairs shall ensure that the requirements of due process are fulfilled in accordance with the following procedures.

C. Process

Incidents which come to the attention of the Vice Chancellor for Student Affairs or other members of the Student Behavior Team may be addressed in one of the following ways:

1. No action;
2. Informal meetings with relevant University officials;
3. Initiate investigation and disposition of complaints (**D. of this section**) within the Office of Housing and Residential Life if it involves a residence hall student or occurred in the residence halls or the family housing environment;
4. Initiate investigation and disposition of complaints (**D. of this section**) in the Office of the Vice Chancellor for Student Affairs. Official proceedings in the Vice Chancellor's office are conducted when it becomes apparent to the Vice Chancellor for Student Affairs or the Student Behavior Team that the initial and more informal forms of intervention with a student have been unsuccessful in positively modifying a student's behavior or the nature of the misconduct represents a matter which may constitute a risk of potential harm to other students and /or the university community.

D. Investigation and Disposition of Complaints

1. A complaint alleging misconduct against any student or organization at the University may be filed by anyone at the Office of the Vice Chancellor for Student Affairs. Students, faculty members, administrators and other employees of the University shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this section. A person filing a complaint shall be complainant of record.
2. When a complaint is filed, the student or organization named in the complaint may be asked to appear 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 conduct 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, usually within five (5) working days;

- 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 conduct 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 and/or the investigation, 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;
 - d. Refer the case to the Campus Hearing Committee; or
 - e. Invoke the temporary suspension procedure when deemed appropriate.
 6. Witnesses and/or complainant may be asked to appear before the hearing officer(s) at anytime during the investigative 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 victim 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 Affairs Policies and Procedures Handbook**.
- E. Sexual Assault Cases and Victims' Rights**
1. The victim has the right to appeal a decision against the alleged perpetrator for one or all of the following criteria:
 - a. **Refer to Part IX, 6, C, 2.**
 2. Victim will be provided with a list of campus, community, state, and federal resources pertaining to counseling services, civil rights, human resources/EEO, and other services that may be required.
 3. Victim will be provided information on the status of the case and outcomes against the accused.

4. Victim may be asked to appear in front of the Campus Hearing Committee if the alleged perpetrator wishes to appeal a sanction. Victim will be afforded accommodation to ease any emotional stress which may occur.

F. Implementation of Sanctions

The misconduct sanctions shall not begin until either the time for appeal has expired without an appeal, or until the entire appeal process is exhausted. 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 pursuant to **Part IX, B, 4, G.**

G. Temporary Suspension

1. The Vice Chancellor for Student Affairs or designee may impose interim residence hall restrictions or University suspension or other restriction(s) 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 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 to be held within two working days after the imposition of the temporary restrictions. If the student is unable to attend for good cause, the hearing before the Hearing Officer or Campus Hearing Committee will be held as soon as the student is able to attend.
 - a. At the hearing the student shall be informed of the basis of the allegations that led to the imposition of the temporary suspension and shall be offered the opportunity to explain his position regarding the charges and the imposition of the temporary suspension. If, after hearing the student's position, the official believes the imposition of the temporary suspension was made in error or is too restrictive, he/she may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in the disciplinary proceedings.
 - b. The time limitations set forth in this section may be expanded upon the consent of the student or if further investigation is required.

H. Misconduct Holds

Misconduct holds on registration will be used as necessary to insure that the adjudicatory 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 as set forth in **Part IX, B, 5, D** of this Code.

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.

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.

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. In cases where the Director of Student Life served as the Hearing Officer, the student or organization will be given the opportunity to appear before the Vice Chancellor for Student Affairs for an appeal hearing. 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. Were the sanctions imposed too severe given the nature of the violation?

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. The Vice Chancellor for Student Affairs shall proceed as described in **Part IX, B, 6, E**.

E. Responsibility of the Vice Chancellor for Student Affairs

1. The Vice Chancellor for Student Affairs or Campus Hearing Committee (when referred to by the Vice Chancellor) shall review the case, the written appeal of the student or organization, or the circumstances surrounding denial of the readmission pursuant to **Part IX, B, 5, D** of this Code.
2. The Vice Chancellor for Student Affairs or Campus Hearing Committee may take one (1) of the following actions:

- a. She/he/they may find no prejudicial error and affirm the decision.
 - b. 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.
 - c. She/he/they may reduce the sanction.
 - d. In cases involving denial of readmission pursuant to **Part IX, B, 5, D**, the Vice Chancellor for Student Affairs or Campus Hearing Committee may affirm the decision or request that the student or organization be readmitted to the University.
3. The Vice Chancellor for Student Affairs or Campus Hearing Committee will communicate his/her decision, in writing, to the accused, Campus Hearing Committee, and/or Office of Student Life within fifteen (15) University working days from the date he/she receives the case materials.

7. Campus Hearing Committee, Hearing Officers, and Other Judicial Boards

A. Standing Campus Hearing Committee

- 1. The Standing Campus Hearing Committee shall be empowered to conduct appeal procedures on cases properly referred to it.
- 2. The Standing Campus Hearing Committee shall be composed of ten (10) full-time faculty members (two (2) per college selected by the Deans for two (2) year terms), four (4) students (selected annually by the ASMSU Billings President), and ten (10) administrative staff members (selected by the Vice Chancellor for Student Affairs for two (2) year terms). For a judicial appeal hearing, the Campus Hearing Committee shall be composed of the Campus Hearing Officer, two (2) students, two (2) faculty members, and two (2) members of the University administration drawn from the Standing Campus Hearing Committee. For the purposes of this Committee, “full-time faculty” shall include full-time faculty members holding professorial rank. The appointment procedure shall be as follows:
 - a. The Academic Senate shall approve the faculty members who are appointed by the Deans.
 - b. The student members are selected by the President of ASMSU Billings and approved by the Student Senate. They are then recommended to the Vice Chancellor for Student Affairs for consideration and appointment.
 - c. The members of the administrative staff shall be appointed by the Vice Chancellor for Student Affairs.
- 3. People assigned to the Campus Hearing Committee shall be drawn from the Standing Campus Hearing Committee as needed.
- 4. A quorum for the Campus Hearing Committee shall be four (4) members, provided that at least one (1) member is present from each of the three (3) categories.
- 5. When deliberating or deciding any case referred to it, the Campus Hearing Committee shall meet in closed session with only voting members present.
- 6. The Vice Chancellor for Student Affairs shall have authority to remove a member from this Committee for the member’s failure or refusal to serve

and perform the duties and function of this Committee, and appoint a replacement.

7. If the appeal is for a formal complaint (**Part IV, K.**) or grade appeal (**Part IV, L.**), then the Campus Hearing Committee will follow procedures as outlined in **Part IV, K., Step IV.**

B. Hearing Officers

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

C. 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. UNIVERSITY WITHDRAWAL/DISENROLLMENT POLICY

A. General Policy

Montana State University Billings provides registered students the opportunity to withdraw from the University. The University also reserves the right to disenroll students under specific circumstances.

B. Student Initiated Withdrawals

Any student unable to complete any academic term for any reason must formally withdraw from the University to avoid possible financial and academic penalties.

Students who withdraw from the University during a semester are required to fill out a withdrawal form and complete an exit interview with an advisor in the Advising Center located on the first floor of McMullen Hall, room 100. The effective date of withdrawal is the date the student submits the withdrawal form.

Students who officially withdraw during the first fifteen (15) days of an academic term will not have the coursework reflected in the transcript. Students who withdraw after the third week will receive a grade of "W" (Withdrew Passing) in all classes.

C. Student Deaths/Extenuating Circumstances

In the event of a student's death during a term of enrollment, the student's full tuition and fee costs for the term will be removed from the student's account. Payments applied to the student's account from federal financial aid, institutional scholarships/grants and third party contractual agreements will be refunded to the appropriate program(s). The remaining credit, if any, will be issued to the student's parents, legal guardian or spouse as appropriate. Other extenuating circumstances such as severe medical injuries, which, in the opinion of the Chancellor of the University or his designee, warrant special consideration, are also eligible for full or partial refunds in

excess of the standard institutional withdrawal refund policy.

D. University Initiated Disenrollment

Under specific circumstances, the University may initiate and withdraw a student for just cause. Such circumstances are:

1. **Failure to Meet Financial Obligations** - By registering for courses, a student has entered into an agreement with Montana State University Billings to take certain classes and has the option to use certain services and attend certain events which are provided for students by the University. The act of registration incurs certain financial responsibilities by the student to the University. In the event of an unpaid balance of any nature on the student's account, enrollment for subsequent terms will not be allowed, college credits will not be transferred, and transcripts of college credits will not be released until the student's account is paid in full. Failure of a student to meet financial obligations of any kind could subject the student to: disenrollment from current classes; eviction from University housing; cancellation of U-Card money; suspension of future services; referral of the student's delinquent account to a collection agency; and the payment of additional late payment charges, reinstatement fees, attorney's fee and other costs and charges necessary for the collection of any amount not paid when due.
2. **Academic Dishonesty** - Students may be disenrolled for academic purposes if they violate the **Code of Student Conduct** specified in **Part IX B, 1**.
3. **Inadequate academic progress** - Students may be disenrolled if his/her GPA is below the scholastic progress standard.
4. **Non-Academic Misconduct** - Montana State University Billings may disenroll a student for non-academic misconduct in accordance with **Part IX, B of the Student Affairs Policies and Procedures**.
5. **Emotionally Disturbed Students** - Montana State University Billings provides evaluation, referral and limited treatment (within the parameters of available University resources) for students displaying emotional problems. A student's behavior may be beyond the scope of these services and require termination of enrollment for medical reasons.

A. Definitions

"Abnormal behavior" means overt actions, omissions to act, or verbal or written statements that would not be consistent with the actions or statements of a reasonable, prudent person under similar circumstances.

"Emotional problems" include, but are not limited to, behaviors resulting from possible physical, drug related, or psychological disorders which may pose a potential harm to the physical well-being of the student or others, or cause significant disruptive activity to the normal functions of the University.

"An emotionally disturbed student" includes, but is not limited to, a student exhibiting any of the behaviors described above.

Note: In any instance where, in the judgment of the Vice Chancellor for Student Affairs, in consultation with other University officials, a student's behavior is disruptive to University functions, or presents a threat of harm or bodily injury to the student or others, the Vice Chancellor for Student Affairs may temporarily suspend the student until a hearing can be held.

B. Registration Hold

When a student is suspended or withdrawn for medical reasons, a registration hold will be placed on the student's readmission to the University.

C. Readmission Procedures and Appeals

1. A student who has had a registration hold placed on his or her readmission for medical reasons must request readmission from the Vice Chancellor for Student Affairs at least three (3) weeks prior to the first day of classes of the semester or summer session in which the student wishes to re-enroll. The student may be required by that office to submit medical evidence supportive of his or her present health or emotional ability to function properly and effectively in a University environment. The University shall evaluate the student's request and supporting evidence. Primary consideration will be given to the satisfying of all conditions specified at the time of suspension or withdrawal for the readmission of the student to the University. 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.
2. If the Vice Chancellor for Student Affairs does not grant approval for readmission, the student may appeal that decision to the Provost. The appeal must be made, in writing, within five (5) 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.
3. The Vice Chancellor for Student Affairs will inform the student that he or she is entitled to a hearing. This hearing shall be held within five (5) University working days if possible. The hearing will be conducted by the Provost or designated University official. Following the hearing, the Provost 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 Provost shall notify all parties of this decision, in writing, within three (3) University working days following completion of the hearing.