



CODE OF CONDUCT

100.00 Code of Conduct

(April 2024)

Montana State University Billings seeks to foster a campus environment conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The student conduct process at MSUB is an educational and developmental process that balances the interests of individual students with the interests of the academic and campus community.

Students are essential members of the MSUB community and are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. The student conduct process at MSUB is not intended to punish students; rather, it exists to challenge those whose behavior is not in accordance with our policies and to foster a better understanding of the expectations that exists for members of our academic community. Sanctions are intended to improve the students' moral and ethical decision-making and to help them learn more about what is expected as members of our community. In cases where students fail to demonstrate an understanding of established conduct standards or pose a threat to the continuing safety of the academic community, the conduct process may determine that the student should no longer share in the privilege of being a member of this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness, but do not include the same protections of due process afforded by the courts in criminal cases. Due process, as defined within these procedures, assures written notice and a hearing with a hearing officer. No student will be found in violation of the MSUB Code of Student Conduct without a determination that is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Students at Montana State University Billings are responsible for reading and adhering to this Code of Student Conduct. Annually, students are provided a link to this Code of Student Conduct on the University website. Hard copies are available upon request from the Office of the Dean of Student Engagement.

110.00 Judicial Authority and Jurisdiction

The Code of Student Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when a student is officially enrolled for courses and is officially attending.

- A. The University retains conduct jurisdiction over students who 1) are on University holidays and during summers between enrolled semesters; and/or 2) choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, or graduate and all

directives and/or sanctions must be satisfied prior to re-enrollment eligibility. If serious misconduct was committed while the student was enrolled but reported after the accused student has graduated, the University may invoke these procedures. Should the former student be found responsible, the University may revoke that student's degree.

B. The *Code of Student Conduct* applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Student Engagement or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University.

The *Code of Student Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

Students who commit offenses against the laws of the city, state or United States are subject to prosecution by those authorities and may be subject to disciplinary action under this code if the offenses are also violations of this code. University disciplinary proceedings may precede, follow, or take place simultaneously with criminal investigations or proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

When a student has been charged by a civil authority for a violation of law, the University will neither request nor agree to special consideration for the student solely because of his or her status as a student.

When a complaint is filed with appropriate University officials charging a student with violating the Code of Student Conduct, the University is responsible for conducting an investigation, initiating charges and adjudicating those charges. Charges under the Code of Student Conduct that are filed by the University are brought forward by the University and not an individual complainant. If the complainant decides to withdraw the complaint, the University may proceed with the case.

120.00 Prescribed Conduct

Any student found to have committed a violation of the Code of Student Conduct is subject to disciplinary sanctions outlined in Section 150.00. The following offenses constitute violations of the Code of Student Conduct and can lead to serious disciplinary action, including suspension or expulsion from the University.

121.00 Acts of Dishonesty

Acts of dishonesty include but are not limited to:

A. Knowingly furnishing false information to any University official, faculty member or office.

- B. Forgery, alteration or misuse of University documents, records, instruments of identification, computer programs or accounts.

122.00 Harassment, Hazing, and Bystanding

- A. **Harassment** includes but is not limited to verbal, psychological, graphic and/or written abuse directed at another, beyond a reasonable expression of opinion, which:
 - 1. Is threatening or carries with it the intention to do bodily harm; or
 - 2. Disrupts or undermines a person's exercise of their responsibilities as a student, faculty or staff member including unreasonably interfering with a person's educational or work performance.

Harassment which is based upon discrimination as defined in MSU's [Discrimination, Harassment, and Retaliation Policy](#) is also proscribed conduct, but that type of harassment is a separate offense from Harassment under this section and such conduct is addressed as provided in Sections 124.00 and 154.00 below.

- B. **Hazing** includes, but is not limited to, any conduct or method of initiation, admission or condition of continued membership in any student organization which:
 - 1. Endangers the physical or mental health or safety of any student or other person, including extended deprivation of sleep or rest; forced consumption of food, liquor, beverage, or drugs; beating or branding; involuntary confinement or imprisonment; or
 - 2. Destroys, vandalizes or removes public or private property
- C. **Bystanding** includes, but is not limited to:
 - 1. Conduct of a student who is present when a serious violation of the code of conduct occurs and who encourage, assists, or fails to take reasonable actions to prevent or stop conduct that: 1) could result in serious injury to person, including sexual misconduct; or
 - 2. Conduct of an organized group that encourages, assists, or fails to take reasonable actions to prevent or stop conduct that could result in serious injury to a person, including sexual misconduct.

123.00 Assault and Harm to Persons

- A. **Physical assault** which includes but is not limited to: physical contact of an insulting or provoking nature or physical interference with a person which prevents the person from conducting his/her customary or usual affairs, puts the person in fear for his/her physical safety, or causes the person to suffer actual physical injury.
- B. **Threatening and Intimidating Behaviors**
 - 1. **Threat** is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - 2. **Intimidation** is defined as implied threats or acts that cause a reasonable fear of harm in another.
- C. **Bullying and Cyberbullying** are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by freedom of expression.

124.00 Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Policy Offenses

Violation of Montana State University's Policy on [Discrimination, Harassment, and Retaliation](#) (Discrimination Policy) is a violation of this Code of Student Conduct. The definitions of discrimination, harassment, sexual misconduct, domestic violence, and stalking are contained in the Discrimination Policy. Violations of the Discrimination Policy include retaliation against an individual for taking any of the actions in support of the Discrimination Policy as defined in Section 127.00 (B.18) of the Discrimination Policy.

125.0 Alcohol and Drug Offenses

- A. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This also includes the abuse, distribution or improper use of prescription drugs. Although Montana state law permits the use of medical marijuana, i.e. persons possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. Possession of a valid and appropriately held Medical Marijuana Permit identification card does not authorize a student to possess, use, or distribute marijuana on any university-owned property or in any public are of the University.

As a federally-funded institution, we **must adhere to all federal laws** when it comes to alcohol and drug use, possession, and/or distribution. **This holds true for marijuana as well.** Possessing, using, or distributing marijuana on campus, regardless of age, is a violation of our code of conduct even if a student has a medical card or comes from a state, including Montana, in which marijuana is legal or has been decriminalized.

[Decriminalization of Marijuana in the State of Montana FAQ](#)

- B. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana State University Billings except as expressly permitted by law or University policy.
- C. Smoking or tobacco use on campus in violation of the University's [Tobacco Free Policy Information](#). Individuals must be 21 years of age to purchase and use tobacco.
- D. **Medical Amnesty Policy** - We adamantly encourage students to seek help for themselves or others regardless if they have misused or abused alcohol or drugs. Please visit [Medical Amnesty Policy](#) for full details which are in alignment with the MSU policy.

126.00 Firearms, Explosives, and Weapons Offenses

See: [Weapons on University Property](#)

127.00 Illegal and Disruptive Conduct

- A. Violation of federal, state or local law on University premises or at University sponsored activities; violation of published University policies, rules or regulations.
- B. Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University, including but not limited to:

1. Violence or threat of violence against self or any member or guest of the University community.
2. Interference with the freedom of movement of any member or guest of the University.
3. Interference with the rights of others to enter, use or leave any University facility, service or activity.
4. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures or other University activities, or of other authorized activities on University premises.
5. Use of public address systems on the campus outside of University buildings except with written permission from the Center for Engagement.
6. Failure to comply with directions of law enforcement officers and University officials acting in the performance of their duties and/or failure to identify oneself to those persons when requested.
7. Failure to comply with any authorized Student Conduct Code sanction(s)/condition(s).
8. Trespassing or unauthorized entry into University buildings or property.
9. Unauthorized use (including misuse) of University or organizational names, trademarks, and images.
10. Gambling
Any form of illegal gambling or wagering.
11. False Alarms
Entering false reports of fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.
12. Traffic and Parking
Repeated or flagrant violations of the rules as set forth in University Traffic and Parking Regulations.
Tampering with or removal of barricades, traffic cones, ticket machines, parking permits, or traffic control devices.
13. Housing Regulations
Violations of the rules and regulations which govern behavior in the campus residence halls and set forth in the Residence Hall Policies and Procedures.
14. Recreational Activities Regulations
Repeated or flagrant violations of the rules and regulations of Recreational Activities.
15. University Rules and Regulations
Repeated or flagrant violations of University rules or regulations contained in this Handbook and other official policy statements and publications of the University or created by any official, campus administrator or committee acting within the scope of their authority.
16. 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.
17. Misuse or Abuse of Computer Equipment, Programs, or Data:
 - a) Unauthorized use of computing resources or use of computing resources for unauthorized purposes.
 - b) Accessing or copying programs, records or data belonging to the University or another user without permission.
 - c) Attempting to breach the security of another user's account or deprive another user of access to the University's computing resources.
 - d) Using the University's computing resources for personal or financial gain.
 - e) Transporting copies of University programs, records or data to another person or computer site without written authorization.
 - f) Attempting to destroy or modify programs, records or data belonging to the University or another user.
 - g) Disrupting the learning environment in any online class or chat room.
 - h) Using computing facilities to communicate harassing or abusive images or messages.

- i) 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.
18. Retaliation
Retaliation or the threat of retaliation or attempt to prevent the reporting of sexual misconduct or other misconduct is prohibited.
19. 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.
20. Violation of Misconduct Sanctions
Violation(s) of the terms and/or conditions imposed as a result of previous misconduct procedures.
21. 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).

128.00 Theft/Misuse of Property

- A. Theft, attempted theft, unauthorized possession, use, or removal of University property or the property of any member of the University community.
- B. Defacing, tampering, damaging or destroying University property or the property of any member of the University community.
- C. Unauthorized presence in or use of University grounds, facilities, or property.
- D. Theft or other abuse of computer facilities, capabilities and/or computer time, including but not limited to:
 - 1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - 2. Unauthorized transfer of a file.
 - 3. Unauthorized use of another individual's identification or password.
 - 4. Use of computing facilities to interfere with the work of another student, faculty member or University official.
 - 5. Use of computing facilities to send harassing or abusive messages.
 - 6. Use of computing facilities to interfere with the normal operation of the computing system.
 - 7. Unauthorized use of computer resources, or the unauthorized use or copying of computer data or software. Examples of unauthorized use or copying include: attempts to alter systems, unauthorized access or copying of data or software, attempts to release data, text, files or software in violation of copyright protection and the condoning, approving, or directing of unauthorized use or copying.

8. Unlawful downloading and distribution of copyrighted digital media via peer-to-peer (P2P) file sharing applications including, but not limited to video (movies) and sound (music) files.
9. Attempts to circumvent or defeat any University owned system firewall or any other mechanism put in place to manage the network.

E. Theft of telephone services or other auxiliary services, including food services, housing, parking, etc.

129.00 Other Proscribed Conduct

- A. Fire Safety** - Violation of local, state, federal or campus fire policies including, but not limited to:
1. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury;
 2. Failure to evacuate a University building during a fire alarm;
 3. Improper use of University fire safety equipment; or
 4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions.
- B. Wheeled Devices** – Skateboards, roller blades, roller skates, bicycles, hover boards and similar devices are not permitted to be ridden inside University buildings. Bicycles are not permitted inside University buildings for storage, except as allowed in the residence halls and family housing by Residence Life Policy. Additionally, skateboards and other wheeled items may not be operated in a dangerous or reckless fashion, or on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to University property caused by these activities. Failure to yield to pedestrians or failure to abide by traffic laws/rules on campus is considered a conduct violation.
- C. Abuse of Conduct Process** - Interference with, or failure to comply in, University conduct and academic misconduct hearings including, but not limited to:
1. Falsification, distortion, or misrepresentation of information;
 2. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
 3. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
 4. Harassment (verbal or physical) or intimidation of witnesses or the hearing officer prior to, during or following a conduct proceeding;
 5. Failure to comply with the sanction(s) imposed by the conduct program;
 6. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
- D. Failure to Comply** – Students must comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- E. Financial Responsibilities** - Failure to promptly meet financial responsibilities to the institution, including, but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
- F. Arrest** - Failure of any student to accurately report the student's arrest by any law enforcement agency to the Office of the Dean of Students within seventy-two (72) hours of for any felony crime that occurs 1) on University premises, 2) at University sponsored activities, or 3) off-campus.

130.00 Student Programs

The University shall establish appropriate procedures to adjudicate alleged violations of the Code of Student Conduct under the direction of the Dean of Student Engagement in a unified manner. All conduct programs must adhere to the procedures as outlined the Code of Student Conduct.

131.00 Residence Life Conduct Program

- A. In addition to this Code, students who reside in the Residence Halls are subject to the conduct requirements set forth in the [Residence Life Handbook](#). Residence Life staff are hereby delegated responsibility for investigating and adjudicating allegations that involve violations of the Residence Life Handbook in accordance with the procedures in this *Code of Student Conduct*.
- B. The Associate Dean of Student Engagement will coordinate the delegated Residence Life Conduct Program and will work closely with the Dean of Student Engagement to assure consistency.

132.00 Department of Athletics

- A. In addition to the requirements of this *Code of Student Conduct*, student athletes are also subject to the Department of Intercollegiate Athletics conduct requirements found in team rules, NCAA policies, and the Student-Athlete Code of Conduct. The Director of Athletics, or designee, will coordinate the Student-Athlete Code of Conduct for alleged violation of departmental conduct requirements and may impose sanctions related to a student's participation in intercollegiate athletics.
- B. The Director of Athletics will refer allegations of violations of the University's Code of Student Conduct to the Dean of Student Engagement for processing under the Code of Student Conduct. Additional University sanctions by the Dean of Student Engagement or designee may be in addition to, or in lieu of, the process outlined in the Student-Athlete Code of Conduct. 631.00

133.00 Office of the Dean of Student Engagement

- A. The Dean of Student Engagement is responsible for administering the University's Student Conduct Program, including the investigation and adjudication of cases involving alleged violations of the Code of Student Conduct except alleged violations of MSU's [Discrimination, Harassment, and Retaliation Policy](#) will apply.
- B. The Dean of Student Engagement may appoint a Hearing Officer to adjudicate violations of the Code of Student Conduct. The Hearing Officer will conduct hearings using the procedures outlined in Section 140.
- C. For the purposes of deadlines in this Code, days shall mean "calendar" days unless stated otherwise, and the Dean of Student Engagement or designee may extend or waive any deadline herein upon a showing of good cause, the responsibility and burden of proof of "good cause" will be upon the party requesting the extension. Good cause will include circumstances such as the impact of academic calendar breaks or holidays or other causes beyond the party's s control (e.g., illness, death in the family).

140.00 Student Conduct Adjudication Procedures

141.00 Filing of Charges

On its own initiative or upon receiving a complaint from any student, faculty, staff or community member, the University, through the Office of the Dean of Student Engagement, may, after an investigation, file appropriate charges against a student accused of violating the Code of Student Conduct.

- A. Charges should be filed no later than four months after the alleged violation of the Code of Student Conduct, unless good cause is shown to justify the delay. When charges are referred to the Dean of Students for investigation and adjudication, any resulting hearing will normally be convened within seventy-five (75) calendar days from the date the charges were filed, unless good cause can be shown for delay.
- B. If a student has withdrawn or withdraws from the University after charges have been filed, the University may:
 1. Place a hold on the student's academic record, re-enrollment and notify the student that disciplinary action will be initiated before the student's re-enrollment in the University; or
 2. Upon notice to the charged student, proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.
- C. The Dean of Student Engagement may order that University administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc., be withheld to compel students accused of violation(s) of the Code of Student Conduct to meet with the Dean of Student Engagement as necessary to properly investigate and adjudicate the alleged violation(s).

142.00 Preliminary Investigation and Administrative Adjudication Procedures

- A. Whenever a complaint is filed or when it appears that a student may have violated the Code of Student Conduct, the Dean of Student Engagement will designate a Conduct Officer to conduct an investigation of the incident. The Conduct Officer conducting the investigation:
 1. Determines the facts through interview, reports and other information collected.
 2. Informs the student of the findings of the investigation.
 3. Allows the student an opportunity to respond to the evidence and potential charge(s).
 4. Makes a determination whether there is reasonable cause to believe that a violation of the Code has occurred.
- B. The Conduct Officer conducting the investigation may withdraw any charge determined to be without reasonable cause. No reasonable cause means that there is insufficient credible evidence to support the charge or even if proved, the conduct does not violate the Code.

143.00 Notice

When a complaint or report is filed, the student or organization named in the complaint may be asked to appear, within 7 business days, before a Hearing Officer, appointed by the Dean of Student Engagement. The Hearing Officer will initiate an educational hearing to discuss the alleged violation(s) and possible sanction(s).

Any student or organization charged in a complaint shall receive written notification from the Dean of Student Engagement or designee. Such notice shall:

1. Inform the student or organization that a complaint has been filed alleging that the student or organization violated specific provisions of the *Code of Student Conduct* and the date of the alleged violation(s);
2. Set forth those provisions allegedly violated;
3. Specify a time and date the student is required to meet with the designated Hearing Officer;
4. The right of the student or organization to be accompanied by an advisor (The advisor may attend the hearing and consult with the student; however, they are not there to publicly speak for the student); and
5. Inform the student that failure to appear at the set administrative hearing time may subject the student to further disciplinary action, have the case heard in absentia, and/or a hold on all registration and transcripts.

144.00 Hearing Procedures

Hearings are conducted by the Hearing Officer according to the following guidelines:

A. During the educational hearing, the student or organization shall be informed of the following:

1. The nature of the complaint(s) filed, including a statement of the rule or regulation allegedly violated and the alleged act(s) committed.
2. The source of each complaint which has been filed.
3. The sanctions which may be imposed if a charge is proven.
4. The freedom of the student or organization from any obligation, at any time, to make any statement relevant to the accusation.
5. The fact that any statement(s) made by the student or organization may be used against the student or organization.

B. Upon completion of the review with the student, the Hearing Officer may:

1. Drop the charge(s) when they appear to be invalid, without substance or capricious;
2. Issue a verbal warning;
3. Apply any of the sanctions if such is warranted by the evidence;
4. Invoke the temporary suspension or interim action procedure when deemed appropriate;
5. Issue other sanctions as determined appropriate.
6. Witnesses and/or complainant may be asked to appear before the hearing officer(s) at any time during the review process.
7. Per the Family Educational Rights and Privacy Act (FERPA), Montana State University Billings has the right to release information relating to a misconduct procedure to an alleged complainant of a crime of violence or non-forcible sex offense or to university officials that are responsible for the safety of the students in their building(s).
8. Transcripts of academic records will not include information concerning misconduct. Information from misconduct and counseling files will not be made available to unauthorized persons, except as set forth in Part III, Student Records, of the Student Policies and Procedures Handbook.

150.00 Sanctions

151.00 Implementation of Sanctions

The misconduct sanctions shall begin once the sanctions have been issued. If the student or organization wishes to appeal, sanctions will remain in effect until the outcome of the appeal has been determined. Exceptions are

made only in cases for which, in the judgement of the Dean of Student Engagement, the physical or emotional well-being of the student, the organization, other students, or other members of the campus community might be endangered. In such cases, the Dean of Student Engagement may implement temporary suspension or interim actions/measures.

152.00 Temporary Suspension or Interim Actions/Measures

- A. The Dean of Student Engagement or designee may impose interim residence hall restrictions or University temporary suspension or other interim measures 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.
- B. Temporary Suspension and Interim Actions may include, but are not limited to, the following:
 - 1. Residence hall and/or University suspension;
 - 2. Assignment to alternate housing for students residing in University housing;
 - 3. Limitation of access to University housing facilities, other campus facilities, or University Property in general;
 - 4. Restriction of communication with named individuals or groups within the University community;
 - 5. The requirement to secure advance authorization to engage in a specified activity; and/or
 - 6. Professional evaluation, intervention and/or treatment.
- C. The official imposing the temporary restrictions shall notify the student in writing of the restrictions imposed and shall schedule a hearing with the student after the imposition of the temporary restrictions. The time limitations set forth in this section may be expanded upon the consent of the student or if further investigation is required.
- D. **Misconduct Holds**
Misconduct holds on registration will be used as necessary to insure that the hearing process is completed and that pertinent sanctions are upheld. Specifically, holds will be placed when a misconduct case has not been resolved, when a sanction has not been completed or when the sanction is suspension. Misconduct holds for case or sanction completion may include, but will not be limited to, the following actions: prohibit the release of transcripts, prohibit the ability to register for classes, prohibit participation in commencement exercises and/or withhold institutional endorsement for teaching certification. Misconduct holds for suspension will not be removed during the period of suspension; students who have completed the duration of the suspension must request readmission.

153.00 Involuntary Withdrawal Policy

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

A. Basis for Interim or Permanent Involuntary Health Withdrawal

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

B. Referral for Evaluation

The Vice Chancellor for Student Access and Success or designee may refer a student for evaluation if it is believed that the student meets the criteria set forth in this policy. This evaluation is to be conducted by an independent, licensed health professional (e.g., physician, psychologist, and psychiatrist) who is not a family member of the student and who has been approved by the Vice Chancellor for Student Access and Success or designee.

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

C. Interim Action

The Vice Chancellor for Student Access and Success or designee may place a student on temporary suspension (152.00) where it is reasonable to believe that a direct threat to the health or safety of others exists and is currently proceeding through a referral for evaluation. Students suspended under this provision will be notified in writing by confirmed personal delivery and will also be given a copy of these policies and procedures.

D. Involuntary Health Withdrawal

If the evaluation of an approved, licensed health professional supports an involuntary health withdrawal, a hearing will be scheduled before the Vice Chancellor for Student Access and Success or designee. The student will be informed, in writing, of the time, date and place, and will be apprised of the conclusions reached by the health professional prior to the hearing. All hearing guidelines and student's rights are outlined in 144.00.

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

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

E. Support at Hearings

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

F. Readmission Procedures and Appeals

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

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

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

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

154.00 Investigation and Adjudication of Allegations of Discrimination, Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy Violation Offenses

- A. Complaints against student(s) accused of violations of MSU's [Discrimination, Harassment, and Retaliation Policy](#) (Discrimination Policy) will be referred to the Title IX Coordinator or designee who will follow the procedures for reports and complaints of Discrimination Policy violation in accordance with MSU's [Discrimination Grievance Procedures](#). The Student Conduct Adjudication Procedures shall not apply in allegations of such Policy Violations and shall be replaced by MSU's Discrimination Grievance Procedures.
- B. When a student is found to have engaged in Discrimination Policy violations, the Dean of Student Engagement will impose sanctions as allowed in MSU's [Discrimination Grievance Procedures](#). The Dean of Student Engagement's sanction is the final University decision and shall not be subject to the appeal right and procedures found in Section 160.00. The Student may appeal under the provisions of [Policy 203.5.2 – Appeals](#) of the Montana Board of Regents Policies and Procedures Manual.

155.00 Sanctions

- A. Individual Sanctions - In determining a sanction, the Dean of Student Engagement or designated Hearing Officer may consider the student's present and past disciplinary record, including Residence Hall disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the violation, and other factors relevant to the case.
- B. If the student is found to have violated the Code of Student Conduct, the Dean of Student Engagement or Designated Hearing Officer may impose one or more of the following sanctions:
 - 1. **Expulsion** - Permanent separation of the student from the University. The student may also be barred from University premises.
 - 2. **Suspension** - Separation of the student from the University for a specified period of time, but not less than the remainder of the semester. Eligibility for return to the University may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within twenty-four (24) hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Engagement. During the suspension period, the student is banned from University property, functions, events and activities without prior written approval from the Dean of Student Engagement. This sanction may be enforced with a trespass action as necessary.
 - 3. **Conduct Probation/Suspension Warning** - A status that is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Code of Student Conduct during the period.
 - 4. **Disciplinary Reprimand** - A formal reprimand which may be imposed either in verbal or written form for violating the Code of Student Conduct and a warning that further misconduct may result in more severe disciplinary action.
 - 5. **Restitution** - Compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - 6. **Residence Hall Sanctions** - Disciplinary action for violations in the residence halls may consist of, but is not limited to a Warning, Residence Hall Probation, Restrictions of Residence Hall Privileges, Restitution, Constructive Work Projects, Removal from Floor, Hall, or Residence Hall System, or a combination of sanctions.
 - 7. **Community or University Service Requirements** – Completion of a specific, supervised University or community service.

8. **Loss of Privileges** - The student will be denied specified privileges for a designated period of time.
 9. **Other Sanctions** - Other sanctions may be imposed instead of, or in addition to, the sanctions specified above, such as work requirements, restrictions, loss of privileges, withholding registration, limitation of access to university housing facilities or other property, imposition of mandatory educational or counseling requirements or other sanction appropriate under the circumstances.
- C. **Group Sanctions** - The following sanctions may be imposed upon sororities, fraternities, groups or organizations registered with the University:
1. Those sanctions listed in subparagraphs 3 – 5 and 7-9 above.
 2. **Deactivation** - Loss of all privileges, including University recognition or registration, for a specified period of time.

160.00 Appeals

- A. The student or organization who is found responsible for violating the *Code of Student Conduct* may appeal the decision of the Dean of Student Engagement or Hearing Officer following a student conduct hearing by completing the [Student Code of Conduct Appeal Form](#) which will be directly submitted to the Vice Chancellor for Student Access and Success within five (5) business days of the official's decision. 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. The letter of appeal shall specifically allege and factually support one or more of the following grounds:
1. Were the procedures of this Code followed?
 2. If a procedural error was committed, were the rights of the accused materially violated?
 3. Has the student discovered new evidence, not previously available, which would have materially affected the decision?
- B. If a sufficient claim is presented under one or more of the specified grounds, the Vice Chancellor for Student Access and Success or designee shall accept the appeal and request a copy of the record of the hearing. If sufficient claim is not presented, the appeal shall be dismissed.
- C. Within fifteen (15) business days from receipt of the record, the Vice Chancellor for Student Access and Success or designee shall review the entire record and render a written decision. The Vice Chancellor for Student Access and Success or designee may remand the case to the original Hearing Officer for further findings of fact or clarification.
- D. The decision of the Vice Chancellor for Student Access and Success shall be based on the record only and is the final decision of the University. A copy of the decision shall be sent to the charged student, the complainant (if any) and included in the record, which shall be returned to the Office of the Dean of Student Engagement.

170.00 Interim Restrictions

The Dean of Student Engagement 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.

- A. Interim restrictions may include, but are not limited to, the following:
1. Residence Hall and/or University suspension;
 2. Assignment to alternate housing for students residing in University housing;
 3. Limitation of access to University housing facilities, other campus facilities or University property in general;
 4. Restriction of communication with named individuals or groups within the University community;
 5. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment.
- B. The official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within two (2) working days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting will be held as soon as the student is able to attend.
- C. At the meeting, the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his or her position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the official believes the imposition of the Interim Restrictions 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 a future student conduct proceeding.
- D. In cases where interim restrictions have been imposed, the disciplinary hearing shall be held as soon as possible, but not later than thirty (30) days from the date of the imposition of interim restrictions.
- E. The time limitations set forth in this section may be expanded upon the consent of the student.

180.00 Records and Confidentiality

- A. The Office of the Dean of Student Engagement shall maintain student conduct records. Relevant student conduct records and related information shall be made available to hearing boards to assist in recommendation of an appropriate sanction, and to other University personnel who require such information to fulfill their official duties.
- B. Students may arrange to review their own student conduct records and related information by contacting the Office of the Dean of Student Engagement.
- C. Except as provided elsewhere in this Code and/or as required by law, the University shall not communicate a student's conduct record to any person or agency without the prior written consent of the student.
- D. Student conduct records shall be maintained for seven (7) years from the last recorded entry, then destroyed.