Procedure for Addressing Sexual and/or Relationship Misconduct
Allegations Against Students

Procedural Summary

All allegations of sexual and/or relationship misconduct against a student that become known to campus security authorities and/or responsible employees of the University will be subject to review and investigation. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator, the Office of Academic and Community Conduct, and/or Public Safety and Police Services. Campuses are obligated to respond to reports of sexual and/or relationship misconduct. If the review and investigation concludes, based on a preponderance of the evidence, that a student is responsible for sexual and/or relationship misconduct, appropriate sanctions and interventions will be applied. This document outlines the procedures that will be utilized at each stage of the process from initial review to final appeal. In addition, complainants may also file external, criminal/civil proceedings for violations of federal/state laws and/or city ordinances. Proceedings may be carried out prior to, simultaneously with, or following criminal/civil proceedings.

Definitions

Advisor is typically a faculty, staff, or student member of the University who is able to be present during the investigative and/or hearing process for support to either the Complainant or Respondent. However, the advisor may also be someone of the Complainant’s or Respondent’s choosing from outside the University, including an attorney. The advisor may not participate directly in the conduct process, but may offer advice, guidance, and/or support to the student (Complainant/Respondent).

Allegation Review Panel consists of the Title IX Coordinator and representatives from the Office of Academic and Community Conduct, Public Safety and Police Services, and other offices as deemed necessary and appropriate under the circumstances.

Campus Security Authorities are University employees designated under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 to report certain crimes including sex offenses (forcible and non-
forcible). These employees (including student employees) are from the following areas Public Safety and Police Services; Human Resources; Athletics; Student Affairs & Advancement; Intramurals; Advisors to student organizations; and/or Deans/Department Chairs/Directors.

_Complainant_ is an individual who allegedly experienced sexual and/or relationship misconduct, regardless of whether the Complainant participates in this process.

_Conduct Board_ is a hearing panel comprised of a faculty staff members of the University who have been trained in basic procedural due process and the Sexual and/or Relationship Misconduct Policy and Procedures.

_Confidential Resources_ are not required to tell anyone a complainant’s personally identifiable information unless there is a significant case for fear of the complainant’s safety or the safety of others.

_False Reporting_ will not be tolerated by University. It is a violation of the Student Code of Community Conduct to make an intentionally false report of sexual and/or relationship misconduct, and it may also violate state criminal statutes and civil defamation laws.

_Family Educational Rights and Privacy Act (FERPA)_ is a federal law that protects the privacy of student education records. For additional information, please review: http://www.mtu.edu/registrar/faculty-staff/ferpa/

_Group Infractions_ may occur when members of groups, individuals acting collusively, or members of a student organization act in concert to violate the sexual and/or relationship misconduct policy, they will be charged individually and the group may be charged as an organization.

_Impact Statement_ is an oral or written statement of what happened; what impacts have been created by what happened; who has been impacted and how; what action(s) should be considered to address the impacts.

_Interim Action_ is an immediate action taken by the University to ensure safety and well-being and/or address threats of disruption or interference with normal University operations.

_Interim Measure_ is an accommodation providing assistance with changes to
academic schedules; on-campus housing arrangements; visa/immigration documents; on-campus employment assignments/schedules; on-campus escorts; etc.

_Investigator_ is an individual who investigates complaints. Investigators do not function as advocates for Complainants or Respondents, but can refer Complainants or Respondents to advocacy and support resources.

_Precedence in Multiple Charges_ is followed in cases of multiple charges where more than one University student conduct policy is implicated. The Procedures for Sexual and/or Relationship Misconduct will take precedence over those governing Academic Integrity charges and Student Code of Community Conduct charges.

_Preponderance of Evidence_ means a party has shown that its version of facts, causes, damages, or fault is more likely than not the correct version. The concept of “preponderance of the evidence” can be visualized as a scale representing the burden of proof, with the totality of evidence presented by each side resting on the respective trays on either side of the scale. If the scale tips ever so slightly to one side or the other, the weightier side will prevail. If the scale does not tip toward the side of the party bearing the burden of proof, that party cannot prevail.

_Private Resources_ are resources from whom an expectation can be made to have complaints/incidents taken seriously, investigated thoroughly and properly resolved. This means only those who need to know will be told, and information will be shared only as necessary.

_Reasonable Cause_ means there is sufficient information to allege that a respondent has violated a policy. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.

_Respondent_ is a student(s) or student organization(s) alleged to have violated the sexual and/or relationship misconduct policy. Student-employees alleged to have engaged in sexual and/or relationship misconduct in their employment capacity may be investigated by the Office of Institutional Equity. A student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, under applicable procedures.
Responsible Employees include any employee who has the authority to take action to redress sexual and/or relationship misconduct; who has been given the duty of reporting incidents to the Title IX Coordinator; or whom a student could reasonably believe has this authority or duty.

Sexual and/or Relationship Misconduct includes sexual harassment, sexual violence, sexual exploitation, stalking, domestic violence and dating violence. These terms are further defined in the Sexual and/or Relationship Misconduct Policy.

Student Organization means any group of students officially recognized by the University at the time of the alleged violation.

Initial Action and Review

Once the Office of Academic & Community Conduct and/or the Title IX Coordinator is put on notice of any allegation of sexual and/or relationship misconduct (hereinafter, “Misconduct”) as defined in the Sexual and/or Relationship Policy, the individual who allegedly experienced Misconduct (“Complainant”) will be offered appropriate support services and notified of applicable institutional policies. The student or group that is alleged to have engaged in Misconduct (“Respondent”) will also be offered appropriate information and support services.

The Office of Academic and Community Conduct and/or Title IX Coordinator may implement an interim action(s) as needed to protect the community and students involved, pending the culmination of any review, investigation or appeal process. Interim measures may also be taken to accommodate academic schedules; on-campus housing arrangements; visa/immigration documents; on-campus employment assignments/schedules; on-campus escorts; etc.

If the Complainant is willing to participate in the review and investigation process, the Office of Academic & Community Conduct and/or the Title IX Coordinator will proceed as described in the Investigation section below.

If the Complainant requests confidentiality or asks that the complaint not be pursued, before taking any further steps the Office of Academic & Community Conduct and/or the Title IX Coordinator will forward that information, along with
all available information about the incident or allegation, to the Allegation Review Panel.

Specifically, the Allegation Review Panel will evaluate 1) whether, and to what extent, Michigan Tech should further investigate an allegation of Misconduct when the Complainant does not wish for an investigation to be conducted, and/or when the Complainant wishes their information to remain confidential; and 2) what other protective measures or remedies might be considered to address any effects of the alleged Misconduct in the campus community. In all cases, the final decision on whether and to what extent an investigation will be conducted rests solely with the Title IX Coordinator and/or designee.

The Office of Academic & Community Conduct, in discussion with the Title IX Coordinator, may modify these guidelines as necessary to achieve the goals of prompt, thorough and effective complaint resolution in a procedurally fair manner. The development of informal resolution processes and means other than disciplinary measures, that allow the Title IX Coordinator and other administrators the requisite discretion to deal with the procedural challenges created by the new broadened definition of sexual and/or relationship misconduct (which is not limited to severe and pervasive), is strongly encouraged.

**Limitations of Confidentiality**

Sexual and/or relationship misconduct complaints will be handled in a confidential manner to the extent possible and consistent with the principles of due process, FERPA, the Violence Against Women Act, and the Campus Security Act.

The Office of Academic & Community Conduct and/or the Title IX Coordinator may not be able to fully address allegations received from anonymous sources unless sufficient information is furnished to enable a meaningful and fair investigation to be conducted.

A. Complete Confidentiality: If a complainant desires details of the sexual and/or relationship misconduct incident to be kept confidential, the complainant should speak with confidential resources, who will maintain confidentiality and explain the details of confidentiality rules. On-campus counselors are available free of charge and can be seen on an emergency basis by contacting Counseling Services.
(906-487-2538). The Ombudsperson (906-487-2391) is also an on-campus confidential resource. Off-campus confidential resources are available at Dial Help (906-482-HELP) or Barbara Kettle Gundlach Shelter (888-337-5623). In addition, students may speak with off-campus clergy/chaplains, who will also keep reports made to them confidential.

B. Duty to Investigate: Students are highly recommended to speak to a responsible employee and/or a campus security authority at the University for purposes of seeking information or reporting incidents. The Office of Academic & Community Conduct and/or the Title IX Coordinator recognize that many students desire confidentiality and many students might not want an investigation and/or attempt to resolve the sexual and/or relationship misconduct incident. However, depending on the facts and circumstances, it may be necessary for University officials to follow up on allegations of sexual and/or relationship misconduct.

C. Federal Reporting Statistical Requirements: The Department of Public Safety and Police Services must fulfill federal crime reporting requirements. All personally identifiable information is kept confidential, but statistical information must be passed along to Public Safety and Police Services regarding the type of incident and its general location (on or off campus, in the surrounding area, but no addresses are given), for publication in the Annual Security and Fire Safety Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

D. Federal Timely Warning Requirements: University officials must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

E. Open Department of Public Safety and Police Services Logs: When incidents are reported to law enforcement officials, federal law requires that the police note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the student who may be the victim of sexual and/or relationship misconduct will be made public. Arrest records, however, are not confidential and are not
protected by FERPA. Any adult student who is arrested can expect that records relating to an arrest will be made public.

F. Confidentiality of Medical Services: If a student seeks medical attention, medical providers are required to alert law enforcement of potential sex crimes. If police are called to the hospital, the student has the right to not talk to them. The decision to prosecute an alleged assailant rests with the local prosecuting attorney. This decision can be made without the consent of the person who was assaulted.

Support Guidelines for Both Complainant and Respondent

The Complainant or Respondent will be treated with respect by University officials throughout the entire process. Each reserves the right to be present for all testimony given and evidence presented before the hearing officer/conduct board.

The Complainant or Respondent will be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by University officials in notifying such authorities, if the student so chooses. This also includes the right not to report, if the complainant chooses.

The Complainant or Respondent may request a campus "No Contact" condition against each other or against any other student who has engaged in or threatens to engage in any threatening, harassing or other improper behavior.

The Complainant or Respondent may request a change in academic and living situations. If such changes are requested and are reasonably available, Office of Academic & Community Conduct and/or the Title IX Coordinator will support the request. Neither a criminal conviction nor an investigation need be completed before a student requests that this interim measure be put in place.

The Complainant or Respondent will not have the option of having any complaint of sexual violence mediated.

The Complainant or Respondent will be able to review all documentary evidence available regarding the complaint, and be informed of all witnesses participating
in the hearing unless witness has been granted anonymity for compelling safety reasons.

The Complainant or Respondent may challenge any member of the conduct board be removed on the basis of demonstrated bias.

The Complainant or Respondent may have an advisor of their choosing to accompany and assist them. The advisor may give guidance and/or provide support to the participant, but may not take part directly in the investigation and/or hearing process.

Academic and Community Conduct may upon request put a privacy screen in place, or other separation of the parties, if there are joint meetings of the Complainant and Respondent before the hearing.

Basic rules of evidence (relevance and credibility) will be observed in any hearing on sanctions/interventions. Irrelevant prior sexual history will not be considered in any investigation or other procedures.

The Complainant and Respondent may make an impact statement during any point in the process and have the statement considered in determining potential outcomes.

The Complainant and Respondent will be informed simultaneously and in writing of the outcome of the Procedures, including rationale for the decision, any imposed sanction(s) and educational condition(s), and procedures for appeal.

The Complainant and Respondent may appeal the hearing decision in accordance with the standards for appeal established in Procedures.

The Complainant and Respondent will be informed of any changes in the outcome based on appeal and/or when the outcome is final.

Additional Support Guidelines for the Complainant

It is the goal of the Office of Academic & Community Conduct and/or the Title IX Coordinator to ensure that individuals alleging sexual and/or relationship misconduct have access to needed resources, services, and information. The complainant will be given timely notice of the alleged violation(s), fully informed
of the nature, rules, procedure of the sexual and/or relationship misconduct process, including possible sanctions.

The Complainant will be provided with information regarding available counseling, mental health or student services for victims of sexual and/or relationship misconduct, both on campus and in the community.

University officials will not discourage the Complainant from reporting a sexual and/or relationship misconduct offense. The Complainant may cooperate in an investigation under the Procedures, seek criminal charges with campus or local law enforcement, seek civil action with a civil trial, choose multiple options, or choose not to take any action.

The Complainant may question witnesses at any formal hearing. The Complainant may not question the Respondent directly. Questions will be submitted to the hearing officer and/or panel, and they will ask questions of the Respondent.

Additional Support Guidelines for the Respondent

It is the goal of the Office of Academic & Community Conduct and/or the Title IX Coordinator to ensure that students responding to charges of sexual and/or relationship misconduct have access to needed resources, services and information. The respondent will be given timely notice of the alleged violation(s), fully informed of the nature, rules, procedure of the sexual and/or relationship misconduct process, including possible sanctions, and given an opportunity to respond, by accepting or denying responsibility, or standing mute.

The Office of Academic & Community Conduct and/or the Title IX Coordinator strives to offer a reasonable parity of resources, services and information, to the extent possible, to all parties to the incident, including, but not limited to:

The respondent will be provided with information regarding available counseling, mental health or student services for victims of sexual and/or relationship misconduct, both on campus and in the community.

The Respondent will receive a fundamentally fair hearing, as The Respondent may refuse to answer some or all questions to avoid self-implication. This silence may not be used against the Respondent.
The Respondent may question witnesses at any formal hearing. The Respondent may not question the Complainant directly. Questions will be submitted to the hearing officer and/or panel, and they will ask questions of the Respondent.

**Procedure**

The University will respond to violations of sexual and/or relationship misconduct through a variety of pathways, informally and/or formally, with the goal of educating all parties involved. Resolutions, as well as appeal processes, are administrative functions internal to the University.

The Office of Academic and Community Conduct, in discussion with the Title IX Coordinator, will determine the most effective method of reviewing the concerns raised by the Complainant. In some cases, this will involve a thorough fact-finding investigation being conducted. In other cases, a different or less formal response to the complaint may be warranted. Although the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, may modify these guidelines, it will still respond to the complaint in a prompt, thorough and effective manner that is procedurally fair. At any stage of the process, based on review of available information, the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, may terminate any further response to a complaint.

**Investigation**

If after reviewing the allegations the Title IX Coordinator deems reasonable cause exists for an investigation to be conducted, the Office of Academic and Community Conduct and/or the Title IX Coordinator will use the following guidelines to ensure that allegations of Misconduct are handled promptly and effectively in a manner that is procedurally fair to all parties. The investigation may be conducted by Public Safety and Police Services, outside law enforcement, Housing and Residence Life, the Title IX Investigator, and/or the Title IX Coordinator. In most cases, the Title IX Investigator will be utilized. The investigation may include meeting separately with the Complainant, Respondent, pertinent witnesses, and reviewing and analyzing relevant documents.
**Preliminary Report & Comment**

After the investigation is concluded, a preliminary report will be prepared, as circumstances warrant. To the extent permitted by FERPA, the Complainant and Respondent will be given an opportunity to review the preliminary report of the information gathered during the investigation and will be given seven (7) business days to submit comments on the preliminary report to the Title IX Coordinator.

Following receipt of any comments submitted, or after the seven (7) business day comment period has elapsed, the Office of Academic and Community Conduct, in consultation with the Title IX Coordinator, will make a determination regarding the merits of the allegations based upon reasonable cause.

**Final Report**

The final written report will contain (1) a summary of the Complainant’s relevant allegations; (2) a summary of the Respondent’s relevant statements in response to the allegations; (3) a description of the relevant information provided by witnesses or obtained from documents, (4) the analysis and findings.

After the investigation has been concluded and has been approved by the Title IX Coordinator, the final report will be made available for review to the Complainant and the Respondent. If the final report concludes reasonable cause exists that a violation of the sexual and/or relationship misconduct policy may have occurred, appropriate pathway(s) will be followed, as described below.

**Informal Pathway**

**Conduct Intervention** - After receiving a report, a University official may decide to schedule a meeting with the respondent to discuss the alleged violation(s). At the meeting, the official will: (1) explain the purpose of the conduct intervention meeting; (2) review the incident report and any impacts/harms to individuals and/or community as a whole; (3) listen to the respondent’s explanation of what occurred and why; (4) discuss community behavioral expectations and conflict
resolution techniques; (5) discuss the consequences of the student conduct process; and (6) assist the respondent in developing an action plan to: repair the impacts/harms to individuals and or community; avoid recurring behavioral issues; make any referrals as deemed appropriate; and reintegrate themselves back in to the community.

No sanctions will be imposed during the conduct intervention, and there is no right to an appeal. The official has the authority to change handling the incident at the conduct intervention level to the administrative option, voluntary adaptable resolution, or formal action, based on the information revealed in the conduct intervention meeting or if a respondent fails to appear for the conduct intervention meeting.

**Restorative Practices** - The official may offer the option for the parties involved to informally resolve the conflict/incident. If the respondent accepts responsibility for the misconduct, and the parties to the complaint agree to be involved, adaptable pathways such as facilitated dialogue, restorative group conferencing, and/or circle processes may be utilized. These voluntary processes allow all parties to be involved in and have influence on the resolution process and outcome. The primary focus is to address the impacts, repair the harm, restore integrity, and reintegrate individuals back in to the community. If all parties are not in agreement to restorative practices, or at any time during the process the official decides it’s not in the best interest of those involved, including the University, then the matter will be handled through formal action.

**Formal Pathway**

**Interim Action** – Reasonable cause needs to be present for the University to take interim action with any respondent to ensure the safety and well-being of all members of the University community; to ensure the respondent’s own physical or emotional safety and well-being; or if the respondent poses a threat of disruption of or interference with, the normal operations of the University. If a
respondent fails to comply with the requirements of the interim action, the University may immediately take any lawful action to obtain compliance.

“Interim action” includes, without limitation:

- Immediate suspension from the University;
- Restriction on respondent’s presence in the residence halls, on University property and/or at University events;
- A requirement that the respondent secure a psychological assessment through Counseling Services or at another facility at the respondent’s expense and/or a medical assessment. The assessment(s) may be used to determine the appropriateness of withdrawing, sustaining, or altering the interim action.
- No verbal/non-verbal/third-party contact with another person(s).
- Disciplinary hold on the respondent account that prevents registering for academic courses and/or making any type of academic requests (i.e. transcripts). In order to have the hold removed the respondent will need to comply with official’s request.
- Mandatory behavioral agreement that reinforces conduct expectations, with any further violations of the Code resulting in severe sanctions.
- The respondent can request an interim suspension review to be conducted. The interim suspension letter will contain instructions on how to request a review. Those present at the meeting may include the responding university official and other witnesses as deemed appropriate. During the review, the respondent will be given an opportunity to demonstrate why his or her continued presence on campus does not constitute a threat to themselves, others or property.

Administrative Option - The official may send a written notice of the alleged policy violation(s), potential sanctions and educational conditions, with the option for the respondent to (a) accept responsibility with the designated sanctions and educational conditions, or (b) request formal action. The respondent’s written
response must be returned to the official within seven (7) business days. If the response is not returned within the designated time period, the respondent waives his/her right to formal action and the sanctions and educational conditions outlined in the written notice are imposed. The complainant may at this point appeal the outcome. If the complainant or respondent requests formal action, then a hearing will be scheduled and the case will proceed with the formal action procedures.

** Formal Action ** - The official will send to the complainant and respondent written notice of the alleged violation(s), the range of sanctions related to the violation(s) and the date, time and location for an initial conference. If the respondent fails to appear at the initial conference, the official may consider all information true and accurate and take appropriate administrative action.

An initial conference notice is sent (via email, if possible) when a report from staff, faculty, law enforcement, or another source that indicates a respondent might be responsible for a violation of the Code. At the initial conference, the respondent will meet with an official. The purpose of the initial conference is to provide the respondent with additional information about the reported incident and explain the procedures that will be followed to determine if he/she is responsible or not responsible for a violation the Code. At that time, the respondent may elect one of the following courses of action:

- To take responsibility for violating one or more University rules. The case may then be immediately reviewed by the official, who will take appropriate action. If the respondent wishes to demonstrate mitigating circumstances that will impact the sanction(s) and educational condition(s) to be imposed by producing relevant witnesses or information, a postponement of action may be requested for a reasonable time.
- To deny responsibility for the violation(s), in which case, the official shall determine the next appropriate course of action from the following:
Refer for a formal hearing before a conduct board. If the board cannot convene, Office of Academic and Community Conduct will arrange a formal hearing by an official(s).

Adjourn the conference in order to obtain additional information, and then complete the hearing at a later time after all additional information has been gathered.

* At the formal hearings, the respondent will appear before a conduct board. The conduct board will consist of a three person panel made up of professional staff and faculty.

**Hearing Guidelines for Participants** - The Office of Academic and Community Conduct would like to emphasize that our hearing is not a criminal trial. The same strict procedures or rules of evidence as you would experience in court procedures are not used. The standard used to determine if a respondent is responsible is called preponderance of evidence; this differs from normal court procedures because the hearing officer or committee may simply rule that it is more probable than not that a University regulation has been violated.

The purpose of a hearing is to obtain the information necessary to make a decision in a respondent's case. Additional witnesses or documents are sometimes helpful; however, character witnesses are not allowed.

- Hearings are closed to the public. Privacy will be preserved to the fullest extent possible, as allowed by law. At the discretion of the official, an additional official (procedural officer) may be present for the purpose of assisting in managing the hearing, but the assistant shall not otherwise participate in the decision making process.
- Where a sanction of suspension or expulsion can be imposed, hearings will be recorded. Deliberations will not be recorded. The record will be the property of the University and maintained according to University policy.
- The official and/or chair of the conduct board shall exercise control over the proceedings to avoid needless consumption of
time and to achieve orderly completion of the hearing. Any
person, including the respondent charged with misconduct,
who disrupts a hearing, may be excluded by the official or
chair.

- During the hearing, the respondent may present an
  explanation of the facts and circumstances relating to the
  incident, present relevant witnesses who can speak to the
  facts and/or written information, ask questions, and reserve
  the right to not respond to questions. The official and/or chair
  may determine that witnesses or information is not relevant to
  the charge(s). They may also call on the complaining party to
give an explanation of events.

- The complainant and respondent may have an advisor of their
  choice to accompany and/or assist them at any point during
  the investigation and/or informal/formal pathways. The
  advisor may advise and/or provide support to the participant
  but may not take part directly in the hearing itself.

- No disciplinary action shall be taken unless it is established by
  a preponderance of the information that the respondent is
  responsible for the violation(s). Formal rules of evidence shall
  not be applicable in conduct hearings. Information which
  reasonable persons would accept as having probative value in
  the conduct of their affairs can be considered.

- Written notice of the conduct decision will be sent to the
  complainant and respondent simultaneously within seven (7)
  business days of the hearing. This time may be extended if
  necessary in the reasonable judgment of the official and/or
  chair.

- Any conduct decision may be appealed and must follow the
  established procedures as outlined in Appeal Procedures.

Range of Sanctions

Written Warning is a statement that further violations of University
rules will result in more serious sanctions.
Conduct Probation is a status which generally will not exceed 18 months unless in the discretion of the decision maker the status should exceed 18 months. Respondents who violate any regulation while on conduct probation are likely to receive enhanced sanctions for any subsequent violations. Conduct probation means a student is not in good social/conduct standing, and therefore may be ineligible to participate in co- and/or extra-curricular activities, student employment, scholarships, etc.

Conduct Suspension is the termination of a person’s status as a student for a definite or indefinite period of time with possibility of reinstatement. The respondent must submit a petition for reinstatement and have it approved before being allowed to return.

Conduct Expulsion is the termination of a person’s status as a student without possibility of reinstatement.

Educational Conditions

Conduct decisions may, in addition to sanctions, include educational conditions. This may include: writing assignments, educational/experiential workshops, counseling, fees, community service, restorative practices, loss of privileges, educational projects and/or assessments. The University has complete discretion to require or to not require educational conditions on a case by case basis.

Appeal Procedures

Both the respondent and complainant may appeal decisions made by an official and/or board. Instructions for initiating an appeal will be provided in every conduct decision letter. The basis for an appeal is limited to questions of fact, questions of procedure and severity of sanction.

Question of Fact— Respondents may appeal on “questions of fact” by introducing new information that would significantly affect the outcome of the case. Information introduced that was not known or could not be reasonably known at the time of the hearing by the respondent shall be considered new information. Evidence that was known but withheld by the respondent shall not constitute a question of fact and will not be considered upon appeal.
**Question of Procedure**—Appeals will be considered on the basis of “questions of procedure” by demonstrating that the procedural guidelines established in this document were breached, and that such departure from established procedure significantly affected the outcome of the case.

**Severity of Sanction**—Respondents may appeal the “severity of sanction” that has been imposed by presenting a statement that explains why they believe the sanction should be reconsidered.

Appeals must be in writing and submitted within seven (7) business days to the Office of Academic and Community Conduct. Appeals will be resolved by the Dean of Students or designee. In all cases under the Sexual and/or Relationship Misconduct Policy, an Appellate Board will be appointed by the Dean of Students to review the appeal. The Appellate Board consists of a three person panel made up of professional staff and one faculty. The Appellate Board will review the record and render a decision on the appeal. The Dean of Students or designee will notify the appellant in writing of the decision of the Appellate Board within seven (7) business days of the appellate decision. This action shall be final and is not subject to further appeal.

Respondents who have been sanctioned with suspension or expulsion may have access to the hearing recording under the supervision of Academic and Community Conduct staff prior to submitting an appeal letter. The imposition of sanctions will be deferred while an appeal is pending unless, at the discretion of the Dean of Students or designee, the Interim Action provisions are invoked or for other good cause. The Dean of Students or designee, or Appellant Board, may (a) deny the appeal; (b) remand the case to the original hearing officer or hearing committee; (c) change (increase or decrease) the sanctions, and/or (d) dismiss the original charges. In cases involving more than one charge, an appeal decision may include more than one of the options in (a) through (d).

**Procedures for Multiple Violations**

In cases of multiple charges where more than one policy is implicated, the procedures governing Sexual and/or Relationship Misconduct violations will take precedence.
Records

Records of all conduct actions by officials and boards are considered educational records under FERPA. For additional information, see http://www.mtu.edu/registrar/faculty-staff/ferpa/. Records of conduct actions shall be maintained by the Office of Academic and Community Conduct in accordance with the Student Affairs document retention policy. Records of incidents reportable under the Campus Security Act will be retained for seven (7) years from the date of the incident; records of incidents resulting in suspension (when the student does not return to the University) or expulsion will be retained indefinitely; and all other records will be retained for two (2) years following graduation or official withdrawal from the University. With the exception of the sanction of Expulsion, and Special Failing Grades (F*, U* and E* under the Academic Integrity Policy), disciplinary sanctions do not appear on University transcripts. In the case of pending actions where an academic grade cannot be assigned, a grade of “M” will be entered into the student’s academic record, which is not calculated into the student’s GPA.

Revocation of Degree

The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious disciplinary violations committed by a student prior to the student’s graduation.