

## **Student Code of Conduct**

### **Introduction**

Students as citizens of local, state, and national governments, and members of an academic community, are expected to conduct themselves in a law-abiding manner at all times. Admission to The University of Montana-Helena College of Technology carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. Accordingly, the college has developed regulations and policies pertaining to students and to student organizations outlined in this Student Code of Conduct. These regulations are necessary to provide an environment that is conducive to the intellectual and personal development of all members of the campus community. Students or organizations accused of violating the Code have certain substantive and procedural rights that are cited in this document. Any student or organization found to be in violation of an established policy or regulation of the college is subject to misconduct action according to the provisions outlined in the Code.

In recognition of the special relationship that exists between UM-Helena and the academic community which it seeks to serve, the Montana Board of Regents has delegated the authority to take such action as may be necessary to preserve the integrity of the institution and its educational environment to the Dean/CEO of the college. The Dean/CEO has drawn a distinction between academic and general conduct. The Assistant Dean of Student Services is responsible for the procedural administration of the Student Code of Conduct for all general conduct. The Associate Dean of Academic Affairs is responsible for the procedural administration of the Student Code of Conduct for all academic conduct.

### **Jurisdiction and Cooperation with Law Enforcement Agencies**

Generally, the jurisdiction of the Code is limited to student conduct occurring on property owned, leased, or otherwise controlled by the college. In exceptional circumstances, jurisdiction may be asserted off-campus when conduct impairs, interferes with, or obstructs college activities or the mission and functions of the institution, or poses a substantial threat to the health and safety of the campus community. As members of the larger community of which the college is a part, students are subject to all national, state and local laws and ordinances. While the laws of the larger community and the Student Code of Conduct may overlap, they operate independently and do not substitute for each other. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the college may enforce its own regulations, regardless of any legal proceedings either pending or underway by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the institution, whether or not such conduct is simultaneously a violation of local, state, or national laws. Further, the college makes no attempt to shield members of the campus community from the law, nor does it automatically intervene in legal proceedings against members of the campus community. The college will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

## **Definitions**

“College” shall mean The University of Montana-Helena College of Technology.

“Student” shall mean any person who is enrolled at the college for any academic term, whether full or part-time, pursuing undergraduate studies or a person accepted for admission or readmission to the college. A person who has completed an academic term and who can be reasonably expected to enroll for the following term or a person under suspension from the college shall also be considered a student. “College community” shall include the faculty, staff, and students of the University of Montana-Helena College of Technology and all property and equipment of the college.

## **Student Rights**

The University of Montana-Helena recognizes that its students retain the rights provided by the United State and Montana Constitutions, federal and state statutes, and other applicable college policy, while attending the college. The provisions of the Student Code of Conduct are intended to be consistent with these rights and to limit or restrict only conduct that exceeds the responsible exercise of rights recognized by law. The following rights are specifically recognized and implemented in the Code:

### **Right to Confidentiality**

UM-Helena complies with the principles of privacy found in the Montana Constitution, Montana Code Annotated, and the Family Educational Rights and Privacy Act (FERPA). A student’s name and other identifying information including address, telephone number, date and place of birth, enrollment status, major field of study, participation in officially recognized activities, dates of attendance, degrees awarded, and honors received may be considered public information unless the student requests in writing for the college to hold the information in confidence.

A student’s rights in a proceeding involving the Student Code of Conduct include the following:

1. All disciplinary proceedings are closed to the public.
2. The college, including individuals involved in a disciplinary proceeding, will not disclose information to anyone not connected with the proceeding.
3. The fact that there is a disciplinary proceeding concerning the incident may be disclosed; however, the identity of individual students will not be disclosed.
4. The college, including individuals involved in a disciplinary proceeding, will disclose the results of the proceedings, including sanctions imposed, only to those who need to know the results for the purposes of record keeping, enforcement of the sanctions, further proceedings, or compliance with federal or state law.
5. The fact that a disciplinary proceeding has been concluded and appropriate action taken may be disclosed. The Campus Security Act of 1990 allows, but does not require, the college to disclose the results to an alleged victim of a violent crime.

## Right to Due Process

**The Accused.** A student accused of violating the Student Code of Conduct has certain rights:

1. The right to be advised that an alleged violation is being investigated and a right to be advised of the potential charges.
2. The right to review the evidence.
3. The right to decline to make statements.
4. The right to submit a written account relating to the alleged charges.
5. The right to know the identity of individuals who will be present at an administrative conference or hearing.
6. The right to have a person of choice, including legal counsel, present throughout any and all proceedings provided for in this Code.
7. The right to a period of time to prepare for a hearing and the right to request a delay of the hearing for exigent circumstances.
8. The right to hear and question witnesses and the accuser.
9. The right to present relevant evidence and witnesses.
10. The right to a timely adjudication of the charges as provided in this Code.

**The Alleged Victim.** Some violations of the Student Code of Conduct involve a person who is an alleged victim of the violent crime. Violent crime may include acts such as robbery, vandalism, aggravated assault, sexual assault, harassment, and acts which endanger another person's safety. When a member of the campus community files a complaint and is identified as an alleged victim of a violent crime, that individual is entitled to certain rights in the disciplinary process. An alleged victim of a violent crime is entitled to the following:

1. The right to meet with the designated administrative officer to discuss the various aspects of the disciplinary process.
2. The right to submit a written account of the incident and a statement discussing the effect of the alleged misconduct.
3. The right to have a person of choice, including legal counsel, present throughout any and all of the proceedings provided for in the Code.
4. The right to be informed of the date, time and location of the administrative conference or hearing, and the right to be present at all stages of the proceedings except the private deliberations of the designated administrative officer. If not present, the alleged victim has the right to be informed immediately of the outcome of the disciplinary proceedings.
5. The right to have past conduct that is irrelevant to the case not discussed during the proceedings. In the case of rape and sexual assault, this is specifically provided for in Montana Law.

## **Student Code of Conduct and Disciplinary Sanctions**

Students have the responsibility to conduct themselves in a manner that does not impair the welfare or educational opportunities of others in the college community. Students must act as responsible members of the academic community; respect the rights, privileges, and dignity of others; and refrain from activities which interfere with normal college functions. The University of Montana-Helena College of Technology has developed the following regulations which are intended to govern student conduct on the campuses under its jurisdiction:

### **General Misconduct**

Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct, excluding academic misconduct, which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property. Individual or organizational misconduct, which is subject to disciplinary sanction, includes:

1. Forgery, falsification, or fraudulent misuse of college documents, records or identification cards.
2. Furnishing false information to the college or members of the college community who are performing their official duties.
3. Causing false information to be presented before any judicial proceeding of the college or intentionally destroying evidence important to such a proceeding.
4. Theft of property or services on college premises or at college-sponsored activities, or knowingly possessing stolen property on college premises or at college-sponsored activities.
5. Unauthorized use, destruction, or damage of college property or the property of others on college premises or at college-sponsored activities. "Unauthorized" means entry, use, or occupancy of property of which the student is not authorized by virtue of his or her enrollment, class schedule, and/or legal or Student Code of Conduct action.
6. Unauthorized or fraudulent use of the college's facilities, telephone system, mail system, or computers, or use of any of the above for any illegal act.
7. Unauthorized entry, use or occupancy of college facilities.
8. Failure to comply with the directions of college officials acting in the performance of their duties within the scope of their authority.
9. Violation of published college regulations or policies.
10. Intentional obstruction or disruption of normal college or college-sponsored activities, including but not limited to studying, teaching, research, administration and disciplinary procedures, or fire, police or emergency services.
11. Use, possession, or distribution of alcoholic beverages on college premises or at college-sponsored activities except as permitted under college policies (UM-Helena Policy 600.6 Alcohol Sale, Possession, and/or Consumption on College Property).
12. Disorderly or indecent conduct on college-owned or controlled property or at college-sponsored events.
13. Interfering with freedom of expression of others on college premises or at college-sponsored events.

14. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
15. Malicious intimidation or harassment of another which occurs when a student, with intent to terrify, intimidate, threaten, harass, annoy, or offend, (1) causes bodily injury to another, (2) causes reasonable apprehension of bodily injury in another, (3) damages, destroys, or defaces any property of another or any public property, or (4) makes repeated communications anonymously or at extremely inconvenient hours or in offensively coarse language.
16. Any form of illegal gambling or wagering.
17. Misuse of electronic devices. Cellular phones, pagers, and other electronic devices shall not be used in a manner that causes disruption to instruction, the library, or other services and facilities owned or operated by the college. Use of cellular devices with photographic capabilities for activities that violate the Academic or General Code of Student Conduct is prohibited. Photographing individuals in secured areas such as bathrooms or where there is a reasonable expectation of privacy, and/or taking photographs of individuals without express permission is prohibited.
18. Misuse or abuse of computer equipment, programs or data.
19. Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity.
20. Illegal use, possession, or distribution of any controlled substance on College premises or at college-sponsored activities.
21. Illegal or unauthorized possession or use of firearms, explosives, other weapons, dangerous chemicals, or other noxious substances on college premises.
22. Sexual intercourse without consent (rape) or sexual contact without consent (sexual assault).
23. Homicide, assault, aggravated or felony assault, or threat of the same, to any person on college-owned or controlled property or at college-sponsored activities, or conduct which threatens or endangers the health or safety of any such person.
24. Retaliation against a person for filing a complaint or acts of intimidation directed towards a person to drop a complaint.
25. Attempts and complicity. Any attempt to commit acts prohibited by the General Student Code of Conduct, or the aiding and abetting of the commission of any prohibited act.
26. Violation of state or federal laws. Any violation of state or federal laws or regulations prescribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
27. Violation of the terms of any disciplinary sanction imposed in accordance with this Code.

## Academic and Classroom Misconduct

The instructor has the primary responsibility for control of classroom behavior and maintenance of academic integrity and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct in violation of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.

1. Plagiarism, cheating and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions, which may be imposed through the regular institutional procedures, as a result of academic misconduct, the instructor has the authority to assign an "F" or a zero for the exercise or examination, or to assign an "FX" in the course which signifies a failing grade due to academic dishonesty.
2. Disruptive behavior in the classroom may be defined as, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
3. Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course. Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Academic Affairs or the ACCESS Center for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.
4. If a student has reason to believe he or she has been wrongly accused of academic misconduct, and if a final grade has been lowered as a result, he or she may appeal the grade through the office of the Associate Dean of Academic Affairs.

## Disciplinary Sanctions

Upon a determination that a student or organization has violated the Student Code of General Conduct, the following disciplinary sanctions may be imposed, either singularly or in combination:

1. **Expulsion.** Expulsion entails a permanent separation from the college. The imposition of this sanction is a permanent bar to the student's re-admission to the college.
2. **Suspension.** If a student is suspended, he or she is separated from the college, and may also be excluded from participation in college-sponsored activities, for a specified period of time with conditions of re-admission stated in the notice of suspension.
3. **Disciplinary Probation.** Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
4. **Disciplinary Warning.** The appropriate institutional official may notify the student that continuation or repetition of specified conduct may be cause for other or more severe disciplinary actions.
5. **Restitution.** A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
6. **Other Sanctions.** In addition to or in lieu of the above, other sanctions may be imposed including restrictions upon a student's or organization's privileges for a specified period of time, counseling or rehabilitative treatment to address specific behaviors, fines, service to the college, and/or special educational programs relevant to the misconduct as a condition of continued or future enrollment.

Repeated or aggravated violation of this Code may result in more severe disciplinary sanctions than any individual action may warrant, and notification of any sanction imposed is provided to appropriate College officials. The Dean/CEO is authorized, at his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases. Notification of any sanction imposed is sent to appropriate college officials.

Following suspension for general misconduct, readmission to the college is dependent upon the student's compliance with the conditions designated at the time of suspension and the student's fitness to return to the college community. Those decisions are made by the Assistant Dean of Student Services upon consultation with the appropriate professional staff on campus and/or in the community. Appropriate documentation, depending upon the nature of the original violation and the conditions of suspension, may be required. Upon readmission the student is placed upon disciplinary probation for a designated period of time with required conditions and expectations of behavior to be monitored by a designated college official.

### **Temporary Suspension**

The college reserves the right to take necessary and appropriate action to protect the safety and well-being of the college community.

1. A student may be temporarily suspended from the college by the Assistant Dean of Student Services pending disciplinary or criminal proceedings, upon evidence that the continued presence of the student on campus constitutes an immediate threat to the physical safety and well-being of the accused, or to any other member of the college community or its guests, destruction of property or substantial disruption of classroom or other college activities. When such a determination is made, the temporary suspension is effective immediately without prior notice. The student shall be given an opportunity to contest the suspension with the Assistant Dean of Student Services within five (5) instructional days from the effective date of the temporary suspension if there are disputed issues of fact or cause and effect.
2. Faculty members have the authority to exclude a student from any class session in which the student displays disruptive behavior that threatens the learning environment or safety and well-being of others in the classroom. Students are eligible to return to the next class session. Faculty members maintain the authority to remove students from each class session during which a student is disruptive. A student may be suspended permanently from a class upon recommendation of the Assistant Dean of Student Services following the disciplinary procedure outlined in this Code.

### **Disciplinary Records**

Sanctions of suspension and expulsion affect a student's academic status and are entered as notations in the student's permanent academic record maintained by the Registrar during such time as the imposed sanctions are in effect. Records of sanction imposed for any violation of the General Student Code of Conduct are retained on file in the Office of the Assistant Dean of Student Services.

### **Disciplinary Procedures**

The purpose of a disciplinary proceeding is to determine if a violation of the General Student Code of Conduct has occurred, and if so, to determine appropriate sanctions.

The principle of due process in student discipline is assured at UM-Helena.

Administrative proceedings are informal and do not follow formal rules of evidence applicable in judicial proceedings; however, the college has the burden of proof to establish a violation by clear and convincing evidence. The following procedures apply in adjudicating charges of general misconduct:

1. Whenever an allegation occurs that a student may have violated the General Student Code of Conduct, the Assistant Dean of Student Services will conduct an investigation of the incident. The student will be advised in writing of the alleged violation(s), the investigation, and General Student Code of Conduct procedures. The investigation shall determine the facts of the incident through interviews, reports, and other forms of evidence. As part of the investigation, the student will be afforded the opportunity to respond to the allegation and evidence gathered. The Assistant Dean of Student Services will review the evidence to determine if any violation of the Code of Conduct occurred and propose the appropriate disciplinary sanction(s). The student shall be notified in writing of the charges and sanctions and be provided the opportunity to respond through a meeting with the Assistant Dean of Student Services within five (5) instructional days. If the student accepts the charges by signing the notice of charges and sanctions, a copy will be provided to the student, the proceedings are concluded and the sanctions are implemented. If the student does not accept the charges and/or the sanctions, the student will be informed of the right to an administrative conference. If a student fails to respond to a notice of charges and sanctions within five (5) instructional days, the college will accept the charge(s) and impose the specified disciplinary sanction(s).
  
2. If a student denies charges and/or does not accept sanctions imposed as a result of the investigation conducted by the Assistant Dean of Student Services, the investigation, charges, and sanctions are reported in writing to the Associate Dean of Academic Affairs within five (5) days of meeting with the student. The Associate Dean shall designate a committee to review the report to include an impartial student and faculty member. If the administrative committee determines that no violation has occurred or that the evidence is insufficient to support further action, a recommendation is sent to the Assistant Dean of Student Services with a copy to the student. If the committee concludes that a probable violation has occurred and that evidence supports the sanctions, the Associate Dean will convene a conference to include the student, the Assistant Dean of Student Services, and the review committee to inform the student of the committee's findings and provide the student with a final opportunity to respond. Written notice of the meeting will be provided informing the student of the right to be accompanied by a parent, guardian, appropriate witness, or legal counsel. The role of legal counsel at the conference is limited to consultation with the student only, and the student must notify the Associate Dean of the intent to bring legal counsel at least three (3) instructional days before the time of the conference. If the student accepts the charges by signing the notice of the conference to review charges and sanctions, a copy will be provided to the student and the Assistant Dean of Student Services, the proceedings are concluded and the sanctions are implemented. If the student does not accept the charges and/or the sanctions, the student will be informed of the right to appeal the decision with the Dean/CEO of the College. If a student fails to appear at the conference, the College will accept the charge(s) and impose the specified disciplinary sanction(s).

3. In the event a student denies the charges and/or does not accept the disciplinary sanctions as determined through the administrative conference, the investigation, charges and sanctions are reported in writing to the Dean/CEO within five (5) instructional days of the conference. The Dean/CEO will review the report within ten (10) instructional days and make a final determination as to the charges and sanctions. The Dean/CEO may call a meeting with the student and may amend, modify, reverse, or accept the charges and/or sanctions. Notice of the final determination will be provided by the Dean/CEO to the student with copies to the Associate Dean of Academic Affairs and the Assistant Dean of Student Services.
4. A student may seek further administrative review through the Office of the President, University of Montana, 32 Campus Drive, Missoula, MT 59812; the Commissioner of Higher Education, 2500 Broadway Street, PO Box 203201, Helena, MT 59620-3201; and the Board of Regents in accordance with Montana Board of Regents of Higher Education Policy 203.5.2.