

Part 2: *Student Code*

2.0 Philosophy

Admission into the University community is both voluntary and optional, and obligates each student to abide by the regulations established by the University. It is intended that these regulations will further the educational mission of the University by providing an environment conducive to the personal growth and development of students. These regulations may not, however, be unreasonable or forbid the exercise of a right guaranteed by the Constitution of the United States.

Red font – Committee Recommendations

Purple font – Recommendation from Attorney Kurt McCamman of Miller Canfield

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Northern Michigan University is committed to maintaining a learning environment where all persons feel safe to carry out the University's mission and goals. The University is an institution that values the safety of each individual in its community.

The University has developed a Campus Assessment Team to improve community safety through collaborative, coordinated, objective, thoughtful approaches to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, an actual risk of serious harm to the safety, security, and well-being of others within the University or University community. The Team will review and evaluate information regarding concerns or issues involving threats to the

2.1 Definitions

For the purposes of the Student Code, the following definitions apply:

.01 ADMINISTRATIVE HEARING means a meeting with a conduct administrator during which the conduct incident will be reviewed and the respondent will be provided the opportunity to accept responsibility for the Student Code charges, and be issued a sanction, or deny responsibility and attend a conduct board hearing.

.02 COMPLAINANT means any person who reports that a student is alleged to have violated this Student Code.

.03 CONDUCT ADMINISTRATOR means an NMU official authorized to administer the student conduct process, including impose sanctions upon any student(s) found to have violated the Student Code.

University community by University students, and will act, as necessary, to protect the community and its members.

All students are expected to follow Northern Michigan University's conduct policies. Where a student (1) violated the University's rules and regulations as outlined in the Student Code, (2) engages in behavior that substantially impedes the lawful activities, educational process, or other proper activities or functions of other members of the University community, or (3) poses an actual risk of serious harm to others within the University or to the University community, the student may be subject to disciplinary action up to and including involuntary withdrawal pursuant to the Student Conduct Process.

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.04 CONDUCT BOARD means persons authorized to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when it has been determined a rules violation has been committed.

.05 FACULTY MEMBER means any person hired by the University to instruct classes. This also includes non-instructional faculty.

.06 MEMBER OF THE UNIVERSITY COMMUNITY includes any person who is a student, faculty member, University official or any other person employed by the University, and persons who reside in NMU housing facilities.

.07 RESPONDENT means any student accused of violating this Student Code.

.08 SEXUAL MISCONDUCT REVIEW BOARD means persons authorized to determine whether a student has violated policies regarding dating violence, domestic violence, sexual assault, sexual harassment, and stalking, and to impose sanctions when it has been determined a violation has been committed.

.10 STUDENT includes all persons enrolled for courses through or at NMU, both full-time and part-time, and those who attend educational institutions other than NMU but reside in NMU housing facilities. Participants of the Olympic Training Site are considered students. Persons who are not officially enrolled for a particular semester but whose NMU record indicates a continuing relationship with the University are considered students. Persons who have

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.08 SEXUAL MISCONDUCT REVIEW BOARD **Contact the Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct.** ~~means persons authorized to determine whether a student has violated policies regarding dating violence, domestic violence, sexual assault, sexual harassment, and stalking, and to impose sanctions when it has been determined a violation has been committed.~~

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been admitted to NMU but have not yet enrolled for courses are considered students.

.11 UNIVERSITY means Northern Michigan University.

.12 UNIVERSITY OFFICIAL includes any person employed by NMU performing assigned responsibilities.

.13 UNIVERSITY PREMISES includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, and thoroughfares frequently used by students (including adjacent streets and sidewalks).

2.2 Purpose

In order for the student conduct system to function effectively, members of the University community must know the standards expected of students and the process for resolving alleged violations of the Student Code. Sections 2.4 through 2.7 outline procedures for dealing with alleged violations of the Student Code and inform students of their procedural due process rights.

The present Student Code is a revised edition of the 2003 version and was developed by the professional staff from the Dean of Students Office in cooperation with a committee consisting of members of the Conduct Boards, Housing and Residence Life, Center for Student Enrichment, Dining Services, Public Safety and Police Services, and the Associated Students of Northern Michigan University (ASNMU). Any part of this document may be revised by action of the Northern Michigan University Board of Trustees.

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~~Recommendations concerning~~ **Recommended** revisions of the

Recommendations concerning revisions of the Student Code are normally forwarded to the Provost. The President shall submit recommendations directly to the Board of Trustees.

2.3 University Regulations

Jurisdiction of the Northern Michigan University Student Code:

Standards of behavior are developed by institutions of higher education for the purpose of furthering educational objectives. These standards, commonly referred to as student regulations, may apply to behavior off-campus as well as on-campus. Violations of the regulations set forth by the University may result in disciplinary action by the University. Criminal prosecution may also be pursued by law enforcement authorities. The Northern Michigan University Student Code shall apply to conduct that occurs on University premises, at University-sponsored activities, and to off-campus conduct. The University may take action in off-campus situations involving flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its mission. Each student shall be responsible for their conduct from the time of admission through the actual awarding of the degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during break periods between terms of actual enrollment (and even if their conduct is not discovered until after the degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students may

Student Code are forwarded to the Provost **and the President**. The President shall submit ~~recommendations~~ **recommended revisions** directly to the Board of Trustees. **The Dean of Students Office is authorized to make changes to names, titles, references, or other non-substantive information.**

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recommend the student conduct process proceed regardless of withdrawal, particularly in cases involving willful homicide, sexual misconduct, dating violence, domestic violence, stalking, robbery, burglary, aggravated assault, larceny over \$50, motor vehicle theft, and arson. The Dean of Students, or designee, shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion.

Authority:

Authority for the enactment of student regulations is vested in the Northern Michigan University Board of Trustees. The Board delegates powers to the President, who in turn shares with specified officers of the University, the faculty, and student body the responsibility to develop recommendations regarding student regulations. Student regulations adopted by the Northern Michigan University Board of Trustees are stated below. Regulations which are developed and approved shall be considered to be part of the Student Code. Newly-approved regulations shall be updated on-line upon their adoption.

Sanctions:

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be imposed independently or in combination depending on the particular circumstance of the violation. Severe and/or multiple violations shall increase the severity of sanctions applied. The sanctions are defined in Section 2.7.1 of this document.

Responsibility for Living Space and Property:

Students at Northern Michigan University are responsible for the behavior exhibited, and contents, within their assigned living space

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Students at Northern Michigan University are responsible for the behavior exhibited, and contents, within their assigned living space

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Responsibility for Guests:

Students at Northern Michigan University are responsible for their guests' compliance with University rules and regulations. Students may be charged through the NMU student conduct process for violations of the Student Code by their guests.

Student Code Interpretation:

Any question of interpretation or application of the Student Code shall be referred to the Provost, or designee, for final determination.

2.3.1 Academic Dishonesty

No students shall intentionally or unintentionally participate in academic dishonesty in any course offered by or at NMU. If a student is uncertain about an issue of academic honesty, the student should consult the faculty member to resolve questions in any situation prior to the submission of any academic work. This regulation does not preclude an academic penalty imposed by a faculty member as provided for in Student Rights and Responsibilities, Section 1.2.3.

Cheating

.01 No students shall, during the course of a quiz or examination, (1) offer information of any kind to another student; (2) take and/or receive information of any kind from another student, or from the quiz or examination responses made by another student; or (3) have in their possession any tool, written material, or other device which may be of assistance to them in taking the quiz or examination, and which has not been authorized

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by the person proctoring the quiz or examination.

.02 No students shall take, steal, or otherwise procure in an unauthorized manner any piece or pieces of writing or information which contain the questions, answers or access codes to an examination scheduled to be given to any individual or group enrolled in any course of study offered by the University.

.03 No students shall complete or attempt to complete any academic exercise for or with another individual without proper authorization. No students shall allow another person to complete or attempt to complete any academic exercise on their behalf.

Complicity

.04 No students shall knowingly participate in, or otherwise facilitate, the academic dishonesty of another student.

Falsification

.05 No students shall submit as their own any work or assignment which contains content falsified by the student or content the student knows to be false.

.06 No students shall provide false or misleading information to influence academic requirements, including but not limited to grades, attendance, academic assignments, exercises or deadlines.

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Plagiarism

.07 No students shall submit as their own to a faculty member any work which contains ideas or materials taken from another without full acknowledgement of the author and the source.

Possession

.08 The unauthorized possession of any of the pieces of writing or information described above shall be considered evidence of a violation of the provision of this regulation.

Multiple Submission

.09 An academic exercise may not be submitted by a student for course credit in more than one course without the permission of the affected faculty member(s).

2.3.2 Alcoholic Beverages: Possession or Use of

No students shall illegally consume, possess*, manufacture, or distribute alcoholic beverages. No students shall possess*, consume, or use alcohol on University premises except as permitted by University policy.

*Possess: Under Michigan law it is illegal for anyone under the age of 21 to purchase or attempt to purchase, consume or possess, or have any bodily content of alcohol.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy. Please visit (<http://www.nmu.edu/policies>) for details.

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2.3.3 Athletic Activities

All athletic activities (skateboarding, hockey, biking, football, frisbee, etc.) are prohibited in hallways and common areas of University buildings.

2.3.4 Building Security

No students shall prop open or adjust, tamper with, change, interfere with or disable mechanisms that provide security to University buildings, residence halls, and other facilities.

2.3.5 Compliance with Official Requests

.01 No students shall fail to comply with reasonable and lawful requests or direction by University officials, or officially recognized volunteers acting in performance of their official duties.

.02 No students shall fail to answer promptly to summons from University officials.

2.3.6 Compliance with University Policy

No students shall fail to comply with University policies.

2.3.7 Dangerous Materials and Open Flame

.01 No students shall, on University premises, possess, store, mix, or experiment with any chemical, explosive or accelerant which may be injurious to the lives and safety of the University community. This regulation shall not apply to faculty-member supervised learning activities.

.02 No students shall use or create an open flame or use live or

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glowing embers or charcoal on University premises. Residents living in on-campus apartments shall be permitted to use small propane tank (not to exceed 16.4 oz.) grills outside. This regulation shall not apply to faculty-member supervised learning activities. Requests for exception to this regulation for ceremonial or religious purposes may be made to the Dean of Students or designee.

2.3.8 Destruction of Property

.01 No students shall intentionally or unintentionally damage, alter or destroy property belonging to, or in the care or control of, either the University or another member of the University community.

.02 No students shall intentionally or unintentionally alter, erase, or otherwise corrupt information stored in or used by University computers including, but not limited to, operating system software, application software, data files, and the media on which such information is stored.

2.3.9 Disorderly Conduct

No students shall make any disturbance* or threat of violence. Physical altercations are prohibited.

*A disturbance, which is something less than threats of violence, is an interruption of peace and quiet, a violation of public order in decorum, or an interference with or hindrance of one in pursuit of their education or occupation.

2.3.10 Disruptive Conduct

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operations of the University and/or interfere with the rights of other members of the University community or visitors. This includes intentional occupation of or blocking the entry or exit of University facilities, including but not limited to, buildings, classrooms, offices, hallways, entryways, conference rooms, and campus grounds.

.02 Actions that impair, interfere with or obstruct the orderly conduct, processes and functions within any classroom or other instructional setting. This includes interfering with a faculty member's role to carry out the normal academic or educational functions of their class.

.03 Participating in, leading or inciting others to disrupt scheduled and/or normal campus activities, events and programs.

.04 Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

.05 Solicitation on campus without prior approval from appropriate University officials (see 2.3.26). This includes, but is not limited to, the disbursement of any forms of promotional/informational material on University property or on items (e.g. motor vehicles) on University property, requests for donations or the selling or vending of any merchandise or services.

2.3.11 Dress

.01 Dress in University dining service facilities shall conform to applicable state and federal sanitation regulations. Pants/shorts/skirts, shirts, and shoes are required to enter any dining service facility.

.02 Dress in any academic or administrative building or

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common area of a residence hall or University apartment shall not interfere with any University community member in pursuit of their education or occupation.

2.3.12 Drugs: Possession, Use or Sale

No students shall possess, use, distribute, share, sell or manufacture illegal drugs, or other controlled substances* except as permitted by law. Drugs confiscated by University officials will be destroyed and not returned to a student.

*Controlled substances: Federal and state laws regulate the manufacture, sale, distribution, use and disposal of these substances. Examples: narcotics, stimulants, depressants, hallucinogens, anabolic steroids, and chemicals used in production.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy. Please visit (<http://www.nmu.edu/policies>) for details.

Federal law prohibits the possession and/or use of marijuana on campus premises, regardless of the possession of a medical marijuana card through the State. For questions or concerns contact the Dean of Students Office.

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~~Federal law prohibits the possession and/or use of marijuana on campus premises, regardless of the possession of a medical marijuana card through the State.~~

Although possession and use of marijuana, for adults over the age of 21 and/or persons possessing a medical marijuana card, is no longer a crime under Michigan law, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana in any form is prohibited on campus and/or on any property owned, leased or operated by NMU, including NMU student housing.

For questions or concerns contact the Dean of Students Office.

2.3.13 Fire Safety

.01 No students shall disregard a fire alarm signal or refuse to immediately evacuate a building or a section of a building where a fire alarm is sounding.

.02 No students shall ring any bell or operate, trigger, or tamper with any mechanical or electrical fire safety apparatus, except in case of fire.

.03 No students shall operate, tamper with, or discharge any fire extinguishing equipment except for the purpose of extinguishing fires.

2.3.14 Fireworks

No students shall possess, explode, or cause to explode any type of fireworks or explosives on University premises.

2.3.15 General Regulatory Statement

No students shall engage in conduct detrimental to the University community. Conduct shall be deemed detrimental to the University community if it consists of an act or acts prohibited under municipal, state, or federal law.

2.3.16 Harassment

No students shall harass any member of the University community. Harassment for the purposes of this regulation shall be defined as verbal, physical, or written behavior which intimidates individuals or groups on any basis including ancestry, race, ethnicity, color, religion or creed, sex or gender, gender identity, gender

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expression, genetic information, national origin, age, height, weight, marital status, familial status, handicap/disability, sexual orientation, military or veteran status, and interferes with an individual's participation in the curricular or extracurricular activities of the University.

NMU has a Retaliation Policy. Please visit (<http://www.nmu.edu/policies>) for details.

2.3.17 Hazing

No students or members of any registered student organization, athletic team, or other organized student group, shall engage in any intentional or unintentional act(s) which endanger(s) the mental or physical health or safety of any member or prospective member of an organization or group. This regulation will be upheld regardless of location, intent, or consent of participants.

2.3.18 Littering

No students shall drop, deposit, discard, throw, or otherwise

~~expression, genetic information, national origin, age, height, weight, marital status, familial status, handicap/disability, sexual orientation, military or veteran status, and interferes with an individual's participation in the curricular or extracurricular activities of the University.~~

Students shall not engage in any conduct involving harassment of another individual, or group, that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, or that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. This includes the creation of a hostile environment as well as attempts to create quid pro quo situations.

NMU has a Retaliation Policy. Please visit (<http://www.nmu.edu/policies>) for details.

2.3.17 Hazing

~~No students~~ Students or members of any registered student organization, athletic team, or other organized student group, shall not engage ~~or be party or participate~~ in any intentional or unintentional act(s) which endanger(s) the mental or physical health or safety of any member or prospective member of an organization or group. This regulation will be upheld regardless of location, intent, or consent of participants.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy. Please visit (<http://www.nmu.edu/policies>) for details.

2.3.18 Littering

~~No students shall~~ Students shall not drop, deposit, discard, throw,

dispose of refuse* of any kind in buildings or on the grounds of University property except in receptacles provided for that purpose.

Ceremonial or event paraphernalia, such as ribbons and balloons, used on the grounds of University property must be removed within 48 hours of the event's completion.

*Examples of refuse include, but are not limited to, cigarette butts, bottles, cans, papers, and food.

2.3.19 Movement of Furnishings

.01 No students shall move University equipment or furnishings from room to room, or from rooms, lounges, or lobbies in any University owned building without specific written authorization from the administrative staff member responsible for that building.

.02 Only free standing or unaffixed furniture may be rearranged within residence hall rooms and apartments.

2.3.20 Noise

.01 No students, or guests, shall in any way create sounds which may interfere with any University community member in pursuit of their education or occupation.

2.3.21 Personal Abuse

No students shall verbally abuse, threaten, intimidate, harass, coerce, bully, or exhibit conduct which threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm. Personal abuse shall be defined as behavior that is persistent, severe, and/or pervasive.

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2.3.22 Property: Use, Acquisition, Removal, and/or Detention

.01 No students shall, without authorization, use, consume, acquire, remove, or detain property* belonging to or rented by the University or belonging to or rented by a member of the University community including visitors and guests.

*Examples of property include, but are not limited to books, charts, construction materials, dishware, documents, event tickets, food, furniture, merchandise, maps, plants, tools and vehicles.

.02 No students shall use computer hardware, software, data files, network resources, commercial information services, or other information technology resources owned, operated, leased, or used by the University which impedes the ability of other members of the University community to use these resources.

2.3.23 Records and Identification

.01 No students shall inappropriately use their student identification card, key or key card, parking pass, or other official identification. Inappropriate use includes, but is not limited to, lending it to another person or using one that is not rightfully theirs.

.02 No students shall create, alter, forge, or falsify any forms of identification, record, or other document used or maintained by the University or furnish false information to the University for

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2.3.22 Property and Personal Information: Use, Acquisition, Removal, and/or Detention

.01 ~~No students shall~~ **Students shall not**, without authorization, use, consume, acquire, remove, or detain property*, **personal information, or financial information** belonging to or rented by the University or belonging to or rented by a member of the University community including visitors and guests.

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incorporation in any such document.

2.3.24 Residence Life and Dining Facilities

.01 Antennas, satellite dishes, cables, media receivers, and outside antennas of all kinds on or near residence halls or University-owned apartments, are prohibited. Splicing into or connecting with University-owned cables and antennas is prohibited.

.02 Busing Tables

Students are expected to bus their dishes in University dining operations after every meal.

.03 Candles

Candles are prohibited in residence hall rooms and University apartments.

.04 Electrical Appliances

Certain electrical appliances are prohibited in University housing facilities. Prohibited electrical appliances include, but are not limited to, air conditioners, clamp-on-bed lamps, electrical heaters, hazardous electrical appliances, heat lamps, hot plates, indoor grills, open-element popcorn poppers, and appliances in need of electrical repair. Contact Housing and Residence Life with questions regarding this regulation.

.05 Food: Removal from Dining Room

No person shall, without proper authorization, remove food of any kind from the Marketplace or Wildcat Den dining rooms.

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.05 Food: Removal from Dining Room

No person shall, without proper authorization, remove food of any kind from the ~~Marketplace or Wildcat Den dining rooms~~ **Northern Lights Dining facility**.

.06 Fraudulent Receipt of Goods or Services

1. No persons shall occupy space or permit or assist other persons to occupy space in a residence hall room or University apartment in which they are not registered by authorized personnel as a resident or as an overnight guest.
2. No students shall reside in residence halls which remain open during periods when classes are not in session without registering with Housing and Residence Life.
3. No persons shall receive food from a residential dining room unless they
 - have a dining contract;
 - pay for the meal at the entrance to the dining room; or
 - have a guest meal ticket.
4. Persons who have no meal plan contract or have not paid for a meal ticket shall not be allowed to enter dining rooms. Residents who host guests by giving their identification card to another individual to gain entrance to the dining rooms will be charged restitution. Exceptions to this policy will be determined by the Director of Dining Services.
5. No persons shall use laundry facilities (washers and dryers) in University housing unless they have a residence hall room and board contract or an apartment lease.

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.07 Overnight Guests

Overnight guests are permitted in University housing facilities provided the roommate and suitemates have agreed to the visit. Guests must be registered in accordance with the Overnight Guest Registration Procedures, available through Housing and Residence Life personnel. Guests must be registered at least one day in advance, and residents are urged not to host guests during final examination week. The host shall be responsible for their guest's conduct. Guests may not stay more than three consecutive nights, and must be 16 years of age or older. Under no circumstances will more than six people be permitted to occupy a residence hall suite overnight.

.08 Pets

Pets, except fish, are prohibited in University residence halls and apartments. Fish tanks, one per living unit, cannot exceed 10 gallons. For an exception to this regulation for service or assistance animals, please contact Disability Services.

.09 Posting Notices

a. The posting of notices in residence halls and apartments is prohibited unless special permission is granted by the Resident Director or Coordinator of Apartment Services. The responsibility for removing notices and signs is assumed by the person who posts them.

b. The posting of signs and notices is prohibited in all food service areas without special permission from the Director of Dining Services or designee.

c. Posting in all other buildings is controlled by the

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c. Posting in all other buildings is controlled by the

Posting Materials Policy. Please visit (<http://www.nmu.edu/policies>) for details.

.10 Residence Hall Room and Apartment Changes

Room and University apartment changes are prohibited unless written authorization has been granted by the Resident Director or Coordinator of Apartment Services.

.11 Screens

Screens are to remain in place at all times.

.12 Visitation

Visitors are permitted in the residence halls so long as they are invited in and escorted by a current resident of that hall.

2.3.25 Soliciting, Selling, and Publicizing

No students shall engage in the business of soliciting or selling any services, activities, or goods or take orders to make contracts for the purchase or delivery thereof, or sell or offer for sale tickets or goods, activities or services, or solicit for any purpose whatsoever on University premises. Exceptions to this policy regarding residence halls and University apartments must be approved by the Director of Housing and Residence Life or designee. All other exceptions must be approved by the Dean of Students or designee. The provisions of this regulation do not apply to University sponsored activities or the sale of items by students who have registered a fund-raising activity in compliance with the policy relating to registered student organizations.

2.3.26 Sound Amplifying Equipment

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~~**2.3.26 Sound Amplifying Equipment**~~

.01 The use of sound amplifying equipment is permitted outdoors between the hours of 9:00 a.m. and 7:00 p.m. on the lawn adjacent to the north side of the University Center. The volume of amplification shall be restricted so that the maximum level of sound emanating from the sound amplifying equipment will not interfere with the instructional, research, or administrative functions of the University.

.02 The use of sound amplifying equipment is prohibited in other outdoor areas of campus when classes are in session and between the hours of 7:00 p.m. and 9:00 a.m. Written authorization to operate sound amplification equipment on campus or to station them in areas other than that provided in section .01 of this regulation must be obtained from the Director of the Center for Student Enrichment.

.03 The use of sound amplifying equipment in University buildings requires written authorization from the Director of the Center for Student Enrichment. Such authorization is not required for the personal use of sound equipment in residence halls or University-owned apartments or for any sound amplifying equipment which is used primarily for University classes or University sponsored academic, recreational or athletic activities.

2.3.27 Student Conduct System Abuse

.01 No students shall disrupt the orderly conduct of a conduct board proceeding; attempt to discourage an individual's proper participation in, or use of, the student conduct system; attempt to influence the impartiality of a member of a conduct board prior to, and/or during the course of, the conduct board proceeding.

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.02 No students shall fail to comply with any disciplinary condition imposed upon them by any conduct board or conduct administrator.

.03 No students shall knowingly offer false or misleading information at any disciplinary or administrative hearing, investigation or meeting; or shall initiate a student conduct proceeding in bad faith.

.04 No students shall influence or attempt to influence another person to commit an abuse of the student conduct system.

2.3.28 Unauthorized Access of Information

No students shall access information, in any format, for which they do not have authorization.

2.3.29 Use of the University Name

No students shall use the University name or official marks (logos) without authorization from the Marketing and Communications Office. University approval or disapproval of any program, project, policy, or position may not be stated or implied by any student without written authorization by the President.

2.3.30 Use of Tobacco Products

No students shall use tobacco products in any facility or vehicle owned or operated, or under control of the University.

2.3.31 Weapons

No students shall keep, possess, display, use, or carry any weapon

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*Examples of projectile weapons include, but are not limited to, cross bows, airsoft guns, paintball guns, sling shots, bb guns, Nerf guns, and water guns.

Weapons used for recreational purposes must be registered and stored in the Public Safety and Police Services Office storage facility. They must be transported directly from the Public Safety and Police Services Office storage facility to points outside the campus and transported from such points directly back to the Public Safety and Police Services Office storage facility. They must be transported in accordance with Public Safety and Police Services Office instructions, and the weapon or weapons transported must be unloaded, and, when possible, encased, dismantled, or broken down.

2.4 Student Conduct Process

2.4.1 Introduction

Students make many decisions regarding their behavior and these decisions must not conflict with the University's expected standards of behavior. However, when a student violates those standards, then an appropriate sanction must be imposed by way of a student conduct process.

The student conduct process and any resultant action serves to

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The responsibility for resolving alleged violations of the Student Code at Northern Michigan University is delegated by the Board of Trustees to the President who delegates it to the Provost. It is then delegated to the Dean of Students or designee, members of the conduct board, and the Sexual Misconduct Review Board.

The Sexual Misconduct Review Board will hear cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking. The Sexual Misconduct Review Board will be made up of the Title IX Coordinator, Dean of Students, and the lead investigator assigned to the case. Contact the Title IX Coordinator for the process used to resolve cases involving sexual misconduct.

In order to fulfill this responsibility for all other alleged violations of the Student Code, the student conduct process is designed to meet essential standards of reasonableness and fairness. Therefore, procedural requirements of due process as outlined in the following sections have been established to ensure that every student receives equitable and judicious treatment if charged with a violation of the Student Code. Conduct boards serve to provide the student charged with a hearing by impartial persons if the student denies the charges. However, it should be clearly understood that they do not sit as courts of law and are not restricted by the legal

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rules of evidence and procedure, since they hold administrative hearings which allow flexibility and the reasonable use of discretion.

The student conduct process described herein governs the implementation of the process for adjudicating alleged violations of the Student Code. Any questions regarding the student conduct process, the Student Code, or any aspect of the Student Conduct Program, should be referred to the Dean of Students Office.

2.4.2 Description of an Incident

Any member of the University community may submit a report against a student for violations of the Student Code. A description of an incident shall be prepared in writing. The report should contain the name(s) of the student(s) accused of the violation, a detailed description of the behavior that violated the Student Code, and the name and contact information of the University community member writing the report. Any report should be submitted as soon as possible after the event takes place, and within one calendar year of the date of the incident. Exceptions to the calendar year deadline will be considered by the Dean of Students or designee.

A description of an incident pertaining to a situation which occurred in the residence halls, University apartments or adjacent areas should be submitted to a residence life staff member. All other situations should be submitted to the Dean of Students Office. All crimes should be reported to Public Safety and Police Services.

Once a description of an incident is received, it will be determined through the student conduct process whether the alleged violation occurred.

2.4.3 Complaint is Adjudicated

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Once a description of an incident is received, it will be determined through the student conduct process whether the alleged violation occurred.

2.4.3 Complaint is Adjudicated

.01 The respondent will receive, in writing, a list of one or more sections of the Student Code alleged to have been violated and a brief description of the alleged violation(s). Such notice will be considered received by the student if it is delivered in person, by mail or by NMU email.

.02 The respondent will receive, in writing, the date, time, and location of an administrative hearing with a conduct administrator to discuss the incident. The respondent shall be notified in writing 48 hours prior to the scheduled administrative hearing. Such notice will be considered received by the student if it is delivered in person, by mail or by NMU email. The respondent may voluntarily waive the 48 hours and request to meet sooner with the conduct administrator at their earliest convenience.

.03 During the administrative hearing, the respondent will be advised of the information and/or evidence against him/her and given an opportunity to be heard in their own defense.

.04 The respondent may accept responsibility for the alleged violation(s) and a sanction will be issued. Sanctions shall be selected from those stated in Section 2.7.1 of the Student Code. It is at the discretion of the administrator who conducts the administrative hearing to combine sanctions for multiple violations, and review the student's past violations of the Student Code, if any, and academic progress; and to interview University employees having knowledge of the respondent so that appropriate sanctions and special conditions may be selected. The student will receive a copy of the sanction in writing electronically by NMU email or hard copy.

.05 The respondent may deny responsibility for the alleged violation(s) or stand mute, in which case the conduct administrator

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.05 The respondent may deny responsibility for the alleged violation(s) or stand mute, in which case the conduct administrator

shall refer the case to one of the conduct boards.

2.4.4 Conduct Board Hearing Procedures

.01 The conduct board hearing shall begin with a reading of the Specification of Charges by the chairperson. The information pertaining to the charges shall be presented and considered even if the respondent or complainant is not present. The respondent shall respond to the matters contained in the charges by affirming, or denying each item as it is read.

.02 If the respondent affirms the truth and accuracy of all items in the Specification of Charges, then the conduct board will:

- Note the affirmative plea after each item presented in the Specification of Charges.
- Hear any information in mitigation of the Student Code violation(s) that will enable the conduct board to select an appropriate sanction.
- Decide upon any appropriate sanction(s) provided in the Student Code.
- Return the Specification of Charges to the Dean of Students Office with a notation of the pleas, conduct board decision(s), and a statement of the sanction imposed. The sanction letter shall be signed by the chairperson of the conduct board.

.03 If the respondent denies the truth or accuracy of any part of the Specification of Charges the hearing shall proceed in the following manner:

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- Return the Specification of Charges to the Dean of Students Office with a notation of the pleas, conduct board decision(s), and a statement of the sanction imposed. The sanction letter shall be signed by the chairperson of the conduct board.

.03 If the respondent denies the truth or accuracy of any part of the Specification of Charges the hearing shall proceed in the following manner:

- The complainant (see 2.4.5.09) and witnesses who support the complaint shall be called individually to share information with, and shall then be questioned by, the conduct board.
- The respondent shall present their response by sharing information with the conduct board, answering questions from the conduct board, and then identifying witnesses, if any, capable of sharing information related to the incident on the respondent's behalf. These witnesses may also be questioned by the conduct board.
- The respondent and witnesses for the respondent shall have the right to question the complainant and the complainant's witnesses and to examine information presented in connection with the incident. The complainant and witnesses shall have the right to question the respondent and the respondent's witnesses and to examine information presented in connection with the incident. All questions shall be directed to the chairperson for the hearing. All questions must be relevant to the case being decided, and relevancy shall be decided by the chairperson of the conduct board.
- Summary statements are permissible at the close of all questioning by all of the involved parties except support persons and attorneys and shall be directed to the conduct board. Any further questions from the conduct board shall then be asked.
- After the fact-finding portion of the hearing is concluded, the

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- After the fact-finding portion of the hearing is concluded, the

conduct board shall go into closed.

- Decision: The truthfulness of each factual allegation appearing in the Specification of Charges shall be termed a “question of fact” for the purposes of the student conduct process. After resolving all questions of fact, the conduct board shall decide whether each item and charge of the Specification of Charges has been established by a preponderance of the evidence; that it is more likely than not that the respondent violated the Student Code.
- If the conduct board finds that the items affirmed are sufficient to constitute any violation, they shall assess a sanction(s) provided in the Student Code. It is at the discretion of the conduct board to combine sanctions for multiple violations and to review the student’s past violations of the Student Code, if any, and academic progress, and to interview University employees having knowledge of the respondent so that appropriate sanctions and special conditions may be selected.

2.4.5 Rules of Procedure in the Conduct Process

This section does not apply to cases on appeal.

The rules provided in Section 2.4.5 of the student conduct process shall apply to administrative hearings and conduct board hearings. The Dean of Students or designee shall establish the procedures to be followed in hearings.

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- Decision: The truthfulness of each factual allegation appearing in the Specification of Charges shall be termed a “question of fact” for the purposes of the student conduct process. After resolving all questions of fact, the conduct board shall decide whether each item and charge of the Specification of Charges has been established by a preponderance of the evidence; that it is more likely than not that the respondent violated the Student Code.
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2.4.5 Rules of Procedure in the Conduct Process

Contact the Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct.

This section does not apply to cases on appeal.

The rules provided in Section 2.4.5 of the student conduct process shall apply to administrative hearings and conduct board hearings. The Dean of Students or designee shall establish the procedures to be followed in hearings.

.01 The respondent and complainant shall be entitled to a hearing by impartial persons.

.02 Requests to postpone a scheduled hearing due to extenuating circumstances, by the respondent or complainant, must be made in writing to the Dean of Students or designee at least 24 hours in advance of the hearing. That person may approve or deny the request based on verification of the extenuating circumstances. Hearings will not be postponed due to scheduling conflicts of witnesses, support persons, or attorneys. In cases in which an examination period or break period interferes, such hearings will be held as soon as possible when classes are again in session.

.03 On rare occasions the conduct board may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, electronic recording, video conferencing, audio tape, written statement, or other means, as determined appropriate by the Dean of Students or designee.

.04 A member of the Dean of Students' staff shall be present at conduct board hearings as a procedural adviser and chairperson of the hearing. The chair shall ensure that established procedures are followed and to rule on the relevancy of any line of questioning. The chair shall be allowed to ask questions of all participants throughout the hearing. If part or all of the Specification of Charges is affirmed by the conduct board, the chair may contribute pertinent information in the sanction assessment stage. Pertinent information may include past violations of the Student Code, if any, and academic progress. The chair may also be interviewed by the

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conduct board if there is any particular knowledge to be given that may assist the conduct board in assessing a sanction or selecting a special condition. After the decisions of the conduct board have been made, the Dean of Students Office will maintain records and be responsible for all communication pertaining to the case.

.05 The respondent and complainant shall be entitled to be present at the hearing during the consideration of any matters on which a decision to affirm or deny an item or charge on the Specification of Charges may be based. This excludes private deliberation by the conduct board.

.06 The respondent and complainant shall be entitled to present their case through statements, questions, witnesses, and other forms of information. The complainant and respondent shall provide the Dean of Students or designee with a written list of witnesses at least 24 hours in advance of the hearing. It is the responsibility of the complainant and respondent to identify witnesses and ensure their presence at the hearing. Witnesses must have relevant information regarding pending charges against the student.

.07 Pertinent records, exhibits, and written statements (including impact statements) may be accepted as information for consideration by a conduct board at the discretion of the chairperson. Records and documents that will be considered during a hearing will be made available to the conduct board but names or personally identifiable information may be redacted to protect the privacy rights of individuals not directly involved in the process. Records and documents that will be considered during a hearing will be made available for review by the respondent and the complainant at their request prior to or during the hearing.

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.08 Witnesses may be kept in separate areas prior to and during the hearing. The witnesses shall remain in the hearing room after they have shared their information with the conduct board. The names of all witnesses shall be available upon request to the conduct board, respondent, and complainant prior to the hearing.

.09 The respondent and complainant shall be entitled to be accompanied by a support person of their choice; a support person shall be a member of the faculty, staff, or student body of the University. A support person shall not be a licensed or a practicing attorney. A support person is not permitted to speak on behalf of the complainant/ respondent unless otherwise directed to do so by the chair. The support person must be someone who is not identified as a witness who will provide testimony in the case.

The conduct administrator or members of the conduct board may question the respondent and complainant directly, and the respondent and complainant shall answer directly to the conduct administrator or conduct board. If more than one student is charged in connection with the same situation or occurrence, then a support person for one such student cannot be another student who is charged. In addition, anyone acting as a witness in a case may not act as a support person for another in the same case.

.10 The student charged may refuse to answer questions. Other witnesses shall be required to answer all questions asked of them unless their answers would tend to incriminate them under any provisions of the Student Code.

.11 All hearings are closed to the public. Persons in attendance at hearings shall be limited to:

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- the members of the conduct board, including chairperson;
- the respondent, complainant and their support persons;
- witnesses, and
- individuals who are authorized to attend by the chairperson to the conduct board.

.12 Admission or removal of any person to or from the hearing shall be at the discretion of the student conduct administrator and/or chairperson to the conduct board.

.13 When a student is accused of violating the Student Code, and criminal charges are pending against the student, an attorney may be present at the student's expense. In cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking an attorney may be present regardless of whether criminal charges are pending. In such cases, the role of the attorney is limited and passive. They cannot actively participate in the hearing or ask questions. Their role is to advise the student regarding self-incrimination and to observe the proceedings. All communication regarding the student conduct process will be directed to the student.

.14 Disciplinary proceedings involving a student charged with conduct that potentially violates both the criminal law and the Student Code will proceed without regard to pending civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to,

- the members of the conduct board, including chairperson;
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simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to the violation of University rules were dismissed, reduced, or resolved in favor of or against the student.

.15 Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

.16 There shall be a single verbatim record, such as an audio recording, of all hearings before a conduct board conducted only by the University. Deliberations shall not be recorded. The record shall be the property of the University. The University may require that the record remain in its custody; provided, however, that the respondent and complainant have access to the record for all purposes relating directly to any appeals within the University.

.17 Conduct board hearings will proceed regardless of the failure of a student charged or complainant to appear. In all cases, the information in support of the charges shall be considered.

.18 The conduct board or conduct administrator has the right to amend any item on the Specification of Charges for purposes of clarification or consistency, so long as such amendment will not have the effect of adding any substantive allegation to the Specification of Charges. Students are informed of any amendments and amendments are noted in the conduct file.

.19 Decisions of the conduct board to affirm or deny any particular item or charge on the Specification of Charges shall be made on the basis of matters considered at the conduct board

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.20 The conduct board's standard of proof is preponderance of the evidence. The conduct board shall decide, by majority vote, whether the evidence shows that it is more likely than not that the respondent violated the Student Code.

.21 If the respondent is found responsible for the charge(s), then they shall be entitled to written notice of the findings of the hearing, and related documents will remain part of the student's official conduct record. If the respondent is found not responsible for the charge(s), then related documents and records will not remain part of the student's official conduct record.

.22 The respondent, complainant, and the Dean of Students or designee have the right to appeal any decision of a conduct board (based on error of procedure or fact) or to request leniency of a penalty. Should such an appeal or request for leniency be made, any sanction issued by the conduct administrator or conduct board shall be held in abeyance until acted upon by the appropriate appeal board or reviewing official.

.23 Hearings involving more than one respondent for the same incident may be conducted either separately or jointly. When two or more students are charged and their cases are being heard together, the proceedings shall be the same except that the conduct board shall not seclude themselves and make a decision on any of the respondents until they have heard from all students involved in the case.

.24 Cases involving the imposition of sanctions other than suspension held in abeyance, suspension, expulsion, or revocation or withholding of degree shall be expunged from the student's conduct record seven years after final disposition of the case.

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2.5 The Structure of the Conduct Board

2.5.1 Membership

.01 Student: A pool of up to 20 student members of the conduct board may be comprised of both undergraduate and graduate students. The membership shall include representation from on-campus and off-campus residents.

- Student members shall be selected through an interview process in which current members of the conduct board and the chairperson participate.
- Student members shall be appointed.
- Student members shall have attained at least twelve hours of academic credit at the time of their appointment and must maintain good academic standing and be free of any active sanctions imposed through the University's student conduct process.
- Appointed student members must maintain sufficient attendance and satisfactory performance at trainings and hearings.
- Members may be removed at the discretion of the chairperson of the conduct board for not meeting eligibility requirements.

.02 Faculty: A pool of up to six members of the faculty will be nominated by the Provost, and reviewed and approved by the Dean of Students Office. Members may not be licensed attorneys. Members shall serve for a period of three years provided they

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- Student members shall be selected through an interview process in which current members of the conduct board and the chairperson participate.
- Student members shall be appointed.
- Student members shall have ~~attained at least twelve hours of academic credit~~ **completed a full-time semester at NMU** at the time of their appointment and must maintain good academic standing and be free of any active sanctions imposed through the University's student conduct process.
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retain eligibility. Faculty members may be terminated by the Provost for poor attendance or performance at hearings.

.03 Staff: A pool of up to six members of the administration, including Department Heads, appointed by the Provost, after being reviewed and approved by the Dean of Students Office. Members may not be licensed attorneys. Administrative staff members may be terminated by the Provost for poor attendance or performance at hearings.

2.5.2 Quorum: Five members shall constitute a quorum. The respondent shall have the right to waive the quorum requirement. If a quorum cannot be obtained and is not waived, then the hearing shall be rescheduled.

2.5.3 Chairpersons: The Dean of Students shall appoint a member of the Dean of Students Office who shall serve as chairperson to the conduct board hearing. Chairpersons shall have a voice but no vote. The Chairperson of the conduct board shall have the authority to direct the hearing, call recesses, postpone hearings, take appropriate steps to maintain order at hearings, decide questions on the relevancy of evidence or information, recall witnesses or call such further witnesses as would seem able to aid in the resolution of matters relevant to the hearing, monitor the presentation of questions to witnesses by members of the conduct board, and decide who is permitted to attend the hearing. The chairperson shall be allowed to ask questions of all participants throughout the hearing.

2.5.4 Jurisdiction: Conduct boards consisting of all student members may hear cases involving University regulations except those which may result in suspension or expulsion. Conduct boards consisting of all students may impose only the following sanctions:

retain eligibility. Faculty members may be terminated by the Provost for poor attendance or performance at hearings.

.03 Staff: A pool of up to six members of the administration, including Department Heads, appointed by the Provost, after being reviewed and approved by the Dean of Students Office. Members may not be licensed attorneys. Administrative staff members may be terminated by the Provost for poor attendance or performance at hearings.

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2.5.4 Jurisdiction: **With the exception noted below,** Conduct boards consisting of all student members may hear cases involving University regulations except those which may result in suspension or expulsion. Conduct boards consisting of all

warning probation, disciplinary probation, special conditions, guardian notification for alcohol and other drugs, and loss of privileges. Conduct boards consisting of students, faculty and staff may hear cases involving most University regulations including those which may result in suspension or expulsion. Conduct Boards consisting of students, faculty, and staff may impose any of the sanctions defined in Section 2.7.1 of this document. The Sexual Misconduct Review Board will hear cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking. The Sexual Misconduct Review Board will be made up of the Title IX Coordinator, Dean of Students, and the lead Title IX investigator assigned to the case.

2.5.5 Referral of Cases: A conduct board consisting of all students may waive jurisdiction over cases and refer them to a conduct board consisting of students, faculty, and staff provided there are reasonable grounds for such referral, that such action is taken prior to the conclusion of a formal hearing of the case.

2.5.6 Voting: A simple majority vote of the conduct board members present at any hearing shall be necessary and sufficient for action. Members cannot abstain from voting.

students may impose only the following sanctions: warning probation, disciplinary probation, special conditions, guardian notification for alcohol and other drugs, and loss of privileges. **With the exception noted below, Conduct boards consisting of students, faculty and staff may hear cases involving most University regulations including those which may result in suspension or expulsion. Conduct Boards consisting of students, faculty, and staff may impose any of the sanctions defined in Section 2.7.1 of this document. The Sexual Misconduct Review Board will hear cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking. ~~The Sexual Misconduct Review Board will be made up of the Title IX Coordinator, Dean of Students, and the lead Title IX investigator assigned to the case.~~ Contact the Title IX Coordinator, or refer to the Sexual Misconduct Policy, for the process used to resolve cases involving sexual misconduct. Student members will not participate in hearing cases where the accused student asserts that his or her mental health disability contributed to the conduct alleged to have violated the Student Conduct Code in order to maintain the confidentiality of the accused student's mental health disability.**

2.5.5 Referral of Cases: A conduct board consisting of all students may waive jurisdiction over cases and refer them to a conduct board consisting of students, faculty, and staff provided there are reasonable grounds for such referral, that such action is taken prior to the conclusion of a formal hearing of the case.

2.5.6 Voting: A simple majority vote of the conduct board members present at any hearing shall be necessary and sufficient for action. Members cannot abstain from voting.

2.5.7 Standard of Proof: The conduct board's standard of proof is preponderance of the evidence. The conduct board shall decide whether the evidence shows that it is more likely than not that the respondent violated the Student Code.

2.5.8 Summer Sessions (non-academic year): An interim conduct board shall be established by the Dean of Students or designee to resolve Student Code charges during the period between the winter and fall semesters. This conduct board shall be composed of faculty, staff, and continuing or enrolled students.

2.6 Appeals

(Contact the Title IX Coordinator for appeals involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking.)

The respondent, the complainant, the Dean of Students or designee may submit an appeal. It is optional for the respondent, the complainant, or the Dean of Students or designee, to submit a response to the appeal.

Appeals based on questions of fact and/or questions of procedure may be appealed to an appeal board. Appeals to request leniency of a sanction may be appealed to the Associate Provost.

A written appeal letter must be submitted to the Dean of Students or designee within 48 hours after the sanction is imposed. An appeal letter must meet two conditions: (1) it must cite the basis of the appeal; and (2) it must provide sufficient and detailed information to support the appeal. The appeal will not be considered if both of these conditions are not met. The body hearing the appeal shall determine if the appeal meets both

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2.6 Appeals

*(Contact the Title IX Coordinator, or refer to the **Sexual Misconduct Policy**, for **the process used to resolve cases involving Sexual Misconduct** ~~appeals involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking.~~)*

The respondent, the complainant, the Dean of Students or designee may submit an appeal. It is optional for the respondent, the complainant, or the Dean of Students or designee, to submit a response to the appeal.

Appeals based on questions of fact and/or questions of procedure may be appealed to an appeal board. Appeals to request leniency of a sanction may be appealed to the Associate Provost.

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The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new evidence). The following are the ONLY accepted bases for appeal:

1. Procedure: To determine whether the original hearing was conducted in conformity with prescribed procedures. Questions of procedure are limited to those which may have significantly affected the outcome of the hearing. The person appealing must specify which procedures were not followed and how it significantly affected the outcome of the hearing.
2. Fact: To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because the person appealing did not know such information and/or facts at the time of the original hearing. Information which was known to the person appealing at the time of the original hearing but was withheld will not be considered upon appeal.
3. Leniency: To determine whether the sanction imposed was appropriate for the violation of the Student Code that the student was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh.

2.6.1 Procedure for Leniency Appeals

.01 Once an appeal is submitted and determined that it meets the appeal conditions, the Associate Provost or designee may:

hearing the appeal shall determine if the appeal meets both conditions.

The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new evidence). The following are the ONLY accepted bases for appeal:

1. Procedure: To determine whether the original hearing was conducted in conformity with prescribed procedures. Questions of procedure are limited to those which may have significantly affected the outcome of the hearing. The person appealing must specify which procedures were not followed and how it significantly affected the outcome of the hearing.
2. Fact: To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because the person appealing did not know such information and/or facts at the time of the original hearing. Information which was known to the person appealing at the time of the original hearing but was withheld will not be considered upon appeal.
3. Leniency: To determine whether the sanction imposed was appropriate for the violation of the Student Code that the student was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh.

2.6.1 Procedure for Leniency Appeals

.01 Once an appeal is submitted and determined that it meets

- Modify the sanction (enhance or lessen);
- Uphold the sanction;
- In extenuating circumstances (conflict of interest, absence of the appeal officer, etc.) request the President to appoint a hearing agent who shall consider the sanction and render a decision. The hearing agent must be University faculty or staff.

.02 The Associate Provost shall inform the respondent and the Dean of Students or designee in writing as to the decision within ten business days.

2.6.2 Procedure or Fact Appeals

.01 Jurisdiction: The appeal committee shall have appellate jurisdiction over all conduct board decisions regarding findings of fact and questions of procedure. The committee shall also review all other matters referred by the Dean of Students or designee.

.02 Membership: The members of the appeal committee shall number three, and shall consist of one student selected from the active student members of the conduct board, one member of the faculty appointed by the Provost, and one member of the staff appointed by the Provost. The members selected shall not have served on the conduct board for which the decision is being appealed. Members may not be licensed attorneys. If possible, all nominees should possess experience on a University conduct board. Members shall serve for a period of three years provided

the appeal conditions, the Associate Provost or designee may:

- Modify the sanction (enhance or lessen);
- Uphold the sanction;
- In extenuating circumstances (conflict of interest, absence of the appeal officer, etc.) request the President to appoint a hearing agent who shall consider the sanction and render a decision. The hearing agent must be University faculty or staff.

.02 The Associate Provost shall inform the respondent and the Dean of Students or designee in writing as to the decision within ten business days **from the date the Associate Provost received the appeal.** Extensions may be granted for good cause.

2.6.2 Procedure or Fact Appeals

.01 Jurisdiction: The appeal committee shall have appellate jurisdiction over all conduct board decisions regarding findings of fact and questions of procedure. The committee shall also review all other matters referred by the Dean of Students or designee.

.02 Membership: ~~The members of the appeal committee shall number three~~ **There shall be three members of this committee**, and shall consist of one student selected from the active student members of the conduct board, one member of the faculty appointed by the Provost, and one member of the staff appointed by the Provost. The members selected shall not have served on the conduct board for which the decision is being appealed. Members may not be licensed attorneys. If possible, all nominees should possess experience on a University conduct board. Members shall serve for a period of three years provided they

they retain eligibility. Members may be reappointed by following the same procedure. A chairperson shall be selected by the members of the appeal committee.

.03 Procedure:

1. Once an appeal is submitted and determined that it meets the appeal conditions, the appeal committee shall then request from the chairperson of the conduct board whose decision is appealed a copy of the Specification of Charges and all information upon which the previous decision was made. Three members of the appeal committee (one student, one staff, one faculty member) must be present for the appeal to proceed and all decisions shall be based on a simple majority vote.
2. If an error in fact or procedure occurred, then the case shall be sent back to the Dean of Students or designee who shall have the discretion to drop the charges or schedule a rehearing by the conduct board which made the original decision.
3. The appeal committee chairperson shall inform the respondent and the Dean of Students or designee in writing as to the decision within ten business days.

2.7 Sanctions

2.7.1 Sanctions

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be

retain eligibility. Members may be reappointed by following the same procedure. A chairperson shall be selected by the members of the appeal committee.

.03 Procedure:

1. Once an appeal is submitted and determined that it meets the appeal conditions, the appeal committee shall **receive** ~~then request~~ from the chairperson of the conduct board whose decision is appealed a copy of the Specification of Charges and all information upon which the previous decision was made. Three members of the appeal committee (one student, one staff, one faculty member) must be present for the appeal to proceed and all decisions shall be based on a simple majority vote.
2. If an error in fact or procedure occurred, then the case shall be sent back to the Dean of Students or designee who shall have the discretion to drop the charges or schedule a rehearing by the conduct board which made the original decision.
3. The appeal committee chairperson shall inform the respondent and the Dean of Students or designee in writing as to the decision within ten business days **from the date the appeal committee received the appeal**. **Extensions may be granted for good cause.**

2.7 Sanctions

2.7.1 Sanctions

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be

used independently or in combination depending on the particular circumstance of the violation. Severe and/or multiple violations will increase the severity of sanctions applied. Continued violations of the Student Code will result in more severe disciplinary sanctions.

No sanction shall become effective until it is imposed by the Dean of Students or designee. Sanctions shall be ordered into execution 48 hours after the student has received written notice of the decision of the conduct board or conduct administrator; or immediately after action by the appeal committee or appeal officer designated to consider leniency of the sanction. Written notice is considered received once delivered in person, by mail, or NMU email.

.01 Warning Probation: a sanction imposed for a specified period of time. Further violations of the Student Code will result in more severe disciplinary sanctions.

.02 Disciplinary Probation: a sanction imposed for a specific period of time. Further violations of the Student Code may result in suspension or expulsion.

.03 Special Conditions: Financial restitution, service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate. Some seminars, classes, and workshops may require a registration fee to be paid by the student.

.04 Parental/Guardian Notification for Alcohol and/or Other Drugs: Parental or guardian notification for serious first offenses, second offenses and any subsequent offenses for students under 21 years of age.

.05 Loss of Privileges: Denial of specified privileges for a

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designated period of time. Privileges that can be denied include, but are not limited to, contact with another person, campus registration of a vehicle, on-campus employment, access to a building or portion of a building, access to a program, access to the University network, participation in extracurricular activities, and any other privilege deemed appropriate.

.06 Suspension: A decision of suspension terminates the student's status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not enter onto any part of the campus without specific authorization from the Director of Public Safety and Police Services or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of suspension.

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Revocation of degree: A degree awarded from NMU may be revoked for fraud, misrepresentation or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumna is sufficient association with the University and basis for application of this sanction.

Withholding degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

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- The terms of suspension may also include other conditions which may apply following the student's reinstatement.
- At the discretion of the conduct board or conduct administrator who hears the case, the suspension may be held in abeyance.
- A violation of the terms of suspension or suspension in abeyance may result in an extension of the period of suspension, which may be imposed by the Dean of Students or designee.

.07 Temporary Suspension: In certain circumstances, the Dean of Students or designee may impose a temporary suspension until the student conduct process is completed.

1. Temporary suspension may be imposed only to promote the safety and well-being of members of the University community or preservation of property; to ensure the student's own physical or emotional safety and well-being; or if the respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
2. During the temporary suspension, a student shall be denied access to University housing, to the campus (including classes), and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine appropriate.
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board hearing, if required.

.08 Expulsion: A decision of expulsion permanently terminates the student's status as an enrolled student. An expelled student may not enter onto any part of the campus without specific authorization from the Director of Public Safety and Police Services or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of expulsion.

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