

Milwaukee School of Engineering



Student Conduct Code

Revised: October 20, 2014

MSOE Student Conduct Code

All students are members of several communities — country, state, city and campus. As such, each student is subject to the conduct codes prescribed by each of these communities. Concurrently, both the university and civil authorities have jurisdiction in any violation of law occurring on property owned and controlled by MSOE.

As an academic community, MSOE has a vested interest in both the safety and well-being of members of this community, and the perpetuation of an educational environment that reflects the high caliber of men and women this institution is proud to have joined its alumni ranks. The intention of this code is to maintain and promote the educational mission of MSOE. The Student Conduct Code specifies the minimum level of conduct expected of every MSOE student. The policies and procedures given are those that students, faculty and administration at the university have agreed upon to further the educational mission of the university and to assist all students in the pursuit of their educational and personal development.

A student voluntarily joining any university community assumes the obligation of abiding by the standards that it has instituted relevant to its mission, processes, functions and goals. Ultimate responsibility and authority in matters of student conduct reside with the president of MSOE, who has delegated immediate responsibility and authority for student conduct to the Dean of Students, assisted by student life and residence halls staff. MSOE, through the office of the Dean of Students, reserves the exclusive authority to impose sanctions for behavior that violates this code, and/or to sever the student from membership in the academic community. Those charged with the enforcement of this code will at all times endeavor to observe the due process system so that each student is heard in a just and consistent manner.

The provisions of the Student Conduct Code are not to be regarded as contractual covenants between the university and the student. The university reserves the right to change procedures contained herein at any time within the student's term of enrollment or residence, with communication of said changes being given to the members of the campus community. In the event that there arises some ambiguity, inconsistency or need for clarification on student conduct procedures or any portion thereof, such definition, interpretation or clarification shall be determined at the sole discretion of the Dean of Students, and his determination in such instances shall be final.

Article I. Prohibited Conduct

A student who has been found to be responsible for any of the following acts is subject to disciplinary sanctions to include separation from the university or any lesser sanction authorized by this code.

Section 1. Falsification of Information — Students are not to use or provide false documentation to the university or to officials of the university in any form, written or verbal. Students are not to knowingly misuse, misrepresent or falsify any university records, forms or procedures. In particular, the wrongful alteration of a student identification card to misrepresent one's age or identity will result in a \$100 fine, to be posted on the student's account in the Student Accounts Office.

Section 2. Theft of Property — The theft of university, private or public property and/or possession thereof is prohibited.

Section 3. Possession of Weapons or Fireworks — Firearms or any weapon that could inflict bodily harm may not be brought to campus except as needed for bona fide academic purposes, and then only after being properly registered with the director of Public Safety. Resident students are further subject in this regard to the policies contained in the Office of Resident Life Policies and Procedures handbook. The use of fireworks or other explosives is not only potentially dangerous to oneself and others but also a disturbance to the living environment. For these reasons, as well as Wisconsin state law, the use or possession of fireworks, explosives or any other item or substance that may injure, discomfort or disturb other individuals is strictly prohibited.

Section 4. Destruction of Property — Students are prohibited from the destruction, damaging or defacing of university, private or public property.

Section 5. Throwing of Objects from Campus Buildings — Throwing, dropping or other release of any and all objects or substances from residence hall windows — or from any campus building or facility — presents an obvious and serious threat of injury to persons and/or damage to property. Accordingly, all such acts are strictly prohibited and may result in termination of residency or expulsion from the university.

Section 6. False Reporting of Emergencies — The intentional false report of a bomb, fire or other emergency in any university facility or on property controlled by the university in any form — pull alarm, verbal, written or otherwise — is a serious violation of this code for which the maximum sanctions of this code shall be considered. In addition, such violations in the residence halls will result in an automatic fine placed on the student(s) responsible, or collectively on all residents of the floor involved if those specifically responsible cannot be ascertained. The schedule of fines for tampering with emergency fire or safety equipment is given in Article II, Section 11 of this code.

Section 7. Unauthorized Alterations or Misuse of Emergency or Safety Equipment— The unauthorized alteration or misuse of any firefighting equipment, safety equipment or other emergency device is prohibited. At minimum, such actions in the residence halls will result in an automatic fine placed on the student(s) responsible, or collectively on all residents of the floor involved if those specifically responsible cannot be ascertained. The schedule of fines for tampering with emergency fire or safety equipment is given in Article II, Section 11 of this code.

Section 8. Behavioral Misconduct— Students are not to exhibit behavior that threatens, harasses, abuses, intimidates, harms or endangers any person, or that affronts or invades the privacy of another person. Nor are students to conduct themselves in a lewd, indecent or disorderly manner. In particular, attacking, assaulting and intentionally inflicting bodily harm on another person; taking any action for the purpose of inflicting bodily harm on another person; taking action with reckless regard that harms another person; or the verbal, written or other transmission of the threatened use of force to inflict harm on another person, is strictly prohibited and subject to the maximum sanction authorized by the code. Behaviors cited above that are perpetrated by an MSOE student against another MSOE student or MSOE employee, are subject to disciplinary action by the university whether they occur on or off campus, and regardless of any action(s) taken by civil authorities.

Section 9. Unauthorized Entry/Access— Forcible or unauthorized entry into any building, structure, facility or room therein on the premises of university owned or controlled property is prohibited. Likewise, unauthorized possession or use of keys, campus card, or other means of access to such premises or property also is strictly prohibited.

Section 10. Violation of Residence Hall Policies — Students are responsible for knowing the policies of the residence hall facilities they enter and are not to violate said rules or policies governing said residence facilities. (See “Residence Life Policies and Procedures handbook”)

Section 11. Violation of University Alcohol Policies — The University reserves the right to notify parents/guardians of students who are found to be in violation of institutional policies and/or state statutes regarding underage possession or consumption of alcoholic beverages. Students are responsible for knowing the university’s policies governing the use, possession and distribution of alcohol, and are not to violate said rules or policies.

Section 12. Use, Possession and/or Distribution of Controlled Substances — Students are responsible for knowing the university’s policies governing the use, possession and distribution of controlled substances, and are not to violate said rules or policies.

Section 13. Violation of State, Federal or Municipal Law While on MSOE Property — Any student who violates any municipal, state or federal law while on property owned or controlled by the university may be subject to disciplinary action by the university for said offense(s) and to sanctions provided by this code, apart from and in addition to any action(s) taken by external agencies and/or civil authorities.

Section 14. Disregarding the Directive of an MSOE Official — Students are not to disregard the reasonable directive, verbal or written, of a university official. The term “university official” is here meant to include any member of the MSOE faculty or administrative staff, and any resident life staff member in the residence halls. Threatening, harassing, abusing, physically attacking, assaulting or intentionally inflicting bodily harm on such an official is subject to the maximum sanctions authorized by this code.

Section 15. General Behavioral Policies — Unauthorized or unlawful use of university telephones, computers or computer systems; unauthorized canvassing or solicitation; using, possessing or making or causing to be made, any key(s) for any university building, room or facility — except as authorized; or the production of sound through amplification or other means that unreasonably disturbs the peace of others is prohibited on the premises or properties owned or controlled by the university.

Section 16. Posting of Materials — Written material (e.g. posters, signs, handouts, brochures, handbills and pamphlets) shall not be posted, affixed or attached on university property or premises, including but not limited to trees, shrubbery, lands and buildings. These materials may be posted on any bulletin board in university buildings designated “student activities,” following approval by the Student Life Office.

Section 17. Disruption of Academic or Operational Functions — Students have the right, accorded to all persons by the Constitution, to freedom of speech, peaceable assembly, petition and association. Students and student organizations may examine and discuss all questions of interest to them, and express opinions publicly as well as privately. They may support causes by lawful means that do not disrupt the operation of the university, or organizations accorded use of university facilities.

Any person who interferes with the academic or operational functions of the university will be asked to cease and desist. If he/she does not do so, the following steps will be taken:

- A. The individual who is interfering with the academic or operational functions of the university will be asked to identify himself/herself.
- B. If the individual refuses to identify himself/herself or to cease and desist, he/she will then subject himself/herself to arrest and will, after being identified by the police, be charged with appropriate civil law violations.
- C. The individual who is interfering with the academic or operational functions of the university, who refuses to identify himself/herself or to cease and desist, also will subject himself/herself to immediate suspension from the university and be informed of the opportunity for an appeal hearing to be established at the earliest feasible date.

Section 18. Academic Dishonesty — Students engaging in any form of academic dishonesty with respect to examinations, course assignments or academic records may be subject to university disciplinary action for said offenses and to sanctions provided by this code, above and beyond any academic penalties that may be imposed. Students are expected to know and abide by the regulations governing academic dishonesty as stated in the “Policy on Student Integrity”

Section 19. Computer Misuse — Students are expected to know and abide by the procedures and regulations pertaining to computer accounts, university computer services and facilities that have been established by the Information Technology Department (IT), as well as any changes made to these procedures and regulations announced via computer system notices. The procedures and regulations may be found in the “Campus Services” section of this handbook. Students who violate said procedures and regulations may be subject to institutional disciplinary sanctions contained in the Student Conduct Code in addition to actions taken or sanctions imposed by IT. Students are further reminded that extreme cases of computer misuse can lead to criminal prosecution.

Section 20. Regarding Environmental, Health and Safety (EHS) Policies — Students are expected to know and abide by the procedures, requirements and prohibitions described in the Laboratory Management Plan training protocols pertaining to chemical storage, use and disposal; use of personal protective equipment (PPE); dress codes; eating and drinking prohibitions; emergency response and other procedures. Students will receive training on these protocols for individual labs at the start of the academic term. Additional EHS requirements may be conveyed to students throughout the term. Students who violate said procedures may be subject to institutional disciplinary sanctions contained in the Student Conduct Code in addition to actions taken or sanctions imposed by MSOE Administration.

Article II. Disciplinary Sanctions

The purpose of imposing sanctions in a student disciplinary process is to redirect the student’s behavior toward a pattern more acceptable within the campus community, if such redirection is feasible; to protect the campus community from possible harm or injury by said person or persons; or to give financial redress to a plaintiff for loss, harm or destruction of property resulting from the actions of the accused. The Dean of Students, designee, or other adjudicatory agent authorized by this code, may impose the following sanctions on a student or group of students:

Section 1. Reprimand — A reprimand is a written indication to a student that his/her behavior is unacceptable by university standards, and that any repeated violation will warrant further sanctions. The university reprimand is the least sanction an adjudicatory agent may impose if the accused has been found to be in violation of this code.

Section 2. Restitution — A student whose actions damage, deface or destroy any university property shall be required to restore said property by replacement or by monetary reimbursement, unless good cause can be substantiated otherwise, in addition to any other sanction the adjudicatory agent may recommend.

Section 3. Referral for Counseling Services — A student may be directed to contact the Counseling Services Office for the purpose of obtaining assistance in adjusting to his/her responsibilities as a member of the campus community. In such cases, the adjudicatory agent may inquire only into whether such contact has been made.

Section 4. Disciplinary Probation — Disciplinary probation is a written statement indicating to a student that his/her actions have placed him/her in a probationary status with the university for a specified period of time. Disciplinary probation is a limited encumbrance upon the student's good standing in the university, and may involve the restriction of a student's personal privileges, activities and associations within the campus community. Because of this probationary status, any or all of the following may be imposed:

- A. A fine up to \$100 posted to the student's account.
- B. Restriction from representing the university in any public performance, sporting event, intramural event or committee, or from holding any student governmental office, or membership or office in any recognized student organization.
- C. Ineligibility to receive testimonials or awards from any university source.

Any other disciplinary action judged to be appropriate for the student. In the event that the student violates his/her probation by ignoring or failing to observe its conditions, that violation may result in probation for an extended period of time or, in those instances where more serious violation has occurred, in suspension or expulsion. In determining the sanction to be imposed upon the student for a violation of his/her probation, the circumstances of the original offense for which the sanction of probation was imposed shall be taken into consideration in arriving at a sanction for violating probation. Probation shall be deemed violated if the student is found to have committed, during his/her probationary period, any act of misconduct involving any sanction described in this code.

Section 5. Relocation — In cases where a student's action and/or conduct are found to conflict irreparably with the bona fide interests of his or her immediate living environment within the residence halls, the adjudicatory agent may request relocation of that student at the discretion of the director of housing to a living area elsewhere in the residence halls. In such cases, the director of residence life shall make every effort to relocate the student involved in an area offering reasonable opportunity for modification of behavior to acceptable standards.

Section 6. Termination of Residency — In individual instances of serious misconduct, or in cases where a student's repeated actions and/or conduct are found to conflict incorrigibly with the educational objectives of residence life and the bona fide interests of the resident student community, the adjudicatory agent may direct that the student terminate residency in the residence halls. "Termination of residency" is here defined to mean:

- A. The student shall be prohibited from entering all areas of the university residence halls, with the exception of ground floor offices for business purposes only.
- B. At the discretion of the adjudicatory agent, the above sanction may, in individual cases, allow access to the cafeteria area during established dining hall hours of operation only.
- C. At the further discretion of the adjudicatory agent, this sanction may be in force for a specified period of time, or permanently for the duration of the student's matriculation at the university.
- D. Room fees for the current academic quarter or other residence hall contract period presently in force will be forfeited. Food service charges will be refunded according to residence hall policies.

E. Termination of Residency from the Residence Halls or any university housing is automatically subject to review and approval by the Dean of Students and Director of

Public Safety whether or not said person requests an appeal, before any action is taken by the Director of Residence Life.

Procedure for termination: Following a conduct hearing, the Director of Residence Life makes a recommendation of Termination of Residency to the Dean of Students. The Dean of Students immediately reviews the case with the Director of Public Safety and the Director of Residence Life. Upon a review of the case, the Dean of Students makes a decision and informs the student, as well as the Office of Residence Life, of the final outcome and formal disciplinary actions to be taken. The following decisions are to be made:

- 1) Uphold the recommendation of the Director of Residence Life and a date and time is established that the resident will leave the building.
- 2) The recommendation is not upheld but formal disciplinary action is determined. All parties involved will be informed.

Section 7. Suspension — This is a recommendation by or to the Dean of Students for separation of the student from participation in any academic or other activities of the university for a fixed period of time.

A. This action is taken when a student's conduct is deemed incorrigible and a potential threat to the campus community; a student is a repeated offender of this code; or such action seems most suitable to the violation and appropriate to give the student the necessary time to adjust his/her behavior to standards of conduct expected by MSOE.

B. Any recommendation for suspension is automatically subject to review and approval by the University Review Board before any action is taken by the Dean of Students or designee, whether or not the student appeals the recommendation of the adjudicatory agent. Suspension from the university further involves the following:

1. Notice of the action of suspension will be placed in the student's permanent file.
2. The student may receive the grade of "W" (withdrawal) in all subjects carried that quarter, according to the policy of the university.
3. The student shall forfeit fees according to the withdrawal policy of the university.
4. The student must refrain from visiting the campus, except when engaged in official conferences connected with his/her suspension.
5. Suspension may include any other disciplinary action that is judged to be appropriate for the student.

Prior to being readmitted to the university in good standing, the student shall submit to the Dean of Students a letter requesting readmission. The student may return to the university only upon approval of the Dean of Students after the conclusion of the suspension period.

Section 8. Expulsion — Expulsion is indefinite or permanent dismissal from the university. This action involves the forfeiture of all rights to degrees or academic honors that had not been conferred at the time of expulsion, as well as notice of the action of expulsion to be placed in the student's permanent file. The student may receive a grade of "W" (withdrawal) in all courses carried in that term. The student shall forfeit fees according to the normal withdrawal policy of the university.

A. Expulsion is given in circumstances where a person's misconduct has been of a very serious nature.

B. Expulsion is automatically subject to review and approval by the University Review Board whether or not said person requests an appeal, before any action is taken by the Dean of Students.

Section 9. Notification to Parents or Guardian — At the discretion and with the approval of the Dean of Students, notification by letter or telephone may be made by the appropriate administrative officer to the parents or legal guardian of the accused student in any decision which would involve termination of residency, suspension or expulsion, and in any case involving a violation of university policy or state law regarding alcohol or controlled substances.

Section 10. Assigned Projects — At the discretion of the adjudicatory agent, a special educational project designed to assist the accused student in better understanding the overall impact of his/her behavioral infraction may be assigned. Such assigned projects could include a term paper, the creation of educational posters or the planning of an educational program related to the policy infraction. Assigned projects may not include work details except as may be directly related to the offense, nor may any such assigned project be of such a nature or scope as to cause undue humiliation or degradation of the accused student. Said assigned project will be under the direct supervision of the Dean of Students or designee.

Section 11. Fines for Tampering with Emergency Fire, Safety or Alarm Equipment — In addition to any other sanctions deemed appropriate by the adjudicatory agent, the following fines will be automatically assessed against students responsible for tampering with emergency fire, safety or alarm equipment in any campus facility, or against all residents of the residence hall floor collectively if those specifically responsible cannot be ascertained.

- A. Rendering a smoke detector unusable by removal of the battery unit, disconnecting of the power, or removal of the smoke detector from a resident's room or hallway location: \$100.
- B. Use of a fire hose for any purpose other than extinguishing flames: \$100.
- C. Pulling a fire alarm box resulting in an intentional false alarm: \$100.
- D. Use of emergency exit for other than legitimate emergencies: \$100.

Article III. The Judicial Structure and Jurisdiction

The following MSOE officials shall adjudicate issues of student conduct that allegedly violate this code as prescribed herein.

Section 1. Administrative Hearing Officers

- A. Director of Residence Life** — The director of residence life or designee has original jurisdiction for alleged violations of this code and/or of residence hall policies occurring on or about the premises of the residence halls, for any and all alleged student perpetrations unless otherwise specified.
- B. Dean of Students** — The Dean of Students or designee shall have original jurisdiction over all alleged violations of this code that do not come within the original jurisdiction of the director of residence life. The Dean of Students further reserves the right to exercise

appellate jurisdiction for decisions of the director of residence life, or his designee, which result in sanctions other than termination of residency, suspension or expulsion.

Section 2. Appeals — Any and all appeals of decisions of the administrative hearing officers shall be heard by the Dean of Students or by the University Review Board, as specified below in Article VI, Section 8. All requests for appeals must be in writing and filed within three working days after notification to the student of the decision of the administrative hearing officer. Requests for appeals must be filed with the Dean of Students, who is the chairman of the University Review Board. The Dean of Students reviews all requests for appeals and, as the designated chief judicial officer of the university, has exclusive authority to approve or deny said requests.

Section 3. University Review Board: Rules for Composition, Jurisdiction and Appeals — By this code is authorized the University Review Board, for the purpose of adjudicating, as outlined below, alleged violations of this code, for any and all such alleged violations by students.

A. Composition — The University Review Board shall be comprised as follows:

1. The Dean of Students, as nonvoting chairperson.
2. The chief academic officer of the university, ex officio or his designee.
3. A representative of the faculty or administrative staff selected by the Dean of Students and agreed upon by the individual(s) whose alleged violation of this code is being adjudicated.
4. A student representative, selected by the advisor to the Student Government Association, and agreed upon by both the individual whose case is being heard and by the adjudicating authority having original jurisdiction.

B. Original Jurisdiction — The University Review Board shall have original jurisdiction over acts of a serious nature, as determined by the jurisdictional interpretation of the Dean of Students or designee, that may be included in “interim suspension” as specified in Article IV.

C. Review Jurisdiction — The University Review Board shall automatically review any and all decisions of administrative hearing officers that result in recommendations of sanctions of suspension or expulsion. Such review will take place prior to the implementation of such sanctions by the Dean of Students and will occur regardless of whether or not the student appeals the decision of the hearing officer.

D. Appellate Jurisdiction — The University Review Board shall have appellate jurisdiction for any and all decisions of administrative hearing officers that result in sanctions of termination of residency, suspension or expulsion, and may have appellate jurisdiction in other cases as deemed appropriate and remanded by the Dean of Students. Additionally, the University Review Board will have appellate jurisdiction in cases where the Dean of Students or designee had original jurisdiction.

E. Appeals — Appeals of decisions of the University Review Board in which this board had original jurisdiction shall be to the president of the university. Such appeals must be filed, in writing, directly with the President’s Office, within three administrative working days after notification to the student of the decision of the University Review Board. Appeals of decisions of the University Review Board in which this board had appellate jurisdiction cannot be further appealed under procedures established by this code.

Article IV. Interim Suspension

Section 1. In special circumstances described in this article, the Dean of Students or designee may suspend a student forthwith for the interim, pending the initiation of a full hearing without undue delay on the merits of the case in accordance with the provisions of this code.

Section 2. This authority will be exercised only in those situations in which there is reasonable cause to believe a student's alleged behavior is of such a nature as to pose a clear and present threat to the health and wellbeing of persons, and where such alleged misconduct occurs on the premises or property of the university, or at events scheduled or sponsored by the university. For example, such acts of misconduct would include at minimum all acts of assault and/or battery with any type of weapon or instrument; gross sexual misconduct; rape; armed robbery; arson; the manufacture, distribution and/or possession of major incendiary or explosive devices not elsewhere covered in this code; and other such acts as may endanger persons or property.

Section 3. Preliminary Hearing — To invoke interim suspension, the Dean of Students or designee will conduct a preliminary hearing unless it can be shown that such a hearing is impossible or unreasonably difficult to provide.

A. At the preliminary hearing the student will be presented with written notice of the alleged violation(s) and the name of the person(s) bringing the charges.

B. Interim suspension is to take place immediately after the preliminary hearing and requires that the student physically remove himself/herself from the premises of the university until such time as a full hearing is convened, not to exceed seven class days after the time of the interim suspension.

Section 4. Full Hearing — At the request of the student, a full hearing by the University Review Board may be convened at a date not less than three class days after the date of suspension.

A. Should the full hearing find the student did not commit the act(s) for which he/she was suspended, or that continued suspension is not warranted by the circumstances of a particular case, the suspension shall be revoked and the student immediately reinstated without academic or other penalty.

B. The student may request that a full hearing be delayed up to seven class days after the date of the interim suspension. The procedure for the hearing will be the same as specified under Article VI.

Section 5. Off-Campus Violation — In cases where a student allegedly violates the law in the course of his/her off-campus behavior and where the university's interests as an educational community are involved, the Dean of Students or designee may elect to immediately call a preliminary hearing to determine if such off-campus conduct is probable cause to believe that said student poses a threat of harm or injury to the campus community; and may suspend such student forthwith as provided in this article.

Section 6. Appeals — In all situations covered by this article, the appeal of the preliminary hearing is by a written request, made not less than three class days after the date of the action, to the Dean of Students for a full hearing. The decision of the full hearing may be appealed only to the president of the university.

Article V. Responsibilities of the Dean of Students

Section 1. The Dean of Students retains express responsibility for the overall administration of this code (policies, procedures, sanctions and process) and specifically retains final authority for the following:

- A. Original jurisdiction for adjudicating all alleged student violations of this code, which occurred on or off campus, where such alleged violations are not within the parameters of the residence halls and, therefore, not within the original jurisdiction of the director of residence life.
- B. Appellate jurisdiction for decisions of another hearing officer that result in sanctions other than termination of residency, suspension or expulsion.
- C. Determining the jurisdiction of any administrator in any given case where ambiguity exists.

Section 2. All decisions and sanctions of any and all administrative judicial hearing officers are recommendations to the Dean of Students.

Article VI. Judicial Proceedings

Section 1. Charges - Any member of the campus community (student, faculty or staff member, MSOE official or employee, contractual or otherwise) may initiate charges by filing said charges with the Dean of Students or designee against any student or registered student organization for alleged violations of this code, or MSOE residence hall policies or other official university policy.

A. A person having reasonable cause to believe that a student(s) has violated this code, or provisions of other policies so stated, shall notify the Dean of Students within a reasonable time (if possible, within three administrative working days) of the alleged violation. Generally speaking, in cases of alleged violations of this code falling normally under the original jurisdiction of the director of residence life, such notification shall be considered accomplished:

1. Upon receipt by the Director of Residence Life (with copies to the Dean of Students) of two or more separate written warnings issued to a student by authorized residence hall staff personnel concerning the same or similar alleged minor violations of this code.
2. Upon receipt by the director of residence life (with copies to the Dean of Students) of any residence hall Report of Violation form completed by any authorized residence hall staff personnel concerning alleged more serious violation(s) of this code.

B. A person having reasonable cause to believe that a registered student organization has violated university codes, policy or rules, shall file said complaint with the Dean of Students or designee to be remanded for adjudication by the director of student activities and Student Government Association under its constitution and bylaws.

Section 2. Notice of Judicial Proceedings— A student shall be notified by the Dean of Students, director of residence life or other appropriate adjudicatory agent, in writing, of any judicial proceedings instituted to adjudicate said student’s alleged misconduct.

A. Notice to the student shall take place within a reasonable amount of time (if possible, within three administrative working days) after the Dean of Students, director of residence life or the appropriate designated staff administrator has concluded a preliminary investigation of the alleged violation.

B. The student shall have not less than a 72-hour notice, in writing, of judicial proceedings prior to the hearing.

1. Notice shall be considered received upon delivery to a student’s current local address as recorded with the university, unless the student can give just cause why such receipt substantially impaired adequate notice and preparation for said hearing.

2. An accused student may waive the notice required, and/or the right to a full hearing, in consideration of a more immediate disposition of the alleged violation(s).

3. An accused student shall have the right to continuance if just cause for delay can be substantiated.

C. The written notice shall include:

1. The time and place of the hearing.

2. A statement of the charges brought.

3. A statement of his/her rights as given in Section 3 of this article.

4. The name of the person(s), group or MSOE office filing said charges.

Section 3. Judicial Proceedings — Judicial proceedings are conducted under the authority of the Dean of Students and shall be conducted in a fair and reasonable manner.

A. Each accused student shall be entitled to appear in person to answer charges and present witnesses and evidence in support of his/her defense and:

1. Shall be entitled to refuse to answer questions of an incriminating nature.

2. Shall be entitled to be accompanied by no more than four advisors, references and/or family members of his/her choice.

3. Shall be entitled to an expeditious hearing.

B. The judicial proceedings shall be closed to all except the parties to the proceedings (hearing officer, accused student, accompanying person(s), complainant(s) and witness(es) unless the accused student requests, and the adjudicatory agent agrees, that the hearing be open to specified other parties.

1. The accused student and his/her accompanying person(s) shall be present during the entire time of the hearing, and shall be absent only during the times in which the judicial board or administrative hearing officer is/are deliberating.

2. Where a single incident or occurrence gives rise to charges against more than one student, a student shall be entitled to a separate hearing if he/she can substantiate the likelihood of prejudice by association.

3. It is to be understood by the accused student that the administrative hearing officers will have access to all past judicial records of that student, after the officer has reached a decision as to the disposition of the alleged violation, for the purpose of determining the type of sanctions to be recommended, if any.

Section 4. Cross-Examination— The adjudicatory agent retains exclusive authority to question all witnesses and parties to the alleged violation(s).

A. The accused student may request that the adjudicatory agent inquire into specific areas of testimony of any person testifying.

B. The complainant may request the adjudicatory agent to inquire into specific areas of any testimony of any person testifying.

Section 5. Witnesses — Both parties to the judicial hearing may present witnesses.

A. If either party is unable to locate or receive compliance from any student asked to testify, the party may seek the assistance of the Dean of Students; however, the university may not compel a student to testify against his/her will.

B. Any person knowingly giving false testimony or knowingly misrepresenting the facts pertaining to any university procedure shall be subject to disciplinary action.

C. The adjudicatory agent may elect not to hear a witness if, in the agent's opinion, such testimony does not directly bear upon the circumstances of the alleged misconduct.

Section 6. Failure to Appear — No recommendation for the imposition of sanctions shall be based solely upon the failure of the accused student(s) to answer charges or to appear at the hearing. The evidence in support of the charges shall be presented and considered, even in the absence of the accused if the accused fails to appear and to answer charges.

Section 7. Disclosure — The university adjudicatory agent shall notify the accused student of its findings within the shortest reasonable time after a decision has been rendered. This decision shall be made on the preponderance of information presented at the hearing.

A. This notice shall specify the charges the accused student has been found in violation of or acquitted of and any disciplinary sanction being imposed.

B. The adjudicatory agent shall notify the complainant of its recommendation to the Dean of Students within a reasonable amount of time after the hearing and, at the discretion of said agent, any sanction said agent may recommend.

C. All proceedings, testimony, findings and recommendations of any and all judicial hearings are confidential.

D. The complainant, upon receipt of information regarding the findings and/or recommendations of any adjudicatory agent, shall be bound to keep in confidence such information.

Section 8. Appeal — As specified in Article III above, the accused student(s) may request to appeal the decision of an administrative hearing officer through the Dean of Students, within three administrative working days.

A. Requests for said appeal must be based on one or more of the following contentions with respect to the initial hearing:

1. A substantial procedural error that seriously impaired due judicial process.
2. Insufficient evidence for the original decision with respect to guilt.
3. Inappropriate or excessive sanction in proportion to the violation committed.
4. Substantial bias on the part of the administrative hearing officer.

5. New evidence of a substantive nature, in support of the accused, not available at the original hearing.
- B. Filing a request for an appeal in accordance with these provisions shall not suspend the operation of any sanction previously imposed except as directed by, and at the sole discretion of, the adjudicating agent.
- C. Appeal hearings shall be conducted in accordance with the above sections of Article VI dealing with judicial proceedings.
- D. The Dean of Students or the University Review Board, as the case may be, may, after review of all available information, elect to do the following:
 1. Sustain the decision(s) and sanction(s) of the original administrative hearing officer.
 2. Dismiss all charges.
 3. Impose a less severe, more severe and/or different sanction from that imposed by the administrative hearing officer.
- E. The above grounds for appeal, and possible outcomes, apply also to those situations, such as “interim suspension” and otherwise as specified in Article III, Section 3 above, wherein decisions of the University Review Board may be appealed to the president of the university.

Article VII. Standards and Procedures for Administrative Withdrawal on Psychological or Psychiatric Grounds

A student may be subject to administrative withdrawal from the university and/or from university housing if it is determined by the director of counseling services, and when appropriate, in consultation with local mental health care institutions and/or agencies, that the student is suffering from a mental disorder as defined by the current American Psychiatric Diagnostic and Statistical Manual of Mental Disorders, and as a result of the mental disorder does the following:

- Engages or threatens to engage in behavior that imposes a danger of causing harm to self or others; or
- Engages, or threatens to engage in, behavior that would cause significant property damage, or which directly and substantially impedes the lawful activities of others.

A. In such cases, the director of counseling services may recommend to the Dean of Students that in the best interest of the student and/or the campus community the student be administratively withdrawn from school.

B. A student suffering from a mental disorder who is accused of a disciplinary violation will not be excused from the disciplinary process unless the student as a result of the mental disorder:

1. Lacks the capacity to respond to the charge;
2. Did not know the nature or wrongfulness of the conduct at the time of the offense. In such cases, the Dean of Students may refer the student for evaluation by an independent licensed psychiatrist or psychologist chosen by the institution. Students referred for evaluation in accordance with this provision shall be so informed in writing.

C. The student's withdrawal from the university must not adversely affect his/her academic standing and record.

D. At the request of the student or the director of counseling services, students subject to administrative withdrawal for psychological or psychiatric reasons shall be accorded an informal hearing before the Dean of Students. This meeting shall consist of a review and explanation for this action with the student and/or parents or guardians of the student.

The informal hearing shall be conversational and non-adversarial.

Readmission to the university after an administrative withdrawal for psychiatric or psychological reason must be requested in writing and approved by the director of counseling services and/or the Dean of Students.