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### Documents from the April 28, 1993 meeting of the Associated Students of the University of Montana (ASUM)

University of Montana--Missoula. Associated Students

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ASUM SENATE AGENDA

April 28, 1993

6:00 P.M.

UC 114

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes - April 21, 1993
4. Public Comment  
Ken Willett, Campus Security Director
5. President's Report
6. Vice President's Report
  - a. Committee Appointments
  - b. ASUM Barbecue
  - c. Other Announcements
7. Business Manager's Report
  - a. ASUM Administration STIP Request
  - b. ASUM Administration Special Allocation Request
8. Committee Reports
9. Old Business
  - a. Resolution to Support "A New Montana Wilderness Bill?"  
Forum
  - b. A Resolution to Endorse An Increase of the Student  
Health Service Fee for the Academic Term 1993-1994
10. New Business
11. Comments
12. Adjournment

## ASUM SENATE TALLY SHEET

DATE April 28, 1993SENATE MEMBERS*Donnell Burke*  
REGINA ANDERSON

J. P. BETTS

JOLANE FLANIGAN

HEATHER GNEITING

JENNIFER GREENE

JULIE KELLER

CHRIS KING

ELIZABETH LARSON

TROY MASON

MICHAEL METCALF

DARREN OGLE

JENNIFER PANASUK

SHANNON PETERSEN

ALISON REDENIUS

JACKSON REDHORN

CHRIS RUFF

ANNIE THORGRIMSON

JASON WATSON

KRISTY WETTERLING

KENDRA WOOLEY

ROLL  
CALL*Comments*

✓	<i>Y</i>								
<i>6:21</i>	<i>Y</i>								
✓	<i>Y</i>								
<i>not present</i>	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								
<i>6:13</i>	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								
<i>not present</i>	<i>Y</i>								
✓	<i>Y</i>								
<i>not present</i>	<i>Y</i>								
✓	<i>Y</i>								
<i>not present</i>	<i>Y</i>								
<i>not present</i>	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								

ASUM OFFICERS

Patrick McCleary

President

Amanda Cook

Vice-President

Eric Hummel

Business Manager

✓	<i>Y</i>								
✓	<i>Y</i>								
✓	<i>Y</i>								

FACULTY ADVISORS

PROFESSOR AUSLAND

✓	<i>Y</i>								
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ASUM SENATE MINUTES

April 28, 1993

UC 114

6:00 p.m.

Chair Cook called the meeting to order at 6:06 p.m. Present: McCleary, Cook, Hummel, Betts (6:21), Boyle, Flanigan, Greene, Keller, King, Larson, Mason, Metcalf (6:13), Ogle, Panasuk, Redenius, Ruff, Wetterling and Wooley. Unexcused: Gneiting, Petersen, Redhorn, Thorgrimson and Watson.

The minutes of the April 21 meeting were approved as written.

**Public Comment**

David Sampedro of the Student Health Services Advisory Committee asked the Senators for their thoughtful consideration of the request to be presented.

Rick Curtis, Student Health Services Business Manager, spoke on the same request.

**President's Report**

- a. Ken Willett, Campus Safety and Security Director, presented the parking proposal for 1993-94 (Exhibit A). A motion to suspend the Bylaws to vote on the proposal passed. A motion to approve the proposal passed.
- b. Bill Moos, Athletic Director, spoke about the proposals that will be made to the Regents (Exhibits B1, B2).
- c. Chris Warden, Chair of the Constitutional Review Board, presented the Board's opinions and recommendations (Exhibit C).
- d. Karen Coates, Chair of Publications Board, offered the following appointments for approval: Charles Blakemore, Cutbank Editor; Bill Heisel, Kaimin Editor; Barbara Thorson, Kaimin Business Manager. Motion to approve passed.

(Five-minute recess)

- e. A motion to approve the revised Student Conduct Code (Exhibits D1, D2) passed.
- f. McCleary reported on the meeting to establish UC needs and priorities for renovation. The preliminary draft will be available for review in UC Montana Rooms 360 FGH Monday, May 3, from 1-3 p.m.

**Vice President's Report**

- a. Cook announced two openings on the University Court Committee - one undergraduate and one graduate.
- b. Cook thanked the Senators who worked on the barbecue - a success.
- c. Cook reminded the Senators of Centennial activities for the weekend.

**Business Manager's Report**

Hummel reported that Budget and Finance tabled three requests for funds, which will be considered by the new Committee at a later date.



- a. ASUM Administration STIP request for \$2,000 to purchase computer equipment passed.
- b. ASUM Administration Special Allocation request for \$2800 to cover the costs of the Centennial barbecue passed.

#### **Committee Reports**

Julie Keller announced that the All Campus Card Committee is determining which company will supply the card and services.

Elizabeth Larson reported that the manual count of election results for the 20th, 21st and 22nd senatorial candidates was accomplished Sunday with the following results: 20 - Shawn Fast, 21 - Shannon Hill, 22 - Ben Reed.

#### **Old Business**

- a. A Resolution to Endorse An Increase of the Student Health Service Fee for the Academic Term 1993-1994 (Exhibit E). Senate approved Action 1 and Action 2.
- b. Resolution to Support "A New Montana Wilderness Bill?" Forum (Exhibit F). Senate approved.

#### **New Business**

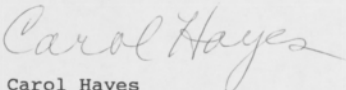
- a. Resolution to Provide A Permanent Funding Source for UM Advocates and Consistent Funding for Escort Services.

#### **Comments**

This was the last meeting for the Senators elected for 1992-93. They bid each other "fond adieus" and recapped the year.

The meeting was adjourned at 10:36 p.m.

Respectfully submitted,



Carol Hayes  
ASUM Office Manager

Exhibit A

Intra-campus MEMORANDUM

THE UNIVERSITY OF MONTANA  
OFFICE OF CAMPUS SECURITY

DATE: April 28, 1993  
MEMO TO: ASUM Senate  
FROM: Kenneth A. Willett, Campus Security Director *sen*  
SUBJECT: Parking Fee Increase and 93-94 Vehicle Regulations

Montana University System Policy 940.11, Motor Vehicle Registration Fees requires the President to include "a description of the procedure by which the campus student governance organization, the faculty and staff were consulted" with any request for an increase in fees. The President has authorized me, as the Director of Campus Security, to review with the Faculty Senate, Staff Senate and ASUM Senate regarding changes to the 93-94 Vehicle Regulations.

**Fee Increase.** In keeping with the past resolutions, I turn to you to review and approve the increase of \$9.00 per year for the 5 years, which started in FY1991. The ASUM Senate previously adopted a resolution supporting the increase. With an annual parking fee of \$69 proposed for FY94, it would cost 36¢ per day to park on campus during the academic year (190 days). Please remember that this is not a mandatory fee and an increasing number of alternatives to parking a car on campus exist. To date, the budget and fee summary projections have followed closely to the realized figures for each of the prior fiscal years.

**Deferred Maintenance.** We have between \$500,000 and \$1,000,000 of required reconstruction work needed on our parking lots. Each year we find that deferred maintenance projects tend to escalate in cost. An example of which is the spring breakup of the asphalt (potholes) which are appearing in large numbers this year.

**Vehicle Regulations.** I have attached the draft of the 1993-94 Vehicle Regulations for your review. The major points this year are; a) reduction of verbiage to a more user friendly format. b) full fee registration of \$69 for each vehicle registered. c) Campus parking permits are not available to individuals residing within the Residential Permit Parking district. (two block area) d) All parking violations will carry a \$10 fine. The proposed regulations have been developed through the joint effort of the Campus Study Groups, the Parking Review Team, Traffic Appeals and Review Committee, and the Office of Campus Security.

**Other Services.** In addition to repair of deteriorating parking lots, parking fees support many other parking-related services. If we are unable to keep up with inflation, these functions will have to be curtailed. They include:

**Parking Safety Upgrades.** When we are working on a lot or if we are working near a lot, we always look for opportunities to improve lighting, add and repair sidewalks, add emergency telephones, improve crosswalk visibility, and now provide bus stops at critical locations all around the campus.

**Accessibility.** Surveys by Disability Services for Students and others continue to point out non-code complaint curb cuts and other barriers to the physically challenged. When advised, we remove these barriers. We expand and contract handicapped parking as demand warrants each year. Enforcement of handicapped parking is our highest parking enforcement priority.

**Bicycles.** We continue to use parking fees to purchase additional bicycle racks, and Facilities Services installs them on permanent pads. We currently are working with the City of Missoula, Bike Centennial, and the UM Bike Plan Working Group to encourage safe bicycle use as an alternative to single occupant automobile commuting to campus. Recommendations from this group will entail construction costs to complete.

**Mountain Line Bus.** Again this year we will be signing a one year contract for \$52,500 with Mountain Line to provide free bus service for all students, faculty, and staff. My goal is to get them to agree to no additional costs for the next two years. This will allow us to gauge the effect of the recent legislative mandates and how they will effect enrollment.

I look forward to responding to any questions that individual Senators have during their meeting.

Thank you for your consideration.

attachment

file: Senatel.prk

1993-94

## VEHICLE REGULATIONS

PARKING PERMITS DO NOT GUARANTEE A SPACE WILL BE AVAILABLE AT ALL TIMES

THESE REGULATIONS WILL BE ENFORCED IN THEIR ENTIRETY. PLEASE ACQUAINT YOURSELF WITH THEIR CONTENTS, AS IGNORANCE OF THE REGULATIONS WILL NOT BE CONSIDERED IN APPEALS

## PARKING MOTOR VEHICLES ON CAMPUS IS A PRIVILEGE AND NOT A RIGHT

### I. REGISTRATION

All vehicles parked on campus must display current campus vehicle registration between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday, August through July. Permits are available at the Office of Campus Security or during semester class registration. ANY CHANGE OF REGISTRATION must be reported immediately to the Office of Campus Security.

#### A. PERMITS - Window decal or hanger option.

Campus parking permits are not available to individuals residing within the University area Residential Permit Parking district. Exceptions considered by individual petition to the Office of Campus Security/Traffic Appeals and Review Committee.

PERMIT TYPE	COST	TIME VALID	PARKING AREAS	AVAILABLE TO
"A" Regular *	\$ 69	1 YR-One vehicle	Decal/Hanger Required Lots	Faculty Staff Student
	\$ 35	Half Year		STUDENTS ONLY
"B" Two Wheel	\$ 20	1 YR One vehicle	Two Wheel park areas	Two wheel owners
"C" Car Pool	\$ 5	1 YR-each driver	Decal/Hanger Required Lots	Car Pool members (2-6 members)
"D" Reserved *	\$207	1 YR-One vehicle	Reserved space & Decal/Hanger Required Lots	Reserved space renters & reserved car pool (2-6 members)
"E" Temporary	\$ 5	2 Weeks (one time only)	Decal/Hanger Required Lots	Faculty Staff Students Visitors
Buck A Day **	\$ 1	1 Day	Decal/Hanger Lots ONLY	
Hourly Receipt	\$.50	1 Hour	Meter Lots	All Drivers
\$5.00 Replacement cost on all lost or damaged decals.				

\* Refund available until the last day of late registration.

\*\* Buck-A-Day permits sold at the Office of Campus Security, University Center Market or the Bookstore.

#### B. OTHER PERMITS AND PARKING

##### 1. FROM THE OFFICE OF CAMPUS SECURITY:

**VISITORS** - All visitors must purchase parking permits for the duration of their stay on campus. Available at the Office of Campus Security.

**SERVICE & DELIVERY** - \$2.00 per Semester for Service and Delivery vehicles. Students, staff and faculty may be eligible for this permit at no charge with job-related parking needs, if they have a valid campus vehicle registration.

**SUBSTITUTE** - Free for "A" permit owners who need to park an alternate vehicle on campus.

**RETIRED** - Free for retired Faculty and Staff of the University.

**COMPUTER PARKING** - Free for anyone wishing to commute to campus from Dornblaser Field. Commuters may park at Dornblaser and commute to campus via free, normally scheduled, Mountain Line Bus Service.

**QUICK STOP PARKING** - Free for pick-ups, deliveries, and errands and provided at convenient locations on campus; maximum parking time is 20 minutes.

##### 2. FROM OTHER OFFICES:

**DISABILITY** - Free handicap hangers are issued by the Director of Disability Services, at Corbin Hall's Disability Services Office, and are only available to persons who have a current University vehicle registration. Disability hangers can be issued to persons with a temporary disability. Visitor vehicles bearing federal, state or municipal issued disability hangers and license plates are recognized and approved for parking in all handicapped parking areas.

**FAMILY HOUSING** - Decals are issued by Family Housing Office and are valid ONLY in Family Housing parking areas. Additional guidelines for the Family Housing are posted in each apartment.

#### C. ENFORCEMENT HOURS AND DAYS - Effective August through July.

PARKING AREAS	TYPE PERMIT	DAYS	TIME
Decal/Hanger Required Lots	A,C,P,R,T & Buck-A-Day	Monday-Friday	7 am-4 pm
Two-wheeled	B	7 days a week	24 hour
Reserved	P	Monday-Friday	7 am-4 pm 2 am-5 am
Hourly Pay	Meter Stub ONLY	Monday-Friday	7 am-4 pm 2 am-5 am
Fire Lanes Yellow Curbs Quick Stop		7 days a week	24 hour
Special Permit	Service	7 days a week	24 hour
Handicap	Disability	7 days a week	24 hour

**Overnight parking** - To aid security and street cleaning efforts, overnight parking is not permitted in certain areas. These areas are posted with signs and are designated on the campus parking map. Enforcement in "no overnight parking areas" is from 2 a.m. to 5 a.m. Monday through Friday, August through July.

### II. GENERAL POLICY

**A.** The Office of Campus Security is the authority that administers and enforces parking regulations. Any questions about parking should be referred to the office located in the Physical Plant, phone: 243-6131.

**B.** University police officers are commissioned peace officers and are certified by the State of Montana. Their authority is vested by law (MCA 20-25-321).

**C.** Faculty, staff, and students of the University, as well as visitors, shall be subject to such fines and penalties as are listed in these regulations.

**D.** Falsifying any information whatsoever on a motor vehicle, or license number shall result in a fine and/or revocation of parking privileges for remaining academic year. (Constitutes non-academic misconduct within Student Conduct Code.)

**E.** The University of Montana is not responsible, by state law, for damage to, or theft of, the personal property of students on campus, (for example: damage to clothing or a stereo due to fire, smoke or water). Students are encouraged to adequately insure their personal property and to protect their property by locking their room/apartment and car and taking other simple precautions to prevent theft and damage.

**F.** Regulations may be amended at any time and become effective by order of the University President. Notice shall be posted on bulletin boards and published in campus and/or local newspapers once a week for three consecutive weeks.

### III. GENERAL PARKING REGULATIONS

- A. State, County, City and University laws, ordinances and regulations are enforced on University property 24 hours a day, seven days a week. (Unless otherwise posted.)
- B. While parked on the University property, no vehicle shall undergo any repairs or maintenance, including oil changes.
- C. No parking on campus without properly displaying proof of current or temporary licensing and registration, including expired license plates and vehicles failing to properly display a license plate. Such vehicles may be fined for "no parking".
- D. No person shall stop, stand or park a vehicle which impedes traffic or creates a potential safety hazard, unless directed by a police officer, traffic control device, or other appropriate authority.
- E. Any permits that are damaged, illegible, hidden, taped, expired, or improperly located or displayed are considered invalid and may subject the owner to receiving a citation. To properly display a decal:
1. Decal permits are self-adhesive and must be permanently affixed to the lower left, driver's side, front windshield.
  2. Hanging decal permits must be hung on the rear view mirror, decal side facing out.
- F. When parking, the entire vehicle must be situated within the marked boundary of the parking space. The fact that another vehicle has improperly parked does not constitute an excuse for any other vehicle to likewise improperly park.
- G. Pedestrians have the right of way in crosswalks.
- H. Without authorization from the Office of Campus Security, no barricades shall be moved and no vehicles may operate or park in an area that is closed by the use of barricades. Violators are subjected to being issued a citation and towed.
- I. Driving motor vehicles on property other than authorized roads, driveways, or parking areas is prohibited without prior permission of the Office of Campus Security.

### IV. FINES

- A. The Montana statutes and the Board of Regents for Higher Education have authorized the University of Montana to levy fines against all individuals in violation of parking, traffic, and registration regulations. (MCA 20-25-312)
- B. All violations are subject to a 30 day late fine and are classified as follows:

PARKING VIOLATIONS	FINE	LATE FINE
- Meter Expiration - Overtime Parking * - Improper Parking - No Decal/No Stub - Fire Lane - No Parking Areas - Special Permit - Reserved Parking - Yellow Curb Parking - False vehicle registration	\$10	\$ 5
HANDICAP	\$50	\$ 5

\* Additional citations can be issued for Quick Stop violations.

- C. Towing Policy - Vehicles in violation will be towed at the owner's expense from the following areas:
- Reserved Parking Spaces - Handicap - Fire Lane
  - Special Permit Areas - Fire Hydrant - Tow-Away Zone
- Wherever possible, areas subject to towing will be clearly marked as established by MCA 61-8-206. The University is authorized to tow vehicles under law MCA 20-25-312. Any towing that has been done under this provision may be subject to review by the Traffic Appeals and Review Committee.
- Vehicles can be towed, impounded, and stored at owner's expense and risk under any of the following circumstances:
1. Any vehicle left in a position that endangers public safety, interferes with vehicular or pedestrian traffic, interferes with University functions or operations, or which could cause harm to University property. Examples include parking on grass or in contact with buildings, fences, signs, poles, etc.
  2. Vehicles of habitual offenders may be towed or immobilized at any time without warning. Authority to immobilize vehicles, as a substitute for having vehicles towed, will be at the direction of the Office of Campus Security (MCA 20-25-311). All fines must be paid in full for vehicle release.
  3. Any vehicle presumed abandoned, under state statute MCA 61-8-356, which sets a maximum time limit for parked vehicles of no

more than 48 hours on street and 5 days on other city, county, or state property.

4. Any vehicle parked in areas that are closed for use; such areas will be indicated with the use of barricades.

TOWING	FEE	LATE FEE
On-Campus Release	\$15	
Standard Towing	\$22	
Specialty Towing	\$35 *	
Outside Storage	\$ 5	\$5 a day

- \* All wheel drive or if required by manufacturer's specifications.
- D. Moving violations may be prosecuted in city or county court. Driving motor vehicles on other than authorized roads, driveways, or parking areas will be considered moving violations.
- E. Parking privileges may be canceled for one academic year for misuses of parking permits and for habitual offenders of parking and traffic regulations. A habitual offender is anyone who has ten or more unpaid University parking violations or fines totaling \$100.00 or more. The placement of parking citations is considered proper notification of any violations.
- The University may hold vehicle operators as well as the registered vehicle owner responsible for outstanding fines (Missoula City Ordinance 10.54.070 B). For violations against unregistered vehicles, the University may first bill a registered student listing a home address the same as that of the vehicle owner.
- At the end of each semester, students with unpaid fines will not be permitted to re-enroll until the fines are paid. Also, pending payment of fines, transcripts may be withheld (MUS Policy 940.21). At the end of each month, fines not paid or timely appealed by faculty and staff, will be withheld from amounts owed to them. This paragraph serves as official notification of actions that may be taken (MCA 17-4-105).
- F. Appeals/Exceptions
1. Anyone wishing to appeal a parking citation must file a written notice at the Office of Campus Security within 7 working days of the citation's issue, any citation more than seven working days old can not be appealed. Appeals are reviewed by the Traffic Appeals and Review Committee.
  2. The same citation cannot be submitted for appeal more than twice. (Written or in person)
  3. All appeals denied by the Traffic Appeals and Review Committee must be paid within seven working days of notification. Failure to do so will constitute a second offense also subject to fine.
  4. The Committee is composed of three members, one representative each from the faculty, staff, and student body.
  5. Exceptions to RPP to be determined on individual petition to the Office of Campus Security/Traffic Appeals and Review Committee.

### V. SPECIAL OCCASIONS AND EMERGENCIES

- A. On special occasions and in emergencies, parking limitations may be imposed by the Office of Campus Security as required by prevailing conditions.
- B. Any exceptions for special occasions must be authorized in advance by the Office of Campus Security, 243-6131.
- C. Disabled vehicles must be reported to the Office of Campus Security immediately. If reported, up to 24 hours may be granted for campus parking while arrangements are made to move the vehicle. A vehicle creating a hazardous situation must be removed immediately.
- D. Arrangements for parking trailers, buses, and large vehicles must be made with the Office of Campus Security in advance of using campus parking facilities.
- E. Any accident involving a vehicle on University property must be reported immediately to the Office of Campus Security.

The above amended University of Montana vehicle regulations for the 1993-94 academic year are hereby adopted as of the 1st day of July, 1993 to be promulgated and enforced from that date until amended in writing as herein provided and in authorization specified in section 20-25-312 of Montana Code Annotated and section 1002-1 of the Montana University System Policy and Procedures Manual.

James Todd  
Vice President for Administration and Finance  
The University of Montana

DRAFT

# FY 94 STUDENT FEE PROSOSAL #1

28-Apr-93 11:07 AM

Enrollment at 10,500

HOURS	OPTION 1		OPTION 2		AVG # OF STUDENTS		FY 94 ANTICIPATED ENROLLMENT		OPTION 1	OPTION 2
	ATHLETIC FEE	ATHLETIC FEE	ATHLETIC FEE	ATHLETIC FEE	CREDIT HR	%	ENROLLMENT	ENROLLMENT	ATHLETIC FEE	ATHLETIC FEE
1	\$1.22				403	1.748%	403		\$492	
2	\$2.44				285	1.234%	285		695	
3	\$3.66				1,318	5.716%	1,319		4,829	
4	\$4.88				477	2.069%	478		2,330	
5	\$6.10				390	1.690%	390		2,379	
6	\$7.32				957	4.149%	958		7,009	
7	\$8.54	\$18.25			532	2.307%	532		4,546	9,716
8	\$9.76	\$18.25			455	1.974%	456		4,446	8,314
9	\$10.98	\$18.25			962	4.171%	963		10,570	17,568
10	\$12.20	\$18.25			533	2.309%	533		6,502	9,726
11	\$13.42	\$18.25			489	2.119%	489		6,562	8,924
12	\$14.64	\$18.25			2,339	10.142%	2,341		34,267	42,717
13	\$15.86	\$18.25			1,955	8.479%	1,957		31,039	35,716
14	\$17.08	\$18.25			2,235	9.692%	2,237		38,206	40,824
15	\$18.30	\$18.25			2,843	12.327%	2,845		52,063	51,920
16	\$19.52	\$18.25			2,428	10.527%	2,430		47,425	44,340
17	\$20.74	\$18.25			1,967	8.529%	1,968		40,825	35,923
18	\$21.96	\$18.25			1,605	6.962%	1,607		35,284	29,323
19	\$23.18	\$18.25			418	1.811%	418		9,687	7,627
20	\$24.40	\$18.25			205	0.891%	206		5,017	3,752
21	\$25.62	\$18.25			123	0.535%	123		3,163	2,253
22	\$26.84	\$18.25			59	0.255%	59		1,579	1,073
23	\$28.06	\$18.25			36	0.154%	36		999	650
24	\$29.28	\$18.25			19	0.080%	19		544	339
25	\$30.50	\$18.25			11	0.049%	11		343	205
26	\$31.72	\$18.25			6	0.028%	6		202	116
27	\$32.94	\$18.25			5	0.022%	5		168	93
28	\$34.16	\$18.25			3	0.012%	3		95	51
29	\$35.38	\$18.25			1	0.006%	1		53	27
30	\$36.60	\$18.25			1	0.006%	1		47	23
31	\$37.82	\$18.25			1	0.003%	1		24	11
32	\$39.04	\$18.25			0	0.001%	0		10	5
33	\$40.26	\$18.25			1	0.003%	1		29	13
34	\$41.48	\$18.25			0	0.000%	0		4	2
35	\$42.70	\$18.25			0	0.001%	0		9	4
36	\$43.92	\$18.25			0	0.001%	0		14	6
TOTAL					23,062	100.00%	23,080		\$351,455	\$351,262

Maintain Division I status and move forward with gender equity. Cost \$350,000

# FY 94 STUDENT FEE PROSOSAL #2

Exhibit B2

28-Apr-93 11:08 AM

Enrollment at 10,500

CREDIT COURS	OPTION 1	OPTION 2	AVG # OF		FY 94	\$2.00	\$30.00
	ATHLETIC FEE	ATHLETIC FEE	STUDENTS		ANTICIPATED	OPTION 1 ATHLETIC	OPTION 2 ATHLETIC
			CREDIT HR	%	ENROLLMENT	FEE	FEE
1	\$2.00		403	1.748%	403	\$807	
2	\$4.00		285	1.234%	285	1,140	
3	\$6.00		1,318	5.716%	1,319	7,916	
4	\$8.00		477	2.069%	478	3,820	
5	\$10.00		390	1.690%	390	3,900	
6	\$12.00		957	4.149%	958	11,491	
7	\$14.00	\$30.00	532	2.307%	532	7,453	15,971
8	\$16.00	\$30.00	455	1.974%	456	7,289	13,667
9	\$18.00	\$30.00	962	4.171%	963	17,328	28,879
10	\$20.00	\$30.00	533	2.309%	533	10,659	15,989
11	\$22.00	\$30.00	489	2.119%	489	10,758	14,670
12	\$24.00	\$30.00	2,339	10.142%	2,341	56,176	70,220
13	\$26.00	\$30.00	1,955	8.479%	1,957	50,883	58,711
14	\$28.00	\$30.00	2,235	9.692%	2,237	62,633	67,107
15	\$30.00	\$30.00	2,843	12.327%	2,845	85,349	85,349
16	\$32.00	\$30.00	2,428	10.527%	2,430	77,747	72,888
17	\$34.00	\$30.00	1,967	8.529%	1,968	66,925	59,052
18	\$36.00	\$30.00	1,605	6.962%	1,607	57,842	48,202
19	\$38.00	\$30.00	418	1.811%	418	15,880	12,537
20	\$40.00	\$30.00	205	0.891%	206	8,225	6,168
21	\$42.00	\$30.00	123	0.535%	123	5,185	3,703
22	\$44.00	\$30.00	59	0.255%	59	2,588	1,765
23	\$46.00	\$30.00	36	0.154%	36	1,637	1,068
24	\$48.00	\$30.00	19	0.080%	19	891	557
25	\$50.00	\$30.00	11	0.049%	11	563	338
26	\$52.00	\$30.00	6	0.028%	6	331	191
27	\$54.00	\$30.00	5	0.022%	5	275	153
28	\$56.00	\$30.00	3	0.012%	3	155	83
29	\$58.00	\$30.00	1	0.006%	1	87	45
30	\$60.00	\$30.00	1	0.006%	1	77	38
31	\$62.00	\$30.00	1	0.003%	1	39	19
32	\$64.00	\$30.00	0	0.001%	0	17	8
33	\$66.00	\$30.00	1	0.003%	1	48	22
34	\$68.00	\$30.00	0	0.000%	0	7	3
35	\$70.00	\$30.00	0	0.001%	0	14	6
36	\$72.00	\$30.00	0	0.001%	0	22	9
TOTAL			23,062	100.00%	23,080	\$576,156	\$577,417

Maintain Division I status & move forward with gender equity - Cost 350,000.

Options include cost of eliminating Student All Sports pass & student single game charge.

Eliminate student admission for athletic events - Cost \$200,000.

All sports ticket currently raises around \$140,000. Single game purchases are difficult to determine since the student price includes UM students, seniors, high school and grade school students.

Estimated cost of single game admissions - \$60,000.

The total UM student ticket purchases is estimated to be around \$200,000.

CONSTITUTIONAL REVIEW BOARD  
OPINION

ELECTIONS SCHEDULING COMPLAINT

Presented to the ASUM Senate April 28, 1993

INTRODUCTION:

Constitutional Review Board (CRB) was appointed and called to order by the ASUM Senate earlier this month to look into possible violations of the ASUM Constitution.

Specifically, the charge requested that CRB look into the possible violation of Constitutional Amendment I, of the ASUM Constitution. Amendment I was approved by the ASUM Senate and Student Body in 1991, that stated the ASUM General Election be held "during the Month of May."

The possible violation occurred when ASUM scheduled the General Election on April 14 and 15.

Shortly after the election, on April 19, CRB received a written complaint protesting the election results due to this possible violation.

INVESTIGATIVE FINDINGS:

CRB began an official investigation into the charges Monday, April 19. Since, CRB has met five times and questioned six ASUM officers and employees about the events that led up to the possible violation. Various pieces of evidence, including Senate minutes and Kaimin articles were also reviewed. The following account represents our committees official findings regarding this matter.

Briefly, CRB has determined the following:

1. ASUM knowingly and willingly violated Amendment I of the ASUM Constitution by holding the ASUM General Election during the month of April.

CRB has determined that both the ASUM Executive Board and the ASUM Elections Committee were in agreement that a violation was occurring. CRB found little evidence that a "cover-up" of this violation occurred. ASUM officials were rather public with their concerns.

2. ASUM actions were not carried out with intentional harm or malice.

CRB determined, after careful consideration, that ASUM



thought at the time of the infraction that their actions were clearly in the best interest of the student body and the candidates and groups participating in the ASUM Elections. CRB found that ASUM showed good intent when violating Amendment I.

3. No other ASUM activities or campaign activities have been in violation of the Constitution.
4. ASUM exercised poor judgement in handling the question of Constitutionality.

The ASUM Constitution and Bylaws clearly state that questions of constitutionality should be ruled upon by CRB. The violation should have been cleared up when it was first discovered.

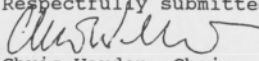
**CRB RECOMMENDATION:**

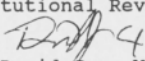
Although CRB has found ASUM in clear violation of Amendment I of the Constitution, we do not recommend that any actions or reprisals be taken to provide remedy. Due to the fact that CRB could find that no harm was done (other than a possible loss of credibility to ASUM), we have determined that the results of the ASUM General Election should stand.

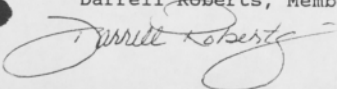
CRB recommends the following actions be taken to make sure that similar violations do not occur in the future.

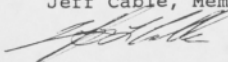
1. ASUM should clearly stipulate, in the ASUM Personnel Policy, exactly who is in charge of updating and distributing new copies of the ASUM Constitution. We recommend that this duty be assigned to our only long term administrative position, the ASUM Office Manager.
2. ASUM must learn to follow their organizational Bylaws when it comes to the appointment of the Constitutional Review Board. Appointment should take place immediately at the beginning of the Fall Semester. Constitutional questions should be immediately referred to and ruled upon by CRB. CRB recommends that a new stipulation in the Bylaws, under the CRB heading, directly state that appointment must take place at the beginning of the Fall Semester.

Respectfully submitted: Constitutional Review Board 4-28-93

  
Chris Warden, Chair

  
David Cox, Member

  
Darrell Roberts, Member

  
Jeff Cable, Member



The University of  
**Montana**

Exhibit D,  
Intra-campus MEMORANDUM

**Date:** April 26, 1993

**To:** Campus Community, ASUM Senate, Faculty Senate, and Staff Senate

**From:** 1993 Student Conduct Code Review Committee: Scott Burnham (Law); Stewart Justman (English); Hayden Ausland (Foreign Languages); Darlene Sampson (EOP); Elizabeth Larson (ASUM); Joan Newman (Legal Counsel) *Joan Newman*

**Re:** April 1993 Draft Student Conduct Code

Attached for your review is the April 1993 Draft of the Student Conduct Code. The draft was prepared by the review committee established after a campus forum in February identified a number of issues and needed improvements in the December 1992 Draft. The Review Committee has addressed every known issue identified earlier this year, and believes that the April 1993 Draft is responsive to those issues. The Committee members join me in recommending this draft, recognizing that each member still may not agree fully with every provision.

As many campus community members will recall, this review of the Student Conduct Code (begun two years ago) is the first major review and revision of the Student Conduct Code since its adoption in 1985. This is the third draft circulated for campus review during this two-year process, and is responsive to most criticisms raised during this extended review. We recommend adoption this spring of the revised code, so that publication and implementation may occur this Fall Semester.

In order to facilitate review, the revisions made to the December 1992 and previous drafts are summarized below in some detail. The 1993 Draft is being provided to ASUM Senate, Faculty Senate, Staff Senate, Deans, Directors, and Department Chairs. We request that comments be submitted to Joan Newman, Legal Counsel, Room 133 Main Hall, or any other member of the 1993 Review Committee by May 28, 1993.

SUMMARY OF REVISIONS

1. The Introduction section now clarifies that students at the University are subject to other regulations where applicable, including school and department codes. The footnote reference to the University's voluntary medical withdrawal procedures has been eliminated, since it is inappropriate in a conduct code.



2. The intent and purpose of application of the Student Conduct Code to off-campus offenses has been clarified in both the "jurisdiction" section, section I., and section IV.B. on the procedure. It should be clear that the intent of these provisions is not to assert campus jurisdiction off-campus generally. In exceptional circumstances only, the Student Conduct Code may be applied to off-campus offenses when necessary to assure the safety of individuals on campus. The primary example is when regular criminal or civil proceedings do not adequately address campus safety concerns.
3. The Student Rights Section has been simplified to make a strong affirmation of existing rights of students under state and federal law, and University policy. The specific enumeration of many such rights, which seemed objectionable to so many constituencies on campus, has been eliminated. However, the rights of due process and confidentiality, the core rights implemented in the Code, have been retained.

Note: As stated during the campus forum in February, the University is reviewing its Non-Discrimination Policy. A prohibition against discrimination on the basis of sexual orientation is one item under review.

4. A student's right to have a person of choice, including legal counsel, present during Student Conduct Code proceedings has been clarified. The previous draft seemed to have conflicting provisions. This right is clarified in II.B. and in the procedural sections.
5. In a number of places, references to "as provided in Montana law" have been added. This was thought to be necessary to make clear that students retain existing rights, and that the Code is based on legal principles already in Montana law, in several pertinent sections.
6. The language in the Academic Misconduct section has been streamlined in several areas, and the term "academic penalty" is used instead of "academic response." Also, where the procedure requires written notice, a form for such notice is included in the Appendix. Finally, as proposed in the December 1992 draft, the academic misconduct procedure provides an appeal to Academic Court, rather than University Court.
7. Throughout the Code, any written notice to the student of charges pending must be given to the student by personal delivery or first class mail, rather than certified mail.

8. The burden of proof for both academic and general misconduct court proceedings has been changed to "clear and convincing evidence." This burden of proof, which is a standard for civil proceedings, will require stronger evidence than "preponderance of the evidence" but less than the criminal standard of "beyond a reasonable doubt."
9. In the introduction to General Misconduct, the language clarifies that the Code is intended to apply to non-academic misconduct when that misconduct directly affects the University community. Again, the application of the Student Conduct Code to off-campus criminal offenses has been clarified to state that this occurs only in exceptional circumstances when necessary to protect safety on campus.
10. In the definitional section of General Misconduct, the listing of the offenses has been reordered so that campus based offenses are listed first, and the code offenses that may also be criminal offenses are listed at the end. This illustrates that the primary focus of the conduct code is on-campus conduct. The specific definitions of offenses that may also be criminal offenses has been retained, to assure compliance with the Campus Security Act of 1990, the Drug-Free Schools and Communities Act, and the Higher Education Reauthorization Act.
11. The definitional statement for rape and sexual assault has been expanded to clarify the advisory language, and to make specific reference to Montana law.
12. In the procedural section for General Misconduct, the administrative conference has been made mandatory, although the student is not required to respond, and may be accompanied by legal counsel. Experience has shown that this step should be required to be sure the student is adequately advised of the procedures. A form for the written notice is included in the Appendix.
13. As general matter, footnotes have been eliminated where possible. The information was transferred to text where appropriate, or eliminated where redundant.
14. The illustrative charts to the procedural sections has been rewritten, and will be included in the Appendix.

Attachment

THE UNIVERSITY OF MONTANA  
STUDENT CONDUCT CODE

DRAFT

APRIL 1993

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## INTRODUCTION

The Student Conduct Code, embodying the ideals of academic honesty, integrity, human rights, and responsible citizenship, governs all student conduct at The University of Montana.

Student enrollment in the University presupposes a commitment to the principles and policies embodied in this Code. In addition, students remain responsible under the civil and criminal laws of the State of Montana and the United States like any other citizen.

The Student Conduct Code ensures certain substantive and procedural rights to students charged with violating the Standards of Student Conduct. The Standards of Student Conduct and Disciplinary Procedures follow.

The Dean of Students is responsible for the procedural administration of the Student Conduct Code for all general conduct. The Provost and Vice President for Academic Affairs is responsible for all academic conduct.<sup>1</sup>

Students at The University of Montana may be subject to other University policies or regulations, as well as the Student Conduct Code.

Violations of University vehicle and traffic regulations are governed by the procedures set forth in the Vehicle Regulations for The University of Montana. These procedures can be obtained from the Office of Campus Security.

Students enrolled in the School of Law are, in addition, subject to the Law School's Honor Code and Procedures which can be obtained from the Office of the Dean of the School of Law.

Intercollegiate Athletics also has a code of conduct and a drug education and testing program for those students who participate in intercollegiate athletics. Information on this program is available from Intercollegiate Athletics.

Other Schools and Departments also may have specific professional conduct or honor codes.

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<sup>1</sup> Wherever referred to in this Code, administrative officers of the University include the officers and their designees.

## **I. JURISDICTION OF THE UNIVERSITY OF MONTANA**

Generally, The University of Montana jurisdiction is limited to conduct occurring on University premises or at University-sponsored activities. In exceptional circumstances, University jurisdiction may be asserted when a student or University employee complains of off-campus acts of a student that allegedly constitute a criminal offense under the Montana or Federal criminal law and which directly and seriously threaten the health and safety of members of the campus community. Application of this Code to off-campus offenses is subject to procedures in Section IV.B. of this Code.

The University of Montana also has an obligation to uphold the laws of the larger community of which it is a part. While the laws of the larger community and the Student Conduct Code may overlap, they operate independently and do not substitute for each other. The University of Montana may pursue enforcement of its rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether University rules have been broken. Conversely, the University makes no attempt to shield members of the campus community from the law, nor does it automatically intervene in legal proceedings against members of the University community.

When a complaint is filed with appropriate University officials charging a student with violating the University's Student Conduct Code, the University is responsible for conducting an investigation, initiating charges, and adjudicating those charges. Although the complainant's responses are sought during the disciplinary process, the judgment of the case is the responsibility of the designated administrative officer. If the complainant decides to withdraw the complaint, the University may proceed with the case on the basis of other testimony.

## **II. STUDENT RIGHTS**

The University of Montana recognizes that its students retain the rights provided by the United States and Montana Constitutions, federal and state statutes, and other applicable University policy, while attending the University. The provisions of this Student Conduct Code are intended to be consistent with these rights, and to limit or restrict only conduct that goes beyond the responsible exercise of these rights recognized by law.

The following rights are specifically recognized and implemented in this Student Conduct Code:

### **A. Right to Confidentiality**

The University of Montana complies with the principles of privacy found in the Montana Constitution, Montana Code Annotated, and the Family Educational Rights and Privacy Act. A student's name and other identifying information -- including address, telephone



number, date and place of birth, major field of study, participation in officially recognized activities and sports, degrees awarded, and honors received -- may be considered public information, unless the student requests the University in writing to hold the information in confidence.

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

1. All disciplinary proceedings are closed to the public. An open conference/hearing may be held at the discretion of the administrative officer/chair of the adjudicating court if requested by the student, unless closure of the proceedings is necessary to protect the overriding individual privacy rights of others.
2. The University, including individuals involved in a disciplinary proceeding, will not disclose information to anyone not connected with the proceeding. The fact that there is a disciplinary proceeding concerning the incident may be disclosed; however, the identity of individual students will not be disclosed.
3. The University, including individuals involved in a disciplinary proceeding, will disclose the results of the proceedings, including sanctions imposed, only to those who need to know the results for purposes of record-keeping, enforcement of the sanctions, further proceedings, or compliance with Federal or State law. The fact that a disciplinary proceeding has been concluded and appropriate action taken may be disclosed. The Campus Security Act of 1990 allows, but does not require, the University to disclose the results to an alleged victim of a violent crime.

**B. Right to Due Process**

1. **The Accused.** A student accused of violating the Student Conduct Code has certain rights:
  - a. The right to be advised that a complaint is being investigated, and the right to be advised of the potential charges.
  - b. The right to review the evidence.
  - c. The right to decline to make statements.
  - d. The right to submit a written account relating to the alleged charges.
  - e. The right to know of the identity of individuals who will be present at an administrative conference or a Court hearing.

- f. The right to have a person of choice, including legal counsel, present throughout any and all proceedings provided for in this Code.
  - g. The right to a period of time to prepare for a hearing, and the right to request a delay of the hearing for exigent circumstances.
  - h. The right to hear and question witnesses and the accuser.
  - i. The right to present relevant evidence and witnesses.
  - j. The right to timely adjudication of charges as provided in this Code.
2. **The Alleged Victim.** Some actions which violate the Student Conduct Code involve a person who is an alleged victim of a violent crime. Violent crime may include acts such as robbery, vandalism, aggravated assault, sexual assault, harassment, and acts which endanger another's safety. When a member of the University community files a complaint and is identified as an alleged victim of a violent crime, that individual is entitled to certain rights in the disciplinary process.

An alleged victim of a violent crime is entitled to the following:

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

### III. ACADEMIC CONDUCT

Students must practice academic honesty.

#### A. Academic Misconduct

Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. Academic misconduct is defined as all forms of academic dishonesty, including but not limited to:

1. Plagiarism: Representing another person's words, ideas, data, or materials as one's own.
2. Misconduct during an examination or academic exercise: Copying from another student's paper, consulting unauthorized material, giving information to another student or collaborating with one or more students without authorization, or otherwise failing to abide by the University or instructor's rules governing the examination or academic exercise without the instructor's permission.
3. Unauthorized possession of examination or other course materials: Acquiring or possessing an examination or other course materials without authorization by the instructor.
4. Tampering with course materials: Destroying, hiding, or otherwise tampering with source materials, library materials, laboratory materials, computer system equipment or programs, or other course materials.
5. Submitting false information: Knowingly submitting false, altered, or invented information, data, quotations, citations, or documentation in connection with an academic exercise.
6. Submitting work previously presented in another course: Knowingly making such submission in violation of stated course requirements.
7. Improper influencing conduct: Any action calculated to influence an instructor to assign a grade other than that actually earned by the student.
8. Substituting, or arranging substitution, for another student during an examination or other academic exercise: Knowingly allowing others to offer one's work as their own.
9. Facilitating academic dishonesty: Knowingly helping or attempting to help another commit an act of academic dishonesty, including assistance in an arrangement whereby any work, classroom performance, examination activity, or other academic exercise is submitted or performed by a person other than the student under whose name the work is submitted or performed.

10. Altering transcripts, grades, examinations, or other academically related documents: Falsifying, tampering with or misrepresenting a transcript, other academic records, or any material relevant to academic performance, enrollment, or admission.

## **B. Penalties**

Depending on the severity of the acts of academic misconduct, a student may incur one or more of the following penalties:

1. **Academic Penalty by the Course Instructor:** The student receives a failing or reduced grade in an academic exercise, examination, or course, and/or is assigned additional work which may include re-examination.
2. **University Sanctions:** A penalty exceeding the academic penalty may be imposed by the University. Sanctions a. through d. require administrative review and approval by the Provost and Vice President for Academic Affairs.
  - a. **Denial of a Degree:** A degree is not awarded.
  - b. **Revocation of a Degree:** A previously awarded degree is rescinded.
  - c. **Expulsion:** The student is permanently separated from the University and also may be excluded from any University-owned or -controlled property or events.
  - d. **Suspension:** The student is separated from the University for a specified period of time and also may be excluded from participation in any University-sponsored activity.
  - e. **Disciplinary Probation:** The student is warned that further misconduct may result in Suspension or Expulsion. Conditions may be placed on continued enrollment for a specified time.
  - f. **Disciplinary Warning:** The student is warned that further misconduct may result in more severe disciplinary sanctions.

## **C. Disciplinary Procedures**

The focus of inquiry in disciplinary proceedings is to determine if a violation of the Standards of Student Conduct has occurred and, if so, to decide an appropriate academic response and/or University sanction. Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in judicial proceedings. However, the accused student must receive due process, and the University has the burden of proof to establish a violation by clear and convincing evidence. It is assumed unless shown otherwise that the faculty

and Academic Deans make impartial judgments concerning academic misconduct and fairly impose an appropriate academic response and/or University sanction. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the University occurs.

The adjudication of any alleged academic misconduct must be initiated within two years of discovery.

The following procedures apply in adjudicating charges of academic misconduct:

1. Investigation by the Course Instructor.<sup>2</sup>

a. **Misconduct alleged during the term of the course:** When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within 10 working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting. See II.J.1.f. above (Student Rights Section). The role of legal counsel, if any, at this stage should be restricted to consultation with the student. At this meeting the course instructor will:

- (1) Inform the student of the alleged academic misconduct and presents the evidence supporting the allegation.
- (2) Inform the student of the Student Conduct Code rules of procedure.
- (3) Allow the student an opportunity to respond to the charge(s) and evidence. The student is not required to respond.
- (4) Discuss the academic penalty and possible University sanctions, and allow the student to respond.

b. **Misconduct alleged at or after the conclusion of course:** When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor at or after the conclusion of the course, the course instructor notifies the student in writing by first class mail or personal delivery. The instructor takes steps (1) through (4) above in writing. Additionally, the instructor informs the student that an "N" grade will be

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<sup>2</sup> When an allegation of academic misconduct is made against a student not enrolled in the course, the instructor refers the allegation to the Academic Dean for investigation and appropriate action.

given for the course or the assigned grade will be revoked until there is a final resolution of the charge(s). See appendix Form 1 for form of notice.

- c. **Consultation with the Chair and Academic Dean:**<sup>3</sup> The course instructor should consult with the Department Chair and Academic Dean in order to determine whether any record of prior academic misconduct on file with the Dean of Students specially warrants a recommendation that the University sanction the student. The course instructor and/or the Chair may make such a recommendation to the Academic Dean, based on the severity of the alleged offense or prior record of misconduct.

d. **Resolution of the charge by the course instructor:**

- (1) If he or she concludes the student engaged in academic misconduct, the instructor informs the student of the academic penalty to be imposed. The academic penalty does not take effect until the final resolution of the charge(s), or until the deadline for an appeal has passed. An "N" grade may be assigned in the interim.
- (2) If a University sanction is recommended, the course instructor or Department Chair notifies the student that the case will be transferred to the Academic Dean.
- (3) The course instructor informs the student of the appeals procedure in the Student Conduct Code.
- (4) If a University sanction is recommended, or if the student appeals, the course instructor will prepare a written summary, including a concise statement of the act of academic misconduct and the evidence for the Academic Dean, with a copy to the student, the Department Chair, the Department Chair of the student's major, and the Provost and Vice President for Academic Affairs. A copy of this written summary is placed in the student's disciplinary file maintained by the Dean of Students. The student also may provide a written statement to be placed in the file. The written summary may also be prepared by the instructor and included in the student's file in cases where the student accepts the academic penalty.

- e. **Resolution of the charge by the instructor when the student does not appear for the investigative meeting:** If

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<sup>3</sup> For undergraduate students, the Academic Dean is the dean of the college or school in which the course is offered. For graduate students, the Academic Dean is the Dean of the Graduate School.

the student does not appear for the investigative meeting with the course instructor, the course instructor informs the student in writing by first class mail or personal delivery of:

- (1) The academic penalty recommended. The academic response is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "N" grade is assigned.
- (2) The transfer of the case to the Academic Dean if a University sanction is recommended.
- (3) The Student Conduct Code rules of procedure and appeal. (A copy of this Code will suffice.)
- (4) The fact that a written summary of the case has been sent to the student, the Department Chair, the Department Chair of the student's major, the Provost and Academic Vice President, with a copy placed in the student's disciplinary file maintained by the Dean of Students. The student also may provide a written statement to be placed in the file. See appendix Form 2 for form of notice.

## **2. Sanction Imposed by the University.**

a. **Investigation by the Academic Dean:** After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor and Chair, the Academic Dean reviews the student's disciplinary record maintained by the Dean of Students, reviews the evidence, and interviews individually or together the instructor, the accused student and possible witnesses. Before the interview, the accused student is informed that he, or she, may bring a person of choice and that he, or she, also has the right to have legal counsel present during the interview. The student must notify the Academic Dean at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.

### **b. Resolution of the charge(s) by the Academic Dean:**

- (1) If the Academic Dean decides not to impose a University sanction, the Dean notifies and provides written justification of the decision to the student, course instructor, and Department Chair. The decision of the Academic Dean not to impose a

University sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor.

- (2) If the Academic Dean decides to impose a University sanction, the Dean informs the course instructor and Department Chair, and the student is notified in writing by first class mail or personal delivery. See appendix Form 3 for form of notice. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Academic Dean will present the recommendation to the Provost and Academic Vice President for review and approval prior to notifying the student. The notice to the student includes:
    - (a) A statement of the specific academic misconduct committed;
    - (b) A concise summary of the facts upon which the charge is based;
    - (c) A statement of the University sanction; and
    - (d) A statement of the appeal procedure.
  - (3) If, within 10 working days, the student does not appeal the decision to impose the University sanction, the allegation in the notice of University sanction will be accepted. The Provost and Academic Vice President will instruct the appropriate University officials to implement the sanction. A written summary of the case will be placed in the student's disciplinary file maintained by the Dean of Students.
  - (4) No University sanction or academic response is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed.
3. **Student Appeal of the Academic Response and/or University Sanction.**

If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the Academic Court. A request for appeal with supporting evidence must be presented in writing to the Provost and Vice President for Academic Affairs within 10 working days after the student is informed by the instructor of the imposed academic penalty or within 10 working days after receiving the notice of a University sanction, whichever occurs later.



#### 4. Academic Court.

##### a. Composition:

The Academic Court, appointed by the President of the University, consists of one faculty member and alternate nominated by the Provost and Vice President for Academic Affairs; one faculty member and alternate nominated by the President of the University Teachers' Union; one faculty member and alternate nominated by the Executive Committee of the Faculty Senate; one faculty member and alternate nominated by the Academic Standards and Curriculum Review Committee; two undergraduate students and alternates and one graduate student and alternate nominated by the Associated Students of the University Montana. The chair is selected by the members of the Academic Court from among the faculty appointees. Faculty members are appointed for two years. To establish the initial Court with staggered appointments, the first two appointed faculty members serve for one year. Student members serve for one year. No members serve more than two consecutive terms. In case of unavailability or disqualification of any member for a given proceeding, the appropriate alternative member serves on the Court.

##### b. Hearings:

- (1) When a student appeals to the Academic Court, the Chair of the Court schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing to the student, course instructor, Department Chair and Academic Dean. In the absence of extenuating circumstances, the hearing is held within fifteen (15) working days of the appeal.
- (2) A student appealing to the Academic Court may be accompanied by a representative. If the representative is an attorney, the student must notify the Chair of the Court in writing at least three (3) working days before the scheduled hearing. Failure to give notice of representation may delay the hearing. If the student is to be represented at the hearing by an attorney, then the University also will be represented by legal counsel.
- (3) Hearings are closed to the public. However, at the discretion of the Chair of the Court, an open hearing may be held if requested by the student and if the individual privacy rights of others are protected.
- (4) The Chair of the Court is responsible for conducting the hearing in an orderly manner. The student presents witnesses and/or evidence in support of the appeal. The course instructor, Department Chair,

and Academic Dean also present witnesses and evidence. Each party may question the other party's witnesses. The burden of proof is on the University to establish a violation by clear and convincing evidence.

- (5) Formal rules of evidence do not apply, and the Chair decides the admissibility of all evidence presented and rules on all procedural issues.
- (6) Minutes of the hearing are taken at University expense.
- (7) The Chair of the Court may prescribe additional procedural rules for the hearing that are consistent with this Code.
- (8) The Academic Court reaches a decision by majority vote. The Chair has the right of vote. The vote either upholds or overturns the academic penalty and/or University sanction. The decision of the Court is submitted to the President for review and final approval.
- (9) Within 10 working days, a copy of the Court's decision is furnished by the Court Chair to the student, the course instructor, Department Chair, Academic Dean, Dean of Students, Provost and Vice President for Academic Affairs, and President.

**c. Failure to Appear:**

A student who fails to appear for the Court hearing is considered to have waived the right to appeal. The student receives the academic penalty and/or University sanction recommended by the Academic Dean and approved by the Provost and Vice President for Academic Affairs.

**5. Review by the President of the University.**

- a. The decision of the Academic Court is reviewed by the President of the University.
- b. Reviews must be completed within ten (10) working days from the date of the letter notifying the student of the Court's decision.
- c. The review is limited to:
  - (1) Whether the evidence provides a reasonable basis for the academic response and/or University sanction.
  - (2) Whether procedural errors deprived either party of a fair hearing.

- d. Each party may submit supplemental written statements.
- e. The President of the University approves or overrules the decision of the Court. A copy of the President's decision is furnished to the student, the course instructor, Department Chair, Academic Dean, Dean of Students, Provost and Vice President for Academic Affairs and the Academic Court.
- f. The President's decision after review is final and includes directions for implementation. A presidential decision to overrule may include an order for a new hearing to consider new or omitted evidence, or to correct procedural defects.
- g. The student may seek further administrative review by the Commissioner of Higher Education and the Board of Regents pursuant to Montana University System Policy and Procedures Manual, 203.5.1.

6. **Hearing Officer:**

When an appeal cannot be heard by the Academic Court within a reasonable time after the student's request (e.g., during summer, between semesters, etc.) the President of the University may, whenever it is in the best interest of the University or the student, appoint an impartial Hearing Officer to conduct a hearing. This hearing is conducted following the procedures of this Code, with the decision of the Hearing Officer submitted to the President.

IV. **GENERAL CONDUCT**

A. **Standards of Student Conduct**

Students have the responsibility to conduct themselves in a manner that does not impair the welfare or educational opportunities of others in the University community. Students must act as responsible members of the academic community; respect the rights, privileges, and dignity of others; and refrain from actions which interfere with normal University functions.

**General Misconduct:** General misconduct includes all forms of misconduct, except academic misconduct. Some, but not all, of the acts listed below are criminal acts under the laws of Montana. In all cases, the University concerns itself with general, or non-academic, misconduct insofar as it directly affects the University community. General misconduct is subject to University disciplinary action(s), and includes:

1. Forgery, falsification, or fraudulent misuse of University documents, records, or identification cards.

2. Furnishing false information to the University or members of the University community who are performing their official duties.
3. Causing false information to be presented before any judicial proceeding of the University or intentionally destroying evidence important to such a proceeding.
4. Theft of property or services on University premises or at University-sponsored activities, or knowing possession of stolen property on University premises or at University-sponsored activities.
5. Unauthorized use, destruction, or damage of University property or the property of others on University premises or at University-sponsored activities.
6. Unauthorized or fraudulent use of the University's facilities, telephone system, mail system, or computers, or use of any of the above for any illegal act.
7. Unauthorized entry, use, or occupancy of University facilities. "Unauthorized" means entry, use, or occupancy to which the student is not authorized by virtue of his or her enrollment, class schedule, and/or legal or Student Conduct Code action.
8. Failure to comply with the directions of University officials, including Resident Assistants and University Security Officers, acting in the performance of their duties.
9. Violation of published University regulations or policies. Among such regulations are those pertaining to student housing, entry and use of University facilities, use of amplifying equipment, campus demonstrations, etc. University regulations and policies may be obtained from various offices of the University (e.g., Residence Life, University Center, etc.) or the Dean of Students.
10. Intentional obstruction or disruption of normal University or University-sponsored activities, including but not limited to studying, teaching, research, administration and disciplinary procedures, or fire, police, or emergency services.
11. Use, possession, or distribution of alcoholic beverages on University premises or at University-sponsored activities except as permitted in University policies (University of Montana Facility Use Policy and University of Montana Alcohol and Drug Guidelines).

NOTE: According to Montana law, use or abuse of alcohol does not justify abusive or damaging behaviors; such use or abuse will not constitute grounds for reduced sanctions for Conduct Code violations.

12. Disorderly or indecent conduct on University-owned or -controlled property or at University-sponsored activities.
13. Interfering with the freedom of expression of others on University premises or at University-sponsored activities.
14. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Off-campus incidents are subject to procedures in IV.B. below.
15. Malicious intimidation or harassment of another. When a student, with the intent to terrify, intimidate, threaten, harass, annoy, or offend, (1) causes bodily injury to another, (2) causes reasonable apprehension of bodily injury in another, (3) damages, destroys, or defaces any property of another or any public property, or (4) makes repeated telephone communications anonymously or at extremely inconvenient hours or in offensively coarse language. Off-campus incidents are subject to procedures in IV.B. below.
16. Illegal use, possession, or distribution of any controlled substance on University premises or at University-sponsored activities; or illegal distribution of any controlled substance off-campus, subject to procedures in IV.B. below. See University of Montana Campus Security and Alcohol Guidelines.
17. Illegal or unauthorized possession or use of firearms, explosives, other weapons, dangerous chemicals, or other noxious substances on University premises.
18. Rape or sexual assault. Sexual intercourse without consent (rape) or sexual contact without consent (sexual assault). Off-campus incidents are subject to procedures in IV.B. below.

NOTE: According to Montana law, "without consent" means that the victim is: (a) compelled to submit (to sexual contact) by force or by threat of imminent death, bodily injury, or kidnapping; (b) temporarily or permanently mentally incapacitated or physically helpless for any reason, including alcohol or drug intoxication; or (c) less than 16 years old.

Sexual intercourse or contact without consent is possible between strangers, people who are acquainted with each other, people who are dating each other, and even people who are personally involved with each other; it can occur between two people in isolation, but it can also occur amongst more than two people, or in connection with social activities of student or other groups. In any and every case, rape and sexual assault remain serious criminal offenses.

19. Homicide, assault, aggravated or felony assault, or threat of the same, to any person on University-owned or -controlled property or at University-sponsored functions, or conduct which threatens or endangers the health or safety of any such person; or off-campus homicide, assault, aggravated or felony assault, or threat of the same, subject to procedures in IV.B. below for off-campus incidents.
20. Retaliation against a person for filing a complaint or acts of intimidation directed towards the person to drop a complaint.
21. Violation of the terms of any disciplinary sanction imposed in accordance with this Code.

**Attempts and Complicity:** Attempts to commit acts prohibited by the Standards of Student Conduct, or knowingly or willfully encouraging or assisting others to commit such acts, are prohibited by this Code and may be punished to the same extent as if one had committed the prohibited act.

#### **B. Application of Student Conduct Code to Off-Campus Offenses**

In exceptional circumstances, Student Conduct Code charges may be initiated against a student who engages in conduct off-campus that allegedly constitutes a criminal offense under Montana or Federal criminal law and directly and seriously threatens the health and safety of members of the campus community. A student or University employee having knowledge of the off-campus offense may file a complaint with the Dean of Students. The Dean of Students with the advice and counsel of appropriate professional staff to determine whether requirements for off-campus application of Student Conduct Code charges are met, recommends to the President whether such charges should be made. In reaching a decision, the President considers whether criminal charges have been or will be filed and whether the alleged offender is in the custody of criminal justice authorities. Disciplinary procedures for General Misconduct apply to charges initiated under this section.

If the health and safety of the campus community can be protected through the criminal justice proceedings, e.g., by conditions of bail, the University may defer Student Conduct Code charges until criminal proceedings are concluded. University officials will encourage complainants to report alleged criminal conduct to criminal justice authorities, without regard to the pendency of civil litigation or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

The intent of this section is to provide a procedure to apply the Student Conduct Code to off-campus conduct only when necessary to protect health and safety of campus community and when off-campus criminal proceedings fail to address campus safety adequately. The section is not intended to extend University jurisdiction off-campus generally.

### **C. Disciplinary Sanctions**

1. Sanctions for violating the Standards of Student Conduct may include any one or more of the following:
  - a. **Expulsion.** The student is permanently separated from the University and/or from any University-owned or -controlled property or events. This sanction requires administrative review and approval by the Dean of Students.
  - b. **Suspension.** The student is separated from the University for a specified period of time, and may also be excluded from participation in any University-sponsored activity. This sanction requires administrative review and approval by the Dean of Students.
  - c. **Disciplinary Probation.** The student continues attendance at the University and is subject to restrictions and/or conditions imposed by the University for a specified period of time.
  - d. **Disciplinary Warning.** The student is warned that further misconduct may result in severe disciplinary sanctions.
  - e. **Restitution.** The student is required to make payment for damage to the University as a result of violation of this Code.
  - f. **Other Sanctions.** In addition to or in lieu of the above, other sanctions may be imposed. For example, the student may be evicted from Residence Halls or Family Housing for disciplinary violations in, or relevant to, those facilities, may be prohibited from attending campus events or participating in organized activities, and/or may be required to attend and complete classes, programs, workshops, or counseling dealing with specific behaviors, such as drug and alcohol abuse and sexual offenses, as conditions of current or future enrollment.
2. Repeated or aggravated violation of this Code may result in more severe disciplinary sanctions than any individual violation might warrant.
3. Violation of any act prohibited by this Code may result in expulsion or suspension from the University unless specific and mitigating factors are present. Factors to be considered in mitigation may include the present attitude and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Expulsion and suspension require administrative review and approval by the Dean of Students, who may alter, defer, or withhold the sanction.
4. Notification of any sanction imposed is sent to appropriate University officials.

5. **Readmission.** Following suspension for general misconduct, readmission to the University is dependent upon the student's compliance with the conditions designated at the time of suspension and the student's fitness to return to the campus community. These decisions are made by the Dean of Students upon consultation with appropriate professional staff on campus and/or in the community. Appropriate documentation, depending upon the nature of the original violation and the conditions of suspension, is required.

Upon readmission, the student is placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior monitored by a designated campus professional(s).

#### **D. Temporary Suspension**

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

1. A student may be temporarily suspended from the University or evicted from University Housing by the Dean of Students pending disciplinary or criminal proceedings, such suspension or eviction to become immediately effective without prior notice whenever there is evidence that the student's continued presence on the campus constitutes a threat to the student or others or to the continuance of normal University operations. In cases of temporary suspension or eviction, the student is given an opportunity to appear before the Dean of Students within five (5) working days from the effective date of the suspension or eviction in order to discuss the following issues:
  - a. The reliability of the evidence against the student.
  - b. Whether the alleged conduct and surrounding circumstances reasonably indicate that the student's presence on campus constitutes a threat to the student or others or to the continuance of normal University operations.
2. Faculty members have the independent authority to exclude a student from any class session in which the student displays disruptive behavior that threatens the learning environment or safety and well-being of others in the classroom. The student remains eligible to return to the next class session. The faculty member maintains the authority to remove the student from each class session during which the student is disruptive. The student may be suspended permanently from a class upon recommendation of the Dean of the College or School under the disciplinary procedures outlined in this Code.



#### **E. Disciplinary Records**

1. Sanctions of expulsion and suspension affect the student's academic status and are entered as notations in the student's permanent academic record maintained by the Registrar during such time as the imposed sanctions are in effect.
2. Whenever charges against a student are pending, the student, unless temporarily suspended or evicted, continues to have the same rights and privileges as other students. At the request of the student, transcripts may be released to an institution or prospective employer with the understanding that if there are pending charges which are determined adversely to the student and result in alteration of the transcript previously released, the institution or employer may be so notified and a corrected copy of the transcript may be forwarded to the institution or employer.
3. A record of sanctions imposed for any violation of the Standards of Student Conduct are retained on file by the Dean of Students.

#### **F. Disciplinary Procedures**

The focus of inquiry in disciplinary proceedings is to determine if a violation of the Standards of Student Conduct has occurred and, if so, to decide appropriate sanctions. Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in judicial proceedings. However, the accused student must receive due process, and the University has the burden of proof to establish a violation by clear and convincing evidence. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the University.

The following procedures apply in adjudicating charges of general misconduct:

1. **Investigation.** Whenever it appears that a student may have committed an act of general misconduct, a University official designated by the Dean of Students investigates the incident. The official conducting the investigation:
  - a. Determines the facts of the incident through interviews, reports, and other evidence.
  - b. Informs the student of the findings of the investigation and the alleged misconduct.
  - c. Informs the student of the Student Conduct Code rules of procedure.
  - d. Allows the student an opportunity to respond to the evidence and potential charge(s).

- e. Makes an impartial judgment as to whether or not any general misconduct occurred, and, if so, proposes appropriate sanctions.
  - f. Allows the student an opportunity to respond to the proposed sanctions.
  - g. Informs the student of the option of an administrative conference with an official designated by the Dean of Students or a hearing by the University Court, if the student denies the charge and/or does not accept the proposed sanctions.
  - h. If the student accepts the charges, the designated officer consults with the Dean of Students regarding the student's past disciplinary record, and propriety of proposed sanctions. Sanctions of Expulsion and Suspension require review and approval by the Dean of Students.
  - i. If the student accepts the charges and the sanctions, the designated officer summarizes the case in writing to the student, with a copy to the Dean of Students. The written summary, including a concise statement of the evidence, findings, and sanctions, when signed by the student, concludes the case and the designated official implements the sanctions. The student has five (5) working days to sign the statement. The signed statement is sent to the Dean of Students, with a copy provided to the student.
2. **Administrative Conference.** If the student denies the charges and/or does not accept the sanctions, the investigative officer reports in writing the allegations and sanctions to the Dean of Students within five (5) working days of meeting with the student. The Dean of Students designates an administrative officer or committee to review the report.
- a. If the administrative officer/committee concludes that no violation of this Code has occurred, and/or that there is insufficient evidence to support further action, a recommendation to that effect is sent to the Dean of Students, with copies to the student and investigative officer.
  - b. If the administrative officer/committee concludes that a probable violation of this Code has occurred, and that the evidence supports sanctions, he/she sends a written notice of charges to the student specifying:
    - (1) The alleged misconduct;
    - (2) A concise summary of the facts upon which the charges are based; and
    - (3) A statement of proposed sanctions.

See appendix Form 4 for form of notice. The notice of charges requests the student to meet with the investigative officer and the administrative officer/committee on a specific date, time, and place, and informs the student of the right to bring along a parent, guardian, counsel, or other appropriate witness. The notice states that the role of legal counsel at this conference is limited to consultation with the student only, and that the student notify the administrative officer/committee at least three (3) working days before the time of the conference of the intent to bring legal counsel.

- c. The purpose of the conference is to inform the student of the Student Conduct Code Disciplinary Procedures and to provide a final opportunity for informal resolution of the charges. The student, however, is not required to make any response at the conference.
- d. Following the administrative conference, the administrative officer/committee consults with the Dean of Students concerning the charges and proposed sanctions. Sanctions of Expulsion and Suspension require review and approval by the Dean of Students.
- e. If the student agrees to the sanctions, the administrative officer/committee summarizes the case in writing to the student, with a copy to the Dean of Students. The written summary, including a concise statement of the evidence, findings, and sanctions, when signed by the student, concludes the case. The student has five (5) working days to sign the statement. The signed statement is sent to the Dean of Students, with a copy provided to the student.
- f. If the student denies the charges and/or does not accept the sanctions, the administrative officer/committee transfers the case within five (5) working days to the University Court for a hearing.
- g. If the student does not appear for the conference with the administrative officer/committee, nor request transfer after the proceedings to the University Court, the allegations in the notice of charges are accepted and, upon review and approval by the Dean of Students, the University imposes the disciplinary sanctions specified in the statement of charges. The administrative officer/committee notifies the student of the actions taken with a copy to the Dean of Students.
- h. Except for temporary suspension or eviction, no disciplinary sanction is imposed until final resolution of the charges or until the deadline for an appeal has passed.

## **G. University Court**

### **1. Composition**

The University Court, appointed by the President of the University, consists of three undergraduate students and one graduate student nominated by ASUM, two faculty members nominated by the Executive Committee of the Faculty Senate, and one staff member nominated by Staff Senate. One of the faculty appointees is elected by the members of the Court to serve as Chair. Students are appointed for one year. Faculty and staff members are appointed for two years. No members may serve more than two consecutive terms. In the case of unavailability or disqualification of a member(s) for any given case, the President of the University will appoint an alternate member(s) to serve on the Court.

### **2. Hearings**

- a. When proceedings have been transferred to the University Court, the Chair of the Court, in consultation with the appropriate University administrator, schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing to the student which, absent exigent circumstances, will be held not less than five (5) working days after the date of such notice.
- b. Students charged with misconduct may be accompanied by a representative who may be an attorney. The student must file a statement of the intention to be represented by an attorney with the Dean of Students at least three (3) working days before the time scheduled for the hearing. Failure to give notice of representation will justify a delay of the proceedings by the University. If the student is to be represented at the hearing by an attorney, then the University is represented by legal counsel. Should the University initially elect to present its case through legal counsel, the student is given at least three (3) working days' notice. In such a case, a reasonable extension of no more than five (5) working days may be granted to the student in order to obtain legal counsel.
- c. Hearings are closed to the public. An open hearing may be held at the discretion of the Chair if requested by the student, unless a closed hearing is necessary to protect the overriding individual privacy rights of others.
- d. The Chair exercises control over the hearing to achieve an orderly process. The University, through its authorized representative, states the charges against the student and presents evidence and witnesses in support thereof. The student has the right to present witnesses and evidence in rebuttal. Each party has the right to cross-examine the other party's witnesses. The burden of proof is on the

University to establish violation of the Student Conduct Code by clear and convincing evidence.

- e. Formal rules of evidence are not applicable, and the Chair determines the admissibility of any evidence presented. The Chair also rules on all procedural issues.
- f. The hearing is recorded at University expense.
- g. The Chair of the University Court may prescribe additional procedural rules covering the conduct of hearings consistent with this Code.
- h. The University Court renders a decision by majority vote within ten (10) working days after the close of the hearing. The Chair has a vote in all cases. The decision contains a finding as to violation of the Code, a statement of the reasons for the decision, and the sanctions to be imposed.
- i. The Court determines the appropriate disciplinary sanctions for general misconduct from among those authorized by this Code.
- j. A copy of the Court's decision constitutes the record for review and final approval by the President, with copies to the student and the Dean of Students.

### **3. Failure to Appear**

A student who fails or refuses to appear after proper notice at the time and place scheduled for hearing is considered to have waived his or her right to be heard by the University Court. The University accepts the charges as true, and, upon review and approval by the Dean of Students, imposes the disciplinary sanctions specified in the statement of charges.

### **4. Review by the President of the University**

- a. The decision of the University Court is reviewed by the President of the University.
- b. Reviews must be completed within ten (10) working days from the date of the letter notifying the student of the Court's decision.
- c. The review is limited to:
  - (1) Whether the evidence provides a reasonable basis for the resulting findings and disciplinary sanction.
  - (2) Whether specified procedural errors were so substantial as to deny a fair hearing.

- d. The President reviews the decision of the Court. Each party may submit supplemental written statements.
  - e. The President of the University approves or overrules the decision of the Court. A copy of the President's decision is furnished to the student, the investigative officer, the administrative officer, Dean of Students, and the University Court.
  - f. The President's decision after review is final and includes directions for implementation. A presidential decision to overrule may include a mandate for a new hearing to consider new or omitted evidence, or to correct procedural defects.
  - g. The student may seek further administrative review by the Commissioner of Higher Education and the Board of Regents pursuant to Montana University System Policy and Procedures Manual, 203.5.1.
5. **Hearing Officer**

Whenever a student requests a hearing by University Court, but the Court cannot hear the case within a reasonable time (e.g., between semesters and during the summer and other academic breaks), the President of the University may, whenever it appears to be in the best interest of the University or the student, appoint an impartial Hearing Officer to conduct the hearing. This hearing is conducted following the procedure of this Code, with the decision of the Hearing Officer submitted to the President.

## **V. INFORMAL RESOLUTION**

Nothing contained in this Code limits the right of the University and the student at any time to agree to disciplinary sanctions if the student agrees not to contest the charges. Any such agreement must be in writing and, when signed by the student and filed with the Dean of Students, concludes the case. An agreement regarding charges that have progressed to the level of the Academic Dean or administrative officer must be reviewed and approved by the Provost and Vice President for Academic Affairs (academic misconduct) or Dean of Students (general misconduct).

Adopted - May 1985  
Revised - August 1987  
Revised - August 1988  
Revised - \_\_\_\_\_ 1993

**FORM 1**

**ACADEMIC**

**NOTICE:** Student Conduct Code Section III.C.1.b.  
(Alleged misconduct at or after conclusion of course)  
**NOTICE OF CHARGES OF ACADEMIC MISCONDUCT**

**DATE:**

**TO:** [Name and Address of Student Accused of Academic Misconduct]

**FROM:** [Course Instructor]

My preliminary investigation indicates that you may have committed the following academic misconduct:

The alleged misconduct occurred on the following date under the circumstances described:

I propose the following academic penalty for the misconduct, if confirmed:

In addition to this academic penalty, University sanctions may be imposed, including but not limited to probation, suspension, or expulsion, depending on the severity of the misconduct or your previous disciplinary record, if any. If University sanctions are recommended, your case will be transferred to the appropriate Academic Dean. An "N" grade will be assigned or substituted for the assigned grade for the course(s) implicated in these allegations, pending resolution of these charges.

Under The University of Montana Student Conduct Code, you have a right to respond to and contest these charges and the evidence, and to contest the imposition of sanctions. The procedures are contained in the Student Conduct Code, a copy of which is enclosed.

IF YOU WISH TO RESPOND TO THESE CHARGES, PLEASE DO SO BY CONTACTING ME WITHIN 10 DAYS OF THE DATE OF YOUR RECEIPT OF THIS LETTER.

Enclosure

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## FORM 2

### ACADEMIC

**NOTICE:** Student Conduct Code Section III.C.1.e.  
(Student Does Not Appear for Investigative Meeting)  
NOTICE OF CHARGES OF ACADEMIC MISCONDUCT

**DATE:**

**TO:** [Name and Address of Student Accused of Academic Misconduct]

**FROM:** [Course Instructor]

My investigation indicates that you have committed the following academic misconduct:

The alleged misconduct occurred on the following date under the circumstances described:

Since you have not responded to the previous notice of charges, the following academic penalty for the misconduct will be imposed, unless you appeal according to the procedures in the Student Conduct Code:

In addition to this academic penalty, University sanctions may be imposed, including but not limited to, probation, suspension, or expulsion, depending on the severity of the misconduct or your previous disciplinary record, if any. If University sanctions are recommended, your case will be transferred to the appropriate Academic Dean. An "N" grade will be assigned or substituted for the assigned grade for the course(s) implicated in these allegations, pending resolution of these charges.

If University sanctions are recommended, I have prepared a written summary of the allegations and evidence against you, a copy of which is enclosed, and I have sent copies of the summary to the Department Chair, the Department Chair of you major, the Provost and Academic Vice President, and the Dean of Students. You may prepare a written response whether or not you choose to appeal.

YOUR APPEAL AND SUPPORTING DOCUMENTATION MUST BE FILED WITH THE PROVOST AND ACADEMIC VICE PRESIDENT WITHIN 10 WORKING DAYS OF YOUR RECEIPT OF THIS LETTER OR THE NOTICE OF UNIVERSITY SANCTIONS, WHICHEVER IS LATER.

c: Dean (if University sanctions are recommended)  
Enclosures



**FORM 3**

**ACADEMIC**

**NOTICE:** Student Conduct Code Section III.C.2.b.(2)  
Academic Dean's Notice of University Sanctions  
NOTICE OF UNIVERSITY SANCTIONS FOR ACADEMIC MISCONDUCT

**DATE:**

**TO:** [Name and Address of Student Accused of Academic  
Misconduct]

**FROM:** [Academic Dean]

My investigation indicates that you have committed the following  
academic misconduct:

The alleged misconduct occurred on the following date under the  
circumstances described:

In addition to the academic penalty, the following University  
sanction will be imposed, unless you appeal according to procedures  
in the Student Conduct Code:

An "N" grade will be assigned or substituted for the assigned grade  
for the course(s) implicated in these allegations, pending  
resolution of these charges.

Under The University of Montana Student Conduct Code, you have a  
right to contest the charges and imposition of sanctions. The  
procedures are contained in the Student Conduct Code, a copy of  
which is enclosed.

IF YOU WISH TO APPEAL, PLEASE DO SO BY SUBMITTING YOUR APPEAL AND  
SUPPORTING DOCUMENTATION TO THE PROVOST AND ACADEMIC VICE PRESIDENT  
WITHIN 10 WORKING DAYS OF THE DATE OF YOUR RECEIPT OF THIS LETTER  
OR THE NOTICE OF ACADEMIC PENALTY, WHICHEVER IS LATER.

c: Department Chair  
Course Instructor

Enclosure

**FORM 4**

GENERAL MISCONDUCT  
Student Conduct Code  
Section IV.F.2.b.

**DATE:**

**TO:**

**FROM:**

**RE:** Notice of Charges and Administrative Conference

Following my investigation, and in accordance with The University of Montana Student Conduct Code Section IV.F.2.b., this is the notice of charges against you.

Date and nature of incident:

Sections of Code Violated:

Recommended Sanction(s):

You are required to attend an Administrative Conference regarding these charges at the following date, time and place:

The purpose of the administrative conference is to advise you of the Student Conduct Code rules of procedure and to provide an opportunity for informal resolution of the matter, if you desire. However, you are not required to make any response at this conference, and you may proceed to University Court after the conference if you contest the charges or the sanctions. You may bring a parent, guardian, ASUM representative, or other counsel with you to the conference.

If you do not appear for the Administrative Conference, the allegations in this notice of charges will be accepted as true, and the sanctions specified will be imposed.

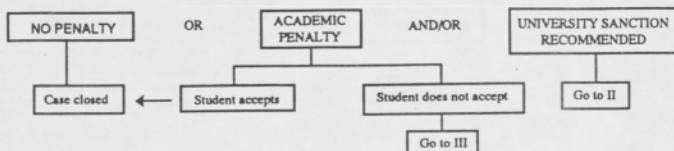
c: Dean of Students

# ACADEMIC MISCONDUCT

## I. INVESTIGATION

Course Instructor:

- informs student of charge and evidence
- informs student of rules of procedure
- allows student to respond to charges
- indicates possible academic penalty and University sanctions and allows response
- may consult with department chair or academic dean
- makes judgment and determines:



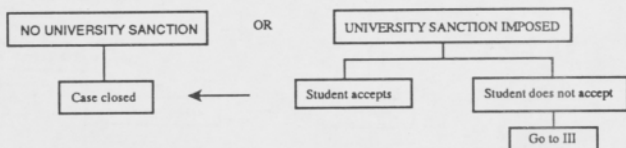
## II. REVIEW OF UNIVERSITY SANCTION BY ACADEMIC DEAN

Instructor:

- informs student in writing
- prepares written summary for student and academic dean

Academic Dean:

- reviews evidence
- conducts interviews
- reviews student's disciplinary record
- makes judgment and determines:



## III. APPEAL TO ACADEMIC COURT

If student does not admit to charge or does not accept academic penalty or university sanction, student appeals to Academic Court. Academic Court:

- conducts hearing
- makes decision
- informs parties of decision

## IV. REVIEW OF ACADEMIC COURT DECISION BY PRESIDENT

President:

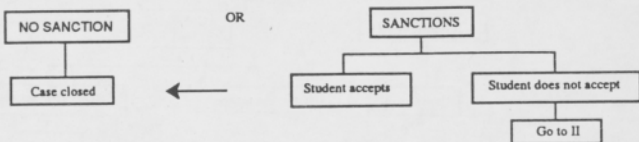
- approves decision; or
- overrules decision

# GENERAL MISCONDUCT

## I. INVESTIGATION

Investigative Officer designated by Dean of Students:

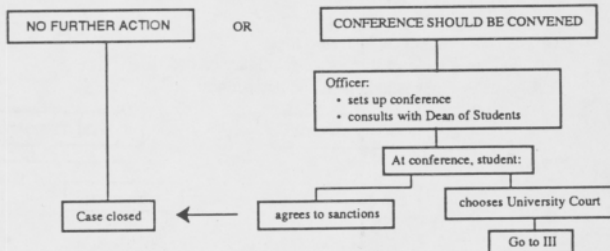
- determines facts of incident
- informs student of charge and evidence
- informs student of rules of procedure
- allows student to respond to charges
- indicates possible sanctions and allows response
- consults with Dean of Students
- makes judgment and determines:



## II. ADMINISTRATIVE CONFERENCE

If student does not admit to charge or does not accept sanction, Investigative Officer reports to Dean of Students, who designates an administrative officer. The Administrative Officer:

- reviews report
- recommends:



## III. APPEAL TO UNIVERSITY COURT

If student does not admit to charge or does not accept sanctions, student appeals to University Court. University Court:

- conducts hearing
- makes decision
- informs parties of decision

## IV. REVIEW OF UNIVERSITY COURT DECISION BY PRESIDENT

President:

- approves decision; or
- overrules decision

A RESOLUTION TO ENDORSE AN INCREASE  
OF THE STUDENT HEALTH SERVICE FEE  
FOR THE ACADEMIC TERM 1993-1994.

THIS RESOLUTION IS DIVIDED INTO FOUR (4) SEPARATE ACTIONS WHICH ARE  
DEPENDANT UPON FUTURE ACTIONS OF THE LEGISLATURE OF THE STATE OF MONTANA  
AND SUBSEQUENT ACTIONS OF THE UNIVERSITY OF MONTANA ADMINISTRATION. AN  
ENDORSEMENT OF EACH ACTION IS REQUESTED.

*Endorsed  
by  
Senate*

**Action 1**

If Legislative and UM administrative actions do not necessitate a decrease  
in state appropriated funding for the Student Health Services Counseling  
Service, the Associated Students of the University of Montana endorse a  
Student Health Services fee of \$88.50 per semester, an increase of \$1.50  
(1.72%).

**Action 2**

If Legislative and UM administrative actions do necessitate a decrease in  
state appropriated funding for the Student Health Services Counseling  
Service, with loss of state appropriated funding diminishing on an equal basis  
over a four (4) year period, the Associated Students of the University of  
Montana endorse a Student Health Services fee of \$90.00 per semester, an  
increase of \$3.00 (3.45%).

**Action 3**

If Legislative and UM administrative actions do necessitate a decrease in  
state appropriated funding for the Student Health Services Counseling  
Service, with loss of state appropriated funding diminishing on an equal basis  
over a two (2) year period, the Associated Students of the University of  
Montana endorse a Student Health Services fee of \$93.00 per semester, an  
increase of \$6.00 (6.9%).

**Action 4**

If Legislative and UM administrative actions do necessitate a decrease in  
state appropriated funding for the Student Health Services Counseling  
Service, with loss of state appropriated funding diminishing on a one (1) year  
period, the Associated Students of the University of Montana endorse a  
Student Health Services fee of \$100.00 per semester, an increase of \$13.00  
(14.94%).

Be it resolved that ASUM adopt the appropriate action plan from the above  
proposed scenarios for academic term 1993-1994 pending Legislative and UM  
administrative decisions.

Sponsored by Jennifer Greene

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RESOLUTION TO SUPPORT "A NEW MONTANA  
WILDERNESS BILL?" FORUM

Whereas, the Wesley Foundation and the President's office of the University of Montana are co-sponsoring this event,

Whereas, ASUM has asked to be a co-sponsor of this event,

Whereas, Student Political Action committee, an ASUM committee, has already agreed to fund posters for advertisement of this event,

Whereas, this forum addresses a controversial current issue concerning many UM students,

Be it resolved that, ASUM support this forum on Wednesday, May 5 from 7-10 pm in Urey Lecture Hall, allowing our name to be put on posters as a co-sponsor and supporter of this event.

Sponsored by Jennifer Greene