

## Code of Student Conduct<sup>1</sup>

**1. Applicability.** This code applies to all student-related nonacademic aspects of the Statement of Community Values. It covers all student nonacademic and extracurricular activities, whether these activities take place on or off campus and whether or not they are affiliated with, or sponsored or sanctioned by, the School. The code also applies to any non-RSB student's activities and behavior related to an RSB course in which that student is enrolled. (Note: RSB students are subject to the codes of other University units when they are enrolled in non-RSB courses.) Included are volunteer work and internships. This code does not apply to any course- or project-related activity or conduct that would be a violation of the Academic Honor Code. This code may be applied to alleged illegal activities, irrespective of whether those violations are pursued under municipal, state, or federal procedures.

**2. Examples of Nonacademic Misconduct.** The following list of categories of nonacademic misconduct and the examples for each category are not intended to be all-inclusive.<sup>2</sup>

- **Falsification of information** includes fabricating information, altering documents, and misrepresenting prior work experience, educational background, or current academic status, whether in writing or orally. This can occur in documents, such as applications or résumés, or during interviews. Also included are (a) communicating or acting under the guise, name, identification, e-mail address, or signature of another person and (b) communicating without authorization under the name or title of any organization, entity, or unit of such organization or entity.
- **Misuse of community assets** includes (a) removing or damaging assets such as library and other academic or nonacademic reference materials, information technology resources, furniture, equipment, and supplies; (b) defacing or otherwise damaging facilities (including University-owned housing facilities); (c) tampering with fire or other safety equipment; (d) employing community assets in any activity that constitutes an attempted violation of any School or University rule, code, or regulation; and (e) using such assets for personal gain, such as generating personal income through consulting activities.
- **Disrespect of personal assets** is the stealing, hiding, damaging, or destroying of personal assets or belongings of any member of the community. Among other assets, this would include course-related materials (whether in hard copy or electronic format), computers and related hardware, computer software, clothing, jewelry, purses, wallets, keys, and vehicles, irrespective of the location of such assets when the disrespectful act occurs.

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<sup>1</sup> Revised February 6, 2018.

<sup>2</sup> Other violations applicable to Rackham students include any misconduct not covered herein that is described in Rackham's "Policy on Academic and Professional Integrity." See <http://www.rackham.umich.edu/policies/academic-policies/section11>.

- **Disruptive conduct** includes (a) obstructing or disrupting classes, team projects, talks or other presentations, or other activities or programs of the School or other parts of the University and (b) obstructing access to School community assets or to similar resources in other parts of the University. Excluded is any behavior protected by the University's policy on "Freedom of Speech and Artistic Expression."
- **Harassment** includes not only sexual harassment, but also hazing, stalking, repeatedly sending e-mails, making phone calls or transmitting documents that are uninvited and unwanted, making threats, and any other wrongful conduct that seriously interferes with the work or study of any member of the School community, guest, or any person with whom the offender is interacting in connection with any School program or activity. (The University's definition of sexual harassment can be found at <https://studentsexualmisconductpolicy.umich.edu/>)
- **Other violations** include any misconduct not covered herein that is described in the University's "Statement of Student Rights and Responsibilities" (<https://oscr.umich.edu/statement/>). Among others, this statement includes such serious offenses as physically harming another person or threatening to do so, possession of firearms or other weapons, drug-related offenses, and "conviction, a plea of no contest, acceptance of responsibility or acceptance of sanctions for a crime or civil infraction (other than a minor traffic offense) in state or federal court if the underlying behavior impacts the University community."
- **Obstructing the investigation of a possible violation of this code** includes (a) making dishonest or misleading statements, either orally or in written form, including e-mails; (b) other falsification of information; (c) altering, destroying or deleting relevant documents, files, or e-mails; and (d) any other act that hinders an investigation.

**3. Time limitation.** All violations of the Academic Honor Code and Code of Student Conduct must be reported within sixty (60) calendar days of occurrence of the incident.

**4. Reporting Procedure.** Any reasonable suspicion of a student's violation of this code of conduct observed by a fellow student, faculty member, or staff member is required to be reported promptly to the relevant Associate Dean, the Program Director, or the Chair of the Community Values Committee (CVC) or their designee(s).<sup>3</sup> Outsiders, such as project sponsors, corporate interviewers, or employers or supervisors of volunteers or interns, also may report a suspected violation. The report should be in writing, preferably using the form on the CVC website designed for this purpose, unless the urgency of the matter warrants an immediate oral report, such as when someone's safety is endangered. An initial oral report should be followed as soon as practicable by a written one.

Anyone not sure of whether a suspicion should be reported should consult with the Program Director, the CVC Chair, or the Associate Dean before making a decision not to report the suspicious behavior. Only if all suspected violations are reported can there be equity in application of the code across the entire student body.

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<sup>3</sup> As used herein, if applicable, "Chair" may also mean "co-Chair," and "student" or "witness" may mean either one or several individuals.

**5. Investigation.** Most matters involving the Student Conduct Code will be addressed through an investigation conducted by the Program Director. Matters involving disruptive conduct, harassment, or other serious offenses such as physically harming another person or threatening to do so, possession of firearms or other weapons, drug-related offenses, and “conviction, a plea of no contest, acceptance of responsibility or acceptance of sanctions for a crime or civil infraction (other than a minor traffic offense) in state or federal court if the underlying behavior impacts the University community,” as described in Paragraph 2 above, shall be handled through the hearing process described in Paragraph 7 below. The Program Director may also, at her/his own initiative, determine that a matter should be handled by a hearing by the CVC rather than an investigation by the Program Director.

For matters handled through an investigation, unless the accusation is determined to be unwarranted, the Program Director will interview the accused student and the party who reported the possible violation, and also may interview any other party involved in the alleged misconduct including other witnesses, if applicable. Possible next steps include: (a) dropping the case; (b) attempting to resolve the matter directly with the accused student; (c) referring the case to the University’s Office of Student Conflict Resolution (OSCR) (or Rackham Graduate School in the case of a PhD student); or (d) recommending that the CVC conduct a hearing as described in Paragraph 6 below. The matter can be resolved directly with the student only if the student accepts both the responsibility for the charges and the sanction chosen by the Program Director. During this investigation and any subsequent proceedings, the accused student may arrange for one advisor to be present with the student when attending any meeting with the Program Director or any member of the CVC involved in the investigation.

**6. Hearing.** A hearing may be conducted if that was the recommended outcome of the investigation, if the student does not accept responsibility for the charges and the sanction chosen by the Program Director, if a case that was referred to OSCR is referred back to the School for resolution, or if the case involves disruptive conduct, harassment, or other serious offenses as described in Paragraph 2 above, or if the Program Director determines that a hearing should be held instead of an investigation.

The hearing will be conducted by a Hearing Subcommittee appointed by the CVC Chair and composed of at least two CVC faculty members, one CVC staff member, and one student from the same level of program (undergraduate/graduate) as the accused student. The CVC Chair will designate one of the faculty members as the head of the Subcommittee. The student will be selected from a group of undergraduate and graduate students who have been elected or selected as their class’ Community Values representatives. The accused student has the right to waive the student representative as a member of the subcommittee.

The Hearing Procedures are as follows:

- a. No later than five business days before the hearing, the accused student and the Program Director must submit to the Hearing Subcommittee, in writing, all documents that each party would like the Hearing Subcommittee to consider and a list of all witnesses whom they would like to have submit testimony before the Hearing Subcommittee. If the accused student intends to have a personal advisor accompany him or her, as outlined in subparagraph (e) below, the accused student must submit the name of the advisor and must state whether the advisor is an attorney.



- b. In addition to hearing testimony from the witnesses identified by the student and/or the Program Director, the Hearing Subcommittee may, at its discretion, hear testimony from any other party whose testimony it deems relevant to the proceeding, including other witnesses and, even if not a witness, the instructor of the course. The Hearing Subcommittee may also review any other documents or evidence that it deems relevant to the proceeding.
- c. The accused student will have an opportunity to appear before the Hearing Subcommittee to present his or her case. The accused student may review all documents considered by the Hearing Subcommittee and may question witnesses who appear before the Hearing Subcommittee. The accused student may also present his or her own evidence and witnesses.
- d. The Hearing Subcommittee may limit any testimony based on redundancy or lack of relevance.
- e. The accused student may be accompanied at the hearing by a personal advisor, who may be an attorney. The advisor may not participate directly in the proceedings, but may only advise the accused student.
- f. The hearing will be closed to the public and will be recorded. A party to the proceeding may request a copy of the recording. The Hearing Subcommittee will deliberate in private.
- g. All recordings of the proceedings will be controlled by the RSB. No court reporters, stenographers, videographers, or similar professionals are permitted without the prior consent of the RSB.
- h. The head of the Hearing Subcommittee will prepare a written report containing factual findings and stating any sanctions to be imposed. The vote of the majority of the members of the Subcommittee, including the head of the Subcommittee, will determine whether the student is found responsible or not responsible for the alleged violation and will determine the sanctions. The Hearing Subcommittee will have the sole discretion to determine whether a student is responsible for an alleged violation. The Hearing Subcommittee's determination shall be based on the totality of the evidence and shall be based upon a clear and convincing evidence standard. If the finding is that the student is responsible for the violation, the Hearing Subcommittee has the responsibility to determine and state the sanctions to be imposed. In the process of determining the sanctions, the Subcommittee should consult with the CVC Chair to understand previous sanctions in similar cases.
- i. The Hearing Subcommittee's determination will be communicated in writing by the Chair of the CVC to the student both by e-mail to the student's University e-mail account and the postal service to the local address on file in the RSB Registrar's office, with copies to the appropriate faculty member and the Associate Dean. This will complete the process unless the student appeals the decision.

**7. Possible Sanctions.** The imposing of sanctions is the responsibility of the CVC. This reflects the intent of having sanctions be consistent over time and across the entire student body. The following list of sanctions is not necessarily intended to be all-inclusive. Also, a combination of sanctions may be imposed.<sup>4</sup> A record of any sanction(s) imposed will be kept in the CVC's files as discussed in Paragraph 10 below. Possible sanctions include:

- a. **Educational project:** Completion of a class, workshop or project to help the student understand why his or her behavior was inappropriate and/or how to avoid a future violation (e.g., a workshop on ethical behavior).
- b. **Service:** Performance of one or more tasks designed to benefit the School or the nearby community and to help the student understand why her or his behavior was inappropriate.
- c. **Warning:** Informing the student in writing that he or she has violated the code and that future violations will be dealt with more severely. No copy of the warning shall be put in the student's academic file.
- d. **Grade change:** A lowering of the student's grade, possibly to "Fail," if the violation involves conduct related to a course.
- e. **Formal reprimand:** A written reprimand to the student that she or he has violated the code and that any future violations will be dealt with more severely. A copy of the reprimand shall be put in the student's academic file.
- f. **Disciplinary probation:** Designation of a period of time during which the student will not be in good standing with the School. The terms of the probation may involve restrictions of student privileges and/or may delineate expectations of behavior. Consequences may also be spelled out if the student fails to meet the terms. A record of the probationary period will be included in the student's academic file.
- g. **Transcript notation:** A notation on the student's transcript that a failing grade in a course was related to an academic honor code violation.
- h. **Withholding a degree:** Withholding of the student's degree until stated sanction requirements have been met. There may be a deadline set for meeting the requirements which, if not met, will result in the student's loss of eligibility to receive the degree at any time in the future.
- i. **Suspension:** Temporary removal of a student from the program for a specified or unspecified period, which will be permanently noted on the transcript. There can be stipulated conditions for re-admission to the student's program as well as a time limit for meeting those stipulations.
- j. **Expulsion:** Permanent dismissal from the program, which will be permanently noted on the student's transcript, including the reason for expulsion.

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<sup>4</sup> In the case of Rackham students, sanctions h, i and j can be imposed only by Rackham in consultation with the school.

k. **Rescinding a degree:** Annulment of a degree previously awarded by the Ross School of Business.<sup>5</sup>

**8. Appeals.** Within five business days of receiving the written notification of the Hearing Subcommittee's decision from the Associate Dean, the student may submit a written appeal of the decision or sanction (or both) to the Associate Dean for Degree Programs. Appeals must be based on at least one of the following assertions:

- There were violations of procedure that seriously compromised the investigation and/or conclusions.
- The evidence clearly does not support the findings.
- The sanctions are excessive relative to the violation.
- There is significant new evidence not reasonably available at the time of the investigation.

In considering the appeal, the Associate Dean will read the report of the Hearing Subcommittee and then will consult with the CVC Chair. If the Associate Dean then determines that all or part of the student's appeal is valid, the case will be referred back to the full CVC for reconsideration and final determination by the full CVC, excluding those members of the CVC that served on the Hearing Subcommittee. The Associate Dean will report his or her opinions on the appeal to the CVC in writing and may be asked to meet with the CVC. The determination of the full CVC on the appeal shall be final, and no further appeals are allowed.

**9. Target Timetable for Procedures.** It is obviously in the best interests of all parties that any alleged violations be resolved as soon as practicable. It is possible that extenuating circumstances may cause procedures to take longer than is presumed in the following target timetable. Similarly, the urgency of resolving a case may necessitate actions to shorten the total length of the process. The Program Director will attempt to resolve any investigation as expeditiously as practicable. Early in the fall term, the CVC shall schedule monthly meetings throughout both terms plus a meeting in May. Every attempt will be made for a hearing to be completed within two weeks of referral of the matter to the committee or by the date of the next monthly meeting, whichever is later. However, the hearing may take longer than two weeks to schedule because of interview scheduling difficulties. In light of the heavy advanced scheduling of the Associate Dean's time, it is possible that the Associate Dean's opinion on an appeal will not be conveyed to the committee until as long as two weeks after the appeal was received. If the Associate Dean, based on his or her opinion, requests a reconsideration, the committee will reconsider the case and reach its final conclusions at the meeting following receipt of the Associate Dean's request, if practicable.

**10. Maintenance of Records.** For each accusation, a file shall be created in the CVC records. The CVC file of each student case shall be maintained after that student's graduation as long as the student's file is maintained under current School policy. (See program Bulletins for student record retention policy.) This file shall contain (a) the written report of a suspected violation, (b) the report

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<sup>5</sup> In the case of an alumnus/alumna who earned his/her PhD degree in a Ross School graduate program, the Ross School may request that the Rackham Graduate School rescind the PhD degree.

of the Hearing Subcommittee; (c) any tape or transcript made of proceedings before the Hearing Subcommittee; and (d) any documents related to any appeal that was submitted and considered. Should the CVC decide that the case should not be pursued, the CVC file of the case shall be expunged. Any violation-related documents in the student's academic file shall remain there until such time as School policy allows destroying the file. A transcript notation shall be maintained on the student's transcript for whatever period has been determined by the CVC sanction, unless at some future point the dean, in consultation with the Associate Dean for Degree Programs and the CVC, supports a petition from the student that the notation be removed.

**11. Other CVC Responsibilities.** The CVC is responsible for ensuring that the provisions of this code are publicized throughout the School and that students, faculty and staff members are aware of and have easy access to the code's content via the School's website. Without compromising a student's confidentiality rights, the committee may at any time publicize its actions through e-mails, the student newspaper, or other means. At a minimum, once a year, the committee shall issue an annual report to the faculty summarizing its activities of the preceding academic year. This report shall incorporate information on CVC and Program Director activities related to alleged violations of either the academic honor code or the code of student conduct.

**12. Effective Date.** The Effective Date of this Code is February 6, 2018. This Code shall apply to any violation with respect to which a report of a suspected violation within the meaning of Paragraph 2 is filed with the relevant Associate Dean, the Program Director or the Chair of the CVC or their designee(s) on or after the Effective Date, regardless of when the alleged violation took place. Violations for which reports of suspected violations had been filed prior to the Effective Date shall be governed by, and subject to, the Code as in effect prior to the Effective Date.