

Appendix H Description of MSU Sanctions and Discipline

A. STUDENT CONDUCT SYSTEM

A.1 GENERAL

If a student is found responsible for an RVSM Policy violation, the case is filed with Student Conduct and Conflict Resolution (SCCR) and the Dean of Students or their designee determines the appropriate sanction.

A.2 SANCTIONS

Per Article 5 of the Student Rights and Responsibilities¹ (SRR), possible sanctions for students found responsible for violating University policy are as follows:

1. Warning: An official written statement expressing disapproval of the behavior and notifying the student it must not occur again.
2. Probation: An official written statement establishing a period of time for observing and evaluating a student's conduct and indicating that any additional violations may result in more severe disciplinary action. This period may be accompanied by stipulations, including but not limited to restitution, participation in an educational program, or loss of specified University privileges.
3. Restitution: A requirement that a student pay for property damages or losses resulting from acts committed by the student, with the date by which the restitution must be completed.
4. Change of residence: The student shall be required to move from his or her current on-campus residence, either to an off-campus location or to another location within the University housing system.
5. Other: The student may be required to complete an educational program or activity or comply with the reasonable conditions of a behavioral contract.
6. Disenrollment from a course: If the complaint is based on disruptive behavior in a specific class, the hearing body may recommend to the Provost that the student be disenrolled from that course.
7. Suspension: A suspension is temporary removal from the University for a particular period of time, at the conclusion of which the student is eligible to apply for readmission. A suspension may also be a conditional suspension, in which case the student must demonstrate that he/she has fulfilled stated

¹ See <http://splife.studentlife.msu.edu/>.

conditions prior to applying for readmission. Only the Vice President may impose the sanction of suspension from the University.

8. Dismissal: A dismissal is a permanent removal from the University. Only the Vice President or Provost may impose the sanction of dismissal from the University.

A.3 SANCTION DETERMINATION PROCESS

All student reports or decisions resulting in a finding of a Policy violation will be provided to the Dean of Students Office upon completion. Upon receipt of the report or decision, the Dean of Students Office will notify both the claimant and respondent of their right to submit a written victim impact or respondent mitigation statement about the appropriate sanction to be imposed.

The purpose of this statement is to provide both the claimant and respondent with an opportunity to be heard about the appropriateness of the sanction. This statement must be submitted within 7 calendar days of the notice. Submission of such a statement is completely voluntary, but strongly encouraged.

Sanctions will be decided by the Dean of Students or their designee. The Dean of Students receives annual training regarding the University's policies and procedures and best practices in conducting investigations of prohibited harassment and discrimination, including sexual violence. Both the claimant and the respondent may challenge the Dean of Students or designee for cause.

In determining the appropriate sanction, the Dean of Students will review the OIE report, the recording of the hearing (where applicable), and the Resolution Officer's decision (where applicable), any written statements from the parties, and information from the Dean of Students Office regarding the respondent's student conduct record. The Dean of Students may also confer with the Title IX Coordinator regarding sanctions imposed in other cases involving similar conduct.

When determining an appropriate sanction, the Dean of Students will consider a range of factors, including but not limited to:

1. The nature and severity of the misconduct
2. The need to stop the misconduct and prevent its recurrence
3. The need to remedy and address the impact or effects of the conduct on the claimant or other members of the campus community
4. The respondent's prior record of misconduct
5. The level of ongoing threat to the safety and security of the claimant or campus community
6. Aggravating or mitigating factors, including those articulated by the parties
7. When applicable, the impact of separation on both parties.

When present, the following aggravating factors may lead to more severe sanctions:

1. Multiple perpetrators
2. Multiple victims
3. Respondent is in a position of authority or influence
4. Use of force or past violence
5. Use or display of a weapon
6. Use of drugs or alcohol to incapacitate or coerce consent
7. Victim under the age of 18

The Dean of Students or their designee will issue a written decision regarding the appropriate sanction within 7 calendar days after receiving all of the materials. The written decision will be communicated to both the claimant and respondent simultaneously by the Dean of Students Office and will include notice of the appeal process. A copy of the written decision will also be provided to the Title IX Coordinator and OIE.

If no appeal is filed, the sanction will be implemented by the appropriate administrator within 7 calendar days of the expiration of the appeal period.

While disciplinary sanctions are case-specific and based on a consideration of all circumstances in a particular case, the student conduct process strives to apply consistent sanctions for cases involving similar acts of misconduct.

Absent exceptional circumstances, acts of rape generally result in dismissal.

The length of suspension will take into account the factors listed above, as well as:

- The nature and severity of injury to the claimant
- The enrollment status of the parties
- The respondent's conduct during the investigation and compliance with any interim measures

B. EMPLOYMENT DISCIPLINARY SYSTEMS

In cases where it has been concluded that an employee violated the RVSM Policy, the matter will be forwarded to the Office of Human Resources or Academic Human Resources for review and determination regarding any actions, including disciplinary action, which may be appropriate.

MSU is a large employer and has many different disciplinary policies and procedures. Each of these set forth below have their own timelines, evidentiary standards, rules about advisors and appellate rights. They are set forth in further detail in the policies, to which links are provided herein. There are also many other unit-specific policies and procedures that may relate to details about discipline and discharge. However, they are consistent with the broader university policies, as set forth herein.

B.1 POLICIES REGARDING DISCIPLINE

Supervisors will institute discipline in accordance with applicable University policies, which include:

B.1.1 Faculty and Academic Staff

B.1.1.1 Discipline and Dismissal of Tenured Faculty for Cause:

https://www.hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/tenure_discipline_dismissal.html

B.1.1.2 Academic Specialist Handbook – Discipline:

https://www.hr.msu.edu/policies-procedures/faculty-academic-staff/academic-specialist-handbook/dismissal_discipline.html

B.1.2 Support Staff

B.1.2.1 Applicable Union Collective Bargaining Agreement:

<https://hr.msu.edu/contracts/index.html>

B.1.2.2 Support Staff Disciplinary Action Policy & Procedure:

<https://www.hr.msu.edu/policies-procedures/support-staff/support-staff-policies-procedures/discipline.html>

B.2 POLICIES REGARDING CHALLENGES TO DISCIPLINE

The University has a number of procedures in place that permit employees to challenge disciplinary action, which include:

B.2.1 Faculty Grievance System

A faculty or academic staff member (who is not covered by a collective bargaining agreement) may file a formal grievance against an administrator that alleges a violation of University, college, department, school, or unit policy or established practice. Thus, if a faculty member is disciplined under the RVSM policy, he/she may file a grievance with the Faculty Grievance Officer if the discipline violated a University, college, department, school or unit policy or established practice.

For more information on the Faculty Grievance Policy and process, see:

https://www.hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/grievance_policy.html and <https://fgo.msu.edu/>.

B.2.2 Employee Appeal Procedures

Employees may file an appeal of the finding on the basis that the decision was arbitrary and capricious or resulted from procedural error.

For more information on Appeal Procedures, see: www.oie.msu.edu

B.2.3 Union Contracts

MSU is a party to a number of collective bargaining agreements with unions covering MSU employees. Each applicable collective bargaining agreement will govern how to challenge a disciplinary action: <https://www.hr.msu.edu/policies-procedures/support-staff/support-staff-policies-procedures/discipline.html>.

B.2.4 Other

MSU has a grievance system for non-union regular support staff. The policy specifics are contained in the Non-Union Regular Support Staff Grievance Procedure: <https://www.hr.msu.edu/grievances/support-staff/procedures.html>.

B.3 POSSIBLE SANCTIONS

Just as there are numerous employee groups on campus, there are numerous forms of discipline that may be issued. Following is a non-exhaustive list of possible forms of discipline:

1. Warning: A verbal or written warning to the employee that the behavior was unacceptable and must not occur again.
2. Change of work location: a respondent may be required to move from his or her current work location to another work location.
3. Other: a respondent may be required to complete a training program or activity or comply with the reasonable conditions of a behavioral contract.
4. Discipline: a respondent may receive some level of progressive discipline or may receive summary discipline depending on the context and the misconduct.
5. Demotion: a respondent may be demoted to another position in classification and/or pay.
6. Suspension: a respondent may be suspended as a result of misconduct under the policy.
7. Termination: a respondent may be terminated from MSU employment as a result of misconduct under the policy.

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