



The Statement

Statement of Student Rights
& Responsibilities



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INTRODUCTION

The University of Michigan-Ann Arbor (the University) is dedicated to supporting and maintaining a scholarly community. As its central purpose, this community promotes intellectual inquiry through vigorous discourse. Values which undergird this purpose include civility, dignity, diversity, education, equality, freedom, honesty, and safety.

When students choose to accept admission to the University, they accept the rights and responsibilities of membership in the University's academic and social community. As members of the University community, students are expected to uphold its previously stated values by maintaining a high standard of conduct. Because the University establishes high standards for membership, its standards of conduct, while falling within the limits of the law, may exceed federal, state, or local requirements.

Within the University, entities (such as schools and colleges; campus, professional, and student organizations) have developed policies that outline standards of conduct governing their constituents and that sometimes provide procedures for sanctioning violations of those standards. This *Statement of Student Rights and Responsibilities* (the *Statement*) does not replace those standards; nor does it constrain the procedures or sanctions provided by those policies. This *Statement* describes possible behaviors which are inconsistent with the values of the University community; it outlines procedures to respond to such behaviors; and it suggests possible sanctions/interventions which are intended to educate and to safeguard members of the University community.



STUDENT RIGHTS

Students at the University have the same rights and protections under the Constitutions of the United States and the State of Michigan as other citizens. These rights include freedom of expression, press, religion, and assembly. The University has a long tradition of student activism and values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, students have the right to express their own views, but must also take responsibility for according the same right to others.

Students have the right to be treated fairly and with dignity regardless of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status, and as revised in the University of Michigan Nondiscrimination Policy. The University has a long-standing tradition of commitment to pluralistic education. Accordingly, the University, through this *Statement*, will not unlawfully discriminate on the basis of protected group status.

Students have the right to be protected from capricious decision-making by the University and to have access to University policies which affect them. The University has an enduring commitment to provide students with a balanced and fair system of dispute resolution. Accordingly, this *Statement* will not deprive students of the appropriate due process protections to which they are entitled. This *Statement* is one of the University's administrative procedures and should not be equated with procedures used in civil or criminal court.

Students also have a right to be educated about this *Statement*, and the University has a responsibility to provide education to students about the contents of this *Statement*. Students shall be made aware of their rights as outlined in this *Statement*, in addition to their responsibilities. Specifically, beginning in Winter 2017, the Division of Student Life must inform new students of the violations of this *Statement* and potential sanctions/interventions they may face if found responsible for violating this *Statement*.

The University's commitment to providing students appropriate dispute resolution avenues means that in addition to formal conflict resolution processes the University also provides informal, adaptable conflict resolution pathways. Related procedures are outlined in VI.2.B. Adaptable Conflict Resolution (including Mediation).



STUDENT RESPONSIBILITIES

Along with rights come certain responsibilities. Students at the University are expected to act consistently with the values of the University community and to obey local, state, and federal laws.

IV VIOLATIONS

Students are expected to comply with published University policies. Furthermore, bias-motivated misconduct is listed as a separate violation of the University community’s values to ensure that the *Statement* governs acts of misconduct that occur as a result of a student engaging in misconduct based upon bias or prejudice held against another group’s or individual’s identity. The following behaviors, for example, contradict the values of the University community and are subject to action under this *Statement*.

- A.** Physically harming another person including acts such as killing, assaulting, or battering
- B.** Engaging in sexual misconduct as defined by the University of Michigan Policy and Procedures on Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence. Students who are reported to have experienced or engaged in sexual misconduct are subject to the resolution procedures outlined in the University of Michigan Policy and Procedures on Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence
- C.** Hazing
- D.** Stalking another person as defined by the University of Michigan Policy and Procedures on Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence. Students who are reported to have experienced or engaged in stalking by other students are subject to the resolution procedures outlined in the University of Michigan Policy and Procedures on Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence
- E.** Perpetrating intimate partner violence (also known as dating or domestic violence) as defined by the University of Michigan Policy and Procedures on Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence. Students who are reported to have engaged in or experienced inti-

mate partner violence by other students are subject to the resolution procedures outlined in the University of Michigan Policy and Procedures on Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence

- F.** Harassing or bullying another person—physically, verbally, or through other means
- G.** Tampering with fire or other safety equipment or setting unauthorized fires
- H.** Illegally possessing or using alcohol
- I.** Illegally distributing, manufacturing, or selling alcohol
- J.** Illegally possessing or using drugs
- K.** Illegally distributing, manufacturing, or selling drugs
- L.** Intentionally and falsely reporting bombs, fires, or other emergencies to a University official
- M.** Stealing, vandalizing, damaging, destroying, or defacing University property or the property of others
- N.** Obstructing or disrupting classes, research projects, or other activities or programs of the University; or obstructing access to University facilities, property, or programs (except for behavior that is protected by the University’s policy on Freedom of Speech and Artistic Expression)
- O.** Making, possessing, or using any falsified University document or record; altering any University document or record, including identification cards and meal cards
- P.** Assuming another person’s identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, email address, signature, or indicia of another person without proper authorization, or communicating under the rubric of an organization, entity, or unit that you do not have the authority to represent
- Q.** Failing to leave University con-

trolled premises when told to do so by a police or security officer with reasonable cause

R. 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

S. Misusing, failing to comply with, or jeopardizing *Statement* procedures, sanctions, or mediated agreements, or interfering with participants involved in the resolution process

T. Violating University computer policies

U. Possessing, using, or storing firearms, explosives, or weapons on University controlled property or at University events or programs (unless approved by the Department of Public

Safety; such approval will be given only in extraordinary circumstances)

V. Engaging in misconduct as defined in violations 'A' through 'U' motivated by bias or prejudice. This includes behavior motivated on the basis of any person's identity as protected by the University of Michigan's Nondiscrimination Policy (race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status) [201.89-1 and Regents bylaw 14.06]. Sanctions may be enhanced for any misconduct listed in sections IV of the *Statement of Student Rights and Responsibilities* that is determined to be motivated on the basis of the above classifications. This violation will be evaluated under current legal standards.

V

SCOPE OF THE VIOLATIONS

Behavior which occurs in the city of Ann Arbor, on University controlled property, or at University sponsored events/programs may violate the *Statement*. Behavior which occurs outside the city of Ann Arbor or outside University controlled property may violate the *Statement* only if the behavior poses an obvious and serious threat or harm to any member(s) of the University community. Behavior will be addressed under the *Statement* in effect at the time the behavior allegedly occurred, not at the time the complaint was filed.

The *Statement of Student Rights and Responsibilities* is intended to incorporate other specific University policies by reference. These policies are: the University Housing's Community Living at Michigan Handbook, the Student Sexual and Gender-based Misconduct and Other Forms of Interpersonal Violence, the Responsible Use of Information Resources, and related student information technology policies. The *Statement* will be used to address violations of these policies only if the violation warrants a process or a sanction/intervention beyond what is available in these policies. In such cases, policy adjudicators may take intermediate action regarding a complaint as defined by their individual policy; however, final resolution will occur under the procedures outlined in this *Statement*.

VI PROCEDURES

The University will use the following procedures to respond to behavior which goes against the values of the University community as defined in this *Statement*. The University considers the procedures for resolving disputes a part of its educational mission and is committed to a process which provides both peer review and mediation. Persons who have questions about the *Statement* should contact the Resolution Coordinator (RC) who provides support to all participants. Resolution and appeal processes are administrative functions and are not subject to the same rules of civil or criminal proceedings. Because some violations of these standards are also violations of law, students may be accountable to both the legal system and the University.

STAGE 1: INITIATING THE RESOLUTION PROCESS

Any student, faculty member, or staff member may contact an RC to learn about available resolution options, and/or to initiate a resolution process. Resolution pathways may be accessed with or without submission of documentation, although some pathways require a written complaint to initiate the process.

Any student, faculty member, or staff member may submit a complaint alleging a violation of the *Statement*. A student, faculty member, or staff member may also submit a complaint based upon information reported to that person. All complaints must be submitted to the RC, in writing, within six months after the incident(s) alleged in the complaint. The RC may waive the six-month limitation when a late submission is reasonable. If the RC determines, based on an investigation, that the alleged behavior may be a violation of the *Statement*, the RC will notify the respondent and schedule a meeting as described below.

The RC may dismiss the complaint at any stage if the RC reasonably believes that the complaint is baseless or otherwise unsupported by the available evidence, or that the underlying grievance or problem is better resolved in a different manner.

STAGE 2: RESOLUTION PROCESS

The RC will meet with the respondent to explain the complaint and the resolution process. The student may be accompanied by an advisor at any point in the resolution process. The student will have the opportunity to ask questions and make a statement. The RC will inform the respondent (1) that statements the student makes to the RC may be considered at any hearing, (2) that the student does not have to make a statement at the initial meeting, (3) that all Office of Student Conflict Resolution (OSCR) records are confidential to the extent permitted by law, (4) that students have a right to know the potential sanctions/interventions they may be facing and (5) that students may consult with an advisor at any point in the resolution process.



The respondent has a choice of the following methods of dispute resolution:

A. Acceptance of Responsibility and Entering into an Agreement

If the respondent is in general agreement with the allegations in the complaint, and is in general agreement with the complainant and/or community (as represented by the RC) about how to resolve the conflict and restore the community, the respondent has the option of entering into an agreement. In resolution by agreement the respondent accepts responsibility for the alleged violation(s) of the *Statement* and agrees to fulfill sanctions/interventions that are developed with the input of the respondent, the complainant, and the RC. The respondent has the right to discuss potential sanctions/interventions before entering into an agreement. Once an agreement has been reached, it may not be appealed. The respondent also has the option of entering into an agreement by accepting responsibility for the alleged violations of the *Statement* and requesting a hearing on the sanctions/interventions under the procedures outlined in VI.2.C. "Hearing."

B. Adaptable Conflict Resolution (including Mediation)

Informal and adaptable conflict resolution (ACR) processes such as mediation, facilitated dialogue, and restorative justice circles allow individuals involved in a conflict to have significant influence over the resolution process and complete control of any outcome.

If (1) all persons personally and directly affected by the conflict agree to attempt resolution through one of these processes, and (2) the RC believes that the process is an appropriate form of resolution, then the RC will make arrangements for the chosen ACR pathway. The nature of some conflicts, especially those involving violence, may render ACR inappropriate.

Participation in an ACR process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the parties, the case is resolved and parties are encouraged to use the RC as a resource for future questions. Resolutions reached through ACR may not be appealed.

If resolution is not achieved through an attempt at ACR and the matter involves a pending *Statement* violation, the respondent has the choice of accepting responsibility and entering into an agreement, or proceeding to a hearing.

C. Hearing

The standard of review is the respondent is presumed not responsible unless clear and convincing evidence is presented that a violation of the Statement has occurred.

The respondent may choose to have a Resolution Officer (RO) or a Student Resolution Panel arbitrate the dispute. Should the complainant disagree with the respondent's choice, an RO will determine whether an RO or a panel is most appropriate for the complaint based on explanations submitted by the parties. In cases which involve





more than one respondent, the students will have the option of choosing whether they have the same or separate hearings. If students cannot agree, the hearings will be separate.

Each party may be accompanied at the hearing by a personal advisor, who may be an attorney; however, the advisor may not participate directly in the proceedings, but may only advise the party. For example, the advisor may not question witnesses or make presentations.

All parties may have access to all written or other information that will be considered prior to the hearing including the names of witnesses providing information. The RC will prepare and distribute this information prior to the hearing.

During the hearing, the RO, RC, respondent, complainant and student panelists (if applicable) have the right to question the complainant and the RC. These participants may also question (1) the respondent, if the student chooses to participate and (2) any witnesses who have presented information. ***Silence by the respondent will not be interpreted as evidence of responsibility for a violation.*** Witnesses may be present in the hearing room only when they are presenting information. At any time during the hearing, the respondent may request a recess to consult with an advisor. The respondent and the complainant may call any witness with information that is relevant to the case, but the RO may exclude a witness if information is redundant.

The respondent, complainant, and RC may also present written reports to the panel or RO. The respondent and complainant may make statements to the panel or RO at the beginning and end of the proceeding.

To ensure the privacy of the parties and to maximize the educational potential of the process, all parties must agree to the admission of any other people (except witnesses or advisors) to the hearing. To ensure fairness and consistency, and to maximize the educational potential of the process, panelists must have access to details, rationales, and results of past cases.

An audio recording will be made of *Statement* hearings, and will be made available (in the OSCR office) to the respondent or complainant upon request during the pe-



riod in which an appeal may be filed or is pending. In all cases, the RO will issue a written decision containing findings of fact, conclusions as to responsibility, and rationales for all sanctions/interventions imposed.

All arbitrated resolutions will result in findings of fact. The fact-finder will also make recommendation(s) regarding sanctions/interventions to the Dean of Students, who may accept or modify the recommendation(s). The Dean may not modify sanctions/interventions to include suspension or expulsion. However, when expulsion is recommended, the Dean may instead suspend the student.

STAGE 3: APPEALING THE RESOLUTION PROCESS

An appeals process is an essential safeguard for an imperfect human process that attempts very hard to be fair. The appeals process is available to each party. Appeals may be filed for the following reasons: proper procedures were not followed, the evidence clearly does not support the finding(s), sanctions/interventions are insufficient or excessive relative to the violation, or there is new evidence not reasonably available at the time of the hearing. All appeals must be submitted in writing to the RC within ten academic calendar days after notification of the Dean of Students' decision to accept or modify the recommendations resulting from the hearing. The Vice President for Student Life (VPSL) may waive the ten-day limitation when a late submission is reasonable. The appeal will be reviewed by an Appeals Board composed of one student appointed by the Central Student Government (CSG), one faculty member appointed by the Faculty Senate, and one administrator appointed by the President. CSG, the Faculty Senate, and the President will each appoint one alternate member to the Appeals Board. The Appeals Board will recommend one of the following actions to the VPSL: (a) confirming the decision made through the hearing process, (b) altering the sanctions/interventions, (c) striking the initial finding of responsibility and/or sanctions/interventions and remanding to the original fact-finder for further consideration with corrective instructions from the Appeals Board, or (d) ordering a new hearing before a new fact-finder. The VPSL may accept or modify the recommendation(s). The VPSL may not modify sanctions/interventions to include suspension or expulsion. However, when expulsion is recommended, the VPSL may instead suspend the student.

VII SANCTIONS/INTERVENTIONS

Sanctions/interventions are designed to promote the University's educational mission. Sanctions/Interventions may also serve to promote safety or to deter students from behavior which harms or threatens people or property or is motivated by bias because of membership in a group listed in [Section II, Paragraph 2]. Some behavior is so harmful to the University community or so deleterious to the educational process that it may require more serious sanctions/interventions such as removal from housing, removal from specific courses or activities, suspension from the University, or expulsion. Sanctions may be enhanced in instances of bias-motivated misconduct, as outlined in Section IV, Item V. Instances of bias motivated misconduct will be evaluated as two separate violations - one violation specific to the act of misconduct itself (Section IV, Items A-U), and one violation specific to the bias motivation (Section IV, Item V). Each charge will be evaluated separately in the sanctions/interventions stage of the formal conflict resolution process. No sanctions/interventions will automatically impose other sanctions/interventions following future offenses. One or more of the following sanctions/interventions may be recommended:

A. Formal Reprimand:

A formal notice that the *Statement* has been violated and that future violations will be dealt with more severely.

B. Disciplinary Probation:

A designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations.

C. Restitution:

Reasonable compensation for loss, damage, or injury to the appropriate party in the form of community service or service learning, money, or material replacement.

D. Restriction from Employment at the University:

Prohibition or limitation on University employment.



E. Class/Workshop Attendance:

Enrollment and completion of a class or workshop that could help the student understand why certain behavior was inappropriate.

F. Educational Project:

Completion of a project specifically designed to help the student understand why certain behavior was inappropriate.

G. Service:

Performance of one or more tasks designed to benefit the community and help the student understand why certain behavior was inappropriate.

H. University Housing Transfer or Removal:

Placement in another room or housing unit or removal from University housing.

I. Removal from Specific Courses or Activities:

Suspension or transfer from courses or activities at the University for a specified period of time.

J. No Contact:

Restriction from entering specific University areas and/or all forms of contact with certain person(s).

K. Suspension:

Separation from the University for a specified period of time or until certain conditions are met.

L. Expulsion:

Permanent separation from the University.



VIII RELATED PROCEDURES

A. Emergency Suspension

If a student's actions pose an immediate danger to any member of the University community, the VPSL or a designee may immediately suspend the student pending a meeting. Except in extraordinary circumstances that meeting will be scheduled within two academic calendar days. At this meeting, the student will be informed of the nature of the alleged violation, presented with available evidence, and given the opportunity to make a statement and present evidence. If the emergency suspension is continued, the student will be offered a hearing option within ten academic calendar days.

B. Procedural and Interpretive Questions

All procedural and interpretive questions concerning the *Statement* will be resolved by the VPSL or designee. At any time, the VPSL or RC may consult the Office of the General Counsel about a case or procedures.

C. Selection of Mediators, Student Panelists, and Resolution Officers

University mediators will be selected by the VPSL or the VPSL's designee. A list of trained non-university mediation services will be maintained by the Office of the VPSL. The VPSL will try to identify non-university mediators who will serve parties at no charge or on a sliding fee scale. A pair of multipartial mediators will be selected for each mediation based on preferences expressed by the parties. Each winter term 60 students will be appointed to serve as panelists for the following academic year. The VPSL or designee will generate a random ordered list of potential student panelists using a method approved by CSG which is expected to encourage a diverse pool of students. The students will be contacted and asked if they will serve as panelists for the following year, subject to the approval by CSG and other respective student government bodies, until the designated number of student panelists has been appointed. Resolution Officers are recommended equally by the Faculty Senate and VPSL. Each Student Resolution Panel will consist of five voting student panelists and a non-voting RO who will oversee the proceedings.

D. Records of Resolution Actions

Records will be maintained by the RC with regard to any and all actions taken under the *Statement*. Accordingly, records will be maintained by the RC of complaints, agreements, hearings, findings, and sanctions/interventions. For each case in which a complaint is issued, including cases where the student accepts responsibility, the record will recite the facts of all conduct found or admitted to be in violation of the *Statement* with sufficient specificity to indicate that a violation of the *Statement* occurred. Confidentiality of records will be maintained to the extent permitted by law and the University of Michigan Student Rights and Student Records Policy: <http://ro.umich.edu/ferpa/>.

Records of mediations or other ACR processes are not considered a disciplinary record. ACR records will be maintained as appropriate to meet the needs of disputants and for annual reporting purposes.

If a student is suspended or expelled, a notation will be made on the student's academic record. The notation of suspension will be removed at the time the student is readmitted to the University.

E. Student Access to Records

Records and documents that will be considered during a hearing will be made available in advance to all parties but may be redacted to protect the privacy rights of individuals not directly involved in the resolution process.

F. Reports of Actions

Statistical reports of actions taken through the *Statement* will be published following each academic term. These data will cover the number of complaints and the types of violations, resolutions, and sanctions/interventions. Periodic, regular review of records of resolution actions will be made available, in confidence, to the CSG Student General Counsel or another CSG Executive.

G. Concurrent Legal and *Statement* Proceedings

To ensure the educational potential of the process and in fairness to a complainant, the University should provide a prompt response to behavior which goes against the values of the University as defined by the *Statement*. In the interest of fairness to a respondent, however, a student undergoing civil or criminal action for the same behavior which forms the basis of a complaint under this *Statement* may request a reasonable delay of the *Statement* resolution process until external proceedings are resolved. In determining whether a request is reasonable, the RC will evaluate the unique circumstances of the case, including the length of the delay and the impact of delay on the complainant and community, in addition to protecting the integrity of the resolution process. In granting a request for a delay, the RC may implement conditions on continued enrollment, as appropriate. If a respondent's request for delay is denied, the student may withdraw from enrollment and may not re-enroll until authorized by the VPSL or the VPSL's designee.

H. Respect for Medical Amnesty

To better ensure that minors at medical risk as a result of alcohol intoxication will receive prompt and appropriate medical attention, the State of Michigan has adopted a medical amnesty law to remove perceived barriers to calling for or seeking help.

Michigan law continues to prohibit a minor from purchasing, consuming, or possessing, or attempting to purchase, consume, or possess, alcoholic liquor and from having any bodily alcohol content. Michigan law, however, includes an exemption from prosecution for the following:

- A minor who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol;
- Any minor who accompanied a minor who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol; and
- Any minor who initiated contact with law enforcement or emergency medical services personnel for the purpose of obtaining medical assistance in connection with their own personal consumption of alcohol or consumption by others.

The University of Michigan maintains the discretion to refer the individual for appropriate educational intervention(s).

I. Advisor Corps

CSG, with the approval of General Counsel, has the option to develop a student peer advisor corps. These advisors will be available to any student party involved in *Statement* proceedings (excluding mediations). All potential peer advisors in the Advisor Corps must successfully complete training provided by OSCR. OSCR will develop and conduct training in consultation with CSG.

J. Amending the *Statement of Student Rights and Responsibilities*

The *Statement* is a dynamic document subject to revisions by the community. The *Statement* will be open for amendments every three years. The VPSL, SRAC Chair, and CSG President may unanimously agree to have an off-cycle amendment period if necessary. The Board of Regents has provided the Student Relations Advisory Committee (SRAC) of the Senate Assembly with primary oversight of the review.

Campus community members are encouraged to participate in the process. Amendments may be proposed by CSG, the Senate Assembly, or any Executive Officer of the University. SRAC will review the proposed amendments and consult with the Office of General Counsel. SRAC will then forward the proposed amendments and their recommendations to the VPSL. The final decision on amending the *Statement* will be the President's.

The President should communicate the decision to accept or reject each of the proposed amendments in a public and timely manner, at least two weeks before the last day of classes during the winter semester. The President's communication to the student body should state a rationale for each decision to reject or accept an amendment.

Information regarding the amendment process is available online: <http://oscr.umich.edu/statement/amendment>



UNIVERSITY OF MICHIGAN NONDISCRIMINATION POLICY

(effective April 16, 2014)

The University of Michigan, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action. The University of Michigan is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status in employment, educational programs and activities, and admissions. Inquiries or complaints may be addressed to the Senior Director for Institutional Equity, and Title IX/Section 504/ADA Coordinator, Office for Institutional Equity, 2072 Administrative Services Building, Ann Arbor, Michigan 48109-1432, 734-763-0235, TTY 734-647-1388, institutional.equity@umich.edu. For other University of Michigan information call 734-764-1817.

REGENTS OF THE UNIVERSITY

(effective January 1, 2017)

Michael J. Behm, Grand Blanc
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Denise Ilitch, Bingham Farms
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For more information, please contact:

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The *Statement* is also available online at <http://oscr.umich.edu>
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