

MONTANA TECH

COLLEGE COMMUNITY EXPECTATIONS PROGRAM  
MANUAL

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## COLLEGE COMMUNITY EXPECTATIONS PROGRAM

The focus of this program is to provide Montana Tech students an educational experience with their peers and faculty/staff members in situations where responsibility to self and others has not been fulfilled and to provide the college community a means to define accountability for a student's failure to meet expectations. Basic sources of expectations for students exist within the following:

1. Federal, State of Montana and local laws.
2. Campus SaVE Act and OCR's New Guidance on Title IX.
3. Montana Tech Regulations and Procedures.
4. The Mission of the College.
5. Policies established by ASMT, living unit governments, and Student Union Advisory Board, professional codes of conduct.
6. The student.
7. The College Community Expectations Program is itself a policy of Montana Tech and thereby derives its authority.

The specific objectives of this program are as follows:

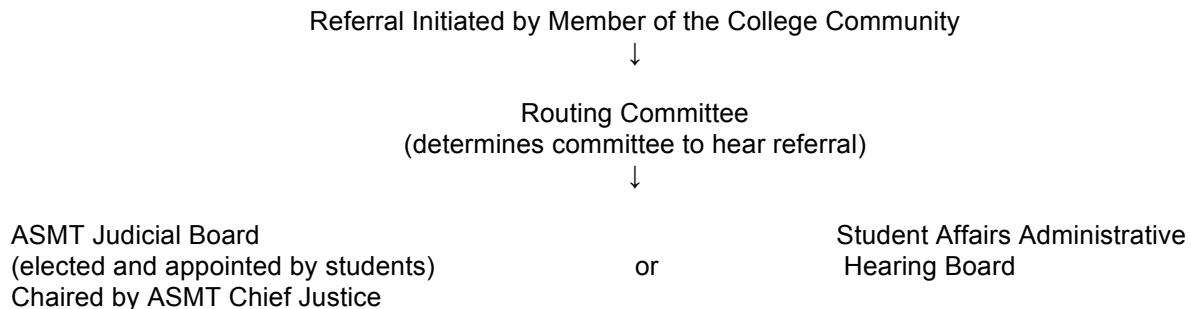
1. To create an environment supportive of the individual student's optimal personal and intellectual growth within the College community.
2. To affect desired change in basic insight and in the acceptance of the need for a balance between rights and responsibilities.
3. To foster empathic understanding of others, development of autonomy, and respect for community members.
4. To establish acceptance of accountability for behavior and resulting consequences.
5. To assist individuals in achieving their maximum educational and personal potential by resolving differences and grievances to the mutual benefit and satisfaction of all concerned. To maintain effective community standards and to protect the rights of individuals, the community has the right to protect itself against the behavior of individuals who repeatedly demonstrate a disregard for the rights of others in the larger community.
6. To keep confidentiality of all proceedings. Public hearings are not the intent of the Program. Names of students may appear in investigation reports associated with an active judicial hearing. Confidentiality may need to be abridged in instances of

violent/dangerous behavior.

The College Community Expectations Program does not hear cases involving academic dishonesty or grading. Because faculty and staff are under the auspices of other legal contracts, rights, and obligations, this Program does not have jurisdiction over non-student employees of Montana Tech.

Any individual within the College Community who feels that his or her rights have been infringed upon by student conduct may process a referral to the College Community Expectations Program. Referral forms are available from the Dean of Students (DOS). An individual may elect to file a complaint with legal authorities, to take no action, or to discuss the situation with the other individual involved rather than process a referral.

Completed referrals are referred to the Routing Committee, which will send the referral to the appropriate hearing board. The Routing Committee includes the Chief Justice and the DOS. Procedural referrals for violation of a previously applied sanction will be heard by the Board having original jurisdiction and will not be routed by the Routing Committee. Cases of serious misconduct, repeated misconduct, or cases requiring professional guidance and confidentiality will be routed to the Student Affairs Administrative Board. In compliance with the Campus SaVE Act and OCR's New Guidance on Title IX, cases involving sexual assault and sexual misconduct will be routed to the Student Affairs Administrative Board. The Student Affairs Administrative Hearing Board is chaired by the Dean of Students (DOS) who selects two other members of the Student Affairs Staff. The following is a schematic of this system at Montana Tech:



Students who are referred will receive a written copy of the referral. Hearings and interviews are intended to be thought-provoking experiences for growth, understanding and maturation rather than punitive. The person completing the referral will be present at the Board hearing. In the event that a referral is filed by more than one person, at least one of the referring parties must be present at the hearing. The student referred is strongly urged to attend and may bring an advisor of his/her choice, a counsel, or witnesses.

In cases of sexual assault or sexual misconduct, there will be a Title IX investigation. If the victim request, accommodations will be made to change academic, living, transportation and working situations. Hearings will be prompt, fair and impartial and conducted by officials who receive annual training. The accuser and accused will have the same

opportunities to have others (Advisors, witness, etc...) present. There will be no limit on the choice of advisor (Attorney, Rape Crisis Counselor, Parent). There will be simultaneous notification in writing to both the accuser & accused including – Sanctions (if any) and Rational for the result.

Positive sanctions and expectations may be placed upon students' behavior when little comprehension of the expected standards of behavior is exhibited or when a student's behavior is harmful to the safety and welfare of others. When the latter occurs, the student seriously jeopardizes his/her continued enrollment at Montana Tech.

A student's prior conduct or discipline history can have an influence on the sanctions or expectations imposed by a hearing board. Once a Board has agreed upon a student's accountability for the referred conduct, written documentation of past history can be reviewed and considered by the Board in its determination of appropriate sanctions. Such history can include prior incident reports, administrative meetings/warnings by Residential Life staff, or documentation of past warnings or confrontations by Resident Assistants and other students, faculty, or staff. If such documentation exists, it may be submitted to the (DOS) who will provide it to the appropriate Board. This information will be shared and utilized by the Chairperson only if the Board finds a student accountable for the behavior being referred. The procedure for appeal of a Judicial Board decision is outlined on page four.

## COLLEGE COMMUNITY EXPECTATIONS PROGRAM PROCEDURES

### I. Initiating the Referral

- A. Any member of the Montana Tech College community may complete a College Community Expectations Referral on the designated form (Appendix D). Referrals should be filed as soon as possible after the incident. If more than two weeks elapse between the incident and the filing of the referral, without reasonable mitigating circumstances, the Judicial Board has the option to decline to act upon the referral. The referral should be given to the Dean of Students (DOS).
- B. Upon receipt of the referral, the DOS will notify the student that a referral has been made. Written notification will include a copy of the incident report.
- C. Within two working days of receiving a referral, the DOS will send a copy to the Routing Committee. Within three College working days after receipt the Routing Committee will meet to determine the appropriate hearing committee. If the student judiciary committee is not ready or able to review a case, it shall be forwarded to the Administrative Hearing Board. The student referred will also receive a copy of the College Community Expectations Handbook.

## II. Procedures for Referral

- A. If the student(s) is/are referred to the ASMT Judicial Board, these steps will be followed:
1. The ASMT Chief Justice will notify the student of a Judicial Board meeting, including the date and location, and a copy of the referral. Copies of the letter and a copy of the referral will be sent to the Board's staff advisor, the Director of Residence Life (if applicable), the DOS and the person making the referral. Notification to the student referred will be made at least 48 hours prior to the Board meeting. The person completing the referral will be required to attend the meeting. The case may be dismissed automatically if the person making the referral does not attend the scheduled hearing.
  2. After the meeting, the ASMT Chief Justice will notify the student(s) of the Board's decision in writing, as well as information regarding the appeal procedure, within two (2) College working days. Copies of this notification will be sent to the advisor of the Board, the DOS, and the Director of Residence Life, if applicable. Written notice will also be sent to the person who wrote the referral, informing him/her of the Board's decision, which may include the imposed sanctions.
  3. The Board's Administrative Advisor will assist the ASMT Chief Justice in the completion of the necessary letters and procedural elements of the interview.
- B. If the student is referred to the Student Affairs Administrative Hearing Board, the following steps will be followed:
1. The Dean will notify the student referred of the time and place of the committee meeting and send a copy of the referral form. Copies of the letter will be sent to the Director of Residence Life (if applicable). Notification to the student will be made at least 48 hours prior to the Judicial Board meeting. The person completing the referral will be required to attend the meeting.
  2. Following the hearing, the Dean will notify the student in writing of the Board's decision and of the appeal procedure within 48 hours after the meeting. Copies of this letter will be sent to the Director of Residence Life, if applicable, and the person making the referral, as appropriate.
- C. The Appeal Procedure
1. A student who desires to appeal a decision of any College Community

Expectations Board should obtain a College Community Expectations Appeal Form (Appendix F) from the DOS.

The student must complete his/her portion of the form stating the reason for the appeal. The completed form must be returned to the DOS no later than ten (10) days after the date of the notification in writing of the Board's decision.

If the appeal is a result of a decision by the ASMT Judicial Board or the Student Affairs Administrative Hearing Board, the Chancellor will process the appeal according to the procedure as defined in Appendixes E, I, H (Administrative Procedure, Judicial Appeals Board).

- a. The Appeals Board may decide upon one of the following courses of action:
  1. Uphold the previous Board's decision.
  2. Reverse the previous Board's decision.
  3. Make other recommendations deemed advisable.
  
- b. Only in instances when the Judicial Appeals Board upholds a sanction of suspension or removal from the College, may a student appeal the sanction of suspension to the Chancellor. The student must contact the Chancellor's office and indicate this intent (by a written statement and copy of the Appeal form presented to the Judicial Appeals Board) within five (5) working days of the Appeal Board's meeting. The Chancellor then has five (5) working days in which to make his/her decision and to provide written notification of this decision to the appellant student, or the Provost, as appropriate, and Chairperson of the original hearing board.

#### D. Records

1. All records of judicial actions are confidential. Any release of these records are governed by the Montana Tech Policy on Release of Student Records.
2. Copies of records received by the judiciary body secretaries, chairpersons and advisors will be purged at the end of each academic year. If the terms, expectations, or sanctions of a particular case remain active beyond that academic year, that file will be maintained by the DOS.
3. All copies of referrals and letters should designate to whomever copies have been sent.
4. The ASMT Chief Justice and the Dean of Students will maintain a

precedent file consisting of copies of the decision notification letters for reference. Students' names, and the dates of the incidents or any other identifying information will be deleted from these copies in order to preserve the anonymity of the parties involved. Persons working with these files will be bound by the same rules of confidentiality in discussing this file as they are with other Judicial records.

#### E. Summer Vacancies

In the event that members of the ASMT Judicial Board are unavailable during the summer months, the President of ASMT will appoint, with the approval of the ASMT Executive Board, no less than three students to serve on the ASMT Judicial Board. An Acting Chief Justice will be designated if necessary.

## APPENDIX A

### STANDARDS IN DISCIPLINARY HEARINGS

#### Students Rights

In their relations with the College and the Montana University System, students have the same legal duties and obligations as other persons and enjoy the same freedoms of speech, press, religion, peaceful assembly, and petition. Therefore, the College shall respect the rights guaranteed by the Constitution and laws of the United States and the State of Montana.

In developing responsible student conduct, disciplinary proceedings play a role secondary to example, counseling, guidance and admonition. Educational institutions have a duty and the corollary powers to protect their educational purpose through regulations and standards of behavior. When preferred means fail to resolve problems or grievances, proper procedural safeguards will be observed to protect the student. The administration of discipline must guarantee substantive and procedural due process to an accused student. Fair play requires that the student be informed of the nature of the charges against him/her, that she/he be given a fair opportunity to refute them, that the institution not be arbitrary or capricious in its actions, and that provisions exist for appeal of a decision. An accused student is presumed innocent until a hearing. may determine otherwise.

#### Standard of Conduct Expected of Students:

The institution has an obligation to clarify relevant standards of behavior essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations represent a guideline for student conduct. Offenses will be clearly defined and interpreted in a manner consistent with principles of relevancy and reasonableness. Disciplinary proceedings will be instituted only for violations of standards of conduct (formulated with significant student participation) published in the student handbook or public law, or as explained in campus policy.

#### Investigation of Student Conduct

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students will not be searched unless appropriate authorization has been obtained. The student should be present, if possible, during the search.
2. Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, will be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

#### Status of Student Pending Final Action



Pending action on the charges, the status of a student will not be altered, or her/his right to be present on the campus and to attend class suspended, except for reasons relating to his/her physical or emotional safety and well-being, or for reasons relating to the safety and well-being of other students, faculty, or college property, as determined by the DOS, as delegated by the Chancellor.

### Hearing Committee Procedures

The burden of proof rests upon the official complainants bringing the charge. The student will be given an opportunity to testify and to present evidence and witnesses. He/she will have an opportunity to hear and question adverse witnesses. In no case will the committee consider statements against her/him unless she/he has been advised of their content and of the names of complainants, and unless she/he has been given an opportunity to rebut unfavorable inferences. Students may be represented by an advisor or counsel of their choice.

The referring parties will be responsible for the presence of witnesses at the hearing meeting. The Board has the right to limit the number of purely character witnesses. All matters affecting the decision must be introduced into evidence before the hearing committee. The decision will be based solely upon such content. Improperly acquired evidence will not be admitted. In the absence of a transcript, both a digest and a verbatim record such as a tape recording of the hearing are appropriate.

The decision of the hearing committee will be final, subject only to the student's right to appeal. The Chair of the Hearing Board governs the rules of conduct and the specific procedures at this hearing. Depending on the circumstances and the judgment of the chair, these procedures may be informal or formal.

### Sanctions

Students who violate state laws or college or system regulations, or who infringe upon the rights of others, shall, after due process, be subject to college sanctions which may include probation, suspension, eviction and expulsion. Violations of other than College regulations are also subject to sanctions by the college. Notwithstanding any provision herein, the College may suspend, expel or evict any student whose presence poses a threat to persons or property based on conviction of a crime in a court. A student may be referred to the CCEP and also to a civil court. This is not double jeopardy.

## APPENDIX B

### ACTIVITIES OR SANCTIONS FOR STUDENTS REFERRED TO COLLEGE COMMUNITY EXPECTATIONS PROGRAM

The following are to serve as a point of departure for the College Community Expectations Committees in working with students who have been referred. Although not an exhaustive list, it may promote creative thought on the part of each member of the Judicial Boards.

The list is not presented in any particular order as it relates to the severity of misconduct and its relationship to sanction.

1. A warning.
2. Delayed action.
3. Suspension (definite, specified duration).
4. Indefinite suspension.
5. Discussions or letters of apology presented to individual(s) and/or residence hall populations inconvenienced by the misconduct.
6. Required counseling assistance through the Student Life Programs or other appropriate resources.
7. Probation.
8. Scheduled appointments or referral to other staff or faculty.
9. Assigned tasks relevant to the misconduct (e.g. 20 hours volunteer labor in Butte Fire Department for conduct involving fire safety equipment).
10. Observing court procedure pertinent to misconduct.
11. Appointment with County or District Court judge.
12. Financial restitution for damages.
13. Eviction from residence hall.
14. Ban from residential areas.
15. Responsibility for design and implementation of relevant educational program or a written paper on a subject.

APPENDIX C

MONTANA TECH  
DIVISION OF STUDENT AFFAIRS

MONTANA TECH STUDENT COMPLAINT DECISION FORM

NAME \_\_\_\_\_ DATE \_\_\_\_\_

Date and Time of Incident Reported \_\_\_\_\_

Person(s) Allegedly Involved \_\_\_\_\_

I clearly understand that the decision which I may make relative to the incident mentioned above may be one of the four alternatives:

- \_\_\_\_\_ 1. Contact the Butte Silver Bow Sheriff's department.
- \_\_\_\_\_ 2. Complete a referral to the Montana Tech Expectations Program. Referral forms may be obtained from your Dean of Students, Director of Residence Life or at the Director of the Student Union/Activities Offices.
- \_\_\_\_\_ 3. Elect to take no formal action regarding the incident. A staff member or faculty member will follow up with individuals involved, but no formal institutional action will be taken.
- \_\_\_\_\_ 4. Elect to talk with other people involved in the incident to resolve the situation. Student Affairs staff members or a faculty member will be happy to assist you in following this course of action.

Please check one of the above alternatives indicating your decision. Completing this form does not remove your rights to take a different course of action at any later date. It does indicate the decision you have reached at this time.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature, Staff Member

\_\_\_\_\_  
Date

APPENDIX D

MONTANA TECH INCIDENT FORM

Person(s) Making Referral:

Date Referral Written: \_\_\_\_\_

Name

Address

Phone No.

_____	_____	_____
_____	_____	_____
_____	_____	_____

Person(s) Being Referred:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Date of Incident \_\_\_\_\_

Location of Incident \_\_\_\_\_

Time of Incident \_\_\_\_\_

Alleged Behavior \_\_\_\_\_

Please state as simply and factually as possible the details of the incident leading to this referral. Describe what you saw and what you heard. Please type or print clearly. Use the back of this form or additional sheets of paper as necessary.

\_\_\_\_\_ Date Received: \_\_\_\_\_

\_\_\_\_\_ Date Sent to Routing Committee: \_\_\_\_\_

Signature(s) of Referrer(s)

Hearing Board: \_\_\_\_\_

## APPENDIX E

### GENERAL INFORMATION FOR STUDENTS REFERRED TO COLLEGE COMMUNITY EXPECTATIONS PROGRAM (form letter sent to each student referred)

Enclosed you will find a copy of the referral form and the decision of the Routing Committee regarding the Hearing Board which will review your referral. The Board will contact you regarding a time for your meeting with the Board. Please read this information carefully and contact the Dean of Students, Staff advisor to the Student Judicial Board, or the Chief Justice of ASMT if you have any questions.

The College Community Expectations Program is not intended to act as or in place of the Civil Courts and hearings are not bound by the rules of a court. The Chief Justice or Hearing Board Chair has great latitude and flexibility along with authority in conducting a hearing. Rather, its intent is to enable you to explore yourself and your actions in relation to other people. The focus of the Program is toward better self-understanding and modified future behavior which demonstrates your greater concern for others.

These goals necessitate that you realize that Montana Tech expects each individual to assume responsibility for decisions regarding behavior that may not meet community regulations and/or the needs of other community members. Likewise, you are accountable for your decisions and actions. The College Community representatives do not intend to act in loco parentis, with malice, or as judges, but rather as concerned individuals who are interested in you as a person and as a student learner.

Please be aware of the following points:

1. At the Judicial Board Hearing you are not required to admit your guilt of the incident for which you were referred. The person completing the referral must be in attendance at the meeting, and the Board will act upon information presented at the Board Hearing in making its decision.
2. At the Board Hearing you may be assisted by an advisor of your choice from the College community or counsel if you wish. If you intend to be assisted by an advisor or counsel, you must notify the Chairperson of the Board hearing the referral so he/she may inform the advisor or counsel of hearing procedures.
3. A recording of the Board meeting may be requested. The recording is the property of Montana Tech and you may have access to it through the office of the Dean of Students. If you desire a recording, please notify the Board Chairperson 24 hours prior to the Board Hearing.

4. You are not required to attend the Board Hearing if you choose not to do so. You may submit a written statement instead. Know that if you elect not to attend, the Board will make a decision based upon the information presented. If you are unable to attend the meeting due to a reasonable conflict, you must notify the Board Chairperson hearing your case for an alternative date to be considered.
5. The Board will attempt to act in good faith with students and will strive to maintain confidentiality regarding your referral and matters discussed in the meeting. Understand that you also play a significant role in the maintenance of the confidentiality.
6. If you feel the Board has been unfair, you may submit a written appeal within ten (10) days of the date of notification in writing of the Board's decision to the Chancellor. The appropriate form is available in the College Community Expectations Manual. The Appeal Committee will review the appeal. The burden of proof will rest upon the student in answering the three (3) criteria questions below. Your appeal will be considered on the following basis:
  1. Did the Board act in good faith in providing full information and did it afford the rights of full due process?
  2. Were the expectations set by the Board within the context and purpose set forth by the Community Expectations Program Manual?
  3. Is there substantial new information which was not made known to the Board?

The decision of this appeal Board is final in all cases except when a sanction of suspension has been imposed and/or upheld. In these cases only, a final appeal may be made to the Chancellor. If the grounds for appeal are not met, the appeal Board may decide not to hear an appeal.

APPENDIX F

MONTANA TECH

COLLEGE COMMUNITY EXPECTATIONS APPEAL FORM

Name \_\_\_\_\_ Date \_\_\_\_\_

Local  
Address \_\_\_\_\_

Board Hearing Referral \_\_\_\_\_

Date and Time of Board Meeting \_\_\_\_\_

Please answer the following questions:

1. Did the Board allow you to provide accurate information and afford due process? If not, how?
2. Were the expectations established by the Board reasonable? If not, why?
3. Is there new information regarding the referral which was not made known to the Board?

---

Please do not write below this line.

Date of Receipt of Appeal \_\_\_\_\_

Committee Reviewing Appeal \_\_\_\_\_

Decision:

## APPENDIX G

### ASMT JUDICIAL AFFAIRS

#### Section 1

The Judicial power of the Montana Tech Student Association will be vested in the body named the ASMT Judicial Board.

#### Section 2

The membership of the ASMT Judicial Board will consist of the Chief Justice, two ASMT Justices and two students chosen at large. The Chief Justice will preside over all meetings. The Chief Justice and the four Associates will have one equal vote. A chairperson will be elected by his/her associates who can chair hearings in the absence of the Chief Justice.

#### Section 3 APPOINTMENT QUALIFICATIONS AND PROCEDURES

##### A. Qualifications

1. The applicants for positions on the ASMT Judicial Board will be in good academic standing.
2. If possible, at least two women and two men from the four associates are selected in a given year.
3. If possible, at least two representatives from on-campus and two representatives from off-campus are selected in any given year.

##### B. Procedure: All members shall be appointed in the following manner:

1. The incumbent ASMT Executive Cabinet, with the advice and consent of the ASMT Senate. These appointments require a three-fourths (3/4) majority of votes cast by the Senate.

#### Section 4 DURATION OF TERM

A. The appointed members of the ASMT Board will assume office directly following their appointment.

B. The members of the ASMT Judicial Board will remain in this position for the duration of one academic year or until they resign or are disqualified.

C. Resignations will be filed in writing with the Chief Justice and the President of ASMT.

#### Section 5 THE POWERS AND DUTIES OF THE ASMT JUDICIAL BOARD WILL BE AS



FOLLOWS:

- A. In addition to any other duties and responsibilities assigned by ASMT, the ASMT Judicial Board powers and duties are as follows:
- B. The ASMT Judicial Board will hold hearings on any dispute referred to it by the Student Association, or a student organization.
- C. The ASMT Judicial Board will uphold the authorized rules, policies and regulations of the residence hall government, ASMT, other authorized student advisory and governing groups, and the Montana Tech Administration.
- D. The ASMT Judicial Board members will make recommendations for an advisor, with the DOS in an advisory capacity. The DOS will then appoint their advisor.
- E. The ASMT Chief Justice will record and file all proceedings of every session. It will be a confidential file.
- F. The ASMT Judicial Board is invested with the authority and held to the responsibilities defined in the Montana Tech Community Expectations Program.

#### Section 6 REQUIREMENTS FOR SESSION PROCEDURE

- A. The presence of three members of the ASMT Judicial Board will constitute a quorum.
- B. The presence of the Chief Justice or the Chairperson of the Board (if chosen) will be required before a session may be called to order.
- C. The Judicial Board will not hear any matter concerning student infractions without the faculty/staff advisor present.

## APPENDIX H

### MONTANA TECH REGULATIONS CONCERNING STUDENT APPEALS:

In accordance with Montana Tech Policy, a Student Disciplinary Appeals Board, shall be established to guarantee students the right to appeal disciplinary decisions from the ASMT Judicial Board or the Student Affairs Administrative Hearing Board.

The Academic Standards Committee lies solely within the Academic realm of the institution and is separately administered by the Provost as are matters of academic dishonesty. This committee also hears requests from students who wish to appeal a grade received in a course. There is no appeal to decisions made by the Academic Standards Committee.

The Student Disciplinary Appeals Board shall hear student appeals from the ASMT Judicial Board or the Student Affairs Administrative Hearing Board.

All administrative procedures established to implement the above appeals agencies will adhere to proper due process standards and shall specifically include the following:

1. Students shall receive written notification of arrangements for appeal hearings and written notification of dispositions, with reasons, which result from an appeal hearing.
2. Students shall be advised of their following rights:
  - A. Students have the right to an advisor or counsel in preparing for hearings and/or to be present at appeal hearings.
  - B. Students have the right to appear at appeal hearings and present evidence or witnesses.
  - C. Students have the right to decline to be present at appeal hearings and may present evidence in writing. The College shall respect the right of the individual to refuse to testify against him/her self.
  - D. The appeals agency shall not consider statements against the individual unless she/he is present when they are made or she/he is advised in writing of their content and the names of those who made them and unless she/he is given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

The Provost shall be responsible for establishing administrative procedures to implement this regulation.

## APPENDIX I

### MONTANA TECH

#### ADMINISTRATIVE PROCEDURE:

#### STUDENT JUDICIAL APPEALS BOARD

##### 1. Appeals Boards' Composition

The Student Judicial Appeals Board will be comprised of the Provost, the Chair of the Faculty Senate, two students appointed by ASMT, two faculty members appointed by the Chancellor, two staff members, and the Dean of Students as an ex-officio member and resource person.

##### 2. Training Appeals Pools of Members

Upon selection of the Appeals Board, all board members will meet for an initial training session, chaired by the Provost. Lower board chair people and advisors may assist in training as appropriate. The member will be trained in the following areas:

1. To develop an understanding of the Montana Tech College Community Expectations Program.
2. To develop an understanding of the philosophic basis for the College Community Expectations Program, appreciating its intent as an educational rather than punitive process.
3. To develop an understanding of when referrals are submitted and how they are processed.
4. To learn of and gain appreciation for the training and experience of the lower judicial boards.
5. To participate in a discussion of how decisions are made regarding the sanctions and expectations imposed in the individual referrals.
6. To develop an understanding of the criteria (see questions, Appendix H, p. 17) used in deciding the merits of an appeal's being accepted.

### 3. Appeal Board

The Provost will serve as non-voting chairpersons.

### 4. Appeals Procedure

A. Appeals originating from other hearing agencies must be initiated by the student within ten (10) days immediately following the decision of the previous hearing agency. Students may initiate an appeal by contacting the Provost. The Provost will advise the student of his/her rights as specified in the Montana Tech Student Appeals Regulation and will be responsible for administering the appeal process.

B. Upon completion of the above, the Board will meet to discuss the validity of the appeal. In deciding whether to grant or deny an appeal hearing, the Appeals Board's considerations must be procedural and objective. The only reasons to be taken into consideration will be the three criteria questions which appear in Appendix E which are:

1. Did the original Board act in good faith by providing full information, and was the student afforded full due process?
2. Were the expectations and sanctions established by the original Board within the context and purpose set forth by the Community Expectations Manual?
3. Is there substantial new information which was not made known to the original Board?

The burden of proof for answering these questions rests upon the individual making the appeal.

### C. Denial of Appeal

The Appeal Committee, after examining the appeal submitted based upon one or more of the criteria questions, may find that there is no basis upon which to grant an appeal hearing. In this instance, the Provost will notify the student in writing of the Board's review. A copy of this notification will also be sent to the chairperson of the original hearing committee.

### D. Acceptance of Appeal

In order to decide upon the merits of an appeal, the Judicial Appeals Board may ask to meet separately with the person(s) making the appeal and the initial hearing board's representatives or they may meet privately and consider the written appeal materials only.

If a formal appeals hearing is granted, and upon developing a sufficient understanding of the case, the Board will meet privately to decide the merits of the imposed sanctions. If these expectations are deemed inappropriate, the Board will then impose a more reasonable set of expectations.

#### 5. Duties and Responsibilities of the Judicial Appeals Board

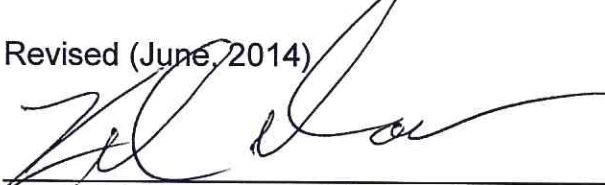
The Judicial Appeals Board may uphold the decision of the original hearing agency, reverse that decision, or make any other recommendations deemed advisable. The decision of the Board and pertinent criteria will be forwarded to the original hearing agency within five (5) instructional days after the hearing. A copy of this communication will be kept in the student's confidential file. As explained on pages 5 & 6, students have the right of final appeal to the Chancellor if the sanction is one of suspension or removal from the College. Please refer to pages 5 & 6 for further information.

#### 6. Board Proceedings


- A. The recording or written records of all appeals will be made and kept by the office of the Provost.
- B. All evidence presented in the hearing will be held in the strictest confidence by members of the Board. No portion of the proceedings of the Board will appear in any permanent records kept on the student by faculty members involved in the appeal.

Kirstie McPherson, ASMT President  
Paul Beatty, Dean of Students  
Doug Abbott, Provost  
Don Blackketter, Chancellor

Revised (June, 2014)

  
\_\_\_\_\_  
Kirstie McPherson, ASMT President

8/8/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul Beatty, Dean of Students

7/7/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Doug Abbott, Provost

7/7/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Donald M. Blackketter, Chancellor

July 7, 2014  
\_\_\_\_\_  
Date