



## BOARD OF TRUSTEES

### Executive Action Summary

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**Committee Name:** Academic Affairs

**Date:** April 11, 2025

**Agenda Item:** Rescission of BOT 704, *Student Disorderly Conduct*

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Information

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Review

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Action

**Resolution:**

BE IT RESOLVED that the Board of Trustees hereby approves the rescission of BOT 704, *Student Disorderly Conduct*.

**Recommendation:**

The Trustee Committee on Academic Affairs recommends that the Board of Trustees rescinds BOT 704. *Student Disorderly Conduct Policy*.

**Prior Action by BOT:**

Board of Trustees Policy 704 was enacted April 1999 as an interim policy and subsequently amended in December 2000.

**Responsible Officers:**

Stefan Fletcher, Secretary and Chief of Staff to the Board of Trustees

**Summary:**

Board of Trustees Policy 704, *Student Disorderly Conduct* was enacted in April of 1999 and was amended once in December 2000.

This policy is being retired as the policy has been made redundant by the [Students Rights and Responsibilities](#) (“SRR”) made official in July 2024. Additionally, the policy’s provisions are already addressed within the Board of Trustees Ordinance 15.00 Disorderly Assemblages or Conduct as well as federal and state law. Specifically:

- Ordinance 15.01 addresses riots and assemblies creating “excessive noise or any disturbance” obstructing the “free movement of persons about the campus or the free and normal use of University buildings and facilities[.]”
- Ordinance 15.02 and 15.03 address disruption of educational activities and normal campus building activities.
- BOT 704 – *Student Disorderly Conduct* contains the definition of "riot" as five or more persons acting in concert and engaging in violent conduct. This is already covered under MCL 752.542 Inciting to riot. The state law provides a more comprehensive definition of riot and disorderly conduct, making the University's policy redundant.
- BOT 704 includes that it shall “not be interpreted to restrict or limit any student's First Amendment rights to freedom of speech or assembly[.]” The First Amendment rights of each student is already protected under federal law. BOT 704 is not necessary to ensure that students' First Amendment rights are protected.

The policy's application to all MSU students whenever the prohibited conduct occurs on campus or during university-sponsored activities off campus is addressed in the SRR. The SRR outlines the procedures for formulating regulations governing student conduct and providing due process in the adjudication of student disciplinary cases.

The policy's enforcement mechanisms, including sanctions and restitution, are also outlined in the SRR. The SRR provides a framework for student rights and responsibilities, including academic pursuits, keeping of records, and publications.

### **Background Information:**

Board of Trustees Policy 704, *Student Disorderly Conduct*, was established in April 1999. The policy was recommended as a temporary policy to address student conduct both on and off campus. This interim policy extended University regulations and policies to students' activity off campus if it was severe, listing felonious violence, arson or attempted arson, firearms or explosives, or criminal sexual conduct. The original policy provided similar provisions for investigation, notification to the student, and student rights to appeal.

In the initial resolution, the board recommended that the MSU community “engage in broad ranging discussion over the next two years about the need for the University’s student disciplinary rules to apply to certain student conduct occurring off campus.” This policy was intended to be temporary as evidenced by the original name – “Interim Student Conduct Policy.” This policy was revised in December 2000 to the “Student Disorderly Conduct Policy” as it is worded and in effect today.

### **Source of Funds:**

Not applicable.

**Resource Impact:**

Not applicable.