

EXHIBIT AA

16 December 2015

Matthew Schultz
Via email: mschultz@mtu.edu

Re: University Conduct Board Decision

Dear Matthew:

On 12 November 2015, an incident was reported to Public Safety & Police Services alleging a threatening message, "Gonna shoot all black people..... A smile tomorrow. 😊" had been posted on Yik Yak. On 13 November 2015, a decision was made to take Interim Action to invoke an immediate suspension and ban from the University against you while an investigation and review of the incident could be conducted. On 16 November 2015, you were sent notice of the charges the University had cause to believe you may have violated and a scheduled opportunity to respond to those charges. On 20 November 2015, during the scheduled initial conference you stated you were not responsible for any of the alleged violations the University had charged you with. On 07 December 2015, a formal hearing before the University Conduct Board (UCB) took place to determine whether or not a clear preponderance existed to hold you responsible for the alleged violations. What follows is the UCB's decision.

The facts of the case are as follows. A message was posted to Yik Yak at approximately 6:46 p.m. on 12 November 2015. That message read, "Gonna shoot all black people..... A smile tomorrow. 😊". The post was made on the campus of Michigan Tech using an IP address assigned to you. The post was made from a smartphone device with a phone number registered to you. During a recorded interview with Public Safety and Police Services you freely admitted to making the post.

During the formal hearing, the UCB reviewed the Public Safety & Police Services Report (Case # 2015-002257) and the written statement you submitted via email during the hearing. You chose not to attend the hearing. Brian Cadwell, Deputy Chief of Public Safety & Police Services attended the hearing as a witness to the complaint. It was noted during the hearing the notices that were sent to you via email and certified mail contained an error in your first name, listing Michael instead of Matthew. The UCB did not feel this created any procedural issues and/or biases in them proceeding with the conduct process.

Yik Yak is a social media smartphone application that allows users within a 5-mile radius to create, review and comment on discussion items. Its terms of use state a user agrees not to, among other things, "discuss or incite illegal activity." A reasonable person could easily interpret your post to "discuss or incite" the shooting of black people. The post clearly can be taken to mean a lot of different things subject to other people's interpretations. You claimed in your statement that this was not your intent, but rather to lighten a hateful conversation and suggest to smile at black people.

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The problem with social media is once you post something you subject yourself to other people's interpretations of your post. Your post caused a great deal of concern amongst not only members of the University community, but the local community as well. You may have been negligent to the tremendous impact your post would have on others.

Based on the preponderance of the evidence, the UCB finds you **not responsible** for the violations of *Assault, Endangerment, Threats; Community Order; Discriminatory Harassment*. The UCB does find you responsible for the violations of *Disruptive Behavior*; and *Services*. The appropriate sanction is **Conduct Probation for a period of 18 months/until 07 June 2017**. As part of your sanction, you will be required to complete the following Educational Conditions:

- 1. Organize and participate in a restorative impact panel no later than 22 January 2016.** Please contact the Office of Academic and Community Conduct to make the necessary arrangements for the panel. A restorative impact panel is a facilitated dialog between you and representatives of the University community who have been impacted by your conduct. It is a chance to address the concerns with your conduct, repair any harms created by the conduct, restore integrity to the University community, and assist with your reintegration into the community.
- 2. Submit a reflective paper about the outcome of the impact panel.** The paper should address the following topics in no less than 1000 words: (1) What happened? (2) What were you thinking at the time? (3) What have you thought about since the incident? (3) Who do you think have been impacted by your actions/inactions? (4) How have they been affected? (5) What might you do to repair the harm(s)? (6) What might be done to help restore you to the community? (7) What decisions will you make in the future? The paper is due by 05 February 2016 to rmbishop@mtu.edu.
- 3. Complete Cultural Competency Training by the end of your conduct probation period.** The training is carried out by the Center for Diversity and Inclusion. Contact Kellie Raffaelli, Director, at (906) 487-2920 for more information.
- 4. Complete an intensive online ethical development seminar by the end of your conduct probation period.** You will have an individual instructor who will communicate with you by e-mail. The instructor will not review or have access to any disciplinary file in your case. To register, send an electronic message to: garypavela@integrityseminar.org. Be sure to identify your name and university. Within three business days you will receive detailed instructions and a set of readings (all available online). Many students complete the seminar over one weekend, but we recommend starting the readings immediately. If you encounter any delays please contact the Seminar Coordinator: Dr. Gary Pavela at garypavela@gmail.com. You will be charged \$100 for the cost of this seminar. Dr. Pavela will explain how you will make payment for the seminar. All communications from Dr. Pavela or any tutor he assigns to you will be copied to the Office of Academic and Community Conduct at Michigan Tech. This ethics seminar is modeled on honors courses taught at several leading universities. You will receive personal attention and individualized responses. We believe you will find the seminar to be challenging and thought-provoking.
- 5. Complete an assessment and follow up sessions with a professional counselor by the end of your conduct probation period.** You will have to complete an initial meeting and a

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minimum 3 follow-up sessions with a professional counselor. You need to inform the counselor you are being referred to them to discuss the incident you were found responsible for. Topics to be addressed with the professional counselor may include anxiety, coping skills, interpersonal interaction, social cues, etc. You must also thoroughly complete any follow-up plans developed by the counselor and yourself.

Given the conclusion of the student conduct procedures the interim actions of suspension and ban from campus are rescinded. You have the responsibility to contact all your faculty to try and reconcile any grades for the course you were enrolled. Please refer to <http://www.mtu.edu/registrar/faculty-staff/grades/> for information regarding an incomplete grade. You may also petition the Dean of Students for late drops from your courses. Please refer to <https://www.mtu.edu/deanofstudents/academic-policies/late-drop/> for information regarding the late drop policy.

Under the procedures outlined in the Student Code of Community Conduct, students found responsible for conduct violations may appeal. Please refer to: <http://www.mtu.edu/conduct/policies/pdfs/studentcodeofcommunityconduct.pdf>. For appeals you will need to state your basis for appeal in writing to the Dean of Students 170 Admin. Bldg., or by email to deanofstudents@mtu.edu, within seven (7) business days of this decision. The Dean or designee will review the facts and evidence to determine whether there is a basis under the Code of Community Conduct to process an appeal. The Dean will notify the student in writing of the appeal decision within seven (7) business days of reviewing the appeal. This action shall be final and is not subject to further appeal.

Sincerely yours,



Robert M. Bishop
Director of Academic and Community Conduct

Cc: Dean of Students
Public Safety & Police Services