

Policy and Procedure

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Division/Department: Student Affairs

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Subject: Student Code of Conduct

Authorities: Minnesota State Colleges and Universities Policy and procedure 3.6 and 3.61, Minnesota State Colleges and Universities Policy 3.1: Students Rights and Responsibilities, Minnesota State Colleges and Universities Policy and Procedures 2.3 and 2.31 Student Involvement in Decision Making, PTC Policy 600 – Smoking, Food, and Beverage Policy

Purpose:

Students of the College have certain rights as both citizen and student. In the same manner, students, as members of the greater College community, have certain obligations and responsibilities. As an introduction to this policy, outlined below are Students Rights and Responsibilities.

The College is committed to the creation and maintenance of an academic community which fosters the intellectual, personal, social and ethical development of its students. Our goal is to help students develop the employment competencies needed in their selected program major. Reaching this goal requires cooperation on the part of all students.

The College expects that each student will obey the laws enacted by federal, state, and local governments. In addition, there are certain rules and regulations governing student conduct which have been established by the Minnesota State Colleges and Universities Board.

The College is an educational institution and not a court of law. Therefore, the concept of fair play will take precedence in all settings, and the philosophy of discipline will be one of an educational approach. It is hoped that most disciplinary concerns may be settled early in the process in an informal setting.

Allegations of discrimination and/or harassment shall be adjudicated under separate procedures in accordance with the College's Policy 108: Discrimination and Harassment.

Policy:

The College has the right to take necessary and appropriate action to support and protect the safety and well-being of the College community - its students, faculty, staff, guests, facilities, and programs. Members of the College community and their guests are expected to abide by local, state, and federal laws and Minnesota State Colleges and Universities board policy.

Should the violation of civil or criminal law by a community member involve College interests, the College has the right to proceed with disciplinary action without regard to civil or criminal proceedings.

These regulations apply on all campus property and at all College-sponsored activities, or at activities sponsored by College clubs or organizations on or off-campus, including public social media. The College may also hold students accountable for a violation of the Student Code of Conduct committed off campus when:

- Hazing is involved;
- The violation is committed while participating in a College sanctioned or sponsored activity;
- The victim of the violation is a member of the College community;
- The violation constitutes a felony under state or federal law;
- The violation adversely affects the educational, research, service or image of the College.

Procedure:

Code of Conduct – Student Rights and Responsibilities

Freedom to Learn

In addition to the basic constitutional rights enjoyed by all citizens, students of the College have specific rights related to academic freedom and their status as students. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students are expected to exercise their freedom with responsibility.

Freedom of Expression

Individual students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. In the classroom, students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Freedom of Association

Students shall be free to organize and join organizations to promote their common and lawful interests, subject to institutional policies or regulations. Registration or recognition may be withheld or withdrawn from organizations that violate institutional regulations.

Student-Sponsored Forums

Students shall have the right to assemble, to select speakers, and to discuss issues of their choice. The College shall establish reasonable time, place and manner restrictions to assure that the assembly does not substantially disrupt the work of the institution or does not interfere with the opportunity of other students to obtain an education or otherwise infringe upon the rights of others. Such regulations shall not be used as a means of censorship. The President may prohibit any forum when holding the event, in his or her judgment, would result in physical harm or threat of physical harm to persons or property. Prior to any such prohibition, the president shall make his or her best effort to consult with the student senate.

Student Publications

Student-funded publications shall be free of censorship and advance approval of copy, and their editors and managers shall be free to develop their own editorial and news coverage policies. Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. The student fee allocation process shall not be used as a means of editorial control of student-funded publications. All student publications shall explicitly state on the editorial page that the opinions there expressed are not necessarily those of the College, system, or student body.

Student Policies

The policies of the College regarding student expectations, rights and responsibilities shall be readily accessible to students.

Preponderance of evidence

In disciplinary proceedings under this code, the College will use preponderance of evidence as a measure and a standard of responsibility for determining guilt or innocence. The measure holds that if evidence will be examined during the due process portion of the process, and, if the bulk of that evidence indicates that a violation has occurred, that will be sufficient for a finding. In legal terms, the standard is met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true.

Catalog and Course Information

To the extent possible, students will be provided relevant and accurate information regarding courses prior to enrollment. Catalog descriptions will be accurate and based on information existing at the time of publication. To the extent possible, class schedules will list the names of faculty teaching courses.

Student Academic Standing Information

Students shall have access to accurate information about general requirements for establishing and maintaining acceptable academic standing, information which will enable students to determine their individual academic standing, and information regarding graduation requirements.

Academic Evaluation

Student academic performance shall be evaluated solely on the basis of academic standards, including any requirements that are noted in the catalog, course syllabus, or student handbook. Students shall have protection against prejudiced or capricious evaluation and shall not be evaluated on the basis of opinions or conduct in matters unrelated to academic standards. Students shall have the right to review their corrected examinations or other required assignments used by the faculty in evaluating the student's academic performance.

Property Rights

Term papers, essays, projects, and similar property shall be returned to a student upon request, within a reasonable timeframe, when no longer needed for evaluation purposes, unless the student grants written permission for them to be retained.

Student Review and Consultation

Students shall have the right to appropriate levels of participation in College and university decision-making pursuant to Minnesota State Colleges and Universities Policy 2.3 and Procedure 2.31, Student Involvement in Decision-Making.

Off-Campus Conduct

Students who violate a local ordinance or state law risk the penalties prescribed by civil authorities. The College may not concern itself with every violation. However, the College reserves the right to take disciplinary action against students for off-campus behavior following the procedures of the Student Code of Conduct. This includes, but is not limited to, public posted social media, arrest and conviction of a College student or staff member, or when the activity adversely affects the interests of the College.

Student- The term “student” includes all persons who

- Are enrolled in one or more courses, either credit or non-credit.
- Withdraw, transfer, or graduate, after an alleged violation of the student conduct code.
- Are not officially enrolled for a particular term but who have a continuing relationship with the College.
- Have been notified of their acceptance for admission or have initiated the process of application for admission and financial aid.

The following are defined as disciplinary offenses actionable by the College:

1. Academic dishonesty: Submission of false academic records, cheating, plagiarism, altering, forging, or misusing a College academic record; falsely claiming to represent the College or a student organization or club; acquiring or using test materials without faculty permission; acting alone or in cooperation with another to falsify records or to obtain dishonest grades, honors or awards; aiding and abetting another person in cheating or plagiarism.

2. Theft and damage of property: Attempted theft, unauthorized borrowing or use of public or private property on College premises; destroying, damaging or littering College property.
3. Disruptive conduct/behavior: Actions which unreasonably interfere obstruct or prevent the regular and essential operations of the College or infringe upon the rights of others to participate in its programs and services. This may include, but is not limited to: being openly disruptive; verbal outbursts; talking loudly to classmates independently of class discussion; talking in an openly abusive manner or disrespectful manner to the instructor and/or classmates; using any device that causes disturbances during classroom instruction; participating in or promoting disruptive activity that interferes with teaching, College events and activities.
4. Disorderly conduct on campus: Threat to, physical abuse of, or harassment which threatens to or endanger the health, safety or welfare of a member of the College community; physically assaulting another and fighting; acting in a manner that is disorderly, lewd, indecent or a breach of peace; continuing and willfully using profanity or vulgarity or openly and persistent challenging or circumventing College authority.
5. Weapons on campus: Use or possession of weapons on the College premises, in violation of, or not covered in PTC policy 116: Possession and Carry of Firearms. "Weapon" is broadly defined to mean any object, device or instrument designed as a weapon or capable of threatening or producing bodily harm, including but not limited to all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy clubs, and fireworks.

Because the College has a Gunsmithing program, these standards do not apply in the following instances: a) transporting firearms for repair or instruction purposes delivered to the outside (west) door of the Gunsmithing department; b) possession or transportation of firearms within the College building(s) under supervision of an instructor; c) possession of a firearm during the annual College Gun Show in February.

Gunsmithing students must abide by the policies of their program.

6. Controlled substances on campus: Use, possession or distribution of a controlled substance, drugs and/or drug paraphernalia on College premises.
7. Alcohol on campus: Use, possession or distribution of alcohol on College premises except as expressly permitted by College policy.
8. Abuse of the smoking policy: Smoking, including electronic cigarettes on College premises outside of published and permitted areas is prohibited. Please see Policy 600 – Smoking, Food, and Beverage Policy for additional information.

9. Criminal sexual behavior: Including but not limited to, the implied use or threatened use of force to engage in any sexual activity against a person's will and/or engaging in such behavior with a person who is unconscious, or substantially mentally impaired (including intoxicated).
10. College facilities and services: Unauthorized use of the College facilities, telephone system, mail system, or computer system or use of any of the above for any illegal act or any act prohibited by the Code of Conduct.
11. College rules and policies: Violation of published College policies, rules or regulations including but not limited to smoking or sexual harassment regulations.
12. Retaliation: Harassing, threatening or intimidating a complainant or other person alleging misconduct.
13. Terms of sanctions: Knowingly violating the terms of the sanctions imposed for prior code offense.
14. Hazing: Endangering the mental or physical health or safety of a person; subjecting a person to public humiliation or ridicule, or removing public or private property for the purpose of initiation, admission into, affiliation with or as a condition of continued membership in a student group or organization.
15. Encouraging conduct violations: Attempts to commit acts prohibited by this code, or encouraging others to commit acts prohibited by this code will be punished to the same extent as if one had committed the prohibited act.

Sanctions:

These sanctions are examples of possible penalties for Conduct Code violations:

1. Warning: Oral or written warning, admonition or reprimand.
2. Confiscation: Confiscation of property or goods used or possessed in violation of College rules.
3. Compliance: Carrying out an action or behavior as a condition of admission or continuing enrollment.
4. Restitution: Payment required to the College for damages incurred. Student violators will be held financially responsible for direct and/or indirect costs and charges associated with Code of Conduct violations.
5. Suspension: Separation from the College for a specified period of time. During this time the student may not register for or attend classes or other College functions or be on

College property. The College reserves the right to restrict transfer of credits earned elsewhere during the suspension period. Conditions for readmission may be specified, including faculty approval of re-admittance to their courses.

6. Expulsion: Permanent denial of the privilege of enrollment at the College.
7. Denial/loss of related privilege: Denial of specified privileges for a designated period of time, or exclusion from participation in extracurricular activities, including the holding of any student office.
8. Community service: Set number of uncompensated hours of service to the College, community non-profit or similar agency.
9. Discretionary sanctions: Work assignments, service to the College, counseling or referral to community agencies, rehabilitative programs, or other related discretionary assignments. Failure to participate may result in the imposition of additional sanctions.
10. Immediate removal: Faculty members have the right to remove disruptive student(s) from the classroom and also govern when, or if, said student(s) may return. If the student refuses or there is a threat to the safety of the faculty and class, faculty may immediately call local law enforcement and/or immediately cancel class.

Filing a complaint

Any member of the College community (students, faculty, and/or staff) may file a complaint alleging a student or organization has violated the student conduct code. The steps to file a complaint are as follows:

1. The complaint will be filed in writing with the Chief Student Affairs Officer (forms are available for this purpose, and assistance can be provided in outlining the complaint if needed).
2. The complaint will be signed by the person entering the complaint. Anonymous citations will not be accepted.
3. Any student cited for violation of the Code of Conduct will be assumed innocent until it is determined otherwise.

Informal Action

Following the filing of an accusation against a student, the Chief Student Affairs Officer (or designee) will conduct an investigation of the charges. If the accusation seems unwarranted, the Chief Student Affairs Officer may dismiss the complaint and discontinue the process. If there is sufficient evidence to support the accusation, the Chief Student Affairs Officer shall offer the accused student an opportunity to resolve the violation at an informal meeting. Prior to this meeting, the student shall be given oral or written notice of the specific charges against

him/her and of the evidence available to support the charge. If a mutually acceptable resolution cannot be reached during the informal meeting, including any applicable sanctions, the case shall be referred to a Judicial Committee for a formal hearing and adjudication process.

Summary Suspension

The College reserves the right to suspend and remove from campus without hearing, any student that poses an immediate threat to the health or safety of persons on campus. Before implementing the summary suspension, the accused student shall be given oral or written notice of the intention to impose the summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. Notice of the intention to impose the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, a properly constituted hearing on the matter will take place within nine (9) working days of the suspension.

During the summary suspension, the student may not enter the campus without obtaining prior permission from the Chief Student Affairs Officer.

Judicial Committee Procedure

Judicial Committee: The Judicial Committee is a standing committee consisting of three faculty members, two students and a College administrator. Candidates are recommended each year and approved by both the College Leadership Team and Student Senate. The Chief Student Affairs Officer is a non-voting member. The Committee elects, by consensus, one member to chair each hearing. Additional persons may be asked to attend hearings to provide expert testimony or other information of benefit to the process.

The Chief Student Affairs Officer will prepare and send a written notice to the accused no less than five (5) working days prior to the date set for the hearing. The notice will be hand delivered directly to the accused or be sent by certified mail to the last known address listed with the Records Office and will include:

1. Statement of the date, time location and nature of hearing.
2. Written statement specifying the Student Code of Conduct violation.
3. Notice of student's right to have an advocate at the hearing.

The Judicial Committee shall proceed as follows:

1. The Chief Student Affairs Officer or Chair of the Judicial Committee will schedule the meeting and notify members of the committee and the students involved of the time and place of the meeting. Every attempt will be made to convene the Committee no later than ten (10) working days following the receipt of a request for hearing by the Chief Student Affairs Officer.

2. Three members of the Committee shall constitute a quorum for decision making.
3. A simple majority of the Committee members present shall constitute the decision.
4. Members of the Judicial Committee who have a personal interest or involvement in a particular case may not participate in that hearing.
5. The hearing will be audio tape recorded. Copies of the tapes may be obtained by the accused student by making a request in writing to the Chief Student Affairs Officer. Students may be billed for the cost of the audio tape.
6. The Chief Student Affairs Officer will present an opening statement. The accused may also present an opening statement.
7. The complainant will attend the hearing and will present the statement of complaint and the supporting evidence.
8. In connection with presenting the case, the complainant and the accused may present witnesses.
9. An advocate may attend the hearing with the complainant and/or the accused; the advocate may advise the student but may not participate in the hearing. When there is likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advisor. In such cases, the College may also request the presence of a representative of the Minnesota Attorney General's Office.
10. Members of the committee may ask questions of any persons present, including witnesses.
11. At the conclusion of the hearing, the Committee shall meet privately and render its decision on the matter before it. The decision shall be rendered in writing within two (2) working days of the hearing. The decision shall set forth the findings of fact and the recommendations of the Committee regarding sanctions, if any. The Chief Student Affairs Officer shall be given the written findings of the fact and recommendations, and it shall be the duty of the Chief Student Affairs Officer to notify the student or students involved within three (3) working days after receipt of the decision.
12. The decision of the committee will include the recommended sanction.
13. Hearings and records of hearings are private. They are protected by the Family Educational Rights and Privacy Act, but may be subpoenaed or released under court order due to subsequent litigation.

14. A written report of the proceedings will be placed in the student's permanent file.

Lack of Cooperation

If the student does not respond when requested to participate in the disciplinary process, the following steps will be taken:

1. The Chief Student Affairs Officer shall make every reasonable effort to locate the student through ordinary channels.
2. If the student does not respond, the Chief Student Affairs Officer will initiate the normal disciplinary procedures in the student's absence.

Appeals

The student has the option to appeal any disciplinary action of the Judicial Committee to the President of the College. The appeal must be made in writing and given or mailed to the President within five (5) business days after notice of the written decision of the Judicial Committee.

The findings and recommendations of the Judicial Committee will be sent by the Chairperson to the President of the College for consideration. No further evidence will be considered at this stage. The President will announce the decision to all involved parties within five (5) days of the receipt of the Committee report.

In cases involving sanctions of suspension for 10 days or longer, students have the right to a contested case hearing under Minnesota law (Chapter 14, MSA).

Savings Clause

Should any article, section or portion of this student policy be held unlawful and/or unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specified article, section, or portion thereof directly specified in the decision. All other articles, sections or portions of this student policy shall remain in full force and effect.

Responsibilities:

Responsibility for campus judicial matters is vested in the President of the College who may delegate to the Chief Student Affairs Officer the task of adjudication of student conduct issues as set forth in this policy. All College students and staff are also asked to assume positions of responsibility in the resolution of disciplinary cases.

Responsibility of Student Clubs, Groups and Organizations:

Student clubs, groups and organizations may be charged with violations of the Code of Conduct. Charges may be made, collectively or individually, against the club, group or organization, its leadership, and/or the individual member(s) responsible for the violation. A club, group or

organization may be held responsible for an individual's actions if that person received either direct or implied consent, encouragement or support to violate the code.

Code violations by student clubs, groups or organizations will be reviewed by the Chief Student Affairs Officer or designee to determine the appropriate manner in which the violation should be addressed.

Officers, leaders or other identifiable representatives for a student club, group or organization may be directed to take appropriate action designed to prevent or end violations of this code by the club, group or organization or by any persons associated with the club, group or organization who can reasonably be said to be acting in the club's, group's or organization's behalf.

Violation of the Code of Conduct by student clubs, groups or organizations may additionally result in review by the Student Senate and loss of privileges, status, and official recognition.

Dissemination:

Students shall be provided a copy of the code of conduct during registration and a copy of the code shall be posted at appropriate locations on campus and on the College website.

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Robert Musgrove, Ph.D., President **date**