

CHAPTER 3: Educational Services

Procedure 3F.1/11: Student Conduct Code

Definitions:

1. The “Administrator” is a campus employee authorized by the president of the college to administer the Student Conduct Code on the campus and to impose sanctions upon students found to have violated the code.
2. “Preponderance of Evidence” means a standard of responsibility that it is more likely than not that the code has been violated.
3. “Student” includes any person registered who:
 - a) Are enrolled in one or more courses, either credit or non-credit.
 - b) Withdraw, transfer, or graduate after an alleged violation of the student conduct code.
 - c) Are not officially enrolled for a particular term but who have a continuing relationship with the college.
 - d) Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
4. “Respondent” is the student in which the complaint has been filed against.

Investigation and Informal Process:

Any member of the college community may file a written complaint alleging a student or organization has violated the Student Conduct Code. Persons filing complaints shall be informed of their rights in accordance with applicable privacy laws and policies including, but not limited to the Minnesota Government Data Practices Act, the federal Family Educational Rights and Privacy Act and the college’s Data Privacy Policy. Following the filing of a complaint against a student, the administrator shall conduct an investigation of the allegations. The institution’s process shall include the following:

1. If the complaint seems unwarranted, the administrator may discontinue proceedings.
2. If there is sufficient evidence to support the complaint, the administrator shall offer the respondent an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given written notice of the specific complaint against him/her and the nature of the evidence available to support the complaint and provided with a copy of the Student Conduct Code. During the meeting the administrator shall review the complaint and the evidence with the student and allow the student to present a defense against the complaint. Within a reasonable time period following the meeting, the administrator shall inform the respondent in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing.
3. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine days may agree to accept the sanction, or may request a formal hearing prior to implementation of the sanction. Other sanctions shall be accepted or may be appealed in accordance with the institution’s appeal procedures.
4. If the respondent fails to appear for the informal hearing, the administrator may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.

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Formal Hearing and Due Process Rights:

1. The administrator is responsible for convening a student conduct panel. The panel shall include five members- two students (appointed by the student association), one faculty member (appointed by the faculty union), one staff member and one administrator (designated by the Vice President of Academic and Student Affairs). The Administrator will serve as a chairperson. .
2. Students referred for a formal hearing shall be given adequate advance notice in writing of the time, place, and date of the hearing. A student's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
3. Within a reasonable time prior to the hearing, the student must be informed in writing of: a) the complaint, b) the evidence to be presented against him/her, c) a list of witnesses, and d) the nature of their testimony.
4. The student shall be given the opportunity to speak in his/her own defense, to present witnesses and to question any witnesses and to have an advocate present. The advocate may provide advice to the student, but may not participate in any questioning. 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 advocate.
5. The formal hearing will be conducted as follows:
 1. The Conduct Administrator presents an opening statement of the charges and a summary of the supporting evidence.
 2. The respondent presents an opening statement of testimony or evidence to refute the charges.
 3. The Conduct Administrator calls witnesses for the college. At the conclusion of each witness statement, the respondent and/or members of the panel will have the opportunity to ask questions of the witness.
 4. The respondent will call witnesses to speak on his/her behalf. At the conclusion of each witness statement, the Conduct Administrator and/or the panel will have the opportunity to ask questions of the witness.
 5. The Conduct Administrator presents a closing statement.
 6. The respondent presents a closing statement.
 7. In a closed session, the conduct panel shall review the evidence and witness testimony. Using the preponderance of evidence standard, the Student Conduct Panel shall determine by majority vote whether it is more likely than not a violation of the student conduct code occurred. If the panel determines that a violation did occur, it may make a recommendation on the sanction imposed to the Conduct Administrator.
6. A written notice of findings and conclusions shall be provided to the student within a reasonable time after the hearing. The notice shall inform the student of any sanction to be imposed. The notice shall also contain information regarding any applicable appeal process.

Summary Suspension:

In certain circumstances, the administrator may impose a summary suspension prior to the informal or formal proceedings. A summary suspension may be imposed only when, in the judgment of the administrator, the respondent's presence on the college campus would constitute a threat to the safety and well-being of members of the college community. To the greatest extent possible before implementing the summary suspension, the respondent shall be given oral or written notice of the intention to impose the summary

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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, the student shall be provided an opportunity for an informal or formal hearing within the shortest reasonable time period, not to exceed nine (9) school or business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the administrator, regardless of the severity of the offense, and will be accompanied by a security officer.

Sanctions:

One or more sanctions, including the following, may be imposed upon any student found to have violated the Student Conduct Code:

1. Warning—Oral or written notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. Reprimand—Written reprimand for violation of specified regulations. Notice of action may appear on the student’s academic transcript.
3. Probation—Continued enrollment at the college, but under specific written conditions for a specified period of time. Notice of action may appear on the student’s academic transcript.
4. Restriction of College Privilege—Limitation of student’s access to facilities, programs, services, activities or members of the college community.
5. Course Withdrawal—Immediate institutional withdrawal from one or more courses. Students are not entitled to refunds when institutionally withdrawn from a course.
6. Restitution—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
7. Service—Work or service assignments to the college or the community.
8. Referral—Use of special support services, including but not limited to services provided by the college, social service agencies or law enforcement agencies.
9. 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 the college premises. Conditions for return may be specified. Notice of action may appear on the student’s academic transcript.
10. Expulsion—Permanent denial of the privilege of enrollment at the college. Notice of action may appear on the student’s academic transcript.
11. Deactivation—Loss of all college privileges for student groups or organizations, including college recognition, for a specified period of time.

Appeals Process:

1. The respondent student may appeal a decision reached through the informal process or by the Student Conduct Panel to the Vice President of Academic and Student Affairs or designee within five (5) school or business days of the decision. Appeals shall be in writing and be delivered to the Dean of Student Life or designee.
2. An appeal shall include a record of the original investigation or hearing and supporting comments for one or more of the following purposes:
 - a. To determine whether the original investigation or hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the

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- respondent a reasonable opportunity to prepare and to present a rebuttal of the charges and evidence
- b. To determine whether the decision reached regarding the respondent was based on a preponderance of evidence that a violation of the Student Conduct Code occurred
 - c. To determine whether the sanction(s) imposed were fair and proportionate for the violation of the Student Conduct Code for which the student was charged
3. The Vice President of Academic and Student Affairs shall review the documentation and the appeal to render a decision. The Vice President may uphold the decision and sanction reached through the informal process or the student conduct Panel, or may determine that the decision was reached in error or inappropriately and require the Investigator or Panel to hear the case again, or may determine that the sanction was inappropriate and issue a lesser sanction or exonerate the student.
 4. The Vice President's decision shall be final within the college and MnSCU, and all parties shall be notified of the decision in writing as allowed by applicable privacy laws.
 5. If the sanction involves suspension for ten (10) or more school or business days, the student shall be informed of the right to a contested-case hearing to an administrative law judge, MN Statute Chapter 14 Hearing, Office of Administrative Hearings.
 6. Questions regarding the Student Conduct Code shall be referred to the administrator.

History:

- 08.2006 Adopted new procedure*
09.2009 Updated Vice President title and appeal delivery location.
10/2013 Clarify formal hearing process.