

# NORTHLAND COMMUNITY AND TECHNICAL COLLEGE

## 2110 STUDENT CODE OF CONDUCT

### **Preamble:**

Northland Community and Technical College (NCTC) believes that every student is accountable for his or her individual behavior especially as it imposes on the freedom, rights and safety of another individual or to the extent that it impacts upon the atmosphere and environment conducive to the educational mission of the College community.

Within this context, specific kinds of behavior are judged to be unacceptable and may serve as a basis for discipline up to and including expulsion. The code of conduct exists to guide the behavior of all NCTC students.

### **ARTICLE I: DEFINITIONS**

1. "College" means Northland Community and Technical College
2. "Administrator" means that person designated by the college president to be responsible for the administration of the Student Code.
3. "Cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
4. "Expulsion" means permanent denial of the privilege of enrollment at the college.
5. "Hazing" means an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group, organization, or athletic team.
6. "Policy" means the written regulations of the college and Minnesota State Colleges and Universities ("MnSCU") as found in, but not limited to, the Student Code of Conduct, the college and MnSCU Web pages, Board Policy and System Procedure 5.18 and 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus, Board Policy and System Procedure 5.22 and 5.22.1 on Acceptable Use of Computers and Information Technology Resources, and the college catalog.

7. "Preponderance of evidence" means a standard of responsibility that it is more likely than not that the code has been violated.
8. "Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
9. "Student" includes all persons who:
  - a. Are enrolled in one or more courses, either credit or non-credit, through the college;
  - b. Withdraw, transfer or graduate, after an alleged violation of the student code of conduct;
  - c. Are not officially enrolled for a particular term but who have a continuing relationship with the college; and/or
  - d. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
10. "Student organization" means any number of persons who have complied with the formal requirements for college recognition.
11. "Summary suspension" means a suspension imposed without a formal hearing to ensure the safety and well-being of members of the college community.
12. "Suspension" means denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.

## **ARTICLE II: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the college Student Code of Conduct**

The college Student Code of Conduct shall apply to conduct that occurs on college premises, at college sponsored activities, and to off-campus conduct in the following circumstances:

1. Hazing is involved;
2. The violation is committed while participating in a college sanctioned or sponsored activity;
3. The victim of the violation is a member the college community;
4. The violation constitutes a felony under state or federal law; or
5. The violation adversely affects the educational, research, or service functions of the college.

The respective campus shall decide whether the Student Code of Conduct shall be applied to conduct occurring off-campus, on a case by case basis, in his/her sole discretion.

Allegations of discrimination, harassment, and sexual violence shall be resolved pursuant to Board Policy 1B.1, Nondiscrimination in Employment and Education Opportunity, System Procedure 1B.1.1, Report/Complaint of Discrimination/Harassment Investigation and Resolution, Board Policy 1B.3, Sexual Violence Policy, System Procedure 1B.3.1, Sexual Violence Procedure. Allegations of fraud or dishonest acts shall be resolved pursuant to Board Policy 1C.2, Fraudulent or Other Dishonest Acts.

## B. Conduct - Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct *in circumstances falling under the jurisdiction of this code* may be subject to the disciplinary sanctions outlined in Article III:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty;
  - b. Furnishing false information to any college official, faculty member, or office;
  - c. Forgery, alteration, or misuse of any college document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or of other authorized non-college activities when the conduct occurs on college *premises*.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property, on or off campus.
5. Hazing.
6. Failure to comply with directions of college officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises.
8. Violation of any college or board policy, rule, or regulation published in hard copy or available electronically on the college or MnSCU Web site.
9. Violation of any federal, state or local law.

10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by college or MnSCU regulations), public intoxication, or violation of Board Policy 5.18 and System Procedure 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the academic community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
16. Any violation of the NCTC Policy 5010 and Procedure 5010P or Board Policy 5.22 and System Procedure 5.22.1 on Acceptable Use of Computers and Information Technology Resources.
17. Abuse of the student conduct system, including but not limited to:
  - a. Failure to obey the notice from a student conduct panel or college official to appear for a meeting or hearing as part of the student conduct system;
  - b. Falsification, distortion, or misrepresentation of information before a student conduct panel;
  - c. Disruption or interference with the orderly conduct of a student conduct panel proceeding;
  - d. Institution of a student code of conduct proceeding in bad faith;
  - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;

- f. Attempting to influence the impartiality of a member of a student conduct panel prior to, and/or during the course of the student conduct panel proceeding;
- g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct panel prior to, during, and/or after a student conduct code proceeding;
- h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct;
- i. Influencing or attempting to influence another person to commit an abuse of the student code of conduct system.

### C. Violation of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the respective campus. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## **ARTICLE III: STUDENT CONDUCT CODE PROCEDURES**

### A. Investigation and Informal Process

1. Any member of the college community may file a written complaint alleging that a student or student organization has violated student conduct proscriptions. Any complaint should be submitted as soon as possible after the event takes place. Persons filing complaints shall be informed of their rights under the *Minnesota Data Practices Act*. Following the filing of a complaint against a student or student organization, the respective campus Dean of Students shall conduct an investigation of the allegations.
2. If the complaint seems unwarranted, the Dean of Students may discontinue proceedings.
3. If there is sufficient evidence to support the complaint, the Dean of Students shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given a 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 code of conduct. During the meetings the Dean of Students 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 Dean of Students shall inform the accused student 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.

4. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine (9) days may agree to accept the sanction, or may request a formal hearing. *The formal hearing should be held within a reasonable time, not to exceed nine (9) school or business days.* Other sanctions shall be accepted or may be appealed in accordance with the college's appeal procedures.
5. If the accused student fails to appear for the informal hearing, the Dean of Students may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.
6. *A sanction shall not become effective during the time in which a student seeks an appeal or formal hearing, unless, in the discretion of the Dean of Students, it is necessary to implement an immediate sanction for the safety and welfare of the college community.*

#### B. Formal Hearing.

1. The composition of the student conduct panel will normally be two (2) faculty, two (2) students, two (2) staff members and one (1) administrator. The administrator will serve as a non-voting chairperson. Students serving on the student conduct panel shall be elected by the student body or appointed by the campus student association. Student conduct panel hearings shall be conducted by a student conduct panel according to the following guidelines:
  - a. Student conduct panel hearings normally shall be conducted in private.
  - b. Students or organizations referred for a formal hearing shall be given adequate advance notice in writing of the time, place, and date of the hearing. A student or organization's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
  - c. 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.
  - d. In hearings involving more than one accused student or organization, the Dean of Students, in his or her discretion, may permit the hearing concerning each student to be conducted either separately or jointly.
  - e. 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 a 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.
  - f. 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 the applicable appeal process.

- g. The hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing *by providing for the presence of law enforcement and/or security*, separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students to be appropriate.

### C. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
  - a. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period. *The college may impose specific written conditions for the probation.*
  - c. Loss of Privileges - Denial of specified privileges for a designated period of time.
  - d. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - e. Discretionary Sanctions - Work assignments, essays, service to the college, or other related discretionary assignments.
  - f. Suspension - Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.
  - g. Expulsion - Permanent denial of the privilege of enrollment at the college.
  - h. Revocation of Admission and/or Degree - Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - i. Withholding Degree - The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this student code of conduct, including the completion of all sanctions imposed, if any.

More than one of the sanctions listed above may be imposed for any single violation.

2. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above;
  - b. Loss of selected rights and privileges for a specified period of time;
  - c. Deactivation. Loss of all privileges, including college recognition, for a specified period of time.

### D. Summary Suspension.

In certain circumstances, the Dean of Students may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. A summary suspension may be imposed only when, in the judgment of the Dean of Students, the accused student's presence on the college campus would constitute a threat to the safety and well-being of members of the campus community. To the greatest extent possible before implementing the summary suspension, the accused student shall be given oral or written notice of the intent to impose summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. However, the refusal of a student to accept or acknowledge this notice shall not prevent the implementation of a summary suspension. Notice of 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 a formal or informal 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 Dean of Students.

#### E. Appeals

1. A decision reached by the student conduct panel or a sanction imposed by the Dean of Students may be appealed by the accused student(s) or complainant(s) to the Vice President of Academic and Student Affairs within five (5) school *or business* days of the *notification of the* decision. Such appeals shall be in writing and shall be delivered to the Vice President of Academic and Student Affairs or his or her designee.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review for one or more of the following purposes:
  - a. To determine whether the informal or formal hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
  - b. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
  - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such

information and/or facts were not known to the person appealing at the time of the original informal or formal hearing.

3. If an appeal is upheld by the Vice President of Academic and Student Affairs, the Vice President of Academic and Student Affairs may take any appropriate action. If an appeal is not upheld, the matter shall be considered final and binding upon all involved except that in cases involving sanctions of suspension for more than nine (9) days, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

#### F. Contested Case Hearings

If a suspension for more than nine (9) days or an expulsion is determined, the student has a right to appeal the decision before an administrative law judge pursuant to Minnesota Statutes Chapter 14. A student seeking a hearing before an administrative law judge must inform the campus Dean of Students within five (5) days of receiving notice of the decision. The College will request a hearing from the Office of Administrative Hearings only if the student requests a contested case hearing. The student will be notified of the time, place and date of the hearing.

The hearing will be conducted pursuant to Contested Case Procedures adopted by the Office of Administrative Hearings. An administrative law judge will be appointed by the Chief Administrative Law Judge pursuant to Minnesota Statute section 14.50. Following the hearing, the administrative law judge shall make a report, which contains a recommendation, to the College President.

Within a reasonable time period following receipt of the administrative law judge's recommendation, the College President shall make a decision. The President's decision shall be final.

Date of Implementation:	5/27/04
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Date & Subject of Revisions:	8/1/05 – Minor changes made 12/22/05 Per suggestions by Attorney General's Office 3/28/06 Revised NCTC policy names/numbers 3/2/07 Revised titles and added language as requested 3/8/07 Modifications as per SGC- 4/12/07 7/13/07 Minor grammatical revisions 3/10/08 Student Services Committee Review 6/2/08 Revised per recommendations from M. Lopez, OOC 12/16/08 Revisions 3/18/09 Revisions per Office of General Counsel 3/21/09 Revisions after discussion with Mike Lopez, OOC 4/16/09 – SGC Review – changed title of Dean throughout policy 5/7/09 SGC