



Policy 3.6.1 Student Conduct Procedures

Adopted 6/2007

Investigation and Informal Process:

Any member of the college community may file a written complaint alleging that a student or organization has violated student conduct proscriptions. Persons filing complaints shall be informed of their rights under the Minnesota Statute 13.04, subdivision 2. Following the filing of a complaint against a student, the Conduct Officer or Designee shall conduct an investigation of the allegations.

1. If the complaint seems unwarranted, the Conduct Officer may discontinue proceedings.
2. If there is sufficient evidence to support the complaint, the Conduct Officer 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 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 meeting the Conduct Officer 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 Conduct Officer 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.
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 to the Dean of Students.
4. If the accused student 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.

Formal Hearing and Due Process:

(for suspensions exceeding 9 days or expulsions)

- A. Students referred for the formal adjudication process shall be given adequate advance notice in writing of the time, place, and date of the meeting. A student's failure to appear at the meeting shall not prevent the meeting from proceeding as scheduled. In all cases, the evidence in support of the charges shall be presented and considered.
- B. Within a reasonable time prior to the meeting, the student must be informed in writing of:
 1. the charges,
 2. the evidence to be presented against him/her,
 3. and the nature of their testimony.
- C. Proceedings shall be conducted by the Judicial Panel according to the following guidelines:
 1. Proceedings normally will be conducted in private.
 2. Admission of any person to the proceeding shall be at the discretion of the Judicial Panel.
 3. In proceedings involving more than one accused student, the Judicial Panel in its discretion, may permit the proceedings concerning each student to be conducted separately.

4. A person filing a complaint and the accused have the right to have an advocate present at the time of the hearing. The advocate may be an attorney. A person filing a complaint and the accused are responsible for presenting their own cases and therefore, advocates are not permitted to speak or participate directly in any proceeding before the Judicial Panel. 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.
 5. The accused and the conduct officer shall have the privilege of presenting witnesses, subject to the right to cross-examination by the Judicial Panel.
 6. The Judicial Panel at the discretion of the panel may accept pertinent records, exhibits and written statements as evidence for consideration.
 7. All procedural questions are subject to the final decision by the Judicial panel.
 8. After the meeting, the Judicial Panel shall determine whether the student violated each section of the Code, which the student is charged with violating.
 9. The determination shall be made on the basis of whether it is more likely than not that the accused student violated the Code.
- D. There shall be a single record of the meeting before the Judicial Panel. The record shall be the property of the college.
- E. A written notice of findings and conclusions shall be provided to the student within five working days after the hearing. The notice shall inform the student of any sanctions to be imposed and of the right to an appeal. Where sanctions involve a suspension of over 9 days, the college shall inform the student that he or she has the right to a contested case hearing under Minnesota Law (Minnesota State Statute 14)

To Appeal Judicial Board Decision:

Following the outcome of the formal hearing, a student may request an appeal hearing before the Campus Provost. The request for an appeal to be heard must be submitted in writing to the Campus Provost within five days of the date of the notification of the decision. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal. The basis for an appeal will be limited to the following grounds:

1. The sanction is excessively severe.
2. New or newly discovered evidence of a nature, which may substantially affect the outcome of the hearing.
3. There was a procedural error that substantially affected the outcome of the hearing.

The appeal letter will be reviewed and, if there is adequate reason to believe that one or more of the grounds for appeal has merit, an appeal hearing will be scheduled between the accused student and the Campus Provost. The student's attorney or advocate may attend this meeting if criminal charges are pending against the student. In the event that new evidence is relevant to the outcome of the decision, the Campus Provost may request a re-hearing by the original panel. The Campus Provost will render a decision and notify the student in writing within a reasonable period of time following the hearing. Appeals on grounds other than those listed above may be allowed if the grounds can be adequately documented or supported. Suspensions lasting for more than ten days or expulsion from the college may be listed on the student's official academic transcript. After a period of three years, the student may make a request in writing to the Dean of Students that the notations of disciplinary action be removed from his/her transcript. Decisions will be made based on the circumstances surrounding the request and the original offense.

Summary Suspensions:

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 administrator, the accused student's presence on the college or university 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 administrator.

Suspension/Expulsion That Exceeds Ten Days: If sanctions result in suspension or expulsion for more than 9 days, an appeal may be made to an administrative law judge, Minnesota Statute Chapter 14 hearing, Minnesota State Hearing Examiners Office, St. Paul, Minnesota.

The student may request a hearing. If the student desires a hearing, such student shall give written notification within five (5) days of receipt of written notice. If the student does not file an appeal within the five (5) days, any further right to appeal shall be waived. The hearing shall be conducted with the "Contested Case Procedures" which have been adopted by the Administrative Hearing Office. The "Contested Case Procedures" include the stipulation that an administrative law judge, appointed by the Chief Administrative Judge pursuant to Minnesota Statute 14., shall conduct the hearing. The attorney assigned to the College by the Attorney General shall represent the College at this hearing. The administrative law judge shall make a report which contains a recommendation to the College Provost.

Within a period of not fewer than twelve (12) days, nor more than twenty (20) days following receipt of the administrative law judge's report, a decision shall be made by the College Provost. The decision of the College Provost shall be final. During any appeal process, until a final decision has been made, the student shall have the right to attend classes and to continue other aspects of the College program, unless the process is the result of actions deemed harmful or potentially harmful to another person or property.

Where a closed hearing is held, as determined by the administrative law judge, all matters related to the situation in which a student is involved shall remain confidential with no release of any information to persons other than those involved in the hearing.

Off-Campus Conduct:

The College may hold students accountable for a violation in behavior contained in the Code of Conduct which is committed off-campus when:

1. Hazing is involved; or
2. The violation is committed while participating in a college sanctioned or sponsored activity; or
3. The victim of the violation is a member of 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.

Complaint/Grievance Policy

A student has a right to seek a remedy for a dispute or disagreement through a designed complaint process. Mesabi Range Community and Technical College believes in fairness to all students in helping

them acquire the skills and knowledge necessary to be successful. It is also recognized that problems may arise which need to be resolved. This includes, but is not limited to, problems of discrimination on the basis of race, creed, color, gender, sexual orientation, national origin, age, marital status, status with regard to public assistance, religion, or disability.

The student(s) with a complaint or grievance may either go to an instructor, advisor, or counselor on either the Virginia or Eveleth campus. The student(s) may ask for advice, consultation, or assistance in filling out a complaint/grievance form which can be obtained from the Student Services Offices or on the MRCTC web site: www.mr.mnscu.edu.

Resolution is first attempted with the student(s) and person(s) involved. If a student is still not satisfied with this informal discussion and settlement after meeting with the counselor, the complaint will be forwarded to the appropriate administrator who will assure resolution in a prompt and equitable manner. The administrator receiving the complaint will respond within 10 working days from the date the written grievance is received. If the student is not satisfied with the administrator's resolution or if the grievance involves a college policy or regulation, the student may appeal within 10 working days after the receipt of the administrative response to the College Provost. The Provost shall respond within 10 working days from the date the written grievance is received. The Provost's decision is final and binding.

If the grievance involves a board policy or the actions of the College Provost, a student may further appeal the College decision on a state level by writing to the Chancellor of the Minnesota State Colleges and Universities, detailing the complaint or grievance and providing supporting documentation. The Chancellor shall try to resolve the complaint or grievance through communication with College Administration and the complainant. If either party is unsatisfied with the results of this effort, that party (or both parties) shall write to the Chancellor requesting a review before the Board. The Chancellor, after consulting the Attorney General's Office, shall determine if the Board is empowered to act under Laws 1983, Chapter 258, within ten days of the receipt of a request.

Time Limits: Most time limits have been set at 10 business days; however, the student initially has twenty (20) days to initiate the grievance process. By mutual agreement of the student(s), college personnel, or system personnel, time limits may be extended. Saturdays, Sundays, holidays, and breaks in the academic calendar do not count.

1. If a grievance is not presented within the established time limits, it shall be considered as "waived."
2. If a grievance is not appealed to the next step within the established time limits, it shall be considered settled on the basis of the last decision.
3. If, after presentation at any step, a college staff member does not discuss the grievance with the student(s) within the established time limits, the student(s) may treat the grievance as denied at that step, and may appeal the grievance to the next step.
4. If, after discussion, a college staff member does not answer a grievance within the established time limits, the student(s) may treat the grievance as denied at that step, and may appeal the grievance to the next step.
5. A copy of the written grievance and settlement involving an employee should be filed in the Provost's Office (Dr. Tina Royer, 749-7730, Virginia Campus). If the grievance and settlement do not result in discipline of the employee, no record shall be maintained. Maintenance of records shall be in compliance with the employee contract. Grievances against students shall be filed with the Dean of Students (Celeste Donovan, 749-7772, Virginia Campus).

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