



## **Policy 3.6**

### **Student Code of Conduct Policy**

Adopted 7/2003

#### **Student Code of Conduct: Purpose and Basis of Authority**

The Mesabi Range Community and Technical College Student Code of Conduct serves two purposes: the first purpose is to serve as a guide for student behavior; the second purpose is to outline the procedures to be followed, both by students and college officials, should violations of the Code occur. It is expected that all students will read this code and will be responsible for knowing and abiding by its content.

In the eyes of the College, two authorities guide a student's conduct while on campus or while participating in off-campus, college-sponsored activities. First, as a citizen of the larger community, each student is expected to abide by the rules, regulations, and policies of the College as well as local, state, and federal laws. Copies of the policy manual containing all of the policies which govern the MnSCU System are available in the Mesabi Range College Libraries and in the Administration Offices.

#### **Philosophy**

As an institution dedicated to teaching and learning, the Mesabi Range Community and Technical College has a vested interest in maintaining an environment in which students are free to pursue their academic interests and responsibilities. Conduct that unreasonably restricts such freedom and interferes with the College's mission of promoting student learning is subject to regulation and/or sanction by the College. The creation of such an environment is premised on the assumption that students have both rights and responsibilities. Therefore, a major function of the College is to guarantee student rights, yet to demand student responsibility.

#### **Student Rights**

The rights of students of the Mesabi Range Community and Technical College derive both from their status as students and from their status as citizens of the state and nation. These rights include, but are not limited to, the following:

1. Students have the right to freedom from discrimination or harassment on the basis of race, ethnicity, gender, sexual orientation, religion, creed, political beliefs, national origin, or disability.
2. Students have the right to be safe and free from all physical violence.
3. Students have the right to expect that their personal property will be safe from theft, damage, and destruction.
4. Students have the right to accurate and timely information regarding academic issues, such as course requirements and expectations, and graduation requirements.
5. Students have the right to expect that all of their records will be maintained in accordance with the Family Educational Rights and Privacy Act of 1974.
6. Students have the right to fair and impartial treatment and due process in the investigation of any alleged violation.
7. Students have the right to expect fair, consistent, and appropriate discipline, in line with the disciplinary policies authorized by the MnSCU Board, if they are found guilty of violating a rule or regulation.
8. Students have the right to grieve actions and policies which they consider unfair and inconsistent.
9. Students have the right to freely engage in inquiry and discussion - the cornerstone of education in the Mesabi Range Community and Technical College. Therefore, in accordance with the guarantees of federal and state constitutions, students have the right to speak, write, and discuss freely all ideas relevant to their educational development.

## **Student Responsibilities/Conduct Violations**

Students are responsible to know of and abide by all the rules and regulations of the Mesabi Range Community and Technical College. Many of these rules and regulations are simple extensions of those existing in the larger community, and some are unique to the College setting. These rules and regulations apply to both campus and off-campus college-sponsored activities. Violations of these rules and regulations will result in disciplinary action. Violations will include, but not be limited to, the following:

1. Academic dishonesty including, but not limited to, cheating, plagiarism, misrepresentation of student status, resume falsification, and unacknowledged use of materials prepared by another person or agency engaged in selling or otherwise providing term papers or other academic materials. Plagiarism includes, but is not limited to, the use by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment.
2. Intentionally or recklessly interfering with normal college or college-sponsored activities including, but not limited to, teaching, research, college, administration, fire, police or other emergency services, ceremonial events, scheduled interviews, extra curricular activities or other functions on college premises or officially arranged college activities off campus.
3. Intentionally, recklessly or negligently causing physical harm to any person. This includes engaging in any form of fighting.
4. Physically detaining or restraining any other persons or removing such persons from any place where they are authorized to remain.
5. Intentionally, recklessly, or negligently placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse, harassment (including repeated phone calls), sexual harassment, hazing, intimidation, threats or other conduct which threatens or endangers that person's emotional, mental or physical well-being.
6. 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, substantially mentally impaired (including intoxicated); intentionally touching another person's genitals, buttocks, or breasts without the person's consent; indecent exposure; voyeurism.
7. Use or possession of weapons unless expressly authorized by the College. "Weapon" is broadly defined to include, but is not limited to, all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy clubs, and fireworks.
8. Intentionally or recklessly activating a fire alarm without cause; damaging fire safety equipment or initiating a false report; warning or threat of fire, explosion or other emergency.
9. The use, possession, distribution, *or being in the presence* of any controlled substance or drugs and/or drug paraphernalia.
10. Use, possession, distribution, *or being in the presence* of alcohol except as expressly permitted by college policy.
11. Reporting to campus or to a campus sponsored activity while under the influence of a controlled substance, except as prescribed by a physician, which affects alertness, coordination, reaction, response, judgment, decision making, or safety.
12. Use of any tobacco product in college buildings or classrooms including a lighted cigarette, cigar, or pipe, the use of any smoking material, or smokeless tobacco.
13. Knowingly furnishing false information to college personnel; or the knowledgeable passing of an insufficient funds check or fraudulent money order in payment of any financial obligation to the college.
14. Forgery, unauthorized alteration or unauthorized use of any college document or instrument of identification.
15. Theft, attempted theft, unauthorized borrowing or use of any college property or service wherever located, or the theft, attempted theft, or unauthorized borrowing or use of public or private property.
16. Possessing, making, or causing to be made any key to operate locks or locking mechanisms without

proper authorization including using or giving to another a key for which there has been no proper authorization.

17. Unauthorized presence in, or use of college premises, facilities or property including, but not limited to, unauthorized presence in another student's residence hall room or any college building.
18. Refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized within the regulations of the college.
19. Rollerblading, rollerskating and skateboarding in all college buildings including the residence halls.
20. Unauthorized or fraudulent 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.
21. Deliberate destruction of, damage to, malicious use of, or abuse of any college property, wherever located, or the deliberate destruction, damage to or malicious use of public or private property.
22. Failure to comply with the directions of college officials including, but not limited to, residence hall staff, faculty or administrators acting in the performance of their duties; failure to present identification upon request of college personnel in the performance of their duties.
23. Gambling for money or other things of value on campus or at college-sponsored activities except as permitted by law.
24. Falsely claiming to represent the college or a student organization of the college.
25. Actions which unreasonably interfere, obstruct or prevent the regular and essential operations of the college or infringe upon the rights of others to freely participate in its programs and services. This may include, but is not limited to, intentionally and substantially interfering with the freedom of expression of others; participating in a campus demonstration which disrupts the normal operations of the college, intentionally obstructing or interfering with the freedom of pedestrian or vehicular movement on campus.
26. Violation of published college policies, rules or regulations including, but not limited to, smoking, solicitation, distribution of literature, sexual harassment, residence hall agreement, and amplification and loud speaker use.
27. Parties and/or large gatherings which disturb the peace of campus residences or off-campus neighborhoods.
28. Apparent or alleged violation of local ordinances, federal or state laws where said violation poses a substantial threat to the safety and/or welfare of campus community members.
29. Attempts and complicity: 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.
30. Interfering with the judicial procedures or outcomes including, but not limited to, falsification, distortion or misrepresentation of information before a hearing officer or judicial panel; knowingly initiating a complaint without cause; or failure to comply with the sanctions(s) imposed by either a hearing officer or administration.
31. Hazing, "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 group, organization, or athletic team." Disciplinary action can be taken against both individuals and organizations for hazing violations, whether occurring on or off campus. Officers will serve as the representatives of the organization during any hearing.

### **College Sanctions for Conduct Violations**

A Student Conduct Officer or Judicial Panel may impose any of the following possible sanctions as warranted by the facts, evidence and type and severity of the offenses. Previous incidents of misconduct by the accused student may also be considered in arriving at the applicable sanction(s).

1. Warning: A notice in writing to the student that the student is violating or has violated institutional regulations.

2. 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 be violating any institutional regulation(s) during the probationary period.
3. Loss of Privileges: Denial of specified privileges for a designated period of time.
4. Fines: A monetary sanction may be imposed.
5. Restitution: Compensation for loss, damage or injury. Monetary payment, material replacement, or appropriate service is required to the college or other persons, groups or organizations for damages incurred.
6. Discretionary Sanctions: Work assignments, service to the college, counseling or referral to community agencies or other related discretionary assignments (such assignments must have the prior approval of the conduct officer). Failure to participate as directed by result in the imposition of additional sanctions.
7. Residence Hall Suspension: Separation of the student from the residence hall for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified.
8. Residence Hall Expulsion: Permanent separation of the student from the residence hall.
9. College Suspension: Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
10. College Expulsion: Permanent separation of the student from the college.
11. Confiscation: Confiscation of property or goods used or possessed in violation of college rules and may not be subject to return to the student.

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

Other than college suspension or expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record.

The following sanctions may be imposed upon groups or organizations:

1. Those sanctions listed above, 1 – 11.
2. Deactivation: Loss of all privileges, including college recognition, for a specified period of time.

In each case in which a conduct officer or adjudication panel determines that a student has violated the Student Code of Conduct, the sanction(s) shall be determined and imposed by the conduct officer. Following the determination and imposition of sanctions, the conduct officer or Judicial Panel shall advise the accused in writing of the determination and of the sanction(s) imposed, if any.

### **Judicial Process**

Allegations of discrimination, protected class harassment (including sexual harassment), or sexual violence shall be adjudicated under separate procedures in accordance with the college's policies on these issues, but violators may be subject to the sanctions described in this Student Code of Conduct.

Allegations of academic dishonesty may be adjudicated under separate procedures in accordance with the College's policies on these issues, but violators may be subject to the sanctions described in this Student Code of Conduct.

### **Student Rights and Due Process**

Disciplinary action against individual students or groups of students must be administered in the context of a unified and coordinated set of campus regulations and processes to ensure fair, equitable and legal outcomes. Each person involved in the administration of the Student Code of Conduct of the Mesabi Range Community and Technical College will set as a goal the fair, objective and humane approach in all conduct cases. Consistent treatment in disciplinary action is another goal. Each case, however, must be recognized as a highly individual matter, and consistency for the sake of consistency should not be the

dominant concern. Those involved in administering the Student Code of Conduct should be aware that their efforts are primarily directed toward:

- A. Protecting the integrity and order of the institution, and the morale and reputation of faculty, students and staff.
- B. Educating the student involved with the conduct process so that he/she may learn to discipline himself/herself and accept responsibilities of membership in the College community.
- C. Helping the student gain insight into the reasons and consequences of his/her behavior so that he/she may cope with future difficult situations more successfully.

The administration of the Student Code of Conduct should also guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the alleged offense and the potential sanctions which may be applied. Sanctions shall be commensurate with the seriousness of the offense and may include suspension/expulsion from the residence hall and/or the College community. Repeated violations justify increasingly severe sanctions. In all cases, procedural fair play requires that a student charged with misconduct be informed of the nature of the charges, given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. Therefore, persons making charges are required to provide pertinent information in writing and, if necessary, appear at a hearing.

## **Procedures**

### **Informal Adjudication Process**

The College, through its Student Conduct Officer (the Dean of Students or designee) shall receive complaints against students from members of the College community, local and state agencies, and from the public. All complaints must be provided in writing to the Student Conduct Officer within 10 days after becoming aware of the alleged violation. Following the filing of an accusation against a student, the conduct officer involved shall conduct an investigation of the charges. If the accusation seems unwarranted, the conduct officer shall discontinue proceedings. If there is sufficient evidence to support the accusation, the conduct 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 for the formal adjudication process. In all cases, the college is the formal complainant. In all cases, the accused has the right to appeal the decision of the conduct officer and may do so according to the appeal process described in this Code of Conduct.

### **Formal Adjudication Process**

- 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) a list of witnesses 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. The 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 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 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. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the Judicial Panel at the discretion of the panel.
  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 10 days or longer, the college shall inform the student that he or she has the right to a contested case hearing under Minnesota Law (Chapter 13, MSA).

### **Appeals**

Following the outcome of the panel decision, 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.

- A. The sanction is excessively severe.
- B. New or newly discovered evidence of a nature which may substantially affect the outcome of the hearing.
- C. There was a procedural error which 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 five days of the appeal 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 or designee may impose a summary suspension prior to the informal or formal proceedings described in previous articles. A summary suspension may be imposed only when, in the judgment of the Dean of Students or designee, 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 or college property. 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. However, the refusal of the 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) days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the Dean of Students or designee. If the student is unavailable or incarcerated, it may not be possible to provide due process.

### **Suspension/Expulsion That Exceeds Ten (10) Days**

If sanctions result in suspension or expulsion for more than ten (10) 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 the hearing shall be conducted by an administrative law judge, appointed by the Chief Administrative Judge pursuant to Minnesota Statute 14.50.

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 President.

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 of behavioral proscriptions contained in the Code of Conduct which is committed off-campus when:

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

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