

# STUDENT CONDUCT RULES & PROCEDURES

## **Part 1. Statement of Purpose**

DCTC is committed to the creation and maintenance of an academic community which fosters intellectual, personal, social, and ethical development of its students.

The purpose of the Student Conduct Code is to provide an educational experience through which students learn to understand, accept, and promote attitudes conducive to responsible involvement in society; to provide a system by which students are held accountable for actions which violate college standards; and to protect the due process rights of students charged with violating these standards. This code of conduct is designed to explain the rights and responsibilities inherent in membership in the college community.

All students are expected to be familiar with and to comply with the Student Conduct Code. Consequences for failing to comply could result in sanctions. Dakota County Technical College reserves the right to revise the Student Conduct Code at any time.

## **Part 2. Definitions**

- A. The term college property includes all land, buildings, facilities, and other property, real and personal, possessed, owned, leased, used, or controlled by the college, including adjacent streets and sidewalks.
- B. The term member of the college or campus community includes but is not limited to any person employed by or contracting with the college, any student at the college, or any visitor on college property.
- C. The term student includes all persons taking courses at the college, both full-time and part-time. A person who is not officially enrolled for a particular term but who has a continuing relationship with the college is considered a student. A person who was enrolled during a spring term and is expected to enroll for the subsequent fall term is a student during the interim.
- D. The term hazing is defined as 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.

## **Part 3. College Jurisdiction**

All students, regardless of the location of their residence, are members of the college community. College jurisdiction may be asserted for violations of the Student Conduct Code that occur on college property. Also, the college may initiate student conduct proceedings for off-campus incidents when:

- A. Hazing is involved; or
- B. The violation is committed while participating in or attending a college-sanctioned or college-sponsored activity; or
- C. The victim of the violation is a member of the college community; or
- D. The violation is a felony under federal or state law; or
- E. The violation detrimentally affects the college in any other way.

Students who engage in alleged violations of the Student Conduct Code may also face civil or criminal penalties. This code is not intended to replace federal, state, or local laws. An action involving the student in a legal proceeding does not free the student of responsibility to participate in a college proceeding. The college will decide whether to proceed with action before, after, or simultaneously with a legal proceeding. Where alleged violations of law occur on college property, the college may inform law enforcement agencies of these violations.

**Part 4. Student Conduct — Behavioral Proscriptions**

A. All students have the responsibility to:

1. Attend all classes, except when excused, and to be on time to all classes and any other college functions. The college recognizes the importance of regular college attendance for all students. Students are expected to be in regular attendance in order to make satisfactory progress in college and to develop and maintain habits of punctuality, self discipline, and responsibility. Accordingly, students are expected to attend all classes in their entirety every day that the college is in session. Should illness or emergency result in an absence, students should arrange with faculty to make up all work missed. A student shall be considered tardy if he/she reports late for any designated class starting time.
2. Make necessary arrangements for making up work when absent from classes.
3. Comply with all local, state, and federal laws.
4. Comply with all published college rules, regulations, policies, and procedures.
5. Recognize and respect the rights of others.
6. Assist the college staff with maintaining a safe college environment.
7. Respect and maintain college property.
8. Dress in a manner that meets standards of health and safety.
9. Provide complete and accurate information relative to college matters.

B. Examples of conduct which violate the Student Conduct Code and are subject to disciplinary sanctions by the college include, but are not limited to:

1. Violation of local, state, or federal laws.
2. Violation of published policies, rules, procedures, or regulations of the college.
3. Acts of dishonesty, including, but not limited to, the following:
  - a. cheating or plagiarism;
  - 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;
  - d. tampering with the election of any college-recognized student organization.
4. The use of profanity or obscene language; possession of obscene materials. Viewing pornographic materials on a computer screen shall be deemed the same as being in possession of such material.
5. Attendance problems including, but not limited to, absenteeism, tardiness, skipping classes, or other unauthorized leaves.
6. Violation of the college smoking and tobacco use policy.
7. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other college activities, including its public-service functions on or off campus, or any authorized non-college activities, when the act occurs on college premises.
8. Acts of disobedience, disruptive or disrespectful behavior, defiance of authority, gambling, insolence, insubordination, littering, improper activation of fire alarms, failure to comply with evacuation procedures, or bomb threats.
9. Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct that threatens or endangers the health or safety of any person including, but not limited to,

- fighting, harassment, interference or obstruction, attack with a weapon, sexual assault or illegal sexual conduct, or indecent exposure.
10. 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.
  11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property at the college, on or near college premises, or at college sponsored activities.
  12. Hazing.
  13. Violation of parking or college traffic rules and regulations including, but not limited to, obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or college-supervised functions.
  14. Student attire and/or personal grooming which creates a danger to health or safety or creates a disruption to the educational process.
  15. Unauthorized possession, duplication, or use of keys to any college premises or unauthorized entry to or use of college premises.
  16. Riotous behavior, including property destruction, disturbing the peace, or risking bodily injury to students, faculty, other college personnel, or other persons.
  17. Any form of harassment on the basis of race, creed, color, gender, sexual orientation, national origin, age, marital status, status with regard to public assistance, religion, disability, or membership or activity in a local commission as defined by law.
  18. Use, possession, or distribution of narcotic or other controlled substances except as expressly permitted by law.
  19. Use, possession, or distribution of alcoholic beverages except as expressly permitted by the law and college regulations on public intoxication.
  20. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises.
  21. Theft or other abuse of computer time, including, but not limited to:
    - a) unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
    - b) unauthorized transfer of a file.
    - c) unauthorized use of another individual's identification and password.
    - d) use of computing facilities to interfere with the work of another student, faculty member, or college official.
    - e) use of computing facilities to interfere with normal operation of the college computing system.
  22. Abuse of the Student Judicial System, including, but not limited to:
    - a) failure to obey the summons of the Judicial Board or college administration of student conduct.
    - b) falsification, distortion, or misrepresentation of information before a judicial body.
    - c) disruption or interference with the orderly conduct of a judicial proceeding.
    - d) institution of a judicial proceeding knowingly without cause.
    - e) attempting to discourage an individual's proper participation in, or use of, the judicial system.

- f) attempting to influence the impartiality of a member of a judicial board prior to, and/or during the course of, the judicial proceedings.
- g) harassment (verbal or physical) and/or intimidation of a member of a judicial board prior to, during, and/or after a judicial proceeding.
- h) failure to comply with the sanction(s) imposed under the rules for student conduct.
- i) influencing or attempting to influence another person to commit an abuse of the judicial system.

23. Other acts or conduct, as determined by the college, that are disruptive of the educational process or dangerous or detrimental to students or college personnel or other persons, or which endanger the property of the college or college personnel or other persons, or which violate the rights of others.

C. A person who incites or assists others to engage in conduct that violates the Student Conduct Code may be considered and treated the same as the person carrying out such action.

D. Allegations of discrimination, protected class 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 Conduct Code.

E. Academic discipline shall be conducted under a separate college policy.

#### **Part 5: Initiation of Complaint**

Any member of the college community or any other individual who has been impacted by the alleged behavior of a student may file a charge against a student for violating the Student Conduct Code. Charges shall be prepared in writing and shall be filed with the Dean or a designee who is responsible for administering the Student Conduct Code. While anyone may submit a complaint, the college determines whether to continue with conduct proceedings after conducting an investigation of the charges. In all cases, the college is the formal complainant.

#### **Part 6. Investigation of the Complaint**

The Dean or a designee with whom the charge is filed shall conduct a preliminary investigation of the charge. If the charge is unwarranted or unsupported, the Dean or a designee shall discontinue proceedings.

#### **Part 7. Informal Meeting**

If the Dean or a designee believes that there is sufficient evidence to support the complaint, the Dean or the designee shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. The Dean or a designee shall provide prior to or at the informal meeting the following information:

- A. Oral or written notice to the accused student that a charge has been filed alleging that the student has violated the Student Conduct Code. This notice shall state the specific violation(s) alleged and the dates the alleged violation(s) occurred.
- B. A copy of the Student Conduct Code.
- C. Oral or written notice of the nature of the evidence available to support the charge.

The student shall be given an opportunity to respond to the charge. If the student fails to appear for the informal meeting or if a mutually acceptable resolution cannot be reached during the informal meeting, including any applicable sanctions, the Dean or a designee may impose an appropriate sanction against

the student without further process, provided the Dean or the designee does not impose a long-term suspension or an expulsion. The Dean or the designee shall send written notice to the student of any sanction imposed, including any applicable right to appeal.

If the Dean or a designee seeks to impose a long-term suspension or to expel the student, the student may request a formal campus hearing. If a mutually acceptable resolution cannot be reached during the informal meeting, including any applicable sanctions, the student may request either a formal campus hearing or appeal to the Vice President.

### **Part 8. Formal Campus Hearing**

- A. The composition of the judicial panel shall be developed by the Vice President of Academic and Student Affairs or a designee. Administration and/or faculty serving on the judicial panel shall be appointed by the Vice President of Academic and Student Affairs. Students serving on the judicial panel shall be appointed by the Student Senate.
- B. The chair of the judicial panel shall determine the time, date, and place of the hearing, which shall be at least two days after the accused student receives notice of the hearing. The student shall be considered notified of the hearing when the notice is hand-delivered to the student, or two days (excluding Sundays and legal holidays) after the notice is mailed to the student at the last known mailing address on file in the college records office. Such notice to the student shall include:
  - 1. A statement of the date, time, and place of the hearing;
  - 2. To the extent known, a list of witnesses expected to appear and the nature of their testimony;
  - 3. A summary description of any documentary or other evidence that may be presented in support of a charge;
  - 4. A statement that the student's failure to appear will not prevent the hearing from proceeding as scheduled and may lead to imposition of sanctions in the student's absence;
  - 5. Notice that the student may have an advisor present, and if there is a likelihood that the student will face criminal prosecution related to the charge, notice that the student may wish to retain an attorney to act as the student's advisor.
- C. The hearing shall be conducted in the following manner:
  - 1. The Dean or a designee shall first present the charge and supporting evidence, including testimony of any witnesses. The accused student shall have an opportunity to challenge the evidence and to ask questions of any witnesses introduced by the Dean or the designee.
  - 2. The accused student shall next present evidence or testimony to refute the charge. The Dean or a designee may challenge evidence presented by the student and may ask questions of witnesses introduced by the student.
  - 3. Only those materials and matters presented at the hearing shall be considered as evidence. The chair of the judicial panel shall exclude irrelevant, immaterial, or unduly repetitious evidence.

4. The hearing shall be held in closed session unless a majority of the panel or the hearing officer determines there is a compelling reason for the hearing to be open and neither the accused student nor the complainant presents an objection.
  5. The accused student may have an advisor present who may provide advice to the student, but may not participate in any questioning or advocate on behalf of the student. The advisor may be an attorney.
  6. The hearing shall be audio tape recorded, and the tape shall be kept on file in the Vice President or a designee's office for a period of three years.
- D. Upon conclusion of the hearing, the judicial panel in closed session shall consider the evidence presented and decide by a majority vote to exonerate the student or to impose one or more sanctions.
- E. The judicial panel shall send written notice of its findings and conclusions to the accused student, including any sanction imposed. Unless otherwise specified in the notice, all sanctions shall be effective when the student receives notice. The student shall be considered notified of the sanction when the notice is hand-delivered to the student, or two days (excluding Sundays and legal holidays) after the notice is mailed to the student at the last known mailing address on file in the college records office.

In cases involving a long-term suspension or an expulsion, the notice shall inform the student of the student's right to a contested case hearing under Minnesota law (Minnesota Statutes Chapter 14).

#### **Part 9. Appeals**

- A. A student may appeal a decision resulting from an informal hearing. The appeal must be in writing and must be delivered to the Vice Presidents' office within ten (10) calendar days of the decision.
- B. The Vice President decision shall be final.
- C. Students will be informed of the right to a contested case hearing under Chapter 14 of the Minnesota Statutes if the sanction involves a long-term suspension or expulsion. The student shall have 15 calendar days to request a Chapter 14 hearing from the college. Failure to request a Chapter 14 hearing within this time frame constitutes a waiver of an appeal. The 15-day time frame shall begin when the appeals decision is hand-delivered to the student, or two calendar days after the notice is mailed to the student at the last known mailing address on file in the college records office.
- D. After a Chapter 14 hearing, an administrative law judge shall make a report that contains a recommendation to the college President. Within 20 calendar days following receipt of the administrative law judge's report, a decision shall be made by the college President. The decision of the college President shall be final.

#### **Part 10. Sanctions**

Conduct that violates the Student Conduct Code may result in the sanctions listed below. More than one of the sanctions listed may be imposed for any single violation. The list is not exhaustive and examples are not listed in any rank order. In determining sanction(s) for student misconduct, the judicial panel will consider:

1. Facts of the case as presented by the accuser(s) and the accused;

2. Existence of any physical evidence or testimony of witnesses;
  3. Type and severity of the offense;
  4. Previous incidents of misconduct committed by the accused individual(s).
- A. **Warning:** A written or oral notice to the student that the student's conduct violates the Student Conduct Code. The warning allows the student an opportunity to correct the unacceptable conduct before more serious sanctions are imposed.
  - B. **Probation:** A written reprimand that a student has violated the Student Conduct Code. Probation is for a designated period of time and includes the probability of additional disciplinary sanctions if the student is found to be violating the Student Conduct Code during the probationary period.
  - C. **Restitution:** Requiring a student to compensate the college or an individual for loss or damage to college property or an individual's property or for misappropriation of college funds. This may take the form of monetary or material replacement, or appropriate service.
  - D. **Short-Term Suspension:** A sanction for a definite period of ten (10) school days or less, altering or denying the right of a student to be present on college property or to attend classes.
  - E. **Long-Term Suspension:** A sanction for a definite period of eleven (11) school days or more, altering or denying the right of a student to be present on college property or to attend classes.
  - F. **Summary Suspension:** A suspension imposed for up to ten (10) school days, without an informal meeting or a formal hearing, when a student's presence on college property endangers members of the campus community or endangers campus property or threatens disruption of the academic process.
  - G. **Expulsion:** A sanction permanently altering or denying the right of a student to be present on college property or to attend classes. An indefinite suspension is equivalent to an expulsion.
  - H. **Loss of Campus Privilege:** A sanction altering or denying a student's privilege to use college resources but not affecting a student's right to attend classes or be present on college property.
  - I. **Confiscation:** Goods used in violation of college rules and regulations, including falsified information or identification, may be confiscated and are not subject to return to the student.
  - J. **Participation in a Specific Program:** A student may be required to participate in a specific program(s), such as a counseling program, a community service program, an alcohol education program, or other program participation as assigned. Failure to participate as directed may result in the imposition of additional sanctions.

The following sanctions may be imposed upon groups or organizations:

1. The sanctions listed above in paragraphs A, B, C, H, I, and J.
2. **Deactivation:** Loss of all privileges, including college recognition.

#### **Part 11. Summary Suspension**

- A. **Grounds.** A college administrator may impose a summary suspension on a student if the college administrator has reasonable cause to believe that the accused student's continued presence on college property endangers members of the campus community or endangers campus property or threatens disruption of the academic process.

- B. Notice. The student shall be given oral or written notice of the summary suspension. The student shall be considered notified of the summary suspension when the college administrator notifies the student orally, or when a hand-delivered notice is presented to the student, or two days (excluding Sundays and legal holidays) after a notice is mailed to the student at the last known mailing address on file in the college records office. Such notice to the student shall:
1. State the specific alleged violation(s) of the Student Conduct Code;
  2. Provide the nature of the evidence in support of the charge;
  3. Inform the student of the student's right to present an oral or written response to the college administrator regarding the summary suspension no later than three (3) school days following the effective date of the summary suspension;
  4. Notify the student of the length of the summary suspension and the restrictions placed on the student.
- C. Duration. A summary suspension may only be imposed for nine (9) school days or less. 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. The college may impose further sanctions beyond nine (9) school days only after the student has been provided an opportunity for an informal meeting and, if applicable, a formal campus hearing.
- D. During the summary suspension, the student may not remain on or enter college property without obtaining prior permission from the Vice President. A student who is summarily suspended and does not leave college property upon receiving notice of the summary suspension, or who returns to college property after receiving notice of such summary suspension, may be subject to further sanctions. A student's refusal to leave college property will be considered trespassing. Local law enforcement officials may be called for assistance.