

3.6 Code of Conduct

Minnesota West Community and Technical College has a responsibility to provide a safe learning environment for all students. The College, therefore, reserves the right to take necessary and appropriate action to support and protect the safety and well being of the College community: its students, faculty, staff, facilities, and its programs. Students are expected to abide by local, state, and federal laws, and the College's rules.

Should the violation of a civil or criminal law by a student involve College interests, the College has the right to proceed with disciplinary action without regard to civil or criminal proceedings. These regulations apply on campus and at all College sponsored activities, and at activities sponsored by College clubs or organizations, on or off-campus, except where specifically limited. Students shall be subject to College discipline for violation of any of the Student Code of Conduct, including hazing, that occurs on or off College-controlled premises at College approved or sponsored functions.

Any disciplinary action occurring with Minnesota West Community and Technical College will be administered in the context of a unified and coordinated set of campus regulations and processes to ensure fair, equitable, and legal outcomes.

DEFINITIONS AND PROCEDURES FOR POLICY 3.6

ARTICLE I: DEFINITIONS

- 1) "College" means Minnesota West Community & Technical College.
- 2) "Administrator" means the campus administrator who has been designated by the College President to be responsible for the administration of the Student Code.
- 3) "Cheating" includes, but is not limited to:
 - a) Using any unauthorized assistance in taking quizzes, tests, or examinations.
 - b) Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.
 - c) Acquiring, without permission, tests or other academic material belonging to a member of the College faculty or staff
 - d) 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 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 the Minnesota State Colleges and Universities ("Minnesota State") as found in, but not limited to, the Student Code, Residence Life Handbook, the College and Minnesota State web pages, Minnesota State Policy Procedure 5.18 and 5.18.1 on Alcoholic Beverages and Controlled

Substances on Campus, Minnesota State Policy and 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 to show 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 alleged violations 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.
 - e) Are living in a College residence hall although not enrolled in the institution.
- 10) "Student organization" means any number of persons who have complied with the formal requirements for recognition by the College.
- 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.
- 13) "Chapter President" refers to the MSCF elected representative for respective campuses. There is a Northern and a Southern Chapter.
- 14)

ARTICLE II: PROSCRIBED CONDUCT

A. Jurisdiction of the College Student Code

The College Student Code 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 of the College community.
- 4) The violation constitutes a felony under state or federal law.
- 5) The violation adversely affects the educational, research, or service functions of the College.

The administrator shall decide on a case by case basis whether the Student Code shall be applied to conduct occurring off campus.

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

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) Furnishing false information to any College official, faculty member, or office.
 - b) 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. Verbal and written harassment or intimidation via electronic media (email, text messaging, Interactive Television, Facebook, Twitter) will be considered misconduct and rules governing discipline will be applied.
- 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 Minnesota State policy, rule, or regulation published in hard copy or available electronically on the College or Minnesota State website.
- 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 Minnesota State regulations), public intoxication, or violation of Minnesota State Policy and Procedure 5.18 and 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 College Computer Use Policy or Minnesota State Policy and Procedure 5.22 and 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 conduct code 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.
 - i) Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
- 18) Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

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 (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 may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of Administration. Determinations made or sanctions imposed under this Student Code 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 Administrator shall conduct an investigation of the allegations.
- 2) If the complaint seems unwarranted, the Administrator may discontinue proceedings.
- 3) If there is sufficient evidence to support the complaint, the Administrator 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 meetings 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 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. The [Tennessee Warning](#) form regarding confidentiality shall be used at the outset of interviews.
- 4) 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.
- 5) 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.
- 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 administrator, it is necessary to implement an immediate sanction for the safety and welfare of the college community.

B. Formal Hearing

- 1) The College President or designee determines the composition of the Student Conduct Panel. The Student Conduct Panel shall consist of two students, two faculty, and the appointed Administrator. The Chapter President will appoint three faculty from each campus to serve for one year; two will be called for a hearing. The Student Senate on each campus will appoint from its body three students to be trained to sit on the panel; two will be assigned per hearing. One student will accompany the presiding Campus Administrator or designee from another campus, and the other student will be from the campus/center where the accused student is registered. Student Conduct Panel Hearings shall be conducted by the Student Conduct Panel according to the following guidelines:
 - a) Student Conduct Panel Hearings normally shall be conducted in private and chaired by a college Administrator not of the campus involved in the proceedings.
 - 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 the complaint, the evidence to be presented against him/her, a list of witnesses, and the nature of their testimony.
 - d) In hearings involving more than one accused student or organization, the Administrator in charge of the hearing, at 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 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 Administrator 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*, by conducting the interviews in separate facilities, using a visual screen, and/or granting permission for witnesses to participate by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means as determined to be appropriate.

C. Sanctions

- 1) The following sanctions may be imposed upon any student found to have violated the Student Code:
 - 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) Residence Hall Suspension-Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - g) Residence Hall Expulsion-Permanent separation of the student from the residence halls.
 - h) 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. Suspension for disciplinary reasons shall be noted on the transcript per the authorization of the Campus Administrator.
 - i) Expulsion-Permanent denial of the privilege of enrollment at the College. Expulsions for disciplinary reasons shall be noted on the transcript per authorization of the Campus Administrator.
 - j) 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.
 - k) Withholding Degree-The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, 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 Administrator 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 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.

E. Appeals

- 1) A decision reached by the Student Conduct Panel or a sanction imposed by the Administrator in charge of the hearing may be appealed by the accused student(s) or complainant(s) to the College Provost within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Administrator 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 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 occurred.
 - c) To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code 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 a student's appeal is not upheld, the matter shall be considered final and binding upon all involved except in cases involving sanctions of suspension for 10 days or longer. Students shall be informed by an Administrator of their rights to a contested case hearing under Minnesota State Statute 14.57. The Administrator will explain the procedure for initiating the process.

ACADEMIC INTEGRITY POLICY

Academic integrity, one of the most important values in higher education, requires that each student's work represents his/her own personal efforts and that the student acknowledges the intellectual contributions of others. Minnesota West Community & Technical College students are expected to honor the requirements of this policy. The following are unacceptable academic practices that are policy violations.

Definitions

The prevailing forms of academic dishonesty are cheating, plagiarism, collusion, and the submission of false information regarding admission, readmission, and academic appeals of petitions.

Cheating in the instructional setting is the unauthorized use or exchange of information by students in meeting academic standards or requirements; examples include, but are not limited to, the following:

- Copying other's work during an examination.
- Using unauthorized notes or aids during an examination.
- Taking an examination for another student.
- Collaboration with any other person during a test without authority.
- Unauthorized assistance on a take home examination.
- Arranging for another student to take an examination.
- Attempting to obtain, or knowingly obtaining, using, buying, selling, transporting or soliciting in whole or in part the contents of an unreleased test or information about an unreleased test.

- Bribing any other person to obtain an unreleased test or information about an unreleased test.
- Submitting substantial portions of work for credit in more than one course, without consulting the instructors.
- Submitting research and assignments prepared by others (e.g., purchasing the services of a commercial term paper company).
- Altering or forging an official college document.

Plagiarism is representing another person's words or ideas as one's own without proper attribution or credit. Other people's words or ideas must be given adequate documentation whether used in direct quotation or in summary or paraphrase. Plagiarism includes, but is not limited to, quoting written or oral materials without citation on an exam, term paper, homework, or other written materials or oral presentations for an academic requirement; submitting a paper purchased from a term paper service as one's own; submitting anyone else's work as one's own. Any form of plagiarism constitutes an act of cheating.

Collusion is an agreement by two or more people to commit an act of academic dishonesty. The College will not attempt to distinguish between students who cheat or plagiarize and those who allow such behaviors to occur. A student who intentionally assists another in the act of cheating or plagiarism is subject to disciplinary action for academic dishonesty.

Procedure:

- 1) The faculty member will confront the student regarding the specific charge, meet with the student to discuss the charge, consider the evidence, and hear the student's explanation.
- 2) If the faculty member determines that the student has violated the Academic Integrity Policy, the faculty member will inform the student of the consequences of the violation and the course-related sanctions the faculty member will impose. A course instructor, convinced that an act of academic dishonesty has occurred, has the authority to implement any of the following responses:
 - a) Reprimand.
 - b) Assignment of substitute and/or additional work.
 - c) Reexamination.
 - d) Lowering the grade of the assignment and/or course.
 - e) Failure and/or dismissal from the course.
 - f) Report to Administration.
- 3) Referrals to Administrators
 - a) Should the academic offense be so egregious that it warrants further sanctions, the issue must be referred to the Campus Administrator, Vice President of Instruction, or Provost of the College by completing the [Academic Integrity Infraction](#) form.
 - b) The Provost will inform the student in writing that the report has been filed. The Provost or other Presidential designee may impose sanctions in addition to those imposed by the faculty.
 - c) The student has the right to appeal the sanctions by using the process outlined in the [Grade Appeal Form](#).
 - d) The Campus Administrator is responsible for keeping records regarding the adjudication.

Appeals:

If the student disagrees with either the determination of a violation of the policy or with the sanction, the student may appeal the instructor decision. Refer to the [Grade Appeal Form](#).