

3.6.1 Student Code of Conduct Procedure

Part 1. Introduction.

Procedure 3.6.1 shall implement Policy 3.6 Student Conduct.

The Student Code of Conduct applies at all college locations and to all College activities, wherever they occur. In addition, student organizations are subject to the Code of Conduct and the process in Part 4 of this procedure.

Part 2. Definitions.

For purposes of Policy 3.6 and Procedure 3.6.1, the following definitions apply:

Subpart A. College means Central Lakes College.

Subpart B. Administrator means that person designated by the College President to administer the Student Code.

Subpart C. Policy means the written regulations of the college and Minnesota State Colleges and Universities ("MinnState") as found in, but not limited to, the Student Code, the college and MinnState Web pages, Board Policy and System Procedure 5.18 and 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus, Board Policy and System Procedure 5.22 and 5.22.1 on Acceptable Use of Computers and Information Technology Resources, and the College catalog.

Subpart D. Student includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through the College;
2. Withdraw, transfer, or graduate after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term but have a continuing relationship with the college; and/or
4. Have been notified of their admission acceptance, or have initiated the admission or financial aid application process.

Subpart E. Student Organization means any number of persons who have complied with the formal requirements for college (recognition/registration).

Subpart F. Suspension means a denial of the privilege of enrollment for a specified period after which the student is eligible to return. Conditions for re-enrollment may be determined.

Subpart G. Expulsion means a permanent denial of the privilege of enrollment at the college.

Subpart H. Emergency Removal means a suspension imposed without a formal hearing to ensure the safety and well-being of members of the College community.

Subpart I. Hazing means an act that 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 initiation, admission into, affiliation with, or as a condition for continued

membership in a student group, organization, or athletic team.

Subpart J. Preponderance of evidence means a standard of responsibility that is more likely than not that the code has been violated.

Subpart K. Cheating includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

Subpart L. Plagiarism includes, but is not limited to, the use, by paraphrase or direct quotations, of another person's published or unpublished work without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in selling term papers or other academic materials.

Part 3. Notification and Student Responsibilities.

Subpart A. Student Responsibilities.

Students are responsible for knowing and abiding by all the rules and regulations of Central Lake College. Many of these rules and regulations are 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 may result in disciplinary action. Central Lakes College shall notify students annually of the availability and location of the student code of conduct policy.

Part 4. Proscribed Behavior and Sanctions.

Subpart A. Jurisdiction of the Student Code of Conduct.

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; or
5. The violation adversely affects the college's educational, research, or service functions.

The administrator shall decide, on a case-by-case basis, whether the Student Code shall apply to conduct occurring off-campus.

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

Subpart B. Rules and Regulations.

Any student found to have committed or attempted to commit the following misconduct in the circumstances falling under the jurisdiction of this code may be subject to the disciplinary sanctions outlined in Part 4, Subpart E.

Subpart C. Proscribed Conduct.

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty;
 - b. Furnishing false information to any college official, faculty member, or office;
 - c. Forgery, alteration, or misuse of any college document, record, or identification instrument.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or 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 that threatens or endangers any person's health or safety.
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 the directions of college officials or law enforcement officers performing their duties, and/or failure to identify themselves to these persons when requested.
7. Unauthorized possession, duplication, or use of keys to any college premises or unauthorized entry to or use of college premises.
8. Violation of any college or board policy, rule, or regulation published in hard copy or available electronically on the college or MinnState website.
9. Violation of any federal, state, or local law.
10. Use, possession, manufacturing, distribution, or being on campus under the influence of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by College or MinnState regulations), public intoxication, or violation of Board Policy 5.18 and System Procedure 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

13. Participation 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. Obstructing 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 their prior knowledge or their 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 or Board Policy 5.22 and System Procedure 5.22.1 on Acceptable Use of Computers and Information Technology Resources.
17. Abuse of the student conduct system, including but not limited to:
 - a. Failure to obey the notice from a student conduct panel or college official to appear for a meeting or hearing as part of the student conduct system;
 - b. Falsification, distortion, or misrepresentation of information before a student conduct panel;
 - c. Disruption or interference with the orderly conduct of a student conduct panel proceeding.
 - d. Making false accusations;
 - 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 before and/or during the student conduct panel proceeding;
 - g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct panel before, 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. Use of any tobacco product in non-designated areas, including a lighted cigar, cigarette, or pipe; the use of smoking material; or the use of smoking tobacco, including E-cigarettes, is not allowed on campus.
19. Use of chewing tobacco on campus premises.
20. Knowingly furnishing false information to college personnel or knowingly passing an insufficient funds check or fraudulent money order in payment of any financial obligation to the college.
21. Forgery, alteration, or unauthorized use of any College document or instrument of identification.

22. Unauthorized presence in or use of College premises, facilities, or property.
23. Refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized under the regulation of the college.
24. Unauthorized or fraudulent use of College facilities, telephone system, mail system, computer system, or the usefulness of any of the above for any illegal act or any act prohibited by the Code of Conduct.
25. Deliberate destruction of, damage to, malicious use of, or abuse of property, wherever located, or the intentional destruction, damage to, or malicious use of public or private property.
26. Gambling for money or other things of value on campus or at College-sponsored activities except as permitted by law.
27. Falsely claiming to represent the college or a student organization of the college.
28. Actions that unreasonably interfere, obstruct, or prevent the college's regular and essential operations or infringe upon others' rights to freely participate in its programs and services. This may include, but is not limited to, intentionally and substantially interfering with others' freedom of expression.

Subpart D. Violation of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation), without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. Proceedings under this Student Code may be carried out before, simultaneously with, or following civil or criminal proceedings off campus at the administrator's discretion.

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 a violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Subpart E. College Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

Issuance of a written warning, admonition, or reprimand may include a referral for counseling.

1. Warning. Issuance of a written warning, admonition, or reprimand may include a referral for counseling.
2. Probation. A written reprimand for violation of specified regulations. Probation is for a designated period of time. It includes the risk of more severe disciplinary sanctions if the student is found to have violated any institutional regulation(s) during the probationary period. In addition, the college may impose specific written conditions for the probation.

3. Loss of Privileges. Denial of specified privileges for a designated period of time.
4. Restitution. Required reimbursement for damage to or misappropriation of property. This may take the form of appropriate restorative justice approaches, services, or other compensation.
5. Discretionary sanctions. Work assignments, fines, service to the college, counseling, or referral to community agencies, rehabilitative programs, or other related discretionary assignments.
6. Denial of access. Denial of rights to access the college premises or specified areas within the college, either permanently or for a specified period of time.
7. 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 must be specified.
8. Expulsion. Permanent denial of the privilege of enrollment at the college.
9. Revocation of Admission and/or Degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violations of college standards in obtaining the degree or for other serious violations a student committed before graduation.
10. Withholding Degree. The college may withhold awarding a degree otherwise earned until the completion of the process outlined in this student conduct code, including the completion of all sanctions imposed, if any.

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

The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions are 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.

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

Subpart F. Emergency Removal/Suspension.

In certain circumstances, the administrator may impose an emergency removal suspension before the informal or formal proceedings described in the previous articles. An emergency removal suspension may be imposed only when, in the administrator's judgment, the accused student's presence on the College campus would threaten the safety and well-being of members of the campus community. To the greatest extent possible before implementing the emergency removal suspension, the accused student shall be given oral or written notice of the intent to suspend and shall be allowed to present oral or written arguments against its imposition. However, a student's refusal to accept or acknowledge this notice shall not prevent the implementation of an emergency removal suspension. The student will receive written notification of the emergency removal suspension. After the student has been removed from campus and suspended, the student shall be provided an opportunity for a formal or informal hearing within the shortest reasonable time, not exceeding nine (9) school or business days. During the emergency removal

suspension, the student may not enter the campus without obtaining prior permission from the administrator.

Subpart G. Student Rights and Due Process

Disciplinary action against individual or group students must be administered within a unified, coordinated set of campus regulations and processes to ensure fair, equitable, and lawful outcomes. Each person involved in administering the Student Code of Conduct of Central Lakes College will strive to maintain a fair, objective, consistent, 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:

1. Protecting the integrity and order of the institution and the morale and reputation of students and staff.
2. Educating the student involved in the conduct process so they may learn to accept the responsibilities of membership within the College community.
3. Helping the student gain insight into the reasons and consequences of their behavior so that they may cope with difficult future situations more successfully.

The administration of the Student Code of Conduct shall also guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality depending on the gravity of the alleged offense and the potential sanctions. Sanctions shall be commensurate with the seriousness of the offense and may include suspension/expulsion from the college community. Repeated violations justify increasingly severe sanctions. In all cases, procedural fairness 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 was not arbitrary in its actions, and that there be provision for appeal of the decision. Therefore, persons making charges must provide pertinent information in writing and, if necessary, appear at a hearing.

Part 5. Process.

Subpart A. Investigation and informal process.

1. Any college community member may file a written complaint alleging that a student or organization has violated student conduct proscriptions. Any complaint should be submitted as soon as possible after the event.
2. Persons filing complaints shall be informed of their rights under Minnesota Statutes 13.04, subdivision 2. Upon filing a complaint against a student, the Dean of Students or designee shall investigate the allegations.
3. If the Dean of Students or designee deems a complaint unwarranted, they may discontinue proceedings.
4. Suppose there is sufficient evidence to support the complaint. In that case, the Dean of Students or designee shall offer the accused student an opportunity to resolve the alleged

violation at an informal meeting. Before this meeting, the student shall be given written notice of the specific complaint against them and the nature of the evidence available to support it, and shall be provided with a copy of the code of conduct. During the meeting, the Dean of Students or designee shall review the complaint and the evidence with the student and allow the student to present a defense against the complaint. Within a reasonable time period following the meeting, the Dean of Students or designee shall inform the accused student in writing of the decision whether a violation of the code was established by evidence, any applicable sanction, and the options available for an appeal or a formal hearing.

5. A student who is subject to a sanction of expulsion or suspension, except an emergency removal suspension, for more than nine days may agree to accept the sanction or may request a formal hearing before implementation of the sanction. The formal hearing should be held within a reasonable time. Other sanctions may be accepted or appealed in accordance with the college's appeal procedures.
6. If the accused student fails to appear for the informal hearing, the Dean of Students or designee may proceed to review and act upon the complaint in their absence and notify the student in writing of the action taken.
7. A sanction shall not become effective during the time in which a student seeks an appeal or formal hearing unless, at the discretion of the administrator, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

Subpart B. Formal hearing.

The Judicial Panel shall conduct the formal hearing procedure. The Judicial Panel shall consist of an academic dean, two faculty members, one staff member, a counselor, and two student representatives. Students serving on the judicial panel shall be elected by the student body or appointed by the campus student association. The Judicial Board shall conduct hearings according to the following guidelines:

1. Proceedings will normally be conducted in private.
2. Students or organizations referred for a formal hearing shall be given adequate advance written notice of the time, place, and date of the hearing. A student's or organization's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
3. Within a reasonable time before the hearing, the student must be informed in writing of the following:
 - a. The complaint,
 - b. The evidence to be presented against them,
 - c. A list of witnesses, and
 - d. The nature of their testimony.
4. The student shall be allowed to speak in their defense, present witnesses, question any witnesses, and have an advocate present. The advocate may advise the student but not participate in any questioning. When there is a likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable for the student to have an attorney as their advocate.

5. In hearings involving more than one accused student or organization, the administrator may, at their discretion, permit the hearing for each student to be conducted either separately or jointly.
6. Admission of any person to the proceeding shall be at the discretion of the Judicial Panel.
7. In proceedings involving more than one accused student, the Judicial Panel may, at its discretion, permit the proceedings concerning each student to be conducted separately.
8. 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 sanction to be imposed. The notice shall also contain information regarding any applicable appeal process.
9. The hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or another witness during the hearing by providing for the presence of law enforcement and/or security, separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the administrator to be appropriate.

Subpart C. Appeals.

Following the panel's decision, a student may request an appeal hearing before the Vice President of Academic and Student Affairs. The request for an appeal to be heard must be submitted in writing to the Dean of Students within five working days of the date of the notification of the decision. The Dean of Students will forward the information to the Vice President of Academic and Student Services. Failure to file an appeal or request an extension promptly constitutes a waiver of any right to an appeal. 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:

1. 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.
2. 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 a violation of the Student Code of Conduct.
3. To determine whether the sanction(s) imposed were appropriate for violating the Student Code of Conduct that the student was found to have committed.
4. 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.

If the Vice President upholds an appeal, s/he may take any appropriate action. If an appeal is not

upheld, the matter shall be considered final and binding upon all involved, except that in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

Subpart D. Chapter 14-Contested Case Hearing

Students suspended for more than ten days or expelled may request a contested case hearing before an administrative law judge supplied by the Minnesota State Hearing Examiner's Office in Saint Paul, Minnesota. The hearing officer will issue a recommendation to the President of the College, who will make the final decision.

Subpart E. Records Retention

All non-academic conduct records will be housed with the Dean of Students' Office and retained for five years.

Part 6. Academic and Classroom Misconduct.

All students have the right to pursue their academic careers in an atmosphere of honesty and trust. Acts of academic misconduct destroy that atmosphere, violate that trust, and are therefore subject to penalty. This section of the Student Code of Conduct defines academic misconduct and outlines the procedure for imposing penalties for such actions. Acts of academic misconduct necessarily involve the Vice President of Academic and Student Affairs, academic deans, and faculty. Therefore, the procedures for investigating complaints and imposing penalties for academic misconduct differ somewhat from those applied to social misconduct.

Subpart A. Academic Honesty

A fundamental concept of all educational institutions is academic honesty. All academic work depends upon respect for and acknowledgment of the research and ideas of others.

Misrepresenting someone else's work as one's own is a most serious offense in any academic setting. Therefore, academic misconduct in relation to academic dishonesty, including any form of cheating and plagiarism, cannot be condoned.

Academic misconduct, as referenced, includes, but is not limited to, the following:

1. Cheating: the use of unauthorized materials, methods, or information in any academic exercise, including improper collaboration (electronic or otherwise).
2. Plagiarism: the representation of the words or ideas of another as one's own, including:
 - a. Direct quotation without attribution and indication that the material is being directly quoted, e.g., quotation marks; paraphrase without attribution.
 - b. Paraphrase with or without attribution where the wording of the original remains substantially intact and is represented as the author's own.
 - c. Expression in one's own words, but without attribution, of ideas, arguments, lines of reasoning, facts, processes, or other products of the intellect where such material is learned from the work of another and is not part of the general fund of common academic knowledge.
 - d. Fabrication: the falsification or invention of any information or citation in an academic exercise.
 - e. Fraud: the falsification, forgery, or misrepresentation of academic work, including the re-submission of work performed for one class for credit in another class without the informed permission of the second instructor; or the falsification, forgery, or misrepresentation of other academic records or documents, including admission materials and transcripts; or the communication of false or misleading statements to obtain academic advantage or to avoid academic penalty.

3. Bribery or intimidation in relation to the grading process.
4. Engaging or assisting others in any portion of the acts mentioned above.

Subpart B. Classroom Misconduct

Beyond academic dishonesty, other modes of conduct undermine students' academic success during classroom instruction. Therefore, students are prohibited from impeding an environment conducive to learning, whether during traditional instruction, instruction through technological means, instruction within a learning center, instruction by way of tutoring, or instruction by way of individual study on the campus of Central Lakes College. Hence, any student who disrupts the educational process of another student or students is subject to sanctions as described in the informal judicial process for academic misconduct.

Academic misconduct, as so referenced, includes, but is not limited to, the following:

1. Being openly disruptive.
2. Engaging in verbal outbursts, talking loudly to classmates, independent of class discussion.
3. Talking in an openly abusive or disrespectful manner to the instructor and/or to classmates.
4. Disregarding verbal and/or written instruction in relation to expected codes of conduct during classroom instruction.
5. Initiating or participating in inappropriate conduct (e.g., horseplay) that disrupts classroom activities.
6. Using any device to cause disturbance inside or outside the classroom during instruction.
7. Continuing to engage in inappropriate interaction after one has been counseled not to continue the adverse behavior.

Subpart C. Procedures for Academic and Classroom Misconduct

1. Informal Judicial Process

A faculty member has the right to remove a student from a class session before activating the informal judicial process if that student is interfering with the learning environment and the rights of other students. If a faculty member believes that misconduct warranting discipline has occurred, they shall inform the student concerned and offer to confer with them. If the student foregoes such a conference, or if, after the conference, the faculty member remains convinced that misconduct warranting discipline has occurred, they may, among other options, treat any work in question or an entire course as unsatisfactory and inform the student thereof.

2. In cases of academic misconduct, the faculty member may submit an Academic Integrity/Misconduct form, which will be routed to the Academic Dean/designee for evaluation to determine whether further disciplinary action is warranted. Central Lakes College will place the Academic Integrity/Misconduct form in the student's file, along with any supporting documentation. The Academic Dean/designee will notify the student that this form has been logged in their file.

3. Formal Judicial Process

Students have the right to appeal decisions resulting from this policy. A written appeal must be made to the Vice President of Academic and Student Affairs within five (5) working days after written notification of the decision being appealed. The Vice President of Academic and Student Affairs will decide and notify the appellant.

Part 7. Release of Information.

Central Lakes College will not release to the media the results of disciplinary procedures arising from its student investigations, including those involving criminal offenses. However, such records may be released to government agencies exercising jurisdiction.

Part 8. Records Retention.

All academic misconduct records shall be forwarded to the Academic Affairs Office, where they will be logged and retained for five years.

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