



North Hennepin
Community College

Code of Student Conduct For Student Behavior And Academic Honesty

Section I. Introduction.

North Hennepin Community College (NHCC) strives to provide a positive, welcoming atmosphere that supports teaching and learning. As members of the College community, all students are expected to conduct themselves in a manner consistent with norms of behavior as stated in this policy and MnSCU Board Policy and Procedure 3.6 and 3.6.1. Any member of the College community may file a written complaint against a student alleging a violation of the Code of Student Conduct. The Code of Student Conduct and reporting forms are accessible at www.nhcc.edu/policies.

Allegations of discrimination, harassment, and sexual violence shall be resolved in accordance with MnSCU to Board Policy and Procedures 1B.1 and 1B.1.1 Nondiscrimination in Employment and Education Opportunity and MnSCU Board Policy and Procedure 1B.3, and 1B.3.1 Sexual Violence Policy. Allegations of fraud or dishonest acts shall be resolved in accordance with MnSCU Board Policy 1C.2 Fraudulent or Other Dishonest Acts.

Section II. Definitions.

- A. **College** is North Hennepin Community College.
- B. **College Community Member** is any person who is a student or who is employed by or otherwise affiliated with the College.
- C. **Complainant** is any person who alleges a violation of the Code of Student Conduct.
- D. **Conduct Officer** is the person(s) designated by the College President to be responsible for the administration of the Code of Student Conduct.
- E. **Expulsion** means permanent denial of enrollment privileges.
- F. **Preponderance of Evidence** means a standard of responsibility that it is more likely than not that the Code of Student Conduct has been violated.
- G. **Student** includes all persons who:
 - 1. are enrolled in one or more courses, either credit or non-credit;
 - 2. withdraw, transfer or graduate, after an alleged violation of the Code of Student Conduct;
 - 3. are not officially enrolled for a particular term but who have a continuing relationship with the college; and/or
 - 4. have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
- H. **Student Advocate** is someone who serves in an advisory role to the accused student or to the complainant at their own expense. Student advocates are not permitted to speak or participate directly in the hearing process. Students who may face criminal prosecution for a serious offense may choose an attorney as their advocate.
- I. **Student Conduct Panel** includes those persons trained and authorized by the Conduct Officer to participate in formal hearings of the Code of Student Conduct.
- J. **Student Conduct Processes** are separate from processes in local, state, or federal law. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Code proceedings.
- K. **Student Organization** is a group of persons who have met the formal club or organization recognition requirements as outlined by the Student Senate.
- L. **Summary Suspension** means a suspension imposed without a formal hearing to ensure the safety and well-being of the College community.
- M. **Suspension** means denial of enrollment privileges for a specified period of time after which the student is eligible to return.

Section III. Jurisdiction of the College.

The College has the right to take necessary and appropriate action to support and protect the safety and well-being of the College community. NHCC students are expected to abide by local, state, and federal laws and College rules and policies. Should the violation of civil or criminal law involve College interests, the College has the right to proceed with

disciplinary action prior to, simultaneously with, or following civil or criminal proceedings. Code of Student Conduct processes and sanctions are separate from processes and sanctions associated with local, state or federal law. The Code of Student Conduct applies to conduct on College premises, at College-sponsored activities, and to off-campus conduct in the following circumstances:

- A. Hazing is involved;
- B. The violation is committed while participating in a college sanctioned or sponsored activity;
- C. The victim of the violation is a member the college community;
- D. The violation constitutes a felony under state or federal law; or
- E. The violation adversely affects the educational, research, or service functions of the college.

Section IV. Standards of Behavior for which Students are held Accountable.

The provisions of this policy do not affect the rights of persons in authority to take immediate and temporary actions necessary to maintain the classroom or program atmosphere.

Violations for which students are subject to disciplinary action include but are not limited to:

Part A. Academic Dishonesty includes cheating, plagiarism, and collusion:

1. **Cheating** is the unauthorized use or exchange of information for personal gain. Cheating includes, but is not limited to:
 - a. copying another's work;
 - b. using unauthorized notes or aids;
 - c. unauthorized collaboration with another person on coursework;
 - d. unauthorized assistance on a take home examination;
 - e. completing coursework assigned to another student;
 - f. attempting to obtain, or knowingly obtaining tests or other academic material belonging to a member of the College without permission;
 - g. submitting substantial portions of work for credit in more than one course, without consulting the faculty;
 - h. submitting research and assignments prepared by others (e.g. purchasing the services of a commercial term paper company or from the internet);
 - i. engaging in any behavior specifically prohibited by the faculty member in the course syllabus or class discussion.
2. **Plagiarism** is representing another person's words or ideas as one's own without proper attribution or credit. Plagiarism includes, but is not limited to:
 - a. the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment;
 - b. the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
3. **Collusion** is an agreement by two or more people to commit an act of academic dishonesty. The College does 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 equally subject to disciplinary action for academic dishonesty.

Part B. Alcoholic Beverages and/or Illegal Substance Abuse including but not limited to:

1. the unauthorized use, possession, or distribution of alcoholic beverages or controlled substances on-campus or at College-sponsored events;
2. reporting to campus while intoxicated or under the influence of alcohol or a controlled substance.
(see also NHCC Policy V.02.04.03)

Part C. Computer and/or Technology Misuse including, but not limited to:

1. the use of a College account or password assigned to someone else;
2. interfering in or disrupting technology and network services;
3. installing or downloading unauthorized software;
4. distributing viruses or other malicious code;
5. use of College technical systems to harass, threaten, defame, or stalk another person;
6. violating state, MnSCU or College computer policies.

(see also MnSCU Board Policy and Procedure, 5.22 and 5.22.1).

Part D. Discrimination or Harassment. Allegations of discrimination or harassment based on race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation or membership or activity in a local commission are handled under separate procedures in accordance with MnSCU Board Policy and Procedure 1B.1 and 1B.1.1.

Part E. Disregard for the Code of Student Conduct Process including but not limited to:

1. failing to obey a summons from the Conduct Officer;
2. falsifying, distorting, or misrepresenting information obtained during an investigation or finding;
3. disrupting or interfering with the Student Conduct process;
4. initiating a complaint knowingly without cause;
5. attempting to discourage an individual's proper participation in or use of Student Conduct process;

6. attempting to influence, harass, or intimidate a participant in the Student Conduct process;
7. failing to comply with the sanction(s) imposed under the Student Code of Conduct.

Part F. Disruptive or Disorderly Conduct including but not limited to:

1. interfering with, obstructing, or otherwise disrupting teaching and learning;
2. disrupting or inciting others to disrupt regular or essential operations and activities of the College;
3. obstructing, manipulating, or misusing College policies, processes, systems, resources, or services.
4. participating in on- or off-campus demonstrations, riots, or activities that disrupt normal College operations or infringe on the rights of the College community;
5. intentionally obstructing the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.

Part G. Hazing including, but not limited to:

1. endangering the mental or physical health or safety of a person, subjecting a person to public humiliation or ridicule;
2. destroying or removing 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 H. Falsifying Information including, but not limited to:

1. withholding information;
2. forgery or alteration of College documents or records;
3. misusing data or College records;
4. falsely claiming to represent the College, or any part or activity of the College;
5. reserving registration in more than one section of the same course within a term;
6. knowingly passing an insufficient funds check or fraudulent money order in payment of any financial obligation to the College;
7. tampering with the election of any College-sponsored club or organization.

Part I. Gambling including but not limited to: wagering for money or other things of value, except as permitted by law.

Part J. Obstruction of Essential College Operations including but not limited to:

1. failing to comply with directions of College or emergency officials acting in the performance of their duties;
2. failure to identify oneself to these persons when requested to do so, after they have identified themselves.

Part K. Smoking and Tobacco Use including, but not limited to: smoking or using tobacco in College buildings or smoke and tobacco-free areas.

Part L. Solicitation including, but not limited to:

1. the selling of good or services without authorization;
2. recruiting without authorization.

Part M. Theft, Damage or Misuse of College or Personal Property including but not limited to:

1. attempted or actual theft of, or damage to, or misuse of College or personal property;
2. unauthorized possession or use of College materials, supplies, equipment, keys or facilities;
3. unauthorized entry to or use of College premises and facilities.

Part N. Threatening and Harmful Conduct including but not limited to:

1. physical abuse, verbal abuse, threats, intimidations, coercion, and/or other conduct that threatens or endangers the health or safety of the College community;
2. illegal or unauthorized possession of firearms, explosives, knives, or other weapons - including potential weapons - or dangerous chemicals on College premises or use of any such item if legally possessed, in a manner that harms, threatens, or causes fear to others;
3. falsely reporting a fire, bomb, or any other emergency by activating an alarm or by any other means;
4. engaging in unauthorized possession, use, or alteration of any College-owned emergency or safety equipment;
5. failing to evacuate a building or other structure during an emergency or emergency drills;
6. failing to follow appropriate and legal safety practices as they apply to the instructional setting;
7. failure to follow appropriate and legal and safety practices as they relate to student employment.

Part O. Violations of Federal, State and Local Laws and MnSCU and College Policies including violations of federal, state, or local laws and violations of MnSCU and College policies not listed here.

Section V. Faculty Right and Authority for Classroom Management.

Faculty have the right and responsibility to ensure a classroom environment conducive to learning. Academic honesty and integrity are integral to the academic process. Faculty have the authority to implement appropriate sanctions when students engage in academic dishonesty or disrupt the learning environment.

- In cases of academic dishonesty, appropriate classroom sanctions include, but are not limited to:
 - warning;
 - assignment of substitute and/or additional work;
 - reexamination;
 - grade reduction (including a zero) for the assignment;
 - grade reduction (including an F – failing) for the course.

- filing a code of conduct complaint with College administration.
- In cases of classroom disruption, appropriate classroom sanctions include, but are not limited to:
 - verbal warning;
 - written warning;
 - direction to leave the class for the remainder of the period;
 - filing a code of conduct complaint with College administration.

Faculty shall ensure the student is notified of any academic dishonesty charge and the corresponding academic sanction. Faculty shall report academic dishonesty or conduct incident and the corresponding classroom sanction to the appropriate Academic Dean and the Conduct Officer.

In addition to academic sanctions imposed by the faculty member, the Conduct Officer may, at his/her discretion, initiate an investigation and proceed with the Code of Student Conduct process.

Section VI. Investigation and Informal Hearing Process.

Part A. Any member of the College community may file a written complaint alleging a violation of the Code of Student Conduct. A complaint should be submitted as soon as possible after the event takes place, preferably within three (3) business days. Persons filing a complaint shall be informed of their rights under the Minnesota Data Practices Act. Although a complaint needs to be submitted in writing, the Conduct Officer may proceed on a verbal complaint. Following the filing of a complaint, the Conduct Officer shall conduct a preliminary investigation of the allegations.

Part B. If the complaint seems unwarranted, the Conduct Officer may discontinue proceedings.

Part C. If there is sufficient evidence to support the complaint, 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 provided with:

1. written notice of the specific complaint against him/her;
2. a copy of the Code of Student Conduct.

Part D. The informal meeting shall be scheduled as soon as possible, but no more than ten business days after initial notice of the complaint to the student.

Part E. During the meeting the Conduct Officer shall review the complaint and the evidence with the student and allow the student to present a defense against the complaint. With a reasonable time following the meeting, the Conduct Officer shall inform the accused student in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing.

Part F. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine (9) days may agree to accept the sanction, or may request a formal hearing. The formal hearing should be held within a reasonable time. Other sanctions shall be accepted or may be appealed in accordance with the appeal procedures outlined below.

Part G. If the accused student fails to appear for the informal hearing, the Conduct Officer may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.

Part H. 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 Conduct Officer, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

Section VII. Formal Hearing Process.

The Conduct Officer is responsible for convening a Student Conduct Panel. The panel shall include six members who have been trained in conduct proceedings - three students (appointed by the Student Senate), one faculty member (appointed by the Faculty Association), one staff member and one administrator (designated by the College Vice President). The administrator shall serve as a non-voting chairperson. The Conduct Officer shall be present and serves as a non-voting advisor of the Student Conduct hearing process. The Student Conduct panel hearing process shall follow the guidelines below:

- A. Student conduct panel hearings shall normally be conducted in private.
- B. If more than one accused student or organization is involved, the Conduct Officer may choose to conduct the hearings separately or jointly.
- C. The failure of a student, student advocate, or student organization to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
- D. During the hearing the accused student shall be given the opportunity to speak in his/her own defense, to present witnesses and question any witnesses and to have a student advocate present.
- E. The hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses 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 Conduct Officer to be appropriate.

- F. At least five (5) business days prior to the hearing, the accused student or organization shall be provided written notice of:
 - 1. the time, place, and date of the hearing;
 - 2. the complaint and the nature of the evidence to be presented against him/her.;
- G. At least three (3) business days prior to the hearing, the accused student shall provide the Conduct Officer with:
 - 1. names of material witnesses that may be called to speak on his/her behalf;
 - 2. copies of all documents or written statement that will be presented on his/her behalf;
 - 3. name of his/her advocate, if an advocate will be present.
- H. The order of the hearing shall be as follows:
 - 1. The chair presents an opening statement of the charges and the supporting evidence.
 - 2. The accused student presents an opening statement of testimony or evidence to refute the charges.
 - 3. The chair calls witnesses for the College. At the conclusion of each witness statement, the accused, the panel, or the chair may ask questions. Witnesses may be recalled as needed.
 - 4. The chair calls witnesses for the accused. At the conclusion of each witness statement, the accused, the panel, or the chair may ask questions. Witnesses may be recalled as needed.
 - 5. The chair presents a closing statement.
 - 6. The accused presents a closing statement.
- I. In closed session the Student Conduct Panel shall review the evidence and witness testimony. Using the preponderance of evidence standard, the Student Conduct Panel shall determine by majority vote whether it is more likely than not a violation occurred. If the Student Conduct Panel determines a violation occurred, they may also make a recommendation to the Conduct Officer to amend the sanctions(s) imposed.
- J. The Conduct Officer shall provide a written notice of findings, including any sanctions imposed and the appeal process, to the student within three (3) business days after the hearing.

Section VIII. Sanctions.

One or more may be imposed for any single violation of the Student Conduct Code. Sanctions include, but are not limited to:

- A. **Warning.** Written notice that the student is violating or has violated institutional regulations.
- B. **Probation.** Written reprimand for violations 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 regulations during the probationary period. Notice of action may appear on the student's academic transcript.
- 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. **Participation in Restorative Justice Processes.**
- F. **Service Assignments.** Work assignments, service to the College, or other related discretionary assignments.
- G. **Suspension.** Denial of enrollment privileges for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified. Notice of action may appear on the student's academic transcript.
- H. **Expulsion.** Permanent denial of enrollment privileges. Notice of action may appear on the student's academic transcript.
- I. **Deactivation.** For groups or organizations, the loss of all privileges, including College recognition, for a designated period of time.
- J. **Revocation or Withholding of Admission and/or Degree.** Postponement or permanent revocation of College or program admission status or degree until the completion of a process set forth within the Student Code of Conduct.

Section IX. Summary Suspension.

In certain circumstances a summary suspension may be imposed without a formal hearing to ensure the safety and well-being of members of the College community. A summary suspension may be imposed only when, in the judgment of the Conduct Officer or the Director of Safety and Security, the accused student's presence on campus would constitute a threat to the safety and well-being of members of the College community. To the greatest extent possible before implementing the summary suspension, the accused student shall be given an oral or written notice of the intent to impose summary suspension and shall be given an opportunity to present verbal or written arguments against the imposition of 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) business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the Conduct Officer.

Section X. Appeals.

A decision reached by the Conduct Officer during the informal hearing process or by the Student Conduct Panel during the formal hearing process may be appealed by the accused student(s) or the complainant(s) to the Vice President of

Student Affairs. Such appeals must be in writing and submitted within five (5) business days following notification of the decision.

An appeal is not a re-hearing. 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 evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Code of Student Conduct 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 a preponderance of evidence.
- C. To determine whether the sanction(s) imposed were fair and proportionate to the violation of the Code of Student Code for which the student was charged.
- 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.

The Vice President of Student Affairs shall review the appeal and render a decision, which shall be considered final and binding upon all involved except in those cases involving sanctions of suspension for ten (10) business days or longer.

Section XI. Chapter 14 - Contested Case Hearing.

A student with a sanction of expulsion or suspension for ten (10) or more business days shall be informed of the right to a contested case hearing before an Administrative Law Judge supplied by the Office of Administrative Hearings.

Section XII. Conduct Officer.

Chad Henderson, Judicial Affairs Officer, 763-488-0229, ES 61-A.