



North Hennepin  
Community College

*Policies & Procedures*

# North Hennepin Community College

## Procedure Information

**Number: 3.6.1**

**Name: Student Conduct Procedure**

Author: Policy Committee

Effective Date: March 28, 2019

Next Review Date: AY 2023-2024

### Regulatory Authority:

- Minnesota State Board Policy 3.6 – Student Conduct Policy
    - <http://www.minnstate.edu/board/policy/306.html>
  - Minnesota State Board Policy 3.6.1 – Student Conduct Procedure
    - <http://www.minnstate.edu/board/procedure/306p1.html>
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## Part 1. 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:

### Subpart 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 research and assignments prepared by others (e.g. purchasing the services of a commercial term paper company or from the internet);
  - h. engaging in any academic 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  - a. the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment;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.

#### **Subpart B. 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. illegally downloading and/or distribution of copyrighted material.

#### **Subpart C. 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, gender identity, or gender expression are handled under separate procedures in accordance with Minnesota State Board Policy and Procedure 1B.1 and 1B.1.1.

#### **Subpart D. 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.
8. complicity- aiding, abetting, conspiring, hiring, willfully encouraging or being an accessory to any violation of the Student Code of Conduct.

## **Subpart E. Disruptive or Disorderly Conduct**

### ***Subdivision 1. On Campus 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.

### ***Subdivision 2. Off Campus Conduct***

Consistent with Minnesota State Board Policy 3.6, the college may hold students, who may be identified as a North Hennepin student, accountable for a violation of the behavioral proscriptions contained in their student codes of conduct committed off campus when:

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

## **Subpart F. Guests and Hosts**

A guest is someone who does not currently meet the definition of a student. A host student is someone who brings a guest to campus or invites them to campus for a period of time. NHCC guests are expected to follow the Student Code of Conduct, College, and Minnesota State policies. Hosts are responsible for the actions of their guests and will be held accountable for any damages, loss of property, or behavior that is initiated by their guests.

## **Subpart 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.

## **Subpart H. Failure to Comply/Falsifying Information**

Including, but not limited to:

1. withholding information;
2. knowingly providing false or inaccurate information to campus faculty, staff, or administrator;

3. failing to comply with directions of College or emergency officials acting in the performance of their duties;
4. failure to identify oneself to these persons when requested to do so, after they have identified themselves.;
5. forgery or alteration of College documents or records;
6. misusing data or College records;
7. falsely claiming to represent the College, or any part or activity of the College;
8. reserving registration in more than one section of the same course within a term;
9. knowingly passing an insufficient funds check or fraudulent money order in payment of any financial obligation to the College;
10. tampering with the election of any College-sponsored club or organization.

### **Subpart I. Gambling**

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

### **Subpart J. Solicitation**

Including, but not limited to:

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

### **Subpart K. 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.

### **Subpart L. Threatening and/or Harmful Conduct**

Including but not limited to:

1. disruptive behavior
2. Verbal abuse, threats, intimidations, coercion, physical abuse, and/or other conduct that threatens or endangers the health or safety of the College community;
3. 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;
4. falsely reporting a fire, bomb, or any other emergency by activating an alarm or by any other means;
5. engaging in unauthorized possession, use, or alteration of any College-owned emergency or safety equipment;
6. failing to evacuate a building or other structure during an emergency or emergency drills;
7. failing to follow appropriate and legal safety practices as they apply to the instructional setting;
8. failure to follow appropriate and legal and safety practices as they relate to student employment.

## **Subpart M. Violations of Federal, State and Local Laws and Minnesota State and College Policies**

Including violations of federal, state, or local laws that directly impact the college or college community and violations of Minnesota State and College policies including, but not restricted to: Tobacco Use, Alcohol and Drug Free Campus, Acceptable Use of Computers, Harassment, Visitors, and Sexual Violence.

## **Part 2. 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:

1. warning;
2. assignment of substitute and/or additional work;
3. reexamination;
4. grade reduction (including a zero) for the assignment;
5. grade reduction (including an F – failing) for the course.
6. filing a code of conduct complaint with College administration.

In cases of classroom disruption, appropriate classroom sanctions include, but are not limited to:

1. verbal warning;
2. written warning;
3. direction to leave the class for the remainder of the period;
4. 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.

## **Part 3. Investigation and Informal Hearing Process**

1. Any member of the College community may file a written complaint alleging a violation of the Code of Student Conduct. Although a complaint needs to be submitted in writing, the Conduct Officer may proceed on a verbal complaint.
2. A complaint should be submitted as soon as possible after the event takes place, within seven (7) business days, except if the complainant is in consultation with the Conduct Officer.
3. Persons filing a complaint shall be informed of their rights under the Minnesota Data Practices Act.
4. The alleged student must be informed that an academic dishonesty code of conduct report is being submitted against them prior to the report submission. The alleged student should

- be informed of a behavioral code of conduct report being submitted against them prior to the report submission, except when the physical health and/or safety of the community member or the college is considered to be in danger.
5. Following the filing of a complaint, the Conduct Officer shall conduct a preliminary investigation of the allegations. If the complaint seems unwarranted, the Conduct Officer may discontinue proceedings.
  6. 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. The informal meeting may include the complainant as part of a facilitated conversation. Prior to this meeting the student shall be provided with:
    - a. written notice of the specific alleged policy violation against him/her and what they are accused of doing;
    - b. a copy of the Code of Student Conduct policy and procedure;
    - c. information regarding student advocates. The accused student may bring a student advocate to the informal hearing if they inform the Conduct Officer in advance.
  7. 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.
  8. 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.
  9. 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.
  10. 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.
  11. 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.

## **Part 4. Formal Hearing Process**

### **Subpart A. Student Conduct Panel Composition**

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 (selected from a pool

of students appointed by the Student Senate), one faculty member (selected from a pool of faculty members appointed by the Faculty Association President), one staff member and one administrator (designated by the College Provost). The administrator shall serve as a non-voting chairperson and will serve as the advisor of the Student Conduct hearing process. The Conduct Officer shall be present and serves as the college representative, outlining the case on behalf of the college and explaining the alleged policy violations.

### **Subpart B. Student Advocate**

The accused student may bring an advocate to the formal hearing. Participation of student advocates during the informal and formal hearing processes is limited to speaking with/caucusing with their student, and asking clarifying questions to facilitate the hearing process. If the student advocate is an attorney, the formal hearing will be immediately suspended until a representative from the Minnesota State Colleges and Universities (Minnesota State) Office of General Counsel can be present.

### **Subpart C. Student Conduct Panel Hearing Process**

The Student Conduct panel hearing process shall follow the guidelines below:

1. Student conduct panel hearings shall normally be conducted in private.
2. If more than one accused student or organization is involved, the Conduct Officer may choose to conduct the hearings separately or jointly.
3. The failure of a student, student advocate, or student organization to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
4. During the hearing the accused student shall be given the opportunity to speak in his/her own defense, to present witnesses to the event in question and question any witnesses and to have a student advocate present.
5. 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.
6. At least five (5) business days prior to the hearing, the accused student or organization shall be provided written notice of:
  - a. the time, place, and date of the hearing;
  - b. the complaint and the nature of the evidence to be presented against him/her.;
7. At least three (3) business days prior to the hearing, the accused student shall provide the Conduct Officer with:
  - a. names of material witnesses that may be called to speak on his/her behalf;

- b. copies of all documents or written statement that will be presented on his/her behalf;
  - c. name of his/her advocate, if an advocate will be present.
8. The order of the hearing shall be as follows:
- a. The chair presents an opening statement of the charges and the supporting evidence.
  - b. The accused student presents an opening statement of testimony or evidence to refute the charges.
  - c. The Conduct Officer presents the case on behalf of the college.
  - d. 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.
  - e. 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.
  - f. The chair presents a closing statement.
  - g. The Conduct Officer presents a closing statement.
  - h. The accused presents a closing statement.
9. 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.
10. 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.

## **Part 5. Sanctions**

Emphasis is placed on the consideration of each individual case rather than attempting to have matching sanctions for specific incidents. The objectives of the Student Conduct process are to facilitate civility on campus, holistic student development, and personal responsibility. Through a fair consideration of all factors in each case, an attempt is made to prevent arbitrary and authoritarian action. Sanctions are assigned with a focus on the education of the whole person and, when possible, providing opportunities towards restorative justice. During the entire conduct process, the College works to ensure that the community and student are kept in the forefront of the work and always seeks for ways to link the student with other resources on campus to ensure academic success and preparedness for their future after college.



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

1. **Anger Intervention Assessment.** A requirement that a student take part in an anger intervention assessment at an off-campus location. This could include an assessment or a certified Anger Management program. These programs are to be paid for by the student. Must be a licensed professional and a letter must be submitted by this professional to show that the requirement has been fulfilled.
2. **Behavior Concerns and Response Team (BCRT).** Conduct that potentially risks the safety of the student or someone else on campus will be referred to the BCRT.
3. **College 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.
4. **Deactivation.** For groups or organizations, the loss of all privileges, including College recognition, for a designated period of time.
5. **Disciplinary Service Hours.** Disciplinary service hours may be assigned, and must be completed at an approved non-profit organization by the Conduct Officer. Disciplinary service hours may not count towards service learning hours or other community service required by another class, program, scholarship, or organization. Court-mandated community service may count towards disciplinary service hours. Deadlines for disciplinary service hours may vary.
6. **Educational Sanctions.** Education experiences or projects may include attendance and participation in an event, workshop, special project, or other initiative to assist in learning or growth to move forward from a given situation.
7. **Formal Written Warning.** Written notice that the student is violating or has violated institutional regulations
8. **Institutional Expulsion.** Permanent denial of enrollment privileges. Notice of action may appear on the student's academic transcript.
9. **Institutional 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.
10. **Loss of Privileges.** Denial of specified privileges for a designated period of time.
11. **Notification to the National Organization Representatives, Officers or Advisors.** The Conduct Officer may impose this sanction on a student organization. In such a case, the organizations national representative, officer, and/or advisors, and the Department of Student Life may be notified of the violation for which the student organization has been found responsible.
12. Participation in Restorative Justice Processes.
13. **Psychological Evaluation.** A requirement that a student take part in a psychological evaluation or therapy in order ensure mental and physical safety of themselves and the campus community. Must be a licensed professional and a letter must be submitted by this professional to show that the requirement has been fulfilled. These programs are to be paid for by the student.
14. **Removal from Class.** Being dropped or withdrawn from a class as a result of policy violation.

15. **Restitution.** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
16. **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.
17. **Service Assignments.** Work assignments, service to the College, or other related discretionary assignments.

## **Part 6. 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 Dean of Student Development. 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:

1. 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.
2. To determine whether the decision reached regarding the accused student was based on a preponderance of evidence.
3. 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.
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.

The Dean of Student Development 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.

## **Part 7. 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.

## **Part 8. Record Keeping**

Code of conduct violations and related documentation are part of the student's educational record and therefore, protected under the Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act (MGDPA). Documentation related to code of conduct violations are kept in accordance to North Hennepin Policy 5.32 and Procedure 5.32.1, Records Retention.

In accordance with Minnesota State Board Procedure 3.29.1, suspensions or expulsions for disciplinary reasons shall be noted on the transcript with a two-line message. For a suspension, the first line shall read "Disciplinary Suspension" and the second line "Eligible for Reinstatement 'Term, Year.'" An expulsion shall be noted by a first line reading "Disciplinary Expulsion" and the second line reading "Not Eligible for Reinstatement." The disciplinary suspension notation shall be removed from the transcript following the date when the student becomes eligible for reinstatement, while the disciplinary expulsion notation is permanent.

## Part 9. Conduct Officer

Director of Student Conduct and Complaint Resolution, 763-488-0229, ES 51.

## Part 10. Campus Review

<b>Review Action</b>	<b>Date(s)</b>
Campus Community Review Period	02-Nov-2018 through 21-Nov-2018
AFSCME Review	December 2018
Diversity, Equity, and Inclusion Committee	10-Dec-2018
MAPE Review	December 2018
MMA Review	December 2018
Shared Governance Council Review	14-Dec-2018
Student Senate Review	6-Dec-2018
President Approval	28-Mar-2019
Campus Community Dissemination	April 2019

## History

- Previous policy/procedure did not have an NH policy number (pre-February 2014)
- Revised Fall 2018, included language holding students accountable for off-campus behavior