



STUDENT CONDUCT AND ACADEMIC HONESTY (RCTC Policy 3.6)

Section 1: Student Conduct

I. Code of Student Conduct: Each student at Rochester Community and Technical College has the right to an education, and it is the responsibility of the college to provide an environment that promotes learning. Any action by a student that interferes with the education of any other student or interferes with the operations of the college in carrying out its responsibility to provide an education will be considered a violation of this code. Disciplinary action will be handled in an expeditious manner while providing due process.

II. Proscribed Conduct

A. Jurisdiction of the College

College jurisdiction is asserted for violations of the Code of Student Conduct that occur on College premises. In addition, college jurisdiction shall extend to violations of the Code which are 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.

B. Violations

The provisions of this policy do not affect the rights of persons in authority to take any immediate and temporary actions necessary to retain the classroom or program atmosphere, and to uphold established policies, regulations, and laws. (See Summary Suspension, MnSCU Policy 3.6, Part 6; See also part III.C.7 of this policy.) Any student found to have engaged in the following behaviors is subject to the disciplinary sanctions outlined in this policy.

1. Acts of dishonesty, including but not limited to the following:
 - a) Cheating or plagiarism (See Academic Honesty, Section 2 of this policy)
 - b) Deliberately furnishing false information to any college official, faculty member or office.
 - c) Forgery, alteration, or misuse of any college document, record or instrument of identification including copyright violations.
 - d) Tampering with the election of any college-recognized student organization.
2. Disruption or obstruction of: (a) teaching, (b) research, (c) administration, (d) disciplinary proceedings, (e) other college activities, including its public-service functions on or off campus, or (f) any authorized non-college activities, when the act of disruption or obstruction occurs on college premises. Based on RCTC Statement of Philosophy "Students deserve a respectful, safe, and caring environment that supports personal growth and embraces diversity." As such, all students, instructors and staff are entitled to a safe and positive non-disruptive learning environment which does not interfere with the educational process. Behavior standards apply to all college owned property and/or college sponsored activities. Disruptive behavior is generally defined as activity that:
 - Interferes with instruction
 - Interferes with other student's rights to pursue learning
 - Violates college policies
 - Violates local, state, or federal laws, or
 - Generally interferes with the smooth operation of the college

Faculty will reserve the right to define specifically their interpretation of disruptive behavior in their class syllabi based on the preceding guidelines.
3. Physical abuse, verbal abuse, threats, intimidation, coercion and/or other conduct which threatens or endangers the health or safety of any person.

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.
5. Hazing, for the purpose of initiation, admission, affiliation or membership in a group or organization, which endangers the mental or physical health or safety of a student or which destroys or removes public or private property.
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 published college policies, rules or regulations.
9. Violation of federal, state or local law on college-sponsored or supervised activities.
10. Use, possession or distribution of narcotic or other controlled substances except as expressly permitted by law.
11. Public intoxication or use, possession or distribution of alcoholic beverages except as expressly permitted by the law and college regulations.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises.
13. Participation in a campus demonstration which disrupts the normal operations of the College and 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; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
14. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
15. Conduct which is 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.
16. Theft or other abuse of computers, including but not limited to:
 - a) Unauthorized installation of software; unauthorized entry into a file, to use, read or change the contents or for any other purpose.
 - b) Unauthorized transfer of a file.
 - c) Unauthorized use of another individual's identification and password.
 - d) Use of computing facilities to interfere with the work of another student, faculty member or college official.
 - e) Use of computing facilities to send obscene messages.
 - f) Use of computing facilities to interfere with normal operation of the College computing system.
17. Abuse of the Student Judicial System, including but not limited to:
 - a) Failure to obey the summons of the Judicial Board or the Coordinator of Student Conduct.
 - b) Falsification, distortion, or misrepresentation of information before a judicial body.
 - c) Disruption or interference with the orderly conduct of a judicial proceeding.
 - d) Institution of a judicial proceeding knowingly without cause.
 - e) Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - f) Attempting to influence the impartiality of a member of a judicial board prior to and/or during the course of the judicial proceeding.
 - g) Harassment (verbal or physical) and/or intimidation of a member of a judicial board prior to, during, and/or after a judicial proceeding. (Note: Sexual harassment is covered by the Sexual Harassment Policy.)
 - h) Failure to comply with the sanction(s) imposed under the Code of Student Conduct.
 - i) Influencing or attempting to influence another person to commit an abuse of the judicial system.

C. Violation of Law and College Discipline

1. If a student is charged only with an off-campus felony violation of federal, state, or local laws, but not with any other violations of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct that demonstrates flagrant disregard for the college community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (i.e. "no contest" or "nolo contendere").
2. College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Code of Student Conduct. For example, college disciplinary proceedings may be instituted if both violations result from the same factual situation, without regard to pending civil litigation in

- court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried off prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial board under the Code of Student Conduct, however, the College may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the college community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

III. Judicial Process

A. Charges and Informal Process (For Academic Honesty, see Section 2)

1. **Filing a Charge:** Any member of the college community may file charges against any student for violations of the Code of Student Conduct. Charges should be in writing for the record but can proceed on verbal notification to the Coordinator of Student Conduct. Any charge should be submitted as soon as possible after the event takes place, preferably within three (3) working days.
2. **Preliminary Investigation:** The Coordinator of Student Conduct may conduct a preliminary investigation to determine if the charges are valid by meeting with the complainant(s) and accused student(s) within five (5) days of receiving the complaint. Upon determination that the charges are valid, the Coordinator shall do the following:
 - a) Provide written notice to the accused student that a complaint has been filed alleging that the student has violated the Code of Student Conduct. This notice shall state the specific violation(s) alleged and the dates the alleged violation(s) occurred and shall be sent within five (5) days of determining the charges are valid.
 - b) Provide the student with a copy of the Code of Student Conduct.
 - c) Inform the student of the nature of evidence available to support the charges.
 - d) Give the student not less than 48 hours to prepare for an informal resolution meeting, and specify a date and time when the student is required to meet with the Coordinator to attempt an informal resolution of the charges.
 - e) Inform the student that failure to appear for the informal resolution meeting shall result in referral of the charges for a formal hearing before the Student Judicial Board.
3. **Informal Resolution Meeting:** If a resolution is reached, all parties shall sign the written confirmation of the resolution and the Coordinator shall send copies to all parties, including any applicable sanction, within 48 hours after the meeting. The resolution may include, but is not limited to, the sanctions outlined in this policy. If a mutually acceptable resolution cannot be reached during the informal resolution meeting, the Coordinator shall refer the case to the Student Judicial Board.

B. Formal Hearings

1. **The Student Judicial Board** shall consist of two faculty (one from each faculty bargaining unit or two from the single faculty bargaining unit in the event of a faculty bargain unit consolidation) appointed by the respective Faculty Association(s), two administrators appointed by the President and two students appointed by the Student Senate. Judicial Board members shall serve for a one-year term and may be reappointed for a second term. Members shall not serve more than two consecutive terms. The Coordinator of Student Conduct shall provide appropriate training to the Board. The members shall elect a Chair who shall preside over judicial hearings and a Vice Chair who shall preside in the Chair's absence. A majority of the full membership of the Board shall constitute the quorum necessary to hear any case.
2. When a case is referred to the Student Judicial Board, the Coordinator of Student Conduct shall forward to the Board:
 - a) a statement describing the alleged violation of the Student Conduct Code;
 - b) the name and address of the student charged;
 - c) the name and address of the complainant; and
 - d) all relevant facts and statements, including the names and addresses of witnesses to the alleged violation.
3. The Chair shall determine the date, time, and place of the hearing, which shall be at least three days after delivery of written notice of the hearing to the accused student. Such notice to the student shall include:

- a) a statement of date, time and place of hearing;
 - b) to the extent known, a list of witnesses expected to appear and a summary of their testimony;
 - c) a summary description of any documentary or other evidence that may be presented in support of the charge;
 - d) notice that the student's failure to appear shall not prevent the hearing from proceeding as scheduled and may lead to imposition of sanctions in the student's absence.
4. The hearing shall be conducted in the following manner:
 - a) The Coordinator of Student Conduct shall first present the charges and supporting evidence, including testimony of any witnesses. The accused student shall have opportunity to challenge evidence and to ask questions of any witnesses introduced by the Coordinator. The complainant shall be available for testimony.
 - b) The accused student shall next present evidence or testimony to refute the charges. The Coordinator may challenge evidence presented by the student and may ask questions of witnesses introduced by the student.
 - c) Only those materials and matters presented at the hearing shall be considered as evidence. The Chair shall exclude irrelevant, immaterial, or unduly repetitious evidence.
 - d) Hearings shall be held in closed session unless the Judicial Board determines there is a compelling reason for the hearing to be open and neither the accused student nor the complainant presents an objection. If the accused student or the complainant presents an objection, the Chair shall hear testimony from the parties and determine whether or not the session will be open.
 - e) The student shall be given the opportunity to speak in his/her own defense, and to question any witnesses and may have an advisor present. The advisor may provide advice to the student, but may not participate in any questioning. When there is a likelihood that a student involved in conduct proceedings shall face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advisor.
 - f) The hearing shall be audio tape recorded, and the tape shall be kept on file in the office of the Coordinator of Student Conduct for a period of three years.
 5. Upon conclusion of the hearing, the Judicial Board in closed session shall consider the evidence presented and decide by majority vote to exonerate the student or to impose one of the sanctions stated in this policy.
 6. The Board shall send written notice of the outcome of the hearing to the accused student, including any sanction imposed. The notice shall inform the student of the opportunity to appeal the Board's decision to the Vice President of Student Development and Services. (For Academic Honesty, see Section 2)

C. Sanctions

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

1. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
2. 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 be violating any institutional regulation(s) during the probationary period.
3. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
4. Discretionary Sanctions - Work assignments, service to the College or other related discretionary assignments (such assignments must be coordinated by the Coordinator of Student Conduct).
5. Suspension - Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-admission may be specified.
6. Expulsion - Permanent separation of the student from the College.
7. Summary Suspension - A suspension imposed by the Coordinator of Student Conduct or a person in authority without a formal hearing to ensure the safety and well-being of members of the college community. In such cases the Coordinator shall first give the student oral or written notice of the intent to determine whether a summary suspension is an appropriate action. Such notice shall state the following:
 - a) specify the alleged violation(s) of the Code of Student Conduct;
 - b) provide the nature of any evidence in support of the charge;
 - c) state the date, time, and place of the summary suspension hearing, which shall be within 36 hours of the delivery of notice to the student; and

- d) give an oral or written explanation of the summary suspension which may be imposed on the student.

At the place and time designated for the summary suspension hearing, the Coordinator shall consider the following:

- a) the evidence relating specifically to the probability of danger to members of the campus community occasioned by the continued presence of the student on campus;
- b) provide the student with an opportunity to show why continued presence on the campus does not constitute a danger to others;
- c) give immediate oral notice of his/her decision, to be followed by written notice within 24 hours; and
- d) if summary suspension is warranted, summarily suspend the student for no more than 9 days, with a hearing before the Student Judicial Board to have commenced by the end of the suspension period.

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

IV. Appeals

- A. A decision reached by the Judicial Board may be appealed by accused students to the Vice President of Student Development and Services within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the office of the Vice President of Student Development and Services. (For Academic Honesty, see Section 2)
- B. An appeal shall be limited to review of the verbatim record of the initial hearing and supporting comments for one or more of the following purposes:
 - 1. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures allowing the accused student a reasonable opportunity to prepare and to present a rebuttal of the charges and evidence.
 - 2. To determine whether the evidence confirmed that a violation of the Code of Student Conduct occurred.
 - 3. To determine whether the sanction(s) imposed were appropriate for the specific violation of the Code of Student Conduct.
- C. Following a review of the hearing and the appeal presented by the student, the Vice President of Student Development and Services shall render a decision. The Vice President may uphold the Judicial Board's decision and sanction, may determine that the decision was reached in error or inappropriately, or may determine that the sanction was inappropriate. In the latter case, the Vice President may issue a lesser sanction. If the Vice President believes that the sanction was reached in error or inappropriately, the Vice President may require that the Board hear the case de novo, or may choose to exonerate the student.
- D. The Vice President shall notify the student in writing of his/her decision and of any new sanction imposed.
- E. The Vice President decision shall be final with the institution and MnSCU. If the sanction involves suspension for 10 days or more, the student shall be informed of the right to contested case hearing under Chapter 14 of Minnesota Statutes, which provides that an appeal may be made to an administrative law judge at the Minnesota State Hearing Examiners Office, St. Paul, Minnesota. The student may request a hearing in writing within five (5) days of receipt of written suspension notice. If the student does not file an appeal within the five (5) days, any further right to appeal shall be waived. The attorney assigned to the System by the Attorney General shall represent the College at this hearing. The administrative law judge shall make a report, which contains a recommendation, to the college president. Within a period of not less than twelve (12) nor more than twenty (20) days following receipt of recommendation, a decision will be made by the college president. The decision of the college president is final. During this appeal process the student shall have the right to attend classes and to receive services related to the college program until a final decision has been made, unless the process is the result of actions deemed harmful or potentially harmful to other persons or property.

V. Interpretation

- A. Any questions of interpretation regarding the Code of Student Conduct shall be referred to the Vice President of Student Development and Services (or to the Vice President for Teaching and Learning regarding academic honesty).
- B. The Student Conduct Code shall be reviewed every three (3) years under the direction of the Coordinator of Student Conduct.

VI. Definitions

- A. The term *College* means Rochester Community and Technical College.

- B. The term *student* includes all persons taking courses at the Colleges, both full-time and part-time, and persons who are not officially enrolled for a particular term but who have a continuing relationship with the Colleges.
- C. The term *faculty member* means any person hired by the Colleges to conduct classroom activities.
- D. The term *Administrator* includes any person employed by the Colleges, performing assigned administrative or professional responsibilities.
- E. The term *member of the college community* includes any person who is a student, faculty member, administrator or any other person employed by the Colleges.
- F. The term *college premises* includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the Colleges including adjacent streets and sidewalks.
- G. The term *organization* means any number of persons who have complied with the formal requirements of the College recognition.
- H. The term *Judicial Board* means any person or persons authorized by the Coordinator of Student Conduct to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.
- I. The term *Coordinator of Student Conduct* means an administrator authorized by the President of the College to administer the Code of Student Conduct and to impose sanctions upon students found to have violated the Code of Student Conduct.
- J. The term *shall* is used in the imperative sense.
- K. The term *may* is used in the permissive sense.
- L. The term *policy* is defined as the written regulations of the College as found in, but not limited to, the Code of Student Conduct, the Student Handbook, College Catalog, College Rules and Regulations and other official college publications.
- M. The term *cheating* includes, but is not limited to the following: (see Academic Honesty Policy, Section 2)
 1. use of any unauthorized assistance in taking quizzes, tests, or examinations;
 2. dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or
 3. the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.
- N. The term *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. (See Academic Honesty Policy, Section 2)
- O. The term *days* means scheduled class days (excluding Saturdays and Sundays).
- P. The term *de novo* means to start over, as if any previous partial or complete hearing had not occurred.

Maintenance of Records: (See Section 3)

Section 2: Academic Honesty

Preamble

The primary academic mission of Rochester Community and Technical College is the exploration and dissemination of knowledge. Academic honesty and integrity are integral to the academic process. Academic dishonesty - cheating, plagiarism, and collusion - is a serious offense which undermines the educational process and the learning experience for the entire college community.

It is expected that Rochester Community and Technical College students will understand and adhere to the concept of academic integrity and to the standards of conduct prescribed by the College's Policy on Academic Honesty. It is expected that students will assume responsibility for their work and that materials submitted in fulfillment of course, program, and college academic requirements must represent students' own efforts. Any act of academic dishonesty attempted by a student at Rochester Community and Technical College is unacceptable and will not be tolerated.

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 for 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 requirements; 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.

Procedures

Students must submit complete and accurate information regarding academic appeals. The submission of false or incomplete information shall be considered an act of academic dishonesty. The appropriate vice-president shall determine if disciplinary action is warranted.

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 for the assignment and/or course
- e. failure and/or dismissal from the course

A student who wishes to appeal a penalty imposed by an instructor may submit an appeal in writing to the Dean for the academic discipline in which the alleged act of dishonesty occurred.

Formal Hearing

If a student or instructor wishes to appeal a decision by a Vice President, or if an instructor or administrator considers an act of academic dishonesty an egregious offense, the matter shall be referred to the Student Judicial Board for further review. (See Section 1 Part III.B for Judicial Board membership.)

The Board shall have the following authority:

- review appeals submitted by students and instructors of decisions on academic dishonesty and/or severity of penalty imposed
- review offenses submitted by faculty and staff as egregious acts of academic dishonesty
- impose sanctions as warranted:
 1. Charge affirmed and settled by consent, i.e., the Board proposes a sanction mutually acceptable to the student and the instructor.

2. Charge affirmed and the Board recommends a sanction.
3. Charge dismissed.

In hearing cases of academic dishonesty, the Board shall observe formal hearing procedures described on p. 4 of the Student Conduct Policy.

All participants shall observe strict rules of confidentiality; i.e. discussion shall be confined to the hearing room and no individual member shall discuss procedures or finds with the parties involved. The written notification shall serve as the sole means of communication with involved parties.

Sanctions: See Section 1 Part III.C.

Appeals:

Students may appeal the Student Judicial Board decisions to the President, who shall consult with the appropriate vice president(s) in arriving at a final decision.

Section 3: Maintenance of Records for Student Conduct and Academic Honesty

Records pertaining to students' histories of student conduct shall be kept for a minimum of five years and kept separate from students' regular records. The only persons having access to these records shall be the President, the Vice Presidents of Student Development and Services and Teaching and Learning, and the Student Conduct Coordinator. Any other person who wishes to review these files must have permission from the Vice President of Teaching and Learning or Student Development and Services.

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