

Part 1. Purpose

Procedure 3.6.1 implements Policy 3.6 Student Code of Conduct.

Part 2. Definitions

1. **Advocate** is an individual who advises a student during the process and does not speak on behalf of the student at a meeting or hearing.
2. **Complainant** means any person who submits a complaint alleging that a student violated the Code.
3. **Student Conduct Administrator** means a Student Affairs staff member or administrator designated by the College president to be responsible for the administration of the Student Code of Conduct.
4. **Student Conduct Officer** means the person designated to preside over procedural matters to the administration of the Code of Conduct.
5. **Faculty member/Instructor** means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
6. **Business day** means Monday through Friday, except for days in which the College is closed.
7. **Hazing** means an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group, organization, or sports team.
8. **May** is used in the permissive sense.
9. **Member of the College community** includes any person who is a student, faculty member, College official or any other person employed by the College.
10. **Preponderance of evidence** means a standard of responsibility that more likely than not that the Student Code of Conduct has been violated.
11. **Respondent** is the student accused of violating the Student Code of Conduct.
12. **Shall** is used in the imperative sense.
13. **Student** includes all persons who:
 - a. Are enrolled in one or more courses, either credit or non-credit, through the College.
 - b. Withdraw, transfer or graduate, after an alleged violation of the student Conduct Code.
 - c. Are not officially enrolled for a particular term but who have a continuing relationship with the College.
 - d. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
14. **Student Conduct Panel** is the hearing panel whose composition is determined by the College President (or designee) made up of members of the College community.
15. **Tennessee Warning** is to inform those involved in an investigation the purpose and intended use of the requested information; if it is legally required to supply the requested information; any known consequences arising from supplying or refusing to supply information; and who is authorized to receive the information.
16. **Victim** is a person who is allegedly harmed by a Student Code of Conduct violation. A student who believes that they have been a victim of another student's misconduct will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the complaint itself.

Part 3. Contents of the Student Code of Conduct

1. For purpose of procedure 3.6.1, Contents of the Student Code of Conduct are found in Rochester Community and Technical College Policy 3.6.
2. The Student Code of Conduct Process is used to review allegations of:
 - a. Student Code of Conduct violations, unless otherwise stated in the policy.
 - b. College and Minnesota State Colleges and Universities policy violations.
 - c. Repeated or egregious violations of the Academic Integrity Policy. (For Academic Integrity see Rochester Community and Technical College Academic Integrity Policy 3.6.2.)

Part 4. Proscribed Conduct

A. Jurisdiction of the Code of Student Conduct

The Code of Student Conduct shall apply in any of the following circumstances:

1. The violation occurs on College premises.

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

The Student Conduct Administrator (or designee) shall decide whether the Code shall be applied to conduct occurring off campus, on a case-by-case basis.

Students enrolled in various programs at the College may also be subject to standards of conduct unique to these programs. Violations of the standards of behavior for these programs may be considered a breach of this Code of Conduct. Students should refer to the program guidelines and course syllabus to learn more about applicable standards of conduct associated with their academic program.

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.

B. Standards

Students are encouraged to familiarize themselves with the College rules and regulations governing personal conduct. Violations of such rules, regulations, and policies for which students are subject to disciplinary action, include, but are not limited to, the following:

1. Alcohol Violation

- a) Use, possession, manufacturing, or distribution of alcoholic beverages except as expressly permitted by College or Minnesota State regulations, public intoxication, or violation of Minnesota State Policy and Procedure 5.18 and 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
 - b) The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned.
2. **Abuse** is physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
 3. **Dishonesty** includes but is not limited to the following (See Academic Integrity Policy and Procedure):
 - a) Cheating, Unauthorized Collaboration, Plagiarism.
 - 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.
 4. **Disorderly Conduct** is 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. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
 5. **Disruptive Activity** is the disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises. Disruptive behavior is generally defined as activity that:
 - a) Interferes with instruction.
 - b) Interferes with other student's rights to pursue learning.
 - c) Obstructs the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
 - d) Violates college policies.
 - e) Violates local, state, or federal laws.
 - f) Generally interferes with the smooth operation of the College.

Faculty reserve the right to define specifically their interpretation of disruptive behavior in their class syllabi based on the preceding guidelines.

6. **Disruptive Demonstration** is the 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.
7. **Drug Law Violation** is the violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
8. **Failure to comply** is the 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.
9. **Hazing** is an act which endangers the mental or physical health or safety of a person, subjects the person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership into a student club, group, organization, or athletic team.
10. **Law violation** is the violation of any federal, state, or local law.
11. **Minnesota State System Policy or College Policy Violation** is the violation of published College policies, rules, or regulations.
12. **Student Conduct Process Abuse** includes but is not limited to:
 - a) Failure to obey the notice from the Student Conduct Panel or Conduct Officer to appear for a meeting or hearing.
 - b) Falsification, distortion, or misrepresentation of information before the Student Conduct Panel or Conduct Officer.
 - c) Disruption or interference with the orderly conduct of a conduct proceeding.
 - d) Imitation of a conduct proceeding in bad faith or without a justifiable case.
 - e) Attempting to discourage an individual's proper participating in, or use of, the student conduct process.
 - f) Attempting to influence the impartiality of a member of the Student Conduct Panel or Conduct Officer prior to, and/or during, the conduct proceeding.
 - g) Harassment (verbal or physical) and/or intimidation of a member of the Student Conduct Panel or Conduct Officer prior to, during, and/or after a student conduct code proceeding.
 - 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 Code of Student Conduct.
13. **Theft or Damage to Property** is the 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.
14. **Unauthorized Access** is the unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
15. **Weapons Law Violation** is the illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item.

C. Violation of Law and Code of Student Conduct Standards

Proceedings of the Code of Student Conduct may be instituted against a student charged with violation of a law 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.

D. Sanctions

The College reserves the right to impose other sanctions as circumstances warrant. One or more of the following administrative and/or educational sanctions may be imposed upon any student found to have violated the Student Code:

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 violate any institutional regulation(s) during the probationary period. The College may impose specific written conditions for the probation.
3. **Suspension** – denial of the privilege of enrollment at the College for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.
4. **Expulsion** – Termination of student status and permanent denial of the privilege of enrollment at the College.
5. **Educational Sanction** – work assignments, essays, service to the College, or other related discretionary assignments.
6. **Loss of a College Privilege** – denial of specified privileges for a designated period of time.
7. **Mutual No Contact Order** – is a prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group issued by the College.

8. **Restitution** – compensation required to the College or other persons, groups, or organizations for damages incurred. This may take the form of service and/or monetary.
9. **Revocation of Admissions**- Admission to the College may be denied or revoked prior to the first term.
10. **Summary Suspension** – a suspension imposed without an investigation, informal meeting, or formal hearing to ensure the safety and well-being of members of the College community.
11. **Withholding or revoking awards** - The College may withhold or revoke a degree/certificate/diploma or other College sponsored award.

Part 5. Referral and Investigation

1. Any member of the College community may file a written or verbal conduct complaint alleging that a student or student organization has violated the Student Code of Conduct.
2. Campus Safety and Security shall also report complaints that a student or student organization has violated the Student Code of Conduct.
3. If an imminent threat of safety is involved, contact Campus Safety and Security immediately:
 - a. Faculty, staff, and Campus Safety and Security have the right to temporarily remove a student from a class or other College Campus location until there is a preliminary investigation.
 - b. Any staff or faculty removing a student must immediately notify the Student Conduct Administrator and should follow-up with a written referral.
4. Any conduct complaint shall be submitted as soon as possible after the event takes place and must include pertinent information.
5. If the alleged violation is a crime as defined by federal, state, or local statutes, Campus Safety and Security shall be notified within two (2) calendar days.
6. Individuals filing the complaint shall be informed of their rights under the Minnesota Data Practices Act.
7. The Student Conduct Officer shall begin an investigation of the complaint within one (1) business day.
8. As a result of their investigation the Student Conduct Officer may
 - a. Determine that the complaint is unwarranted or unsupported and shall discontinue proceedings and immediately advise the complainant and student respondent(s) or student organization.
 - b. Investigate the complaint even if a complainant chooses not to pursue the matter.
 - c. Find sufficient evidence to support the complaint and notify the student respondent of their right to a Student Conduct Meeting.

Part 6. Student Conduct Meeting

1. The Student Conduct Officer will contact the student notifying them of the alleged violation using College e-mail.
2. Prior to or at the beginning of the meeting, the student respondent must be provided with the following information:
 - a. Written notice of the complaint and the specific policy and/or Code of Student Conduct standards they are alleged to have violated.
 - b. Evidence of the alleged violation.
 - c. A copy of the Code of Student Conduct.
 - d. A verbal or written Tennessen Warning.
 - e. Information on advocates.
3. During the meeting, the student has the right to:
 - a. Review and respond to the evidence of the alleged policy violation.
 - b. Present evidence that explains a claimed misperception, mitigates circumstances, or refutes the alleged violation.
 - c. Have an advocate present, however the advocate may not participate in any questioning or speak on behalf of the student.
4. The Student Conduct Officer will use the evidentiary standard, Preponderance of Evidence, to determine whether the student more likely than not violated the policy.
5. If the Student Conduct Officer has determined that there was no violation of College policy the procedure ends.
6. If the Student Conduct Officer has determined that there was a violation of College policy, they shall implement appropriate sanctions.
7. The Student Conduct Officer shall notify the student within three (3) business days following the Student Conduct Meeting of their decision using College e-mail. The notification shall include:
 - a. Written rationale of decision that summarizes evidence.
 - b. Applicable sanctions.
 - c. Information on how to appeal.

8. If the student does not participate in the meeting, the Student Conduct Officer may still review the case to determine if there was a Code of Student Conduct violation and impose appropriate sanctions against the student.
9. A student who is found responsible for a Code of Student Conduct violation may either:
 - a. Accept the decision and sanctions imposed by the Student Conduct Officer.
 - i. If the student accepts the outcome as determined by the Student Conduct Office, the complaint is deemed resolved.
 - ii. The Procedure ends.
 - b. Appeal the decision and sanctions implemented by the Student Conduct Officer.
 - i. Students 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 Student Conduct Board Hearing prior to implementation of the sanction (Refer to Part 7).
 - ii. Other sanctions are appealed in accordance with the appeal procedures (Refer to Part 8).
10. A sanction shall not become effective during the time in which a student seeks an appeal, unless, in the discretion of the Student Conduct Administrator, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

Part 7: Student Conduct Panel Hearing

1. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine (9) days may either:
 - a. Request a hearing before the Student Conduct Panel.
 - b. Waive their right to a Student Conduct Panel Hearing and appeal the outcome of their Student Conduct Meeting (Refer to Part 6).
2. The College President or designee determines the composition of the Student Conduct Panel made up of members of the College community.
 - a. The Student Conduct Administrator is responsible for convening a Student Conduct Panel and for providing appropriate training to members of the Student Conduct Panel.
3. In hearings involving more than one student or organization, the Student Conduct Administrator may use their discretion to permit the hearing concerning each student to be conducted either separately or jointly.
4. After receiving a request for a hearing within the prescribed time period, the Student Conduct Officer will notify the student in writing of the time, place, and date of the hearing. Such notice to the student shall also include:
 - a. A summary of the witnesses and documentary evidence that may be presented in support of a charge.
 - b. A statement that the student's failure to appear will not prevent the hearing from proceeding as scheduled and may lead to imposition of sanctions in the student's absence.
 - c. Information on advocates.
 - d. Notice that the student must provide a summary of their witnesses and documentary evidence that may be presented at the formal hearing by a proscribed date. Character witnesses are not allowed.
5. The hearing will be conducted in the following manner by the Student Conduct Panel:
 - a. The Student Conduct Officer who imposed the sanction shall first present the complaint and supporting evidence including witness testimony.
 - b. The student respondent shall have an opportunity to challenge evidence.
 - c. The student shall next present evidence or testimony to refute the complaint.
 - d. Only those materials and matters presented at the hearing shall be considered as evidence.
 - e. The hearing shall be held in closed session unless the Student Conduct Panel determines there is a compelling reason and neither the student nor the complainant presents an objection.
 - f. The student respondent may have an advocate present. However, the advocate may not participate in any questioning or speak on behalf of the student.
 - g. The hearing may accommodate concerns for the personal safety, well-being and/or fears of direct contact with the complainant, student respondent and/or other witness. If necessary, as determined by discretion of the Student Conduct Administrator the College will provide for:
 - i. The presence of law enforcement and/or security.
 - ii. Use of separate facilities, use of a visual screen, and/or by participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement.
 - iii. Other means determined by the Student Conduct Administrator.
6. Upon conclusion of the hearing, the Student Conduct Panel in closed session shall consider the evidence presented and use the evidentiary standard, Preponderance of Evidence, to determine whether the student more likely than not violated the policy by a majority vote.
7. If the Student Conduct Panel has determined that there was no violation of College policy the procedure ends.

8. If the Student Conduct Panel has determined that there was a violation of College policy, they shall implement appropriate sanctions by a majority vote.
9. The Student Conduct Panel shall notify the student within three (3) business days following the Student Conduct Panel Hearing of their decision using College e-mail. The notification shall include:
 - a. Written Rationale of decision that summarizes evidence.
 - b. Applicable sanctions.
 - c. Information on how to appeal the Panel's Decision to the Vice President of Student Affairs.
10. A student who is found responsible for a Code of Student Conduct violation may either:
 - a. Accept the decision and sanctions imposed by the Student Conduct Panel.
 - i. If the student accepts the outcome as determined by the Conduct Office, the complaint is deemed resolved.
 - ii. The procedure ends.
 - b. Appeal the decision and sanctions implemented by the Student Conduct Panel.
11. A sanction shall not become effective during the time in which a student seeks an appeal, unless, in the discretion of the Student Conduct Administrator, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

Part 8. Appeals

1. The student has five (5) business days upon receiving a notification of the outcome to either a Student Conduct Meeting or Student Conduct Board Hearing to appeal the decision or sanction in writing to the Vice President of Student Affairs (or designee).
2. Except as required to explain the basis of new information, an appeal shall be limited to a review for one or more of the following purposes:
 - a. To determine whether the Student Conduct Meeting or Student Conduct Board Hearing was conducted fairly, consistent with the procedure, and whether the student had a reasonable opportunity to prepare a response.
 - b. To determine whether the decision reached regarding the 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 Conduct 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 meeting, because such information and/or facts were not known to the student appealing at the time of the original meeting.
3. The Vice President of Student Affairs (or designee) shall review the appeal and notify the student of their decision in writing including a rationale statement within five (5) business days.
 - a. If an appeal is upheld by the Vice President of Student Affairs (or designee), the Vice President of Student Affairs (or designee) may take any appropriate action.
 - b. 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) calendar days or longer, students shall be informed of their right to a contested case hearing under Minnesota State Statute 14. (Refer to Part 9).

Part 9. Contested Case Hearings

1. A student may appeal a sanction of ten (10) or more calendar days of suspension or expulsion before an administrative law judge pursuant to 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.
2. A student seeking a hearing before an administrative law judge must inform the Student Conduct Administrator within five (5) business days of receiving their written notice of suspension or expulsion. If the student does not file an appeal within the five (5) business days, any further right to appeal shall be waived.
3. 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.
4. Within a period of not less than twelve (12) no more than twenty (20) business days following receipt of recommendation, a decision will be made by the College President. The decision of the College President is final.
5. 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.

Part 10. Notification to the Victim of Violent Crimes

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Part 11. Summary Suspension

1. In certain circumstances, the Student Conduct Administrator may impose a summary suspension prior to a Student Conduct Meeting or Student Conduct Board Hearing as previously described.
2. A summary suspension may be imposed only when, in the judgment of the Student Conduct Administrator, the student respondent's presence on the College campus would constitute a threat to the safety and well-being of members of the campus community.
3. To the greatest extent possible before implementing the summary suspension, the student respondent shall be given verbal 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 the suspension.
 - a. The refusal of a student to accept or acknowledge this notice shall not prevent the implementation of a summary suspension.
4. Notice of the summary suspension shall be provided in writing to the student in person or via College email.
5. After the student has been summarily suspended, the student shall be provided an opportunity for a Student Conduct Meeting or a Student Conduct Board hearing within the shortest reasonable time period, not to exceed nine (9) business days.
6. While the summary suspension is in place, the student may not enter the College premises nor participate in College sponsored activities without obtaining prior written permission from the Student Conduct Administrator.

Part 12. Implementation

1. A sanction shall not become effective during the time in which a student seeks an appeal, unless, in the discretion of the Student Conduct Administrator, it is necessary to implement an immediate sanction for the safety and welfare of the College community.
2. None of the provisions in this procedure affect the rights of persons in authority to take immediate and temporary action necessary to protect others and to uphold established policies, regulations, and laws.

Part 13. Timelines

Timelines may change at any step in the process based on acceptable documented extenuating circumstances provided all parties are notified via College email.

Part 14. Interpretation

Any questions of interpretation regarding the Code of Student Conduct shall be referred to the Student Conduct Administrator. The Code of Student Conduct shall be reviewed every three (3) years under the direction of the Student Conduct Administrator.

Part 15: Maintenance of Records

Student conduct records are retained for seven (7) years unless the College is aware of, or anticipates any legal action, audit, investigation, or review regarding a specific record. 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).

In accordance with Minnesota State 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.

Date of Implementation: Immediate

Date of Adoption: 2/28/17

Date of Revisions: 2/22/22