

## **DCTC Procedure 3.6.1 Student Code of Conduct**

### **Part 1. Introduction.**

Dakota County Technical College (DCTC) Procedure 3.6.1 shall implement DCTC Policy 3.6 Student Code of Conduct. The DCTC Student Code of Conduct applies at all DCTC locations and at all DCTC activities, wherever located. Student organizations are also subject to the DCTC Student Code of Conduct.

### **Part 2. Definitions.**

#### **Subpart A. College**

Dakota County Technical College

#### **Subpart B. College Property**

All land, buildings, facilities, and other property, real and personal, possessed, owned, leased, used, or controlled by the college, including adjacent streets and sidewalks.

#### **Subpart C. Administrator**

Person designated by the college president to be responsible for the administration of the Student Code of Conduct.

#### **Subpart D. Cheating**

Cheating includes, but is not limited to:

1. Use of any unauthorized assistance in taking quizzes, tests, or examinations.
2. Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.
3. The acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.
4. Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

#### **Subpart E. Expulsion**

Permanent denial of the privilege of enrollment at the college.

#### **Subpart F. Hazing**

An act which endangers the mental or physical health or safety of a person, subjects a 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 in a student group, organization, or athletic team.

#### **Subpart G. Policy**

The written regulations of DCTC and Minnesota State as found in, but not limited to, the DCTC College catalog, the DCTC Student Code of Conduct, and the DCTC and Minnesota State webpages.

#### **Subpart H. Preponderance of evidence**

Standard of responsibility that is more likely than not that the code has been violated.

**Subpart I. 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Includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment.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.

**Subpart J. Student**

Includes all persons who:

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

**Subpart K. Student Organization**

Any student club or organization that has been formally recognized by the DCTC Student Senate and the college president as per the guidelines published on the DCTC website.

**Subpart L. Summary Suspension**

A suspension imposed without a formal hearing to ensure the safety and well-being of the members of the college community.

**Subpart M. Suspension**

Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.

**Part 3. Proscribed Conduct.****Subpart A. Jurisdiction of the College Student Code of Conduct**

All DCTC students, regardless of the location of their residence, are members of the college community. College jurisdiction may be asserted for violations of the Student Code of Conduct that occur on college property. The college may also initiate student conduct proceedings for off-campus incidents when:

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

The administrator shall decide whether the Student Code of Conduct shall be applied to conduct occurring off-campus, on a case-by-case basis, in their sole discretion.

Allegations of discrimination, harassment, and sexual violence shall be resolved pursuant to:

1. Minnesota State and DCTC Policy 1B.1 Nondiscrimination in Employment and Education Opportunity
2. Minnesota State and DCTC Procedure 1B.1.1. Report/Complaint of Discrimination/Harassment Investigation and Resolution

3. Minnesota State and DCTC Policy 1B.3 Sexual Violence Policy
4. Minnesota State and DCTC Procedure 1B.3.1 Sexual Violence Procedures.

Allegations of fraud or dishonest acts shall be resolved pursuant to:

1. Minnesota State and DCTC Policy 1C.2 - Fraudulent and Other Dishonest Acts.

### **Subpart B. Conduct Rules and Regulations**

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

1. Acts of dishonesty, including but not limited to, the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any college official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any college document, record, or instrument of identification.
2. 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.
3. Physical abuse, verbal abuse threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Violation of academic space (i.e. shop and laboratory) safety protocols and rules.
5. Attendance problems including, but not limited to, absenteeism, tardiness, skipping classes, or other unauthorized leaves.
6. Student attire and/or personal grooming which creates a danger to health or safety or creates a disruption to the educational process.
7. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property, on or off campus.
8. Hazing.
9. 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.
10. Unauthorized possession, duplication, or use of keys to any college premises or unauthorized entry to or use of college premises.
11. Violation of any college or Minnesota State Board policy, rule, or regulation published in hard copy or available electronically on the college or Minnesota State web site.
12. Violation of any federal, state, or local law.
13. Use, possession, manufacturing or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
14. 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 Board Policy 5.18 and Minnesota State Board Procedure 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
15. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear in others.

16. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community; leading or inciting others to disrupt their schedule and/or normal activities within any campus building or area.
17. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
18. Violation of parking or college traffic rules and regulations including, but not limited to, the obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or college-supervised function(s).
19. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the academic community. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
20. Any violation of the DCTC or Minnesota State computer use policies and procedures (Policy 5.22 and Procedure 5.22.1)
21. Abuse of the student conduct process, including but not limited to:
  - a. Failure to obey the notice from a student conduct panel or college official to appear for a meeting or hearing as part of the student conduct process.
  - b. Falsification, distortion, or misrepresentation of information before a student conduct panel.
  - c. Disruption or interference with the orderly conduct of a student conduct panel proceeding.
  - d. Institution of a student code of conduct proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participation in or use of the student conduct system.
  - f. Attempting to influence the impartiality of a member of a student conduct panel prior to and/or during the course of the student conduct panel proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct panel prior to, during, and/or after a student conduct code proceeding.
  - h. Failure to comply with the sanction(s) imposed under the student code of conduct.
  - i. Influencing or attempting to influence another person to commit an abuse of the student conduct code process.

### **Subpart C. Violation of Law and College Discipline**

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the administrator. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college or Minnesota State rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

A person who incites or assists others to engage in conduct that violates the Student Code of Conduct may be considered and treated the same as the person carrying out such action. Allegations of discrimination, protected class harassment, or sexual violence shall be adjudicated under separate procedures in accordance with the college's policies on these issues, but violators may be subject to the sanctions described in this Student Code of Conduct.

#### **Part 4. Procedures**

##### **Subpart A. Investigation and Informal Process**

1. Any member of the college community may file a written complaint alleging that a student or student organization has violated student conduct proscriptions. Any complaint should be submitted as soon as possible after the event takes place. Persons filing complaints shall be informed of their rights under the Minnesota Government Data Practices Act. Following the filing of a complaint against a student or student organization, the administrator shall conduct an investigation of the allegations.
2. If the complaint seems unwarranted, the administrator may discontinue proceedings.
3. If there is sufficient evidence to support the complaint, the administrator shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given written notice of the specific complaint against them and the nature of the evidence available to support the complaint and provided with a copy of the student code of conduct policy and procedure. Within a reasonable time period following the meeting, the administrator shall inform the accused student in writing of their decision whether a violation of the student code of conduct was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing.
4. 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 college's appeal procedures.
5. If the accused student fails to appear for the informal hearing, the administrator may proceed to review and act upon the complaint in their absence and shall notify the student in writing of an action taken.
6. 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 administrator, it is necessary to implement an immediate sanction for the safety and welfare of the college community.

##### **Subpart B. Formal Hearing**

1. The college president or designee determines the composition of the student conduct panel, which must include student, faculty and staff representation. Students serving on the student conduct panel shall be appointed by the campus Student Senate. Student conduct panel hearings shall be conducted according to the following guidelines:
2. Student conduct panel hearings normally shall be conducted in private. A quorum of panel members must be present in order for the hearing to proceed. A quorum consists of two student representatives, one faculty member, and one staff member.
3. Students or organizations referred for a formal hearing shall be given adequate advanced notice in writing of the time, place, and date of the hearing. A student or organization's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
4. Within a reasonable time prior to the hearing, the student must be informed in writing of:

- a. The complaint,
  - b. The evidence to be presented against them,
  - c. A list of witnesses, and
  - d. The nature of their testimony.
5. In formal hearings involving more than one accused student or organization, the administrator, in their discretion, may permit the hearing concerning each student to be conducted either separately or jointly.
6. The student shall be given the opportunity to speak in their own defense, to present witnesses and to question any witnesses and to have an advocate present. The advocate may provide advice to the student but may not participate in any questioning. When there is likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advocate. At least three business days prior to the hearings the student will provide the administrator with any written documentation to be presented at the hearing, the names of witnesses who will be called by the student, and whether an advocate will be present.
7. Witnesses shall be excluded from those parts of the hearing in which they do not testify. The complainant and the accused student may remain present for the entire hearing. Each witness has the right to be accompanied by one advocate, who shall not participate in the questioning or presentation of information.
8. A written notice of findings and conclusions shall be provided to the student within a reasonable time after the hearing. The notice shall inform the student of any sanction to be imposed. The notice shall also contain information regarding the applicable appeal process. The complainant shall receive notification consistent with state and federal privacy laws.
9. The hearing may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the complainant, accused student, and/or other witness(es) during the hearing by providing for the presence of security, separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the administrator to be appropriate.

### **Subpart C. Sanctions**

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. More than one of these sanctions may be imposed for any single violation.
  - a. **Warning:** A notice in writing that the student is violating or has violated college or Minnesota State rules or regulations.
  - b. **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 college or Minnesota State regulation(s) during the probationary period. The college may impose specific written conditions for probation.
  - 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. **Discretionary Sanctions:** Work assignments, essays, service to the college or other related discretionary assignments.

- f. Suspension: Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.
  - g. Expulsion: Permanent denial of the privilege of enrollment at the college.
  - h. Revocation of Admission and/or Degree: Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, other violation of college standards in obtaining the degree or for serious violations committed by a student prior to graduation.
  - i. Withholding Degree: The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this student code of conduct, including the completion of all sanctions imposed, if any. Note: The imposition of Suspension, Expulsion, Revocation of Admission and/or Degree, and Withholding Degree (f.- i. above) may be reflected on a student transcript as per Minnesota State Policy 3.29 and Procedure 3.29.1, Part 5, College and University Transcripts.
2. The following sanctions may be imposed upon groups or organizations:
- a. Those sanctions listed above.
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. Deactivation of the group or organization including loss of all privileges and college recognition for a specified period of time.

#### **Subpart D. Summary Suspension**

In certain circumstances, the administrator may impose a summary suspension prior to the informal or formal proceedings described above. A summary suspension may be imposed only when, in the judgment of the administrator, the accused student's presence on the college campus would constitute a threat to the safety and well-being of the members of the campus community. To the greatest extent possible before implementing the summary suspension, the accused student shall be given oral or written notice of the intent to impose summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the 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 suspension shall not prevent the implementation of a summary suspension. Notice of the 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) school or business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the administrator.

#### **Subpart E. Appeals**

1. A decision reached by the student conduct panel, or a sanction imposed by the administrator may be appealed by the accused student(s) or complainant(s) to the Vice President of Academic Affairs within five (5) school or business days of the notification of the decision. Such appeals shall be in writing and shall be delivered to the administrator or their 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 informal or formal hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and

present information that the student code was violated and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from the 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 substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the student code occurred.
  - c. To determine whether the sanctions(s) imposed were appropriate for the violation of the student code which the student was found to have committed.
  - 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.
3. If an appeal is upheld by the Vice President of Academic Affairs, the Vice President of Academic Affairs may take any appropriate action. If an appeal is not upheld, the matter shall be considered final and binding upon all involved. In cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

**Related Documents:**

- DCTC Policy 3.6 Student Code of Conduct
- Minnesota State Board Policy 3.6 Student Conduct
- Minnesota State Board Procedure 3.6.1 Student Conduct
- Minnesota State Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity
- Minnesota State Board Procedure 1B.1.1. Report/Complaint of Discrimination/Harassment Investigation and Resolution
- Minnesota State Board Policy 1B.3 Sexual Violence
- Minnesota State Board Procedure 1B.3.1 Sexual Violence
- Minnesota State Board Policy 1C.2 Fraudulent and Other Dishonest Acts
- Minnesota State Board Policy 5.22 Acceptable Use of Computers and IT Resources
- Minnesota State Board Procedure 5.22.1 Acceptable Use of Computers and IT Resources
- Minnesota State Board Policy 3.29 College and University Transcripts
- Minnesota State Board Procedure 3.29.1 College and University Transcripts

**Responsible Administrator:** Vice President of Student Affairs

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**Date and Subject of Revisions:**

03/29/2024: Added language to include violation of shop and laboratory safety protocols and rules. Aligned the formal hearing process with Inver Hills Community College.

05/30/2017: updated title and history and changed MNSCU references to Minnesota State all throughout document.