



College Policy 4.04.01

Student Code of Conduct Procedures

Part 1. Purpose

Minneapolis Community and Technical College believes that every student is accountable for his or her individual behavior especially as it imposes on the freedom, rights and safety of another individual or to the extent that it impacts upon the atmosphere and environment conducive to the educational mission of the College community.

Within this context, specific kinds of behavior are judged to be unacceptable and may serve as a basis for expulsion. These include, but are not limited to: disorderly and/or disruptive behavior; physical assault or threat of physical assault; theft or attempted theft; vandalism or willful property damage; trespassing (unauthorized presence) or failure to heed a lawful order; academic dishonesty; fraud and/or willful misrepresentation; and possession of alcohol and/or illicit substances.

Disciplinary action against individual students or a group of students are administered in the context of a unified and coordinated set of campus regulations and processes to ensure fair, equitable, and legal outcomes. This process ensures due process for students accused of engaging in misconduct.

The code of conduct exists to guide the behavior of all MCTC students. Students participating in on-site orientation will be provided with information regarding the student code of conduct.

Part 2. Jurisdiction

The College has the right to take necessary and appropriate action to support and protect the safety and well-being of the College community. Minneapolis Community and Technical College students are expected to abide by local, state and federal laws and College rules. Should the violation of civil or criminal law involve College interests, the College has the right to proceed with disciplinary action without regard to civil or criminal proceedings.

These regulations apply on campus and at all College-sponsored activities, or at activities sponsored by College clubs or organizations on- or off-campus, or if the off-campus action involves a continuation or extension of a situation initiated on campus, except where specifically limited. Students or organizations may be subject to College discipline for any of the misconduct described below which occurs any time on College-controlled premises or at College-approved or sponsored functions.

Part 3. Standards

All MCTC students are encouraged to familiarize themselves with, as well as to conform to, College rules and regulations governing personal conduct on all campuses. Violations of such rules and regulations, for which students are subject to disciplinary action, include, but are not limited to, the following:

1. Dishonesty, including, but not limited to cheating, plagiarism, or knowingly furnishing false information to the College. Plagiarism includes, but is not limited to the use by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgement; unacknowledged use of materials prepared by another person or agency engaging in selling or otherwise providing term papers or other academic materials. Knowingly passing an insufficient funds check or fraudulent money order in payment of any financial obligation to the College.
2. Forgery, alteration, misrepresentation, or misuse of College documents, records or identification, or of records submitted to the College.
3. Unauthorized use, changing, deleting of any information or data contained in the MnSCU student record computers.
4. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities on or off campus, including, but not limited to, instruction, the community service functions or other authorized activities on or off College premises.
5. Failure to comply with directions of College officials acting in the performance of their duties or with fire, police or other

emergency service personnel. Failure to identify oneself to these persons when requested to do so, after they have identified themselves.

6. Conduct which threatens or endangers the health or safety of any person at the College, or at College controlled, sponsored or supervised functions. Intentionally, recklessly or negligently causing physical harm to any person on the College premises or at College sponsored activities. This includes engaging in any form of fighting or any hostile conduct or behavior that might incite violence.
7. Harassment of any member of the College community, placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse (including repeated phone calls), intimidation including but not limited, to violence or threat of violence, bullying or personal vilification, including when such actions are based on age, sex, race, color, disability, religion, sexual orientation, or national/ethnic origin. (Refer also to MCTC Sexual Harassment Policy).
8. Physical, sexual abuse or battery upon a student or College personnel, upon College premises, or while under the authority of College personnel, or at a College-sponsored event; or continued abuse of a student or College personnel, assault or battery upon a student or College personnel, or any threat of force or violence directed toward a student or College personnel.
9. Hazing, including any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose or intention, admission into, affiliation with, or as a condition of continued membership in a group or organization.
10. Unauthorized borrowing of or use of College property, theft or attempted theft or damage to, property of the College or property of a member of the College community or property of a campus visitor.
11. Unauthorized entry to, or use of, College supplies (including College stationery and postage), keys, telephones (including long distance service), computers or computer systems, equipment and/or facilities or the use of any of the above for any illegal act or any act prohibited by the code of conduct.
12. Theft or destruction of computer hardware or software. Misuse of computer time including, but not limited to: unauthorized entry into a file, to use, read, or change the contents, or for any other purpose; unauthorized transfer of a file, unauthorized use of another individual's identification and password; use of computing facilities to interfere with the work of another student, faculty member or College official; use of computing facilities to send obscene or abusive messages; use of computing facilities to interfere with normal operation of the College computing system.
13. Damage to public or private property on College premises including, but not limited to graffiti, defacing signs or damaging College property wherever located.
14. The incurring of financial obligations on behalf of the College without proper authorization.
15. Violation of College regulations concerning student organizations, the use of College facilities, or the time, place and manner of public expression.
16. Unauthorized use, sale, possession, or presence on campus or at College-sponsored events of alcoholic beverages or controlled substances and/or drug paraphernalia. The state of being under the influence of alcohol or controlled substances on College-controlled property, or at College sponsored events. A complete copy of the Drug and Alcohol-Free Campus Policy is available for students and employees in the Counseling Office and the Human Resources Office.
17. Disorderly, disruptive, indecent, or obscene conduct or expression, or breach of peace, on College-owned or controlled property or at College-sponsored or supervised functions. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
18. Continued willful and disruptive behavior, vulgarity, open and persistent defiance of authority, or persistent abuse of College personnel.
19. Possession or use of unauthorized firearms or other dangerous weapons on College-controlled property. "Weapon" is broadly defined to include, but is not limited to, all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy-club, and fireworks.
20. Violation of College regulations regarding the use of tobacco products on College-controlled property.
21. Gambling on campus.
22. Unauthorized solicitation or selling of goods or services on campus or at College-sponsored activities on or off campus.
23. Actions which interfere with obstruct or prevent the regular and essential operations of the College or infringe upon the rights of others to freely participate in its courses, programs or services.

Part 4. Sanctions

Disciplinary sanctions are implemented by written notification after an informal meeting or formal hearing with administrative staff arranged by the Office of the Vice President for Student Affairs or designee.

More than one of the sanctions listed below may be imposed for any single violation. The following sanctions are listed to provide students with examples of possible penalties for conduct code violations.

The College reserves the right to impose other sanctions as circumstances warrant.

Warning - issuance of an oral or written warning or reprimand that may become part of a student's permanent file.

Restitution - payment required to the College or other persons, groups, or organizations for damages incurred.

Probation - continued enrollment at the College but under specific written conditions for a specific period of time. 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(s) during the probationary period.

Discretionary Sanction - service to the College or other related discretionary assignments.

Loss of a College Privilege - an order directing a student not to have contact with an area or another member of the College community.

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

Long-term Suspension - a suspension that remains in effect for longer than 10 (ten) days. Long-term Suspensions are recorded on the academic transcript.

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.

Expulsion - termination of student status. Expulsions are recorded on the academic transcript.

Part 5. Initiation of Conduct Investigation

NOTE: Complaints alleging harassment or discrimination based on race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, or sexual orientation, will be investigated and processed under the Equal Opportunity Policy and Procedures in the College catalog. All other complaints alleging improper conduct by a student or student group will be investigated under the Student Conduct Investigation Procedures.

Subpart A. Filing of a Complaint

Any member of the College community may file a complaint against a student or student organization alleging a violation of the Student Code of Conduct or other College policy. A complaint should be submitted to the Student Conduct Officer or designee. Once a complaint is filed, the Student Conduct Officer reserves the right to investigate the complaint even if a complainant chooses not to pursue the matter. Persons filing a complaint are required to provide pertinent information and, if necessary, appear at a hearing.

Subpart B. Misconduct Reported Through Other Means

In many situations, alleged conduct violations are reported to the Student Conduct Officer through Public Safety Incident Reports or other means. The Student Conduct Officer has the responsibility to ensure compliance with the Student Code of Conduct and therefore retains the authority to investigate all reports of alleged student misconduct regardless of how the report is received by the Student Conduct Officer.

Subpart C. Cooperation with Investigation

All members of the college community are required to cooperate with an investigation and provide pertinent information to the Student Conduct Officer upon request, and if necessary, appear at a hearing.

Part 6. Investigation of Alleged Misconduct

Following the filing of a complaint or receipt of a report of alleged misconduct, the Student Conduct Officer or designee will conduct an investigation. If, in the process of the investigation, the Student Conduct Officer or designee determines that the complaint is unwarranted or unsupported, the Student Conduct Officer or designee shall discontinue proceedings.

Subpart A. Informal Meeting

If the Student Conduct Officer or designee feels that there is sufficient evidence to support the complaint, the Student Conduct Officer or designee shall offer the accused student an opportunity to resolve the violation at an informal meeting. The student or students will be notified of their right to the informal meeting orally or by e-mail sent to their College assigned e-mail account.

Prior to or at the beginning of the informal meeting, the student must be provided with the following information:

- Oral or written notice of the complaint.
- A copy of the Student Code of Conduct.
- Oral or written notice of a summary of the evidence to support the complaint specific policy he/she is accused of violating.
- A Tennessee Notice.

During the informal meeting the Student Conduct Officer or designee shall review the complaint and evidence with the student and allow the student to present a defense against the complaint. The accused student may have an advisor or attorney present. However the advisor or attorney may not participate in any questioning or advocate on behalf of the student.

Within a reasonable time period following the meeting, the Student 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 meeting or formal hearing.

If the student fails to appear for the informal meeting, the Student Conduct Officer or designee may impose an appropriate sanction against the student. The Student Conduct Officer or designee shall send written notice to the student of any sanction imposed, including any applicable right to appeal. The student or students will be notified by e-mail sent to their College assigned e-mail account.

A student who has received a sanction other than a long-term suspension or expulsion has a right to an appeal meeting with a Student Affairs Administrator. A request for an appeal meeting must be made in writing to the Student Affairs Administrator identified in the notice of sanction, and received within ten (10) business days of the e-mail notice of sanctioning. Failure to request an appeal meeting in writing within the ten (10) day time period presumes acceptance of the sanction.

A student who has received a sanction of a long-term suspension or expulsion may accept the sanction or may request a formal hearing. A request for formal hearing must be made in writing to the Student Affairs Administrator identified in the notice of sanction, and received within ten (10) business days of the e-mail notice of sanctioning. Failure to request a formal hearing in writing within the ten (10) day time period presumes acceptance of the sanction.

Subpart B. Formal Hearing

After receiving a request for a formal hearing within the proscribed time period, the College will notify the student in writing of the time, place and date of hearing. Such notice to the student shall also include:

- A summary of the witness and documentary evidence that may be presented in support of a charge.
- 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.
- Notice that the student may have an advisor present, and if there is a likelihood that the student will face criminal prosecution related to the charge, notice that the student may wish to retain an attorney.
- 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.

The student may elect to have a hearing before the Student Affairs Administrator or before a College Conduct Committee made up of members of the College community. The hearing will be conducted in the following manner:

1. The Student Conduct Officer or designee who imposed the sanction shall first present the complaint and supporting evidence. The accused student shall have an opportunity to challenge evidence.
2. The accused student shall next present evidence or testimony to refute the complaint.
3. Only those materials and matters presented at the hearing shall be considered as evidence.
4. The hearing shall be held in closed session unless the Student Affairs Administrator/Conduct Committee Chair determines there is a compelling reason and neither the accused student nor the complainant presents an objection.
5. The accused student may have an advisor or attorney present. However the advisor or attorney may not participate in any questioning or advocate on behalf of the student.

Upon conclusion of the Conduct Committee hearing, the Committee in closed session shall consider the evidence and make a recommendation to the Student Affairs Administrator. The Student Affairs Administrator will consider the recommendation and evidence that is forwarded by the Conduct Committee and will decide to uphold the sanction, exonerate the student, or impose a different sanction.

If the student elects to have a hearing before the Student Affairs Administrator, the hearing will be conducted in the manner described above. Upon conclusion of the hearing, the Student Affairs Administrator shall consider the evidence and decide to uphold the sanction, exonerate the student, or impose a different sanction.

A written notice of findings and conclusions shall be provided to the student within a reasonable time after the hearing. The student shall be considered notified of the sanction: 1) when the notice is hand-delivered to the student or 2) two-days (excluding Sundays and legal holidays) after the notice is e-mailed to the student's College assigned e-mail account. If the Student Affairs Administrator affirms a long-term suspension or expulsion, the notice shall inform the student of his/her right to a contested case hearing under Minnesota law.

Part 7. Contested Case Hearings

If a long-term suspension or an expulsion is upheld by the Student Affairs Administrator, the student has a right to appeal the decision before an administrative law judge pursuant to Minnesota Statutes Chapter 14. A student seeking a hearing before an administrative law judge must inform the Student Affairs Administrator within ten (10) business days of the e-mail notice of the Student Affairs Administrator's final decision. The College will request a hearing from the Office of Administrative Hearings. The student will be notified of the time, place and date of the hearing.

The hearing will be conducted pursuant to Contested Case Procedures adopted by the Office of Administrative Hearings. An administrative law judge will be appointed by the Chief Administrative Law Judge pursuant to Minnesota Statute section 14.50.

Following the hearing, the administrative law judge shall make a report, which contains a recommendation, to the College President.

Within a reasonable time period following receipt of the administrative law judge's recommendation, the College President shall make a decision. The President's decision shall be final.

Part 8. Summary Suspension

In some cases, a complaint may allege threats of harm or serious harm to individuals. If, in the judgment of the Student Conduct Officer or designee, the accused student's presence on campus would constitute a serious threat to the safety and well-being of others, the Student Conduct Officer or designee may impose a summary suspension. 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 a summary suspension shall be provided to the accused student in writing. During the summary suspension, the student may not enter the campus without obtaining prior authorization from the Student Conduct Officer or designee. A student who has been summarily suspended will be given the opportunity for an informal meeting or formal hearing within the shortest reasonable time period, not to exceed nine (9) school or business days.

None of the provisions in this policy 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 9. Appeal Guidelines

The following guidelines should be used as grounds for an appeal: new evidence not reasonably available at the time of the hearing, violation of hearing procedures, violation of student's due process rights, inconsistency of sanction relative to violation,

and decisions contrary to weight of the evidence.

Part 10. Implementation

A sanction shall not become effective during the time in which a student seeks an appeal meeting or formal hearing, unless, in the discretion of the Student Conduct Officer or designee, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

Part 11. Definitions

For purposes of 4.04 Student Code of Conduct and 4.04.01 Student Code of Conduct Procedures the following definitions apply:

Expulsion. Permanent denial of the privilege of enrollment at the College.

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.

Preponderance of evidence. A standard of responsibility that it is more likely than not that the code has been violated.

Student. The term "student" includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through the College, including any type of course, but not limited to traditional, CECT, PSEO, TriO, etc., OR
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code, but before an outcome is rendered, OR
3. Are not currently enrolled, but have been enrolled in at least one course in the proceeding calendar year or are registered for at least one course in the upcoming term (traditional or non-traditional terms), OR
4. Have been notified of their acceptance for admission or have initiated the process of application within the last calendar year or have applied for admission to the college within the last calendar year.

Nothing in this definition limits the college's right to address conduct issues involving graduates where the issue could impact their entitlement to a degree, diploma, certificate or other award, as well as other issues to the college's discretion.

Summary suspension. A suspension imposed without an informal meeting or formal hearing to ensure the safety and well-being of members of the college or university community.

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.

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