

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

### **Part 1. 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 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 or lacks substantiating evidence, 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 him/her and the nature of the evidence available to support the complaint and provided with a copy of the code of conduct. During the meeting the administrator shall review the complaint and the evidence with the student and allow the student to present a defense against the complaint. Within a reasonable time period following the meeting, the administrator shall inform the accused student in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing. The complainant shall receive notification consistent with state and federal privacy laws.
4. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine days may agree to accept the sanction, or may request a formal hearing. If the student requests a formal hearing, he/she must notify the administrator within five business days after the college notifies the student of the sanction (See Part 2, Formal Hearing). A student who is subject to sanctions other than expulsion or suspensions longer than nine days may agree to accept the sanction, or may submit an appeal in accordance with the college's appeal procedures (See Part 5, Appeals).
5. If the accused student fails to appear for the informal meeting, the administrator may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.

### **Part 2. 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:

- a. 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, two faculty members, and one staff member.
- b. Students or organizations referred for a formal hearing shall be given adequate advance 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.

- c. 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 him/her; c) a list of witnesses; and d) the nature of their testimony.
- d. In hearings involving more than one accused student or organization, the administrator, in his or her discretion, may permit the hearing concerning each student to be conducted either separately or jointly.
- e. The student shall be given the opportunity to speak in his/her 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 a likelihood that a student involved in conduct proceedings will face criminal prosecution for an offense, it may be advisable that the student have an attorney as the advocate. At least three business days prior to the hearing 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.
- f. 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.
- g. 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.
- h. 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 during the hearing by providing for the presence of law enforcement and/or security, separate facilities by using a visual screen and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the administrator to be appropriate.

### **Part 3. Sanctions**

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
  - a. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. Probation - A written reprimand for violation of specified regulations placing a student on probationary status. 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.
  - c. Loss of Privileges - Denial of specified privileges for a designated period of time. Examples include administrative withdrawal of the student from a course; denial of access to specific college facilities, courses, programs, services or activities; denial of such benefits as receiving institutional financial aid, registration; representing the college in a specific capacity; and holding office in campus clubs/organizations.
  - 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. Suspensions lasting ten days or longer shall be noted on the student's transcript.
- g. Expulsion - Permanent denial of the privilege of enrollment at the college. Expulsions shall be noted on the student's transcript.
- h. Revocation of Admission and/or Degree - Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- i. Withholding of a Degree - The college may withhold award of 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.

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

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 - Loss of all privileges, including college recognition, for a specified period of time.

#### **Part 4. Summary Suspension**

In certain circumstances, the administrator may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. 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 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 summary 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 business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the administrator.

#### **Part 5. 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 for Student Affairs within five business days of notification of the decision. Such appeals shall be in writing and shall be delivered to the administrator or his or her 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. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice resulted.
  - 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 they had been known and believed by the fact finder, would have been sufficient to decide differently whether a violation of the Student Code of Conduct occurred.

- c. To determine whether any sanction imposed was appropriate for the violation of the Student Code of Conduct 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, he/she may take any appropriate action. If an appeal is not upheld, the original decision shall be considered final and binding upon all involved except that in cases involving sanctions of suspension for ten days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

**Related Documents:**

IHCC Policy 3.6

[Minnesota State Policy 3.6](#)

[Minnesota State Procedure 3.6.1](#)

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

**Procedure History:**

Date of Adoption: NA

Last Revision date: 4/7/2017

Date most recent procedure revisions go into effect: 5/30/2017

**Date and subject of revisions:**

11/21/2016 – Policy Committee Review Fall 2016 and Spring 2017. Faculty Shared Governance notification 9/27/2016 and 10/25/2016. Comment period November 28 through December 12, 2016. Student Senate Review December 8, 2016. Changed to new template. Procedure separated from policy. In Part 5, #2a, removed language describing reasonable opportunities for the complaining party and the accused student. In Part 1, #3 and in Part 2, #1g, added language regarding notification to be consistent with Minnesota State Procedure 3.6.1.