

# St. Cloud Technical & Community College

## Policies and Procedures

### Chapter S3 – Educational Policies

#### S3.26     Student Code of Conduct

*Update Revision Responsibility: Vice President for Student Affairs*

##### **Authority**

Minnesota State Colleges and Universities Policy 3.6; Procedure 3.6.1

##### **General Statement of Policy**

St. Cloud Technical and Community College is committed to the creation and maintenance of an academic community which fosters the intellectual, personal, social and ethical development of its students. The College seeks to develop a community that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests. In addition to students understanding their rights and responsibilities, St. Cloud Technical and Community College expects that each student will obey the laws enacted by federal, state and local governments. In addition, there are certain rules and regulations governing student conduct which have been established by St. Cloud Technical and Community College and the Minnesota State Colleges and Universities Board of Trustees (MnSCU).

Persons who fail to act accordingly may be subject to disciplinary actions as set forth in this policy and procedure. In addition to maintaining the confidentiality of each case, the College also ensures that alleged violators will be afforded due process in investigating their conduct.

The college President has designated the Vice-President of Student Affairs as the College's Student Conduct Officer in regards to implementing this policy and related procedure.

The college maintains a record of all disciplinary actions and are collected and archived in the private conduct records of the Student Conduct Officer.

Student conduct involving acts of discrimination, harassment, and sexual violence shall be resolved pursuant to SCTCC and MnSCU Board Policy 1.B1, Nondiscrimination in Employment and Education Opportunity, Procedures 1B.1.1, Report/Complaint of Discrimination /Harassment Investigation and Resolution, Policy 1B.3 Sexual Violence Policy, Procedure 1B.3.1, Sexual Violence Procedure and shall be directed to the SCTCC's affirmative action officer or other designated official listed in the Procedures 1.B.1.1 and 1.B3.1.

##### **Other related Policies**

MnSCU/SCTCC Policy 1B.1: *Report/Complaint of Harassment/Discrimination*

MnSCU Policy 1B.3: *Sexual Violence Policy*

MnSCU Policy 3.1: *Students' Rights and Responsibilities*

MnSCU Policy 3.29: *College and University Transcripts*

##### **Definitions**

**Student:** the term "student" includes an individual student, a group of students, a campus club/organization, the campus student government, or all persons who:

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

**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.

**Appeal:** A request for reconsideration of a disciplinary decision.

## **Student Rights and Responsibilities**

### Freedom to Learn

In addition to the basic constitutional rights enjoyed by all citizens, students in colleges and universities have specific rights related to academic freedom and their status as students. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students are expected to exercise their freedom with responsibility.

### Freedom of Expression

Individual students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. In the classroom, students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

### Freedom of Association

Students shall be free to organize and join organizations to promote their common and lawful interests, subject to institutional policies or regulations. Registration or recognition may be withheld or withdrawn from organizations that violate institutional regulations.

### Student-Sponsored Forums

Students shall have the right to assemble, to select speakers, and to discuss issues of their choice. The college or university shall establish reasonable time, place and manner restrictions to assure that the assembly does not substantially disrupt the work of the institution or does not interfere with the opportunity of other students to obtain an education or otherwise infringe upon the rights of others. Such regulations shall not be used as a means of censorship. The president or designee may prohibit any forum when holding the event, in his or her judgment, would result in physical harm or threat of physical harm to persons or property. Prior to any such prohibition, the president shall make his or her best effort to consult with a designated member of the student association.

### Student Publications

Student-funded publications shall be free of censorship and advance approval of copy, and their editors and managers shall be free to develop their own editorial and news coverage policies. Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. The student fee

allocation process shall not be used as a means of editorial control of student-funded publications. All student publications shall explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university system, or student body.

Student Policies

The policies of the college or university regarding student expectations, rights and responsibilities shall be readily accessible to students.

Catalog and Course Information

To the extent possible, students will be provided relevant and accurate information regarding courses prior to enrollment. Catalog descriptions will be accurate and based on information existing at the time of publication. To the extent possible, class schedules will list the names of faculty teaching courses.

Student Academic Standing Information

Students shall have access to accurate information about general requirements for establishing and maintaining acceptable academic standing, information which will enable students to determine their individual academic standing, and information regarding graduation requirements.

Academic Evaluation

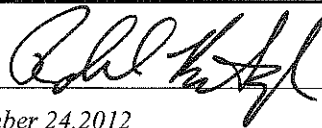
Student academic performance shall be evaluated solely on the basis of academic standards, including any requirements that are noted in the catalog, course syllabus, or student handbook. Students shall have protection against prejudiced or capricious evaluation and shall not be evaluated on the basis of opinions or conduct in matters unrelated to academic standards. Students shall have the right to review their corrected examinations or other required assignments used by the faculty in evaluating the student's academic performance.

Property Rights

Term papers, essays, projects, works of art, and similar property shall be returned to a student upon request, within a reasonable timeframe, when no longer needed for evaluation purposes, unless the student grants written permission for them to be retained.

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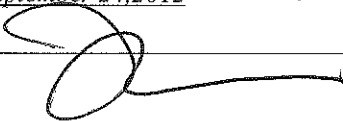
Faculty Shared Governance Council President



Date: 1/18/13

Date of SCTCC Student Senate Review: September 24, 2012

College President:



Date: 4/22/13

Date of Adoption: January 14, 2013

Date of Implementation: \_\_\_\_\_

Date repealed or replaced: \_\_\_\_\_

# St. Cloud Technical & Community College

## Policies and Procedures

### Chapter 3 – Educational Policies

#### S3.26.1 Student Code of Conduct Procedure

##### **Introduction**

St. Cloud Technical and Community College is committed to the creation and maintenance of an academic community which fosters the intellectual, personal, social and ethical development of its students. In addition to students understanding their rights and responsibilities, St. Cloud Technical and Community College expects that each student will obey the laws enacted by federal, state and local governments. In addition, there are certain rules and regulations governing student conduct which have been established by St. Cloud Technical and Community College and the Minnesota State Colleges and Universities Board of Trustees (MnSCU). The College implements the following actions to enforce its conduct code.

##### **Disciplinary Offenses**

The following are defined as disciplinary offenses actionable by the college:

- A. College Rules and Policies: Violation of any published college policies, rules or regulations or administrative announcement of MnSCU or the college. This includes, but is not limited to the SCTCC Student Handbook.
- B. Academic dishonesty: Submission of false academic records, cheating, plagiarism, altering, forging, or misusing a college academic record; acquiring or using test materials without faculty permission; acting alone or in cooperation with another to falsify records or to obtain dishonest grades, honors, or awards.
- C. Forgery, alteration, destruction, or misuse of college documents, records, identification cards, or papers.
- D. Knowingly furnishing false information to the college or other similar forms of dishonesty in college-related affairs, including knowingly making false oral or written statements to any member of the College Judicial Council or Student Conduct Officer.
- E. Theft, attempted theft, unauthorized borrowing or use of any college property or service wherever located, or the theft, attempted theft, unauthorized borrowing or use of public or private property on college premises.
- F. Disruptive conduct/behavior: Actions which unreasonably interfere obstruct or prevent the regular and essential operations of the college or infringe upon the rights of others to freely participate in its programs and services. This may include, but is not limited to, intentionally and substantially interfering with the freedom of expression of others including speech which incites imminent unlawful acts or which causes reasonable apprehension of physical harm to an individual; participating in a campus demonstration which disrupts substantially or materially the activities of the college; intentionally obstructing or interfering with the freedom of pedestrian or vehicular movement on campus.

G. Disorderly conduct: Threat to, physical abuse of, or harassment which threatens to or endangers the health, safety, or welfare of a member of the college community; physically assaulting another and fighting or engaging in any offensive or abusive language, or in boisterous or noisy conduct reasonably tending to arouse alarm, resentment, or anger in others on college-owned or controlled property or at college sponsored or supervised activities.

H. Sexual misconduct: Engaging, individually or in concert with others, in sexual misconduct; i.e. non-consensual physical conduct of a sexual nature including but not limited to sexual physical abuse, rape or any other form of sexual assault, or threat of sexual violation.

I. Criminal sexual behavior: Including, but not limited to, the implied use or threatened use of force to engage in any sexual activity against a person's will and/or engaging in such behavior with a person who is unconscious, or substantially mentally impaired (including intoxicated). NOTE: Consent does not exist when acts are committed by force, intimidation, coercion, or through use of authority or the victim's mental or physical incapacity. The expectation is that consent is clear and mutual.

J. Sexual harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college; or

2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college; or

3. Such conduct has the purpose or effect of threatening an individual's employment, interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or educational environment.

K. 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.

L. Vehicle violations: Speeding; failure to yield to pedestrians or other vehicles; reckless, careless or inattentive driving; vehicle theft, damage or vandalism will also be reported to law enforcement when required. This also applies to any wheeled device - motorized or not - including motorcycles, motor scooters, mopeds, bicycles and skateboards. Bicycling, rollerblading, rollerskating and skateboarding in college buildings, stairs, entryways or other outdoor spaces not intended for vehicle traffic are also prohibited.

M. Controlled substances: Unauthorized use, possession or distribution of a controlled substance, drugs and/or drug paraphernalia is prohibited.

N. Weapons possession: Students are prohibited from possessing or carrying a firearm while on system property, regardless of whether the student has a permit to carry a firearm, except as otherwise provided in MnSCU Policy 5.21 or expressly authorized by the college. Furthermore, "Weapon" is broadly defined to mean any object, device or instrument designed as a weapon or capable of threatening or producing bodily harm, including but not limited to all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy clubs, and fireworks.

O. Alcohol use: Use, possession or distribution of alcohol on college premises or college-sanctioned or sponsored events except as expressly permitted by law and/or MnSCU or college policy is prohibited. Violation of local and state alcohol laws in the St. Cloud community, including but not limited to underage consumption, hosting underage drinking, and sale or provision of alcohol to underage students.

P. Gambling: Gambling for money or other things of value, except as permitted by law.

Q. College facilities and services: Unauthorized entry into or use of the college facilities, telephone system, mail system, or computer system or use of any of the above for any illegal act or any act prohibited by college policy.

R. Violation of local, state, or federal law on college property, or off-campus when such violation of the law is of interest to the college.

S. Encouraging conduct violations: Attempts to commit acts prohibited by this code, or encouraging others to commit acts prohibited by this code will be punished to the same extent as if one had committed the prohibited act.

T. Failure to comply with directions of, or to present identification to college officials acting in the performance of their duties. This includes failure to comply with conditions of sanctions resulting from previous college conduct action.

U. Physical or psychological/emotional abuse, intimidation or harassment of a person including but not limited to stalking, defamation, intimidation or harassment through other persons or use of electronic or other communication devices such as video, computers, or telephones.

***St. Cloud Technical and Community College reserves the right to review student behavior that occurs off campus if the behavior violates college policy; local, state or federal laws; or adversely affects the educational or service interests of the college.***

### **Sanctions for Conduct Code Violations**

The following sanctions shall comprise the range of official action which may be imposed for violation of regulations; one or more sanctions may be imposed:

A. Conduct Warning: Conduct warning is a notice to students that their conduct has been questionable and that future breaches of conduct will be treated more severely. The warning is recorded in the private conduct records of the Student Conduct Officer.

B. Conduct Probation: Conduct probation is a trial period during which students must behave in a manner acceptable to the college. The status of conduct probation is assigned for a specific period of time. While on conduct probation, students are encouraged to seek advice and counsel from appropriate college resources. A conduct board may recommend terms of probation which restrict the students' participation in extra-curricular activities. The terms of probation may involve a conduct contract including, but not limited, to the following:

1. A work contract whereby the student is required to perform some type of work function. The work assignment shall be reasonably safe and related to the violation(s) of the students involved.

2. Counseling contract whereby the student is required to attend regular counseling sessions for the purpose of understanding behavioral motivation factors, accepting responsibility for and modifying behavior accordingly.

3. A contract restricting privileges. Conduct probation status may affect qualifications for some awards, prizes, or aid, particularly those stipulating conduct acceptable to the college. Proof of a major

violation of the terms of probation or of a further major incident of misconduct shall result in separation from the college for not less than one full academic term (excluding summer session). Conduct probation is recorded in the private conduct records of the Student Conduct Officer.

C. Conduct Suspension: Conduct suspension is an action which excludes students for a specific period of time from registration or class attendance. The privilege of the use of college facilities is withdrawn by this action unless specific permission is obtained from the Student Conduct Officer.

In unusual circumstances (when the presence of the student on campus is deemed to be acceptable for the moment), a college suspension action decided after the eighth week of the term may be deferred until the end of the term by the Student Conduct Officer. Conduct suspension is recorded in the private conduct records of the Student Conduct Officer and appropriately noted in the transcript per MnSCU Policy 3.29.5b. Upon termination of the period of suspension, students shall be considered for registration in compliance with academic admission standards then in effect. Proof of a further incident of misconduct, after the students are readmitted, will likely result in dismissal or expulsion.

D. Summary Suspension: In certain circumstances, the Conduct Officer may impose a summary suspension prior to the informal or formal proceedings described in the other sections. 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. Before implementing the summary suspension, the accused student shall be given oral or written notice of the intention to impose the summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. Notice of intent to impose 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 ten (10) days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the Student Conduct Officer.

E. Conduct Dismissal: Conduct dismissal is the withdrawal by the President or designee of the college of the privilege of registration or class attendance with no promise (implied or otherwise) that the student may return at any future time. The privilege of the use of college facilities is withdrawn by this action unless specific permission is obtained from the Student Conduct Officer. Conduct dismissal is recorded in the private conduct records of the Student Conduct Officer and permanently noted in the student's academic transcript. Students on conduct dismissal may be readmitted only by action of the President of the college or designee. Students who have been dismissed are not eligible for readmission sooner than one year from the date of dismissal. If the students are readmitted, proof of a further incident of misconduct shall result in expulsion.

F. Conduct Expulsion: Conduct expulsion is the permanent withdrawal by the President of the college of the privilege of registration or class attendance. The privilege of the use of college facilities is withdrawn by the action unless specific permission is obtained from the Student Conduct Officer. Conduct expulsion is recorded in the private conduct records of the college Student Conduct Officer and permanently noted in the student's academic transcript.

G. Loss of Privilege: Loss of privilege is the withdrawal of a privilege or use of a service for a specific period of time consistent with the offense committed and the rehabilitation of the student. Loss of privilege is recorded in the private conduct records of the Student Conduct Officer. Note: For SCTCC students living in St. Cloud State University residence halls, this can require re-assignment to a different residence hall floor or building. It can also include residence hall contract termination and removal from the premises. Loss of privilege may be imposed separately or in addition to any other sanction(s), including those imposed by SCSU's Student Life and Development Office.

H. Restitution: Restitution requires students to pay for damages for misappropriation of college funds, property, or the property of members of or visitors to the college community. Such reimbursements shall be charged to any student who alone, or through group concerted activities, organizes, or knowingly participates in the events causing the damage or costs. Restitution is recorded in the private conduct records of the Student Conduct Officer. Restitution may be imposed separately or in addition to any other sanction(s).

### **Disciplinary Procedures**

#### **A. Notice of Charges and Citation:**

1. The complaint will be filed with the Student Conduct Officer on the form supplied by that office.
2. The complaint citation form will be signed by the person entering the complaint. Anonymous citations will not be accepted for entry into the disciplinary process.
3. A student may be cited for violation of the Student Code of Conduct by another student or by a faculty or staff member of the college.
4. Any student cited for violation of the Code of Conduct will be assumed innocent until a properly constituted hearing process determines otherwise.
5. Students shall be informed of the charges against them sufficiently in advance of any formal or informal hearing to afford a reasonable opportunity to prepare their defense. The notice of charges shall identify any regulations which students are alleged to have violated and state the time, date, and place of the occurrence. Students shall also be informed of their rights, together with a statement of the hearing procedure and possible sanctions.
6. The college reserves the right to suspend immediately and remove from campus without hearing, any student that poses an immediate threat to the health or safety of persons on campus. A properly constituted hearing on the matter will normally take place within two weeks.

#### **B. Responsibilities of the Student Conduct Officer or designee:**

1. When a complaint citation has been filed, the Student Conduct Officer shall review the complaint and make a determination as to need for investigation or whether the situation can be disposed of informally by mutual consent of the persons involved on a basis acceptable to the Conduct Officer.
2. Based upon investigation results, or the informal process, the Student Conduct Officer, may:
  - a. dismiss the allegation,
  - b. assess the appropriate sanction, or
  - c. refer the matter to the College Judicial Council.
3. The Student Conduct Officer will maintain complete records of all disciplinary proceedings.
4. When needed, the Student Conduct Officer will organize formal hearings of the College Judicial Council as outlined below.
5. The President is ultimately responsible for adjudication of student conduct cases.

#### **C. Notification:**

Notification of all disciplinary or other actions taken by the Student Conduct Officer or College Judicial Council shall be conveyed by the Student Conduct Officer to all appropriate persons or agencies including:

1. The accused student(s).
2. The complainant (only in those cases of sexual assault).
3. College staff, when involved with the implementation or monitoring of sanctions.

#### **D. Lack of Cooperation:**

If the student does not respond when requested to participate in the disciplinary process, the following steps will be taken:



1. The Student Conduct Officer shall make every reasonable effort to locate the student through ordinary channels. This includes SCTCC official e-mail and the address recorded with the college's admissions office.

2. If the student does not respond, the Student Conduct Officer will initiate the normal disciplinary procedures in the student's absence.

#### E. College Judicial Council:

1. Any student who receives an official sanction from the Student Conduct Officer may request a hearing before the College Judicial Council to appeal the Student Conduct Officer's decision. The request for hearing must be made in writing and given or mailed to the Student Conduct Officer within five (5) days after notice of the official sanction.

2. The Student Conduct Officer may, after reviewing a complaint citation, refer the matter directly to the College Judicial Council without making a decision on the complaint. A hearing will occur within two weeks after the complaint is received by the Student Conduct Officer or designee.

#### F. Guidelines for Judicial Council:

1. Composition: The College Judicial Council will consist of two faculty members and two designated alternates appointed by the faculty senate, one staff member and one designated alternate appointed by the President, two students and two designated alternates appointed by the Student Senate and the Student Conduct Officer or a designee. The Student Conduct Officer is a non-voting member. The College Judicial Council will elect one member to chair the committee.

2. Confidentiality: The integrity of the confidentiality of any particular student case should be maintained. This means that:

a. Hearing council members should never discuss a case outside of a hearing and all materials relevant to a case should be turned over to the Student Conduct Officer at the end of each hearing meeting.

b. The names of students appearing before hearing bodies are not to be released even though the hearing may be open in accordance with the charged student's wishes.

c. No information should be released for publication except through approved procedures of policy which govern release of information.

d. All case records are maintained in confidential files by the Student Conduct Officer. The status of a particular council case will be released by the Student Conduct Officer to the chairperson of the council upon request.

#### 3. Responsibility of Judicial Council Chairperson:

a. The council's decision on the degree of responsibility of the accused relative to the charges.

b. The recommended sanctions and conditions, in cases of responsibility.

c. A summary of the accepted testimony leading to that decision.

d. A rationale for the sanction including precedent, past behavioral record, and any other considerations used in recommending the sanction.

e. A brief listing of any important procedural rulings by the chairperson. This report shall be forwarded to the Student Conduct Officer where the student will be informed of the findings of the board and the status of his/her case.

#### G. Judicial Council Proceedings:

1. The Chairperson of the Judicial Council will schedule the meeting and will notify members of the committee and the student(s) involved of the time and place of the meeting. Every attempt will be made to convene the College Judicial Council no later than ten (10) working days following the receipt of a request for hearing by the Student Conduct Officer.

2. Pre-Hearing Procedures: The Student Conduct Officer will prepare and send a written notice to the accused no less than five days prior to the date set for the hearing. The Notice to appear will be hand delivered directly to the accused or be sent to the last known address listed with the Admissions Office and will include:

- a. statement of the date, time, location and nature of hearing,
- b. written statement specifying the Student Code of Conduct violation,
- c. notice of student's right to an advocate,
- d. list of names of the College Judicial Council appointed to hear the case, and
- e. list of the rights and responsibilities.

3. Three members of the council shall constitute a quorum for making decisions.

4. A simple majority of the council members present shall be able to make the decision.

5. No member of the College Judicial Council who has a personal interest or involvement in a particular case may sit in judgment at that meeting.

6. Minutes of the hearing will be recorded by the Student Conduct Officer's staff. Copies of the minutes may be obtained by the accused student by making a request in writing to the Student Conduct Officer.

7. The Student Conduct Officer will present an opening statement. The accused may also present an opening statement.

8. The complainant will attend the hearing and will present the statement of complaint and the supporting evidence.

9. In connection with presenting the case, the complainant and the accused may present witnesses.

10. An advocate may attend the hearing with the complainant and/or the accused. The advocate may advise the student but may not participate in the hearing. 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 advisor.

11. The student(s) shall have the right to call a reasonable number of witnesses on their own behalf, subject to cross-examination. The Student Conduct Officer will request the names of these witnesses in advance of the hearing. Judicial council members may ask questions of any witness.

12. Both the complainant and accused student(s) have the right to request in advance the names of the persons who may testify against them at the hearing and shall have the right to cross-examine all witnesses during the hearing.

13. The testimony of an unknown or unidentified witness shall not be admissible.

14. The council may address questions to any party or to any witness called by the parties provided, however, the student(s) charged shall not be compelled against their wishes to testify. The council shall limit the scope of the testimony to matters relevant to the charges and the defense thereto.

15. The council and/or the accused student(s) may request that the Student Conduct Officer use his/her best efforts to require the production of records or other exhibits.

16. In the event any person, including the student(s) charged and/or their advisor, shall disrupt the hearing, the Chair of the Council shall exclude these persons and proceed with the hearing in their absence.

17. At the conclusion of the hearing, the council shall meet privately and render its decision on the matter before it. The decision shall be rendered in writing within five (5) school days of the hearing. The decision shall set forth the findings of fact and the recommendations of the council regarding sanctions, if any. The Sr. Vice President for Academic and Student Affairs shall be given the written findings of fact and recommendations, and it shall be the duty of the Student Conduct Officer to notify the student or students involved within three (3) school days after receipt of the decision.

18. The decision of the council will include the recommended sanction.

19. Hearings and records of hearings are private. They are protected by the Family Educational Rights and Privacy Act (FERPA) but may be subpoenaed or released under court order due to subsequent litigation.

20. Decisions of the College Judicial Council may differ from prior or subsequent court decisions on the same incident.

21. No recommendation for the imposition of sanctions shall be based solely upon the failure of persons charged to answer the charges. In the event the complainant or accused persons do not appear at the hearing, after proper written notification, the evidence in support of the charges shall be presented, considered, and adjudicated.

### **Appeals**

A. The student(s) has the option to appeal any disciplinary action of the Conduct Officer or College Judicial Council to the college Vice-President of Administration. The appeal must be made in writing and delivered or mailed to the Vice-President's office within five (5) business days after notice of the Conduct Officer or Judicial Council.

B. The findings and recommendations of the Conduct Officer or Council will be forwarded to the Vice-President for consideration. The decision of the President shall be rendered based on the findings and recommendations. No further evidence will be considered at this stage.

C. The Vice-President will announce the decision to all-involved parties within ten (10) working days of the receipt of the disciplinary decision.

D. A written report of the proceedings will be filed in the student's disciplinary file in the private files of the Student Conduct Officer.

E. In cases involving sanctions of suspension for 10 days or longer, students shall be informed of their right to a contested case hearing under Minnesota law (Chapter 14, MSA).

### **Disciplinary Records**

A. Disciplinary records are maintained by the Student Conduct Officer. The disciplinary folder shall contain original complaints, report of proceedings, statement of charges, sanctions, rationale, final case disposition, and council member names in cases of the College Judicial Council.

B. The disciplinary file is maintained in the student's name until the student graduates from St. Cloud Technical and Community College. The record is then kept with other records of disposition of complaint. The following are some conditions under which disciplinary records will be maintained under the student's name:

1. The student is in litigation or has some legal action pending with St. Cloud Technical and Community College,
2. A disciplinary sanction is assigned which extends past the student's graduation,
3. The student's action was so severe and of such a nature that a limited access record is kept for a longer period of time for the protection of St. Cloud Technical and Community College, or
4. Records of hearings resulting in expulsion are permanently stored with the student's academic records.

C. In case of #3 above or if a student withdraws from St. Cloud Technical and Community College prior to graduation, the files are then maintained for approximately seven years before being destroyed. If the student transfers to another college and graduates, the record will be destroyed applying the criteria above if the student supplies the college with a transcript and an official notification of graduation.

D. Accessibility to disciplinary records is limited. A student may have access to the disciplinary records by making an appointment with the Student Conduct Officer, by providing proper identification and ensuring that the record is not removed from the office.

**Off-campus Conduct**

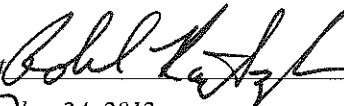
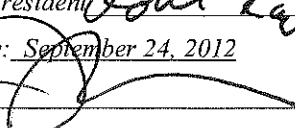
St. Cloud Technical and Community College and the Minnesota State Colleges and Universities may hold students accountable for a violation of the Student Code of Conduct committed off campus. Violations include, but are not limited to the following:

- Hazing,
- Sexual and other violence,
- Underage consumption, open container, hosting underage drinking, and sale or providing alcohol to underage students,
- Controlled substance citations,
- Weapon citations,
- The violation is committed while participating in a college sanctioned or sponsored activity,
- The victim of the violation is a member of the college community,
- The violation constitutes a felony under state or federal law, and/or
- The violation adversely affects the educational, research, or service functions of the college.

**Savings Clause**

Should any article, section or portion of this student policy be held unlawful and/or unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specified article, section, or portion thereof directly specified in the decision. All other articles, sections or portions of this student policy shall remain in full force and effect.

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Faculty Shared Governance Council President  Date: 1/18/13  
Date of SCTCC Student Senate Review: September 24, 2012  
College President:  Date: 4/22/13  
Date of Adoption: January 14, 2013  
Date of Implementation: \_\_\_\_\_  
Date repealed or replaced: \_\_\_\_\_