



## **Student Code of Conduct Policy & Procedure**

### **Riverland Policy # 3.6; 3.6.1**

#### **PURPOSE:**

The purpose of this policy is to spell out the standards for both academic and behavioral conduct. Various forms of academic misconduct are defined and noted as well as categories of behavioral offenses. Misconduct adjudication processes are noted as well as sanctions that can be imposed for violations.

Pursuant to [Minnesota State Board Policy 3.6.1](#), Riverland has established a student code of conduct. The reference to “college” includes any event or site off campus where students, faculty and staff represent the college. The Riverland Community College Student Code of Conduct serves two purposes: the first purpose is to serve as a guide for student behavior to protect the educational process; the second purpose is to outline the procedures to be followed, both by students and college officials, (officials include any employee of the college) should violations of the code occur. Each student is expected to abide by the rules, regulations, and policies of the college. In the eyes of college officials, two authorities guide a student’s conduct while on campus or while participating in off-campus, college-sponsored activities. First, as a citizen of the larger community, each student is expected to abide by the rules, regulations, and policies of the college. Secondly, as a civic citizen, each student is expected to obey local, state, and federal laws.

#### **APPLICABILITY:**

As an institution dedicated to teaching and learning, Riverland Community College has a vested interest in maintaining an environment in which all students are free to pursue their academic interests and responsibilities. Conduct by a single student or a group of students that unreasonably restricts such freedom and interferes with the college mission of promoting student learning is subject to regulation and/or sanction by the college. The creation of such an environment is premised on the following principles:

- The college is a purposeful community. Intellectual life is central and faculty and students work together to strengthen teaching and learning.
- The college is a just community, where the dignity of all individuals is affirmed and equality of opportunity is maintained.
- The college is an open, honest community where freedom of expression is protected and civility is expected.
- The college is a disciplined community where individuals accept obligations to the group and defined governance procedures guide behavior for the common good.
- The college is a caring community where the well-being of each member is sensitively supported and service to others is encouraged.

#### **Student Rights**

In addition to the basic Constitutional rights enjoyed by all citizens, students at Riverland Community College have specific rights related to academic freedom and their status as students. Students are expected to exercise their freedom with responsibility. 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. As such, faculty members have the right to take appropriate action to maintain order and proper conduct in the classroom in order to fulfill the objectives of the course. If a student's behavior is so disorderly or disruptive that it interferes with the teaching/learning process, the faculty has the right to remove the student from that day's class session. Student rights include, but are not limited to, the following:

- Students have the right to freedom from discrimination or harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status.

Allegations of discrimination, harassment, and sexual violence shall be resolved pursuant to Minnesota State Board Policy 1B.1, Nondiscrimination in Employment and Educational Opportunity; System Procedure 1B.1.1, Report/Complaint of Discrimination/Harassment Investigation and Resolution. Any individual who believes she or he has been, or is being, subjected to conduct prohibited by Minnesota State Colleges and Universities Board Policy 1B.1 Nondiscrimination in Employment and Education is encouraged to report the incident to the via Complaint Report Form at <https://www.riverland.edu/about-riverland/preventing-and-reporting-harassment-discrimination-sexual-violence-and-misconduct/report-complaint/>. Concerns and complaints will be reviewed by the Riverland Concerns Team including the Safety Administrator, the Dean of Student Affairs, and/or the Campus Human Resources Officer.

Administrators and supervisors shall refer allegations of conduct that they reasonably believe may constitute discrimination or harassment under Board Policy 1B.1 to the designated officer, or in consultation with the designated officer may inquire into and resolve such matters.

- Students have the right to be safe and free from all physical violence.
- Students have the right to expect that their personal property will be safe from theft, damage, and destruction.
- Students have the right to accurate and timely information regarding academic issues, such as course requirements and expectations, and graduation requirements.
- Students have the right to expect that all of their records will be maintained in accordance with the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act of 1974.
- Students have the right to fair and impartial treatment and due process in the investigation of any alleged violation.
- Students found guilty of violating a rule or regulation have the right to expect fair, consistent, and appropriate discipline, in line with the disciplinary policies authorized by the Minnesota State Colleges and Universities Board of Trustees.
- Students have the right to grieve actions and policies that they consider unfair and inconsistent.
- Students have the right to freely engage in inquiry and discussion, the cornerstone of education at Riverland Community College. Therefore, in accordance with the guarantees of federal and state constitutions, students have the right to speak, write, and discuss freely all ideas relevant to their educational development.

## **SCOPE: Students, Faculty, Staff**

### **DEFINITIONS:**

**Administration:** means the person designated by the College President to be responsible for the administration of the Student Code of Conduct.

**Cheating:** Includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, assessments, 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 faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

**College:** means “Riverland Community College”

**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.

**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.

**Policy:** The written regulations of the college and Minnesota State as found in, but not limited to, the Student Code, Riverland Student Housing Handbook, the college and Minnesota State web pages, and Minnesota State Board Policy and Systems Procedure 3.1 on Student Rights & Responsibilities, Student Conduct 3.6, Student Complaints and Grievances 3.8, 5.18 on Alcoholic Beverages and Controlled Substances on Campus, 5.22 on Acceptable Use of Computers and Information Technology Resources, 1B.1 on Equal Opportunity and Nondiscrimination in Employment and Education, and 1B.3 and 1B.3.1 on Sexual Violence.

**Preponderance of Evidence:** A standard of proof in which the evidence strongly suggests the code has been violated.

**Student:** Includes all persons who:

- Are enrolled in one or more courses, either credit or non-credit, through the college,
- Withdraw, transfer, or graduate after an alleged violation of the *Student Conduct Code*,
- Are not officially enrolled for a particular term but who have a continuing relationship with the college,
- Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; and/or
- Are living in a college residence hall although not enrolled in the institution.

**Student Organization:** Any group/club including all members of such groups/clubs - that has complied with the formal requirements for becoming an official Riverland student organization/club as defined by Article XIII in the Constitution of the Riverland Community College Student Senate.

**Summary Suspension:** A suspension imposed without a formal hearing to ensure the safety and well-being of members of the college 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-admission may be specified.

## **DOES THIS POLICY HAVE A PROCEDURE?**

### **Prohibited Conduct**

#### **Jurisdiction of the Student Code of Conduct**

The college Student Code of Conduct may be applied to conduct that occurs in all courses (including online), on college premises, at college-sponsored activities, and to off-campus conduct in the following circumstances:

- Hazing is involved,
- The violation is committed while participating in a college-sanctioned or sponsored activity,
- The violation adversely affects the educational, research, or service functions of the college.

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

Allegations of discrimination, harassment, and sexual violence shall be resolved pursuant to Board Policy 1B.1, Nondiscrimination in Employment and Educational Opportunity; System Procedure 1B.1.1, Report/Complaint of Discrimination/Harassment Investigation and Resolution; Board Policy 1B.3, Sexual Violence Policy; System Procedure 1B.3.1, Sexual Violence Procedure. Allegations of fraud or dishonest acts shall be resolved pursuant to Board Policy 1C.2, Fraudulent or Other Dishonest Acts.

#### **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 the disciplinary sanctions outlined in Section V: Sanctions for Misconduct.

##### **Subsection a. Academic Misconduct**

Academic Misconduct generally refers to behavior known as "academic fraud" and includes, but is not limited to the following:

- Cheating on assignments or examinations
- Disruption or obstruction of classroom activities
- Plagiarism

If a student's behavior is so disorderly or disruptive that it interferes with the teaching/learning process, the faculty member has the right to remove the student from that day's class session.

Other examples of academic misconduct include but are not limited to:

- Submitting another individual's work as one's own with minor alterations.
- Submitting another individual's work without appropriate use of quotations, footnotes, or references.
- Submitting the same work for credit for more than one course without written permission from all instructors involved.
- Submitting or presenting falsified research.
- Copying from another individual during any type of examination.
- Receiving an answer to an exam from another student during an examination or communication of answers to an exam with other students; this includes allowing other students to copy off one's exam during a test.
- Tampering with an examination after it has been corrected.

- Using any material not permitted by the instructor on an examination.
- Requesting, acquiring, possessing, or providing another person with an examination or portion of an examination without consent of the instructor.
- Changing, attempting to change, or falsifying academic records, including attendance records or sign-in sheets.
- Aiding another student in the performance of any of the above acts.

### **Subsection b. Non-Academic Misconduct**

"Nonacademic Misconduct" includes, but is by no means limited to,

#### **1. Behavioral Offenses:**

- Physical assault and/or battery and/or psychological abuse or threat of such abuse of any person on college premises, at College activities or College sponsored events.
- Unauthorized possession of any dangerous chemicals or explosive element or component parts thereof.
- Physically detaining or restraining any other persons or removing individuals from any place where they are authorized to remain.
- Disruption or obstruction of: (a) teaching, (b) research, (c) administration, (d) disciplinary proceedings, (e) other college activities, including its public service functions on or off campus, or (f) any authorized non-college activities, when the act of disruption or obstruction occurs on college premises.
- Physical abuse, verbal abuse, threats, bullying, intimidation, coercion and/or other conduct which threatens or endangers the health, or safety well-being of any person.
- 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.
- Failure to comply with directions of college officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- Conduct which is disorderly (disruptive), lewd, or indecent on college premises or at functions sponsored by the College.
- Making threatening or offensive phone calls or sending threatening or offensive emails to faculty, staff, or students.
- Sexual violence. Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.
- Sexual assault. Sexual assault means an actual, attempted, or threatened sexual act with another person without that a person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State Colleges and Universities student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:
  1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
  2. Involvement in any sexual act when the victim is unable to give consent.

3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
  4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.
- Dating and relationship violence. Dating and relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.
  - Stalking. Stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for her or his safety or the safety of others or to suffer substantial emotional distress.
  - Discriminatory harassment. Discriminatory harassment means verbal or physical conduct that is directed at an individual because of his or her protected class, and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.
  - Sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:
    - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, 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 university; or
    - 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 university; or
    - 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 work or educational environment.

Allegations of sexual violence shall be resolved pursuant to Minnesota State Colleges and Universities Board Policy 1B.3, Sexual Violence Policy; System Procedure 1B.3.1, Sexual Violence Procedure. Any individual who believes she or he has been, or is being, subjected to conduct prohibited by Minnesota State Colleges and Universities Board Policy **1B.3 Sexual Violence** is encouraged to report the incident via Confidential Report Form online at <https://www.riverland.edu/about-riverland/preventing-and-reporting-harassment-discrimination-sexual-violence-and-misconduct/confidential-report-form/>.

Concerns and complaints will be reviewed by the Riverland Concerns Team including the Safety Administrator, the Dean of Student Affairs, and/or the Campus Human Resources Officer.

- Knowingly furnishing false information to college personnel.
- Knowledgeable passing of an insufficient funds check or fraudulent money order in payment of any financial obligation to the College.
- Any forgery, alteration of, or authorized use of college documents, forms, records, or identification cards including necessary information in connection with student's admission, enrollment, financial transactions, or status with the College.
- Dress: Any dress, which disrupts the learning process, include any words or images that are obscene, offensive, promote violence, drug use, or encourage disrespect to others, or present a health and safety issue are prohibited.

- Conduct which constitutes a breach of the 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 college 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 his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
- 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 scheduled and/or normal activities within any campus building or area.
- Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
- Attempts and complicity: 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.
- Unauthorized use of the college's logo or name in unofficial student publications and web sites is prohibited.
- Making a false report concerning a fire, bomb, or other emergency.
- For some programs, conduct that would normally be considered behavioral misconduct may be subject to academic discipline (e.g., attending a nursing clinical while under the influence of drugs or alcohol would constitute academic misconduct for nursing students).

## **2. Property Offenses:**

- Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to the College including but not limited to fire alarms, fire equipment, elevators, telephones, college keys, library materials, and/or safety devices; and any such act against a member of the college community or a guest of the College.
- Seizing, holding, stealing, commandeering, damaging any property or facility of the College or threat to do so, and any act of misuse, act of theft or unauthorized possession or sale of college property, or any such act against a member of the college community or guest of the College.
- Refusing to depart from any property or facilities of the College upon direction by College officials or other authorized persons.
- Possessing, making, or causing to be made without proper authorization any key to operate locks or locking mechanisms on campus and tampering with locks in college buildings.
- Littering, defacing, destroying, or damaging College property or property under College jurisdiction or removing or using such property without authorization.
- 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 scheduled and/or normal activities within any campus building or area.
- Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
- Unauthorized entry to or use of college facilities or equipment.
- Intentionally or recklessly activating a fire alarm without cause, damaging fire safety equipment or initiating a false report, warning or threat of fire, explosion or other emergency.
- Parking in unauthorized areas.

### **3. College Policy Offenses:**

- Violation of published college policies, rules, or regulations.
- Violation of federal, state, or local law on college sponsored or supervised activities.
- Gambling and/or holding an unauthorized raffle or lottery on the campus or at any College function.
- Unauthorized possession of firearms, or other weapons. Any possession of weapons must be authorized by the College's president.
- Apparent or alleged violation of local ordinances, federal or state laws where said violations poses a substantial threat to the safety and/or welfare of campus community members.
- Attempts and complicity: 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.
- Interfering with the judicial procedures or outcomes including, but not limited to, falsification, distortion, or misrepresentation of information before an administrator or conduct review panel; knowingly initiating a complaint without cause; or failure to comply with the sanction(s) imposed by either a hearing officer or administration.
- Failure to comply with the terms of any disciplinary sanction imposed in accordance with the code of student conduct.
- Violation of the College's solicitation policy.

### **4. Alcohol, Tobacco, and Drug Related Offenses:**

- The unlawful possession, use, selling, or distributing of any drug or controlled substance, including any stimulant, depressant, narcotic, hallucinogenic drug or substance, marijuana, or sale or distribution of any such drug or controlled substance on college owned or controlled property or any college sponsored activity.
- Introduction or having possession on any campus or while involved in College activity, service project, program or workstations, or any alcoholic beverage as defined in Minnesota state statute. The College will work with local and state law enforcement agencies to enforce underage drinking laws.
- Reporting to campus while under the influence of a controlled substance that affects alertness, coordination, reaction, response, judgment, decision making or safety. Students having valid medical reasons for using physician prescribed controlled substances that may affect their ability to perform or participate in class, clinic, or lab, must report such use to their instructors and provide a note from their physician upon request from the College.
- Use of any tobacco product; including smokeless tobacco products and e-cigarette's; in College buildings, classrooms, or designated non-smoking areas/entrances. For more information on Riverland's Drug Free Campus Policy go to <https://www.riverland.edu/about-riverland/policies-and-procedures/>, Organizational Policy – Drug Free Campus.

### **5. Technology Related Offenses:**

- Technology offenses include but not limited to unauthorized use of a student staff or faculty passwords, accessing restricted databases, files and Web sites, tampering with computer equipment, manipulation of the College's Web site, or sending threatening, or offensive, or bullying emails using College owned computers and/or the College's network. In addition, doing likewise via fax, phone, text, or social media will be grounds for a conduct violation.
- Use of College computer for personal or business purposes.
- Use of a College computer to access or distribute pornographic web sites.
- Disrupting classroom activities with electronic devices.
- Violations of the College's computer usage and Lab guidelines.



- Copyright Infringement and File Sharing

Under copyright law, it is illegal to download or share copyrighted materials such as music or movies without the permission of the copyright owner. Downloading or sharing files are traceable and could result in a significant financial penalty. Riverland Community College will treat illegal downloads or the illegal sharing of copyrighted materials with college computers as a violation of the College's student code of conduct.

Riverland Community College will cooperate with the Recording Industry Association of America (RIAA). RIAA sends colleges' letters pointing to specific alleged instances of illegal file sharing and requests of the college to forward the letter to the person the college identifies as being associated with the activity. The letter, called a "Pre-Settlement Letter" notifies the student that he or she has a specified number of days to settle with the RIAA by going to a designated website, entering identifying information, and paying a set amount, usually between \$3,000 and \$5,000, but sometimes considerably more. The letter states that, if the recipient chooses not to settle, the RIAA will file a lawsuit and the offer to settle for the amount stipulated may no longer be an option.

#### Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

A growing number of secure, RIAA-approved options are available for downloading music files. A comprehensive list of legal downloading sites can be found at <http://www.educause.edu/legalcontent>.

#### **6. Off-Campus Offenses:**

Riverland Community College may hold students accountable for a violation of the behavioral conduct offenses contained in the Student Code of Conduct committed off campus when:

- The violation is committed while participating in a college sanctioned or sponsored activity; or
- The violation adversely affects the educational, research, or service functions of the College.

#### **Violation of Law and College Policy**

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 (this 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 rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

## **Student Conduct Code Procedures**

### **A. Investigation Process**

Riverland Community College encourages the resolution of conflict within the academic community without the need to pursue the formal conduct code violation process. However, if the conflict cannot be resolved or if attempts at such resolution might further exacerbate the conflict, any member of the college community may file a CONDUCT VIOLATION FORM alleging that a student or student organization has violated the Student Code of Conduct. Any complaint should be submitted as soon as possible after the event or incident takes place. Persons filing complaints shall be informed of their rights under the Minnesota Data Practices Act.

All completed forms must be submitted to the Dean of Student Affairs or submitted online via <https://www.riverland.edu/about-riverland/preventing-and-reporting-harassment-discrimination-sexual-violence-and-misconduct/report-complaint/>. The complaint will be referred to either an academic dean or the Conduct and Complaint Officer, depending on the nature of the complaint (academic or behavioral). In the event the academic dean or Conduct and Complaint Officer is unavailable, the complaint will be referred to an appointed designee.

#### **Subsection a. Procedure for filing an Academic Misconduct complaint**

Faculty members have the authority to decide if students have committed academic misconduct. If a faculty member suspects academic misconduct, the faculty member may proceed with the following steps:

##### **Option One:**

1. The faculty member will address the concern with the student.
2. If the faculty member determines that the student has committed academic misconduct, the faculty member informs the student of the consequences of the academic misconduct and the sanctions the faculty member will impose consistent with those outlined in their syllabus or institutional standards.
3. The faculty member may complete a CONDUCT VIOLATION FORM (available under forms on the Employee Web Site) and file the completed form with Dean of Student Affairs.

##### **Option Two:**

1. The faculty member will complete a CONDUCT VIOLATION FORM (available under forms on the Employee Web Site) and file the completed form with Dean of Student Affairs.
2. Within forty-eight hours (48) of receipt of the written complaint against a student, the dean will refer the matter to the appropriate academic dean.
3. If the academic dean finds the complaint is unsupported by the evidence, it will be dismissed and the student and faculty member will be notified of the dismissal of charges.
4. If there is sufficient evidence to support the complaint, notice of charges will be delivered to the student five (5) business days prior to an informal meeting with the academic dean. During the meeting, the academic dean shall review the complaint and documentation with the student and allow the student to present an explanation, and the dean may offer the student an opportunity to resolve the formal violation.
5. Within two business days of the meeting, the academic dean shall inform the accused student in writing of the decision and sanctions. The academic dean will also inform the student in writing that (a) this form will be filed in the Vice President of Academic and Student, (b) the academic dean may

impose sanctions in addition to those imposed by the faculty member in the event of subsequent or multiple violations, and (c) the student has a right to appeal the sanction(s) to the Vice President of Academic and Student Affairs, as described under "Section VI: Procedures" of the *Code of Student Conduct*.

The Vice President of Academic and Student Affairs will keep the complaint form, any supporting documentation, and records of adjudication on file for two years.

**NOTE...Every student at Riverland has the right to an education, and it is the responsibility of the college to provide an environment that promotes learning. As such, faculty members have the right to take appropriate action to maintain order and proper conduct in the classroom in order to fulfill the objectives of the course. If a student's behavior is so disorderly or disruptive that it interferes with the teaching/learning process, the faculty member has the right to remove the student from that day's class session.**

#### **Subsection b. Procedures for filing a Behavioral Misconduct complaint**

If a faculty, staff, or student member suspects non-academic misconduct, the faculty, staff or student member may proceed with the following steps:

- The student, staff, or faculty member must complete a CONDUCT VIOLATION FORM via <https://www.riverland.edu/about-riverland/preventing-and-reporting-harassment-discrimination-sexual-violence-and-misconduct/report-complaint/> and file the completed form with the Dean of Student Affairs.
- Within two business days of receipt of a completed complaint form, the Dean of Student Affairs may refer the written complaint to a designee for investigation of the charges.
- If the complaint appears unwarranted, the investigator in consultation with the supervising dean may discontinue proceedings.
- If there is sufficient evidence to support the complaint, notice of charges will be delivered to the student five (5) business days prior to an informal meeting with the Dean of Student Affairs. During the meeting, the Dean of Student Affairs shall review the complaint and documentation with the student and allow the student to present an explanation, and may offer the student an opportunity to resolve the violation.
- In cases associated with sexual violence, both the accused and the accuser will be offered access to the results of the fact finding.
- Within two business days of the meeting, the Dean of Student Affairs 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 the student's right to appeal the sanction(s) to the Vice President of Academic and Student Affairs or designee, as described under "Section VI: Procedures" described under "Section VI: Procedures."

If the accused student fails to appear for the informal meeting, the Dean of Student Affairs will proceed according to the steps outlined above. A sanction shall not become effective during the time in which a student seeks an appeal unless, in the discretion of the conduct investigator, it is necessary to implement an immediate sanction for the safety and welfare of the student and/or college community.

#### **Subsection c. Formal hearing and due process rights**

The formal hearing procedure, including composition of the student conduct panel, will be developed in

accordance with Minnesota State Board Policy 2.3 Student Involvement in Decision making. Students serving on the student conduct panel shall be appointed by the campus student association.

Students referred for a formal hearing shall be given adequate advance notice in writing of the time, place, and date of the hearing. A student's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.

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.

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 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.

The appropriate dean will inform the accused student in writing within two business days of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as the student's right to appeal the sanction(s) to the Chief Academic Officer or designee, as described under "Section VI: Procedures" described under "Section VI: Procedures."

If the accused student fails to appear for the formal meeting, the appropriate dean will proceed according to the steps outlined above. A sanction shall not become effective during the time in which a student seeks an appeal unless, in the discretion of the Dean of Student Affairs, it is necessary to implement an immediate sanction for the safety and welfare of the student and/or college community.

In cases associated with sexual violence, both the accused and the accuser will be notified of the results at the same time.

### **Appeals**

Following the outcome of a decision, a student may request an appeal review before the Vice President of Academic and Student Affairs or designee. The request for an appeal must be submitted, in writing to the Vice President of Academic and Student Affairs within five (5) business days of the date of notification of the decision. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of the right to an appeal. The basis for an appeal will be limited to the following grounds:

- The sanction is excessively severe.
- New or newly discovered evidence of a nature that may substantially affect the outcome of the meeting exists.
- There was a procedural error that substantially affects the outcome of the meeting.

The Vice President of Academic and Student Affairs or designee will review the written appeal and determine if one or more of the grounds for appeal has merit. If a determination is made that the appeal has merit, the Vice President of Academic and Student Affairs or designee will schedule a meeting with the accused student. A student's advisor or advocate may attend this meeting but may not participate except to advise the student. The Vice President of Academic and Student Affairs or designee will render a decision to the student in writing within five (5) business days of the appeal hearing.

In cases associated with sexual violence, both the accused and the accuser will be notified of the results at the same time.

## **Section V: Sanctions for Misconduct**

Sanctions for academic and nonacademic misconduct include but are not limited to the following:

- a. **Summary Suspension:** A suspension imposed without a formal hearing to ensure the safety and well-being of members of the College, which shall include an oral or written statement from the Dean of Student Affairs that the student has been accused of violating College policy and may be subject to more severe sanctions. Students who are summarily suspended are still responsible for paying balances owed for tuition, fees, and books. Suspensions are noted on the student's academic transcript.
- b. **Exclusion from participation in college extracurricular activities** for a period of time not to exceed one academic year, including, but not limited to holding any student office.
- c. **Restitution:** Required reimbursement for damage to or misappropriation of property, restitution may take the form of appropriate services or other compensation.
- d. **Denial of Related Privileges:** Example: denial of the use of the College computers if the violation is related to the use of computer technology.
- e. **Warning:** Issuance of a written warning, admonition, or reprimand. This may include a referral for counseling.
- f. **Suspension:** Denial of enrollment for a specified period of time after which the student is eligible to return. During this time the student cannot qualify for graduation, register for or attend classes or other College functions. Suspended students are still responsible for payment balances owed for tuition, fees, and books. Suspensions are noted in the student's academic transcript.
- g. **Expulsion:** Permanent denial of enrollment at the College. Expelled students are still responsible for paying balances owed for tuition, fees, and books. Expulsions are noted on the student's academic transcript.
- h. **Probation:** A written reprimand in response to misconduct, probation is a designated period of time where the student is expected not to repeat the act of misconduct or engage in other misconduct. Further sanctions may be imposed if the student repeats the behavior that resulted in the probation or engages in further misconduct while on probation.
- i. **Administrative and legal sanctions** up to and including expulsion and referral for prosecution will be imposed on students who violate the College's drug and alcohol policy. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
- j. **Community service:** A work assignment at a public agency (Library, College, School, County agency, etc.).
- k. In cases of hazing, disciplinary action may be taken against both individuals and organizations or groups.
- l. **Grade Adjustment:** Lowering of a test, assignment or course grade.
- m. **Course Failure:** Failure of a student from a course where misconduct occurred.
- n. **Discretionary Sanctions:** Additional academic assignments determined by the student's instructor(s).
- o. **Alcohol and Drug Violations:** Students who have violated the College's student conduct policy concerning alcohol and drugs will be subject to the following progressive discipline schedule.

Depending upon the nature and the severity of the violation more serious sanctions may be imposed with a first offense than are outlined below.

1. **First Offense:**
  - Warning will be issued.

- Students in clubs and organizations would be prohibited from participating in the next scheduled activity.
  - Completion of Alcohol 101 web-based instructional module.
2. Second Offense:
- Probation status for the remaining time of enrollment.
  - Students in clubs and organizations would be prohibited from participating in the next two scheduled activities.
  - Advising appointment and the completion of an alcohol/drug abuse screening inventory.
  - Community service.
3. Third Offense:
- Suspension from the College not to exceed ten (10) days.
  - Students that are members of a club or organization would be permanently suspended from participating for the balance of the academic year.
  - Referral to alcohol/drug abuse screening.
- p. The College reserves the right to impose other sanctions that are not listed in this section of the policy.

**Note: Students have the right to a formal review and appeal prior to the imposition of any sanctions involving a possible suspension or expulsion.**

## Other Policy Provisions

### Summary Suspensions

In certain circumstances, the Dean of Student Affairs and College Security Officer may impose a summary suspension prior to proceedings described above. A summary suspension may be imposed only when, in the judgment of the Dean of Student Affairs and College Security Officer, the accused student's presence on the college campus constitutes a threat to the safety and well-being of the student, members of the college community, or college property. Notice of the summary suspension shall be provided in writing to the student and shall include the duration of the suspension. After the student has been summarily suspended, the student shall be provided an opportunity for a hearing within the shortest reasonable time period, not to exceed ten business days. During the summary suspension period, the student may not enter the campus without prior permission from the Dean of Student Affairs and College Security Officer. Suspensions are noted on the student's academic transcript.

### Suspensions

Suspensions lasting for more than 10 days or expulsion from the college will be listed on the student's official academic transcript. After a period of two (2) years, the student may make a request in writing to the Dean of Student Affairs to remove the notations of disciplinary action from his/her transcript. The Dean of Student Affairs decision to remove the transcript notation will be made based on the circumstances surrounding the request and the original offense.

## LIST RELATED POLICIES, PROCEDURES OR FORMS:

- [Student Complaint Form](#)
- Minnesota State Board Policy 3.1 on [Student Rights & Responsibilities](#)
- Minnesota State Board Policy [Student Conduct](#) 3.6
- Minnesota State Board Policy [Student Complaints and Grievances](#) 3.8
- [Student Petition Process](#)

- Minnesota State Board Policy and [Systems Procedure 5.18](#) Alcoholic Beverages and Controlled Substances on Campus
  - Minnesota State Board Policy and [System Procedure 5.22](#) and [5.22.1](#) on Acceptable Use of Computers and Information Technology Resources.
  - Minnesota State Board Policy and [Systems Procedure 3.6 and 3.6.1 on Student Conduct](#)
  - Minnesota State Board Policy and [Systems Procedure 1B.1 on Equal Opportunity and Nondiscrimination in Employment and Education](#)
  - Minnesota State Colleges and Universities Board Policy and [Systems Procedure 1B.3 and 1B.3.1 on Sexual Violence](#)
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**Responsible Division / Author:** Student Affairs / Vice President of Academic & Student Affairs

**Date & Subject of Revisions:** 3/2016 revised appeal process; 3/2020 branding/name; updated web links, etc.