



DICKINSON
STATE UNIVERSITY

Student Handbook 2021-2022

The DSU Handbook is prepared and distributed annually
via email and posted to the website
by the
Division of Student Affairs & University Relations

Printed copies are available upon request

Mark A. Jastorff, interim vice president for Student Affairs & University Relations

mark.jastorff@dickinsonstate.edu 701-483-2560

dsu.housing@dickinsonstate.edu 701-690-3331 on-call phone & text messaging

ADMINISTRATION 2021-2022

DSU Executive Administration

Mr. Steve Easton, J.D.	<i>President</i>
Dr. Debora Dragseth	<i>Provost/Vice President for Academic Affairs (VPAA)</i>
Mr. Kent Anderson	<i>Chief Financial Officer</i>
Mr. Mark Jastorff	<i>Vice President for Student Affairs & University Relations (VPSAUR)</i>
Mr. Ty Orton	<i>Executive Director, DSU Heritage Foundation</i>
Mr. Pete Stanton	<i>Director of Intercollegiate Athletics</i>
Dr. Holly Gruhlke	<i>Dean, College of Business, Education, & Applied Sciences</i>
Dr. Brent Rogers	<i>Dean, College of Arts & Sciences</i>
Mr. David Moody	<i>Faculty Senate President</i>
Ms. Laura Fetting	<i>Staff Senate President</i>

Administrative Office Directors

Ms. Kathy Meyer	<i>Academic Records</i>
Ms. Alicia Erickson	<i>Alumni Relations</i>
Ms. Mikka Maher	<i>Business Office</i>
Ms. Nikky Kadrmas	<i>DSU Bismarck</i>
Ms. Amy Fry	<i>DSU Williston</i>
Mr. Trent Myran	<i>Facility Operations/Emergency Management</i>
Mr. Chris Meek	<i>Financial Aid</i>
Ms. Laurie Karie	<i>Health & Wellness Services</i>
Ms. Krissy Kilwein	<i>Human Resources/Affirmative Action Officer</i>
Mr. Todd Hauf	<i>Information Technology Services</i>
Position Open	<i>International Programs & Multicultural Affairs</i>
Ms. Staci Green	<i>Library Services</i>
Ms. Kayla Noah	<i>SOAR Center/Disability Services</i>
Dr. Kathy Geisen	<i>Title IX Coordinator</i>
Mr. Mark Jastorff	<i>University Relations</i>

OFFICE AND EMPLOYEE DIRECTORY

DSU encourages our students to utilize the online information directory at www.dickinsonstate.edu/directory to access the updates contact information for employees and offices.

HISTORY, MISSION, AND VALUES

HISTORY OF DSU

Dickinson State Normal School was created in 1916 by a constitutional amendment approved by North Dakota voters. Classes began in 1918 with a two-year program designed to train elementary and secondary teachers. In 1931, four-year degrees were offered for the first time under the school's new name: Dickinson State Teachers College. In recognition of the institution's broadened curriculum, Dickinson State Teachers College became Dickinson State College in 1963. Dickinson State was granted University status in 1987.

MISSION OF DSU

Dickinson State University is a regional comprehensive institution within the North Dakota University System, whose primary role is to contribute to intellectual, social, economic, and cultural development, especially to Southwestern North Dakota. The University's mission is to provide high -quality, accessible programs; to promote excellence in teaching and learning; to support scholarly and creative activities; and to provide service relevant to the economy, health, and quality of life for the citizens of the State of North Dakota.

VISION

Dickinson State University will educate a diverse population through innovative teaching, learning and scholarship fostering responsible citizens who impact the world.

CORE VALUES

Integrity: We believe in being truthful, reliable, accountable, and fair as individuals and as an institution.

Accessibility: We define accessibility broadly to include diversity and inclusiveness in educating a globally responsible, astute, and engaged citizenry, as well as being flexible and responsive to our students (student-centeredness) and to our constituents (collaborative relationships).

Excellence: We value academic, scholarly, and creative excellence.

Inquiry & Innovation: We believe in the value and pursuit of life-long learning.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

DSU is committed to equal opportunity in employment decisions, educational programs and activities in accordance with all applicable state and federal laws, including affirmative action efforts. DSU does not discriminate on the basis of age, religion or creed, national origin, marital status, race or ethnicity, gender, disability, sexual orientation or veteran's status in its admissions, employment practices, education programs, housing, food service, or other related activities.

Inquiries regarding the educational opportunities or equal employment policies of this institution should be directed to DSU's Affirmative Action Officer, Krissy Kilwein, Dickinson State University, 291 Campus Drive, May Hall, Room 309, Dickinson, ND 58601, [701-483-2370](tel:701-483-2370), dsu.affirmativeaction@dickinsonstate.edu

TITLE IX

Title IX of the Education Amendments was passed by the U.S. Congress on June 23, 1972, and signed into law on July 1, 1972. It is a federal civil rights law that prohibits sex discrimination in education programs and activities such as:

- Admissions
- Housing and facilities
- Courses and other education activities
- Career guidance and counseling activities
- Financial Aid
- Health and insurance benefits
- Scholastic, intercollegiate, club, or intramural athletics

The Title IX Coordinator is responsible for the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation, regulation, and case law. The Title IX Coordinator monitors DSU policy in relation to Title IX law developments. They also implement grievance procedures, including notification, investigation, and disposition of complaints. They provide educational materials and training for the campus community and conduct and/or coordinate investigations of complaints received pursuant to Title IX. They also ensure a fair and neutral process for all parties and monitor all other aspects of the university's Title IX compliance.

Those with questions, concerns or a complaint related to Title IX may contact DSU's Title IX Coordinator, Dr. Kathy Geisen, Dickinson State University, 291 Campus Drive, May Hall 226, Dickinson, ND 58601, 701-483-2137, or at dsu.titleix@dickinsonstate.edu.

NOTICE OF NON-DISCRIMINATION

Dickinson State University is an equal opportunity and affirmative action institution that does not discriminate on the basis of race, color, sex, sexual orientation, gender, national origin, age, religion, gender identity, creed, marital status, veteran's status, political belief or affiliation, information protected by the Genetic Information Nondiscrimination Act ("GINA") or disability in its admissions, student aid, employment practices, educational programs or other related activities. Pursuant to Title IX of the Education Amendments of 1972, Dickinson State University does not discriminate on the basis of sex in its educational programs, activities, or employment opportunities as required by Title IX. Dickinson State University complies with the provisions of the North Dakota Human Rights Act.

Inquiries concerning Title VI, VII, ADA, ADEA, Title IX, and Section 504 may be referred to either the

Title IX Coordinator, Dr. Kathy Geisen, Dickinson State University, 291 Campus Drive, May Hall Rm, Dickinson, ND 58601, 701-483-2137, or at dsu.titleix@dickinsonstate.edu.

or to the:

Affirmative Action Officer, Krissy Kilwein, Dickinson State University, 291 Campus Drive, May Hall, Room 309, Dickinson, ND 58601, **701-483-2370**, dsu.affirmativeaction@dickinsonstate.edu or to the:

The Office for Civil Rights-Chicago
U.S. Department of Education, Citigroup Center
500 W Madison Street, Suite 1475, Chicago, IL 60661
Telephone: 312-730-1560
Fax: 312-730-1576

TDD: 1-800-877-8339
Email: OCR.Chicago@ed.gov
Website: www.ed.gov/ocr
U.S. Equal Employment Opportunity Commission
300 South Second Ave, Suite 720, Minneapolis, MN 55401
Telephone: 1-800-669-4000
Fax: 612-335-4044
TTY: 1-800-669-6820
Website: www.eeoc.gov

PUBLIC SAFETY

Dickinson State University provides security for the DSU campus and can be reached at 701-290-1068. In an emergency, call 911.

Public Safety will provide referral to police and medical assistance as needed. In compliance with Campus Right-to-Know legislation and the Clery Act, security personnel will report all incidents to campus authorities or local Law Enforcement. All reportable violations are compiled in a statistical report, which is available in the Public Safety office and included in the Annual Security Report.

Student ID and Access Cards are managed through Public Safety. If a replacement card is needed, you should stop by the office in the DSU Student Center during regular University business hours.

The Student Right to Know and Campus Security Act of 1990

The Student Right to Know and Campus Security Act was passed by Congress November 9, 1990. This law mandates that institutions that receive Title IV federal funds disclose crime statistics for certain serious offenses that occurred on campus and in adjacent areas for the current and two previous years. It also requires institutions to share information on their campus safety policies and procedures. The information is provided for the purpose of assisting campus community members in reducing their risk of becoming a victim of crime. It is also a measurement on best practices with safety policies, procedures, and programs that are effective.

If you need information beyond what is contained within these pages, please contact Public Safety at 701-290-1068. This report can be found at: [DSU Public Safety](#).

Student ID cards are managed through the Office of Public Safety. If a replacement card is needed, you should stop by the office in the Student Center during regular University business hours.

Every student and employee must have a current parking permit to legally park a vehicle on campus. Individuals must register the vehicle they will be driving at the Office of Public Safety located within the Student Center. A yearly parking permit may be purchased for \$40.

Parking permits must be displayed on the mirror with the permit facing outward. Any alteration of a permit will render it invalid. State Fleet vehicles are not required to display a parking permit and are allowed to park anywhere on DSU campus property.

Parking permits are required in areas except when parked in:

1. Visitor parking areas
2. Free parking zones/lots
3. Loading/unloading zones
4. Areas designated as public parking for a special event
5. City street parking

Parking Areas

Subject to modification, the parking permit classifications and parking area privileges are shown below. Permits are not valid in spaces designated for loading/unloading zones, no parking zones, and fire lanes. Parking permits are color coded.

Permit Type	Signage
Faculty/Staff	Staff Parking/Permit Parking Only
Students	Permit Parking Only
Visitor	Designated Visitor Parking or Open Parking Only

IMPORTANT INFORMATION

Student Class Load

New first-time freshmen are not permitted to take excess load credits during their first semester at Dickinson State University.

The normal load for a semester is 15 credit hours (summer session, seven hours). Students can enroll for a maximum of 18 hours without an advisor signature. Enrollment for credits beyond 18 credit hours (19-21 credit hours, summer session 8-9 credit hours) requires signatures of the advisor, the appropriate department chair(s), and a minimum GPA of 3.00

Students should not take more than 21 credit hours in a regular semester. Waiver of restrictions (hours/GPA) up to 23 hours can be granted by the college dean if recommended by the department chair.

Class Attendance Policy

Students are expected to attend scheduled classes and labs as published in the official class schedule. Deviation from this general policy must be approved by the instruction and respective dean. Student excuses fall in the following categories:

- If the student is ill, it is their responsibility to contact instructors regarding absence. Student health will not give excuses for missing class.
- Academically related (field trips) and institutionally sponsored activities (athletics, tours, etc.) will be excused. The advisor or coach will prepare an excuse sheet and the students involved must present this sheet to their instructors prior to the activity (if possible).

All other absences must be cleared with each instructor. It is the instructor's decision to determine if the absence is excused or unexcused.

Students have the responsibility of personally contacting their instructors concerning missing work for any absence from class.

Cancellation/Withdrawal from the University

A student who finds it necessary to cancel or withdraw from the University must complete the cancellation/withdrawal form online at: [Cancellation/Withdrawal Form](#)

A student may cancel from the University until the first day of classes.

A student may withdraw from the University through the 12th week of the semester according to SBHE policy 406.1. If the completed electronic cancellation/withdrawal form has not been submitted for processing before 4:30pm on the last day of the 12th week of the semester, the withdrawal will not be processed.

Medical or family emergency withdrawals may be allowed after the 12th week of the semester, appropriate documentation is required.

UNIVERSITY OFFICES, INFORMATION, AND FORMS

Business Office (May Hall 212, 483-2328)

Dickinson State University provides bills electronically. You will not receive a paper copy of your tuition and fee billing. An e-bill will be sent to your campus email address on the first business day of each month. Please review your account on a regular basis to ensure your account is paid in full and all transactions on your account are accurate.

To view your account balance:

1. Log into Campus Connection
2. Enter User ID and password
3. Click on the Campus Finances tab
4. Pay online now

Campus Activities and Programming (Student Center 113)

The Campus Activities Board is a student activity fee-based organization that provides education and social programs on campus for the student population.

DSU Student Senate is an elected group of students to represent the students of DSU.

All undergraduate clubs must be approved by the Student Senate and must complete all deadlines required to remain active. Information is available in the DSU Student Senate Constitution, Article VII (located on the website) or in the Office of Student Life (Student Center 113).

Disability Support Services (May Hall 210)

Students needing accommodations related to a disability which substantially limits one or more daily life activities, such as learning, may contact the Disability Services Specialist for assistance. Students with disabilities may be requested to provide documentation from an appropriate professional to verify the nature and/or impact of their disability. The Disability Services Specialist will work to assist students in attaining academic, career, and personal goals. Services may include, but are not limited to: testing accommodation, alternate format of text, note-taking services, text-to-speech software, and adjustments in classroom or housing arrangements.

[Disability Services Registration Form](#)

[Registration Checklist](#)

[Documentation Request Form](#)

[Documentation Guidelines](#)

Financial Aid (May Hall 111)

All students who have concerns about their ability to adequately meet the full cost of education are encouraged to seek assistance through the Office of Financial Aid. The Office of Financial Aid can help identify scholarship, grant, and loan opportunities available to students.

Health Services (Stickney Hall 120)

Health Services is available to give prompt service to students in need of health care. Services are available to all registered students. A registered nurse is on duty from 8:00am-12:00n, Monday-Friday, during the fall and spring semesters.

All students entering Dickinson State University born after January 1, 1957 will be required to show proof of immunity to measles, mumps, and rubella. Proof of immunity can be shown by having taken MMR vaccines or blood levels showing immunity. Immunization records must be signed by an authorized health official. Proof of medical contradiction to the immunization requirement or a signed statement of religious or philosophical beliefs are the only exemptions to this requirement. All students living in the residence halls age 21 or younger must also show proof of vaccination against meningitis.

Student Health Insurance

A student plan for health insurance, chosen by the North Dakota University System, is available for purchase for those students not covered under family plans.

Library Services (Stoxen Library)

Stoxen Library offers over 89,000 print resources which includes books, magazines, journals, newspapers, and maps. The collection includes physical copies of DVD's, videocassettes, and CDs. The library website provides access to over 25,000 e-books as well as online databases with licensed full-text, electronic content. The library provides access to desktop and laptop computers for use in the library, and Wi-Fi connection for personal devices. Printers (including a color printer), two scanners, and a copier are also available. A student ID card is required to check out materials.

Stoxen Library is a member of ODIN, the Online Dakota Information Network, which is made up of North Dakota libraries, as well as OCLC, the world's largest network of libraries. Resources that are not available in the Stoxen Library collection can often be obtained through these interlibrary loan networks.

Mailroom (Student Center)

The mailroom is located on the north side of the Student Center.

To request a campus mailbox, please stop by Monday-Friday from 8:30am-2:00pm. You will need to present your current student ID card.

Student mailing addresses on campus:

Student Name
Student Mailbox Number
291 Campus Drive
Dickinson, ND 58601

Students may send and receive mail and packages. USPS, FedEx, and UPS provide service to DSU.

Student Center (900 Campus Drive)

The Student Center is a welcoming and inclusive meeting place for all members of the University community—students, faculty, administration, alumni, and guests. The Student Center provides for the services, conveniences, and amenities members of the University community need in their daily lives on-campus and for getting to know and understand one another through informal association outside the classroom.

Facilities housed in the Student Center are:

1. **Lower Level:** E-sports, Student Senate office, Blue Hawk Hub, The Perch Dining Hall, and the Sanford Health Multi-Purpose Facility
2. **Upper Level:** Ballroom, Information Center, Mailroom, Movie Theater, Office of Campus Life, Public Safety, and University Store.

Campus Life (Student Center 113)

The Office of Campus Life strives to provide comfortable and dynamic places in which to live and learn. A variety of educational, cultural, and social programs are presented to enhance the on-campus experience. Campus Life staff work with students to create an environment which promotes personal growth, providing a sense of community, and encouraging academic excellence.

The Office of Campus Life includes: residence life, dining services, campus programming, and student conduct.

See [DSU Student Code of Conduct](#)

Residence Life

For the 2021-2022 academic year, DSU operates four residential housing spaces:

1. Delong Hall—suite style residence hall
2. Selke Hall—traditional style residence hall
3. Woods Hall—traditional style residence hall
4. Main Campus Apartments

Photos of Delong, Selke, and Woods may be found at the following links:

1. [Delong Hall Photo Gallery](#)
2. [Selke Hall Photo Gallery](#)
3. [Woods Hall Photo Gallery](#)

DSU contracts with Sodexo Dining Services to provide a high-quality dining experience for our campus community. The Perch Dining Hall is located on the lower level of the Student Center. Sodexo Dining Services may be reached at 701-483-2014.

Student Opportunity and Resource (SOAR) Center (May Hall 210)

The SOAR Center provides a variety of learning services to support students, faculty, and staff in academic excellence at Dickinson State University. The SOAR Center works collaboratively to enhance the mission of DSU through high-quality and accessible programs while promoting excellence in learning and supporting scholarly activities. Services available to students include: disability support services, testing services, tutoring services, and career development.

University Store

The University Store provides a convenient location to purchase DSU related clothing and logo items, as well as office and art supplies, textbooks, and gift items.

During finals week, each semester, the store is open to purchase textbooks that have value in the used textbook market. Book buyback vary from 10% to 50% of the new price depending on various factors.

DSU STUDENT CODE OF CONDUCT

Updated: August 2021

By issuance of the Student Code of Conduct, Dickinson State University (DSU) hereby establishes the standards and disciplinary procedures which shall govern student conduct at this institution. Students and student organizations are expected to become familiar with the Student Code of Conduct and to assure its successful implementation through their observance of its provisions and their support of its objectives. The code is applicable for events whether held on- or off-campus.

SECTION I-INTRODUCTION

1.1. *General DSU Values*

DSU is an academic institution with a [mission](#) which is, in the broadest sense, educational in nature and which is carried out by means of programs and activities devoted to the pursuit of knowledge, the instruction and development of students, and the general betterment of public life in the area it serves. It exists primarily as a community of individuals, including students, faculty, and staff, who provide, participate in, and/or support these activities and programs.

DSU has an inherent interest in developing policies to preserve and enhance its ability to function effectively as an academic institution. The policies must uphold the integrity of the educational process and protect persons and property. As such, policies necessarily entail recognition of both rights and responsibilities for all members of the University community; it is these considerations which make student conduct a natural and legitimate concern of the University.

The Blue Hawk Bond¹ was established in order to create a community of care across campus.

- Caring—DSU sensitively supports the well-being of all and strongly encourages service to others.
- Celebrative—DSU honors its heritages and embraces its past and future traditions.
- Disciplined—DSU expects all individuals to accept their responsibilities and honor the common good of all.
- Just—DSU values all people and provides a learning environment that welcomes diversity.
- Open—DSU welcomes freedom of expression and powerfully affirms creativity and respect.
- Purposeful—DSU prioritizes academic goals and seeks collaborative relationships to strengthen teaching and learning in and out of the classroom.

A person enrolling at the University comes to the campus as both a citizen and a member of the academic community. As a citizen, each student is entitled to the freedoms and rights guaranteed to other citizens by the United States Constitution and the Constitution of North Dakota. Such rights as free speech, lawful assembly, petition, and due process are not lost upon enrollment. As a member of the academic community, each student has the right for accessing opportunities to learn and to benefit from the institution's educational environment.

Accompanying these rights, however, are certain general and specific responsibilities. As citizens, students must abide by federal, state, and local laws. Students are obliged to respect the lawful rights of others. As members of the academic community, students are expected to comply with valid institutional regulations, to contribute in an orderly fashion to the University's academic and

¹ The Blue Hawk Bond was developed in accordance with Ernest Boyers' Six Steps for Creating Community.

administrative processes, and to uphold standards of common decency and honor in all conduct. These incumbent rights and obligations are inextricably linked together. It is only when individuals are responsible as citizen-students that their rights as citizen-students can be assured. Freedom must be exercised responsibly in the context of recognized interest of others and of the institution itself.

It is to secure these ends that the policies and procedures in this code are established. Such policies and procedures are fundamentally designed to help maintain a campus environment conducive to learning and other educational pursuits. These policies and procedures are intended to ensure the enjoyment by students of all proper rights, without undue infringement by others. Additionally, these policies and procedures are a means for the University to attain its educational mission by protecting the institution's processes, resources, and constituent community by providing an educational environment built on respect for the campus community and the rights and protection of all.

1.2 Code Authority²

The President of DSU is charged with the responsibility for development and administration of institutional policies and rules governing the role of students and their conduct. The President is also responsible for establishing guidelines for students which stipulate conduct standards and provide for procedures and sanctions for violation of such standards, as established by the North Dakota State Board of Higher Education Policy 305.1.

This Code shall be published and made available, by any reasonable means, to students at DSU, and it shall be applicable to all said students. On occasion, the contents of the code may be subject to change prior to the reprinting of this document. If changes are made, documents relating to the changes will be made available on the DSU website, sent by email to the students, and available upon request from the Office of Student Life. Such changes would be included in future Code revisions.

Upon enrollment, a student shall be deemed to have accepted the conditions and obligations stated herein and to have agreed to be bound hereby, in addition to all other applicable University regulations which may have been or may in the future be issued and published by proper authority. The Student Code of Conduct (the Code) shall, likewise, apply to all student groups, whether formally or informally organized and whether chartered or not. Conduct initiated by students off-campus, as well as conduct taking place on University property, shall be within the scope of the Code. The fact that criminal or civil proceedings may have been instituted against a student shall not bar commencement of the disciplinary process involving such student under this Code, nor shall the University be bound by the outcome of such proceedings in its determination of whether misconduct did or did not occur, or in its selection of an appropriate sanction. In regard to conduct by a student which may be the subject of such a criminal or a civil action, the University shall have the discretionary right to proceed under this Code against the student before, during the pendency of, or after the final disposition of such action, or even in the absence thereof. As a general policy, however, the University shall resort to its disciplinary process only where the alleged conduct directly and/or adversely affects interests of the institution or the campus community as discussed above.

Examples provided within the Code of various conduct concerns are illustrative and not exhaustive. Should a question of ambiguity, inconsistency, or need for clarification arise, the Vice President of Student Affairs, or designee, shall have the authority and discretion to define,

² Credit to North Dakota State University for allowing DSU to model portions of the Student Code of Conduct after NDSU's Code of Student Conduct.

interpret, or clarify. The Vice President of Student Affairs shall have final authority for interpretation of the Code.

1.3 General Complaint Procedures

Individuals may file a complaint regarding a violation of the Code by completing the Misconduct Report Form found at: [Incident Reporting Form](#).

Additionally, students may arrange a meeting with the Director of Student Life for guidance in resolving concerns informally. In any case where a student's rights as outlined herein are violated, he or she shall have the right to petition for redress of such a grievance.

SECTION II-STUDENT RIGHTS AND RESPONSIBILITIES

As a means of giving greater content and definition to the important notion of student rights and responsibilities, those identified below shall be recognized as belonging to students at DSU. As referenced in Section 1, this list is not intended to be exhaustive, nor shall it in any way prevent recognition of additional, different, or modified rights, and obligations for students through supplementation to this Code, issuance of other University property, or any alternative, appropriate means. Students shall have a voice, through the Student Senate, in those affairs of the University directly concerning the student body.

2.1 University Community

The University, as a community, has the right and responsibility to formulate and disseminate [policies and guidelines](#) to promote the general welfare of its members. Students have the responsibility to know such policies and guidelines of the University. Students shall conduct themselves in such a way as to recognize the legitimate rights of others and to promote the welfare of the University community.

Within the Code, students are defined as those individuals admitted to DSU, currently or previously enrolled, and/or taking classes through the University. Visitors attending an on-campus event and guests on-campus may also be covered under the Code. Additionally, individuals who are not currently enrolled at the University may be held accountable for misconduct committed after they were admitted and before they left the University. Reference to "student" within the Code, covers and includes all other entities impacted by this Code, such as visitors and guests.

2.2 Community Expectations

All students are expected to observe university policies, procedures, contracts, and standards, including those published in the Code. Matters related to the Code will be communicated via students' DSU email. It is the responsibility of each DSU student to maintain accurate personal data and monitor University email communication.

DSU may discipline a student for misconduct committed outside of University property, which in the University's opinion may negatively impact the university community and/or the pursuit of its mission.

Actions taken under the Code are intended to be educational; they are not criminal in nature. As such, separate criminal/legal proceedings do not constitute double or triple jeopardy. Additionally, findings under the Code may differ from judgements issued within courts of law.

Students are responsible for all debts to DSU. DSU bears no responsibility for financial obligations incurred by students or student organizations. Should a student organization dissolve with outstanding financial debt, individuals holding leadership positions at the time the debt was incurred will be responsible for such debt.

2.3 Academic Freedoms and Responsibilities

In all academic matters, students have the right to be governed by justifiable regulations. Students have the right to an educational environment conducive to learning and free from unreasonable distraction. As such, students are responsible for classroom behavior which is conducive to the teaching/learning process for all concerned.

Students shall be free to take reasoned exception to data and views offered in the classroom and to maintain personal judgment about matters of opinion, without fear of penalty. As such, students have a right to grades that represent the instructor's professional judgment of their performance in courses and laboratories. Students also have a right to accurately and clearly stated information which would enable them to determine: (a) The general requirements for establishing and maintaining an acceptable standing; (b) Their own academic/admission relationship with the University and any special conditions which apply; and, (c) The graduation requirements of any particular curriculum and major.

Students have the right to be informed of the content and objectives of a course, the methods and types of evaluations, and the relative importance of each test, paper, and assignment, comprising the total evaluation. Students are responsible for meeting the requirements of a course of study according to the standards of performance established by the instructor. This includes regular class attendance when established as an essential element of course content.

Additionally, students have a right to protection against improper disclosure of confidential information acquired by instructors; a right to seek assistance from instructors during the instructor's regularly scheduled office hours; a right to refrain, without penalty, from activities that involve unreasonable risk to physical health and safety, except upon the student's consent; and a responsibility for honest and ethical conduct in all academic and non-academic matters.

2.4 Educational Records

A student's right of confidentiality and access to student's records are governed by the Family Educational Rights and Privacy Act (FERPA).

Dickinson State University student records maintained by the University fall into two general categories: directory information and educational records. As custodian of student records, in compliance with the Family Educational Rights and Privacy Act of 1974, the University assumes the trust and obligation to ensure the full protection of student records. This includes maintaining the confidentiality of educational records. University personnel who have or accumulate educational records that are in a personally identifiable form shall comply with the administrative procedures that follow.

FERPA confidentiality regulations do not apply between two schools when students choose to become collaborative students. The colleges and universities involved may exchange academic

information without written permission from the collaborative students. For more information about FERPA and directory information you can visit [DSU's website on FERPA guidelines](#).

2.5 Freedom of Speech

DSU follows [NDUS policy 503.1 Student Free Speech & Expression](#) and [503.1 Student Political Rights](#).

Students 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 any causes by lawful means. At the same time, it shall be made clear to the academic and at-large community, that in their public expression or demonstrations students and/or student organizations speak only for themselves and not on behalf of DSU.

Discussion and expression of all lawful views is permitted within the institution, in public places, subject to reasonable time, matter, and place requirements for maintenance of order and to applicable state, federal, and local laws. The University retains the right to provide for the safety of individuals, the protection of property, and the continuity of the educational process in maintaining order.

Chartered student organizations may invite and hear any persons of their own choosing, subject to: (a) requirements for use of institutional facilities; (b) the rules and regulations governing student organizations; and (c) financial means.

Students have a right to express opinions through student publications, when such publications exist. Students have a responsibility to adhere to the canons of professional journalism, and are required to follow any stipulated guidelines provided by the University related to publications

2.6 Student Life

Students shall be free to organize a club or organization and associate to promote their common interests. Student organizations are required to publicize information concerning purpose, criteria for membership, and a current list of officers. They shall not be required to submit a membership list as a condition of institutional recognition other than an initial list of student or faculty members. Chartered student groups may use University facilities, if available, in accordance with normal scheduling policies, provided they comply with all applicable laws, rules, regulations, policies, and this Code in the use and care of all such facilities.

2.7 University Housing

Students living within University Housing have the right to be secure in her or his possessions against invasion of privacy and unreasonable search and seizure. Students shall not violate the rights of other students residing in University Housing. University Housing is a privilege and not a right. Students residing within University Housing have additional responsibility to follow policies and procedures in place specifically addressing residential expectations, which may be stipulated through such means as leases and/or the DSU guide to residence life.

SECTION III-MISCONDUCT

Every student and student group at the University shall be required to act lawfully and in such a way as not to adversely affect the educational processes of the University or the rights of members of the University community and others. Violation of this general standard of behavior shall be considered misconduct under this Code. By the procedures set forth in this Code, the following types of misconduct shall be subject to discipline.

Individuals who attempt to commit acts prohibited by the Code may be charged and sanctioned to the same extent as if they had committed prohibited acts.

Any Code violation found to be motivated by bias based on tenets of diversity, such as age, color, disability, gender expression, gender identity, national origin, race, religion, sexual orientation, sex, marital status, or status as a military Veteran, may result in enhanced sanctions above and beyond sanctions for similar actions not motivated by bias. DSU does not discriminate based on tenets of diversity.

Repeated violations of the Code are relevant when determining sanctions and a student's ability to remain a member of the University community. Progressive sanctioning may be assigned, depending on the nature of the violation(s).

3.1 Violations of Law

DSU holds the right to address any conduct occurring on- or off-campus that may be construed as alleged or potential violations of local, state, or federal law.

3.2 Complicity in Prohibited Acts

Students are expected to avoid complicity with prohibited acts. In order to do so, students should: (a) Attempt to stop the behavior from occurring, except in cases where danger to self would occur; (b) Notify a staff member as the behavior is occurring; and/or (c) Remove self immediately from the violation occurring. Complicit students may be held accountable as if they committed the act themselves. Additionally, students are held accountable for the conduct of guests they host and may be sanctioned under the Code for guests' behavior – as if they committed the violation themselves.

3.3. Good Samaritan Responsibilities

Individuals who appropriately report or seek assistance for themselves or for others will not be subject to disciplinary sanctions for allegations related to the use or consumption of alcohol or other drugs, nor will the incident become a part of the student's conduct record. However, because alcohol and drug misuse can negatively impact an individual's physical and emotional well-being, individuals may be required to have an educational meeting with University personnel

Please see the [North Dakota Good Samaritan Act](#) for more information.

3.4 Academic Misconduct

All forms of academic dishonesty, including but not limited to the following, will be handled through the Office of Academic Affairs: (a) Copying from another student's test paper; (b) Using materials during a test not authorized by the person giving the test; (c) Collaborating during a test with any other person by giving or receiving information without authority; (d) Stealing, buying, or otherwise obtaining all or part of an un-administered test; (e) Selling or giving away all or part of an un-administered test; (f) Bribing any other person to obtain an un-administered test or information about an un-administered test; (g) Substituting for another student, or permitting any other person to substitute for oneself, to take a test; (h) Submitting as one's own, in fulfillment of academic requirements, any theme, report, term paper, essay, or other written work; any speech or other oral presentation; any painting, drawing, sculpture, musical composition or performance, or other aesthetic work; any computer program; and/or any scientific experiment, laboratory work, project, protocol, or the results thereof, prepared totally or in part by another; (i) Selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any work described above; (j) Plagiarizing, defined as the use of any other person's work (such work need not be copyrighted) and the unacknowledged use of Internet and web based materials or information; (k) Submitting in fulfillment of academic requirements, if contrary to course regulations, any work previously presented, submitted, or used in any course; (l) Falsifying records, laboratory results, or other data used in a course; (m) Cheating or deceit in any other manner; and/or (n) Fabricating, forging, altering, or misusing any University academic document or form.

Additionally, students cannot duplicate copyrighted textbooks or other course materials in their entirety; these actions are a violation of U.S. Copyright Law. Students are limited to "fair use" of such materials. Students found guilty of this action and especially through the use of departmental or faculty codes, will be further disciplined up to and including expulsion in accordance with University policy and procedure. Furthermore, students found guilty of this action are also subject to prosecution under state and federal laws.

3.5 False Information

Students may not furnish false information to the University with the intent to deceive.

3.6 Misuse of University Document

Students may not fabricate, forge, alter, or misuse any University document, record, or instrument of identification (such a student I.D. card or a meal card). Additionally, students may not misuse financial aid information, including through fraud or abuse.

3.7 False Pretense

Students may not obtain any services or thing(s) of value from the University by false pretenses, nor obligate the University to any service or thing(s) of value without explicit approval of the appropriate University personnel.

3.8 Abuse of Property

Students may not vandalize, destruct, damage, deface, abuse, or misuse public or private property, whether intentionally or by negligence.

3.9 Taking of Property

Students may not steal, embezzle, or misappropriate the property of another, including the property of the University.

3.10 Littering

Students may not litter on University property or while representing the University off-campus.

3.11 Computer Mischief

Students may not manipulate, tamper with, or duplicate any University computer hardware, firmware, software programs, and/or associated documents.

3.12 Misuse of Proprietary Information

Without authorization, students may not use or have access to information, in whatever form, proprietary to the University.

3.13 Worthless Check

Students may not knowingly negotiate or delivery to the University a check or other negotiable instrument with the intent, knowledge, or expectation that there will not be sufficient funds on account with the depository to cover it.

3.14 Unauthorized Entry and/or Trespassing

Students may not, without authority, enter into any University property or any University building or structure, or any part thereof, to which access has been restricted. Additionally, students may not enter into or remain in vehicles, apartments, houses, fenced yards, roofs, and/or other building areas, including but not limited to areas posted with No Trespassing signs.

3.15 Entry After Warning

Students may not remain upon any University property or in any University building or structure, or any part thereof, after receiving an order by an authorized University official not to enter and/or remain.

3.16 Misuse of University Keys and/or Swipe Cards

Students may not, without authority, use, possess, duplicate, and/or distribute keys and/or swipe cards to any University building or structure, or any part thereof.

3.17 Disruption of University Activity

Students may not intentionally disrupt, obstruct, hinder, or interfere with University sanctioned and/or other lawful activity which takes place on University property or which is sponsored by a University recognized/related group. Faculty may ask a student to leave the classroom if behavior is disruptive or disrespectful. Failure to leave when asked is considered failure to comply with a university official and is subject to discipline under the code of conduct.

3.18 Physical Abuse or Violence

Students may not threaten to or undertake any crime involving violence of force or the threatened use of force with respect to a University person anywhere, or with respect to any non-University person on University property or at a University sanctioned activity.

3.19 Harassment

Students may not subject a person to physical contact, direct language, or gestures which are abusive or obscene toward a person, with the intent to harass, annoy, or alarm. Such behavior is not allowed against a University person anywhere, nor toward a non-University person on University property, nor at an activity which is sponsored by the University or by a University recognized/regulated group.

3.20 Disorderly Conduct

Students may not engage in conduct which is disorderly. Additionally, without University authority, students may not engage in behavior which breaches the peace, recklessly disregards others, or poses a risk of public inconvenience, annoyance, or alarm such as by fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, or disturbing a lawful assembly. Students may not display or use firearms, explosives, or other weapons on DSU property. Unauthorized and/or illegal possession of weapons is not allowed. Additionally, throwing objects against, into, or onto buildings, structures, person(s), and/or motor vehicles is not allowed.

Firearms and weapons include, but are not limited to: airsoft guns, "BB" guns, dart guns, handguns, paint-ball guns, pellet guns, rifles, shotguns, stun guns or similar devices, bows and arrows, daggers, knives, sabers, and/or swords.

Explosives include, but are not limited to: bombs, fireworks, and/or devices that use flammable liquid enclosed in such a way that such devices can be ignited.

Examples of other weapons not allowed include: dangerous chemical and fuels, martial arts implements (unless required for Academic coursework), and any device or instrument that may be used to inflict bodily harm or damage property.

Kitchen knives are allowed for use within cooking facilities located with residence halls. Items used within reasonable daily activities, such as pocket knives and box cutters, are allowed unless otherwise stipulated in syllabi, leases, or other accepted University documents.

3.21 Indecent Behavior

Students may not engage in lewd, indecent, or obscene behavior which flagrantly flaunts community standards.

3.22 Fire Mischief

Students may not tamper with fire safety equipment, such as fire extinguishers and fire alarm devices, nor set or cause unauthorized fire on University property, at an activity sponsored by the University, or by a University recognized/related group.

3.23 Smoking, Vaping, and Juuling

Smoking, vaping, and juuling are prohibited on all University property.

3.24 Dangerous Instrumentalities

Students may not possess, distribute, or use firearms, ammunition, explosives, fireworks, incendiary devices, or any other dangerous weapons or instruments on University property or at an activity sponsored by the University, or by a University recognized/related group, except as expressly authorized by the University.

State Board Policy 916.1-Weapons: Except as provided by law, firearms and dangerous weapons are prohibited from campus buildings owned or operated by the SBHE, including the eleven institutions.

3.25 Abuse of Controlled Substances

Possession, use, manufacturing, selling, giving away, or other distribution of controlled substances as defined by federal or North Dakota law, is prohibited, except possession or use upon prescription.

3.26 Alcohol Abuse

Commission of any of the following acts relating to possession of or use of alcoholic beverages is prohibited: (a) Possession or consumption of an alcoholic beverage anywhere on University property unless expressly allowed in writing and approved by the University President or designee; (b) Public intoxication; (c) Driving while under the influence of alcohol; and/or (d) Unlawful sale of alcoholic beverages, giving away, or otherwise distributing alcoholic beverages unlawfully.

3.27 Hazing

Participation in any form of hazing will not be tolerated. Hazing, within this Code, is defined as any action taken, requirement or coercive expectation imposed, or situation created by a student organization, its members, or persons associated with the organization, with respect to prospective, trial, or new members or “pledges,” which is hazardous, insulting, humiliating, or abusive; which could reasonably be expected to produce mental or physical discomfort, embarrassment, pain, or injury; or, which violates any law or University regulation.

3.28 Bribery

Students may not offer or agree to confer a thing of value on a University official or student official, with the intent of improperly influencing the action of such official; or, the acceptance of a bribe, which shall mean the solicitation of or agreement to accept a thing of value by a student official with the understanding that the action by such official shall be improperly influenced.

3.29 Animals

Except for disability-related service animals, as addressed by the Americans with Disabilities Act (1990) and its Amendments (2008), and therapy/comfort animals as addressed by the Fair Housing Act, privately owned animals are prohibited inside campus buildings. Animals on public property must be on a leash, under the control of the owner or designee always and may not be left unattended. Owners are responsible for health and safety issues that may arise concerning the presences of these animals on DSU property.

3.30 Sexual Misconduct

Sexual misconduct is the broad term used to describe all prohibited conduct of a sexual nature outlined in this code and the sexual harassment policy. Sexual Misconduct includes dating violence, domestic violence, sexual assault, sexual exploitation, and sexual harassment. Sexual misconduct also includes assault, stalking, and other acts prohibited by the Code when the behavior is based on an intimate relationship and/or actual perceived gender, gender expression, sex or sexual orientation

Retaliation against a person who exercises her or his rights and responsibilities regarding sexual misconduct is strictly forbidden.

3.31 Sexual Assault

Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.

Rape: Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the respondent, or oral penetration of the complainant by a sex organ of the respondent, without the consent of the complainant.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Under NDCC Section 12.1-20-07, sexual assault is defined as sexual contact that is: (a) offensive to the victim; (b) perpetrated against an individual with a cognitive or development delays (also referred to as "mental disease or defect"); (c) perpetrated against an unknowingly intoxicated or drugged victim; (d) perpetrated against a victim in official custody by an offender with supervisory or disciplinary authority over the victim; (e) perpetrated against a victim that is between the ages of 15-17 and the offender is a parent or guardian; or (f) perpetrated against a victim who is between the ages of 15-17 and the offender is 18 years of age or older. Such behavior is prohibited for and by DSU students.

3.32 Sexual Harassment

Sexual Harassment is the conduct on the basis of sex, constituting one (or more of the following): (a) an employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in welcome sexual conduct; (b) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or (c) sexual assault, dating violence, domestic violence, or stalking as defined.

3.33 Other Acts of Harassment

Harassment is a form of offensive treatment or behavior which, to a reasonable person, creates an intimidating, hostile, or abusive work or learning environment. It may be related to a tenet of diversity. It may also encompass other forms of hostile, intimidating, threatening, humiliating, or violent behavior, which may not necessarily equate to illegal discrimination, but are nonetheless prohibited. Harassment may take the form of verbal or physical behavior: (a) Which relates to an individual's race, color, national origin, religion, gender, sexual orientation, age, veteran status, and/or disability, when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working or learning environment; or, (b) Which is derogatory, abusive, disparaging, bullying, threatening, or disrespectful, even if unrelated to a legally protected status. Harassment may also be electronic in nature.

3.34 Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety of others; or (b) suffer substantial emotional distress.

3.35 Domestic Violence

Violence committed by the respondent, who is: (a) a current or former spouse or intimate partner of the complainant; (b) a person with whom the complainant shares a child in common; (c) cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) similarly situated to a spouse of the complainant; or (e) any person against whose acts the complainant is protected by N.D.C.C. ch. 14-07.1. Such behavior is prohibited for and by DSU students.

3.36 Dating Violence

Violence committed by the respondent: (a) who is or has been in a romantic or intimate relationship with the complainant; and (b) where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the complainant and respondent. Such behavior is prohibited for and by DSU students.

3.37 Title IX Compliance

Title IX prohibits sex discrimination in education programs and activities. Title IX compliance is separate from the Code. However, students may be held accountable through the Code for misconduct which results in a Title IX investigation. Title IX policies and procedures at DSU are coordinated by the Title IX Coordinator.

More information about Title IX may be found on DSU's [Inclusion and Equity](#) webpage.

Students are encouraged to report incidents or information related to sexual misconduct as soon as possible. Anyone who becomes aware of Title IX complaint or violation should complete and submit the [Title IX Report Form](#)

3.38 Violation of University Policy and/or Order

Students may not violate written University policies, rules, and regulations. Additionally, failure to comply with a lawful order or direction of a University official or employee acting in the performance of his/her authority is considered misconduct.

3.39 Injurious Conduct

Any conduct not specifically stated herein which adversely affects the educational processes of the University or the rights of the members of the University community or others is prohibited.

SECTION IV-STUDENT ORGANIZATIONS AND STUDENT ACTIVITIES

4.1 Student Organizations and Student Activities

Students residing in DSU housing and DSU clubs and organizations are responsible for their conduct and the conduct of their guests. Additionally, student organizations and University affiliated groups will be held responsible for misconduct committed by individual when such behavior is: (a) explicitly or implicitly mandated, required, encouraged, or endorsed by the group or organization; (b) construed as past tradition, custom, or practice of the organization or group; or (c) is reasonably predictable and stoppable.

4.2 Compliance with University Policy

All University policies, procedures, and regulations apply to student organizations and associated activities. Additionally, student groups and organizations may not misappropriate funds, misuse property, misrepresent themselves, or abuse student election processes and procedures.

4.3 Conduct Enforcement and Resolution Procedures

When student organizations or affiliated University groups are charged with misconduct, the presiding officer or individual leaders affiliated with the group shall be required to participate on behalf of the organization/group in conduct proceedings under the Code. Additionally, organizational officers or members may be charged with individual violations related to incidents involving organizations. Such charges would be addressed in separate proceedings.

Conduct records of student organizations are not covered under the Family Educational Rights and Privacy Act (FERPA). As such, the results of conduct actions taken against student groups and university affiliated groups are disclosable so long as the disclosure will not compromise the privacy of any individual student educational record.

Federally protected individual names will be removed from group material that is disclosed.

4.4 Recognition of Student Organizations

Although student organizations are independent from DSU, they are expected to uphold and comply with the Code, university policies, and all laws at the local, state, and federal level. Student organizations are free to support causes through orderly means which do not disturb the essential and regular operations of DSU. It should be made clear to the campus and larger community that student organizations are speaking on their own behalf, and not representing DSU.

Membership in University organizations is limited to current DSU students, faculty, and staff. Organizations are not officially recognized unless they have followed all processes and procedures as established through Student Activities (e.g. Student Senate, Campus Activities Board, Intercollegiate Athletics and Club Sports).

4.5 On- and Off-Campus Activities and Events

Advertising for on- and off-campus events and activities must follow established processes and procedures, where such processes and procedures exist. The Code is applicable for events whether held on- or off-campus.

SECTION V-DISCIPLINARY PROCEDURES

Vice President for Student Affairs and University Relations (VPSAUR)

As delegated by the University President, the VPSAUR shall have general jurisdiction and authority over all student misconduct matters. Additionally, the following are designated as disciplinary entities within the Code.

Provost/Vice President for Academic Affairs (VPAA)

The Provost shall have authority and jurisdiction over matters of academic misconduct. The Provost may designate an entity to serve on his or her behalf.

Hearing Officers

The VPSAUR has been designated by the President to coordinate student conduct matters at DSU. The VPSAUR may serve as a hearing officer. Additionally, in consultation with the President, or designee, the VPSAUR will designate one or more hearing officers each academic year. Hearing officers will be trained to officiate investigations, prehearing conferences, and hearings. Students will not serve as hearing officers.

Director of Campus Life (DSL)

The Director of Campus Life, as designated by the VPSAUR, will oversee the implementation of and compliance with the Student Code of Conduct. The DSL will work to ensure due process under this code. The DSL can serve as a hearing officer.

Title IX Coordinator

The Title IX Coordinator has authority and jurisdiction over matters of Title IX misconduct. The Title IX Coordinator may designate an entity to serve on her/his behalf.

5.1 Resolution of Alleged Code Violations

The following steps will typically be followed to resolve Code violations:

- (a) receipt of an incident report
- (b) creation of a conduct file
- (c) implementation of interim actions, if appropriate
- (d) notice of alleged violations
- (e) investigation of incident
- (f) prehearing conference
- (g) hearing
- (h) notification of findings, including sanctions
- (i) appeal
- (j) notification of appeal decision

The University will strive to resolve all complaints under this policy no later than 60 calendar days after the University becomes aware of an alleged violation. In the interest of maintaining an effective and equitable process, the University may extend the resolution process beyond 60 calendar days on a case-by-case basis. If the investigation and resolution exceed 60 calendar days, the University will notify all parties in writing of the reason for the delay and the expected time frame adjustment.

The Student Conduct Coordinator and/or designee will collaborate with the Title IX Compliance Officer and/or other relevant Title IX staff when a Title IX investigation results in the need for a Student

Conduct Hearing.

5.2 Reporting and Investigating Complaints

A complaint charging students and/or student organization with misconduct may be filed by any University person having knowledge of the pertinent facts based on personal observation or other reliable information. A complaint may be filed in the name of the University by an authorized institutional official. The party filing a complaint shall be designated the "Complainant" and the party charged with misconduct the "Respondent" for purposes of this Code.

Complaints regarding faculty and staff misconduct shall be filed with the form found here: [Non-Sexual Harassment Complaint Form](#)

Non-academic based complaints may be submitted to the DSL, academic complaints may be submitted to the VPAA, and University housing complaints may be submitted to the DSL.

Once a complaint is received, the respondent(s) will be notified of alleged charges. Complaints are used by the hearing officer to determine whether a student is likely responsible for the alleged violation(s) and used to:

- (a) provide educational opportunities
- (b) promote safety, health, and well-being within the campus community
- (c) provide a basis for fair inquiry into alleged violations
- (d) determine if policy was violated
- (e) determine if mitigating and/or extenuating circumstances exist
- (f) identify appropriate next steps and/or resolution.

A hearing officer will then investigate the report and schedule a prehearing conference as soon as practical. During the prehearing conference, rights and procedures will be reviewed. The investigation may include interviewing witnesses, reviewing documents, and speaking to impacted parties. At the conclusion of the investigation, a complaint can be dismissed, an alternate resolution can be reached, or charges may be filed that necessitate having a hearing. Any person believed to have information relevant to an investigation may be contacted and requested to participate.

Should a hearing need to be scheduled, the Respondent(s) will receive written notice of the hearing date at least ten (10) University business days in advance. Written notice of the time, date, and place of the hearing, and the identity of the members involved, shall be provided to the hearing officer, complainant, respondent(s), and hearing panel members. A copy of the complaint will be provided to all participating parties.

If good cause is demonstrated to reschedule the hearing, a new date will be set. Good cause may include considerations such as the absence of party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for accommodations for language or disability.

Students who fail to appear for a scheduled hearing will be deemed to have foregone his or her right to a hearing, and the hearing will proceed.

5.3 Interim Measures

For safety and security, interim measures may be taken prior to a hearing occurring. Examples of interim measures include but are not limited to changing housing or work assignment, no contact orders, loss of privileges, limited access to facilities, removal from campus, or temporary/emergency suspension. Interim measures may be appealed. Pending appeal, the interim measures are stayed.

5.4 Searches and Seizures

The entry into and search of University property, including residences, by University officials will be permitted when one or more of the following instances occurs:

- (a) the student consents to the search
- (b) the official(s) responsible fear an imminent danger to health, safety, life, or property
- (c) the DSL (or designee) provides written administrative authorization specifically addressing reason for search, objects of information sought, and area(s) to be searched based upon reasonable belief of such existing
- (d) when facilities or property are endangered and/or
- (e) when there is a reasonable cause to believe there has been a violation of DSU policy.

When students are suspected of violating NDUS or DSU Acceptable Use Policies, student computers and associated devices may be taken into temporary custody.

The VPSAUR (or designee) must be notified of searches. DSU will not intervene between students and searches authorized under law by any law enforcement agency.

Separate from the Code is the right for University personnel to inspect University owned properties, without notice, for purposes of maintaining, cleaning, safety, and administrative provisions. Such action is agreed to when entering a housing contract with DSU.

Reasons for entry without notice may include but are not limited to:

- (a) health, life, or property is jeopardized by circumstances such as, but not limited to fire, plumbing, or drainage problems, mechanical failure, medical emergency, or any other type of emergency situation
- (b) reasonable cause to believe that a serious violation of DSU policy has occurred or is occurring, including but not limited to violations involving disruptive behavior, violations of visitation hours, inappropriate behavior, alcohol, drugs, weapons, hazardous materials, and burning candles or incense
- (c) inspection of the premises for routine maintenance and safety concerns, to show vacancies to prospective students, to prepare for the arrival of a new resident, or to make repairs to the premise or other legitimate purposes with the job responsibilities of the staff, or
- (d) as a result of violation of DSU policy on the part of the residents, a student code of conduct office has stipulated future random inspections of the residence as part of the sanctioning process. In non-emergency situations DSU personnel will knock before entering and announce the intent to enter.

5.5 Notice of Charges

Once a complaint has been received, a written notice will be sent to the respondent(s). The notice of charges will include what is known of the following:

- (a) nature of the alleged Code violation
- (b) date, time, and place of alleged violation(s)
- (c) source of the information
- (d) summary of evidence
- (e) nature of sanctions applicable if found responsible
- (f) the right for a student to have an attorney present, or non-attorney advocate, at the student's expense, if suspension or expulsion are identified as possible sanctions; and/or
- (g) notice that a decision could be reached with or without the student's participation (except in

Title IX cases and cases where suspension and/or expulsion are possible sanctions).

Students will be provided notice of a prehearing conference at least ten (10) University business days in advance.

5.6 Prehearing Conference

Students will have the opportunity for a prehearing conference, at which time the hearing officer will review the student's rights and responsibilities, the nature of the complaint, and how the Code may have been violated. The student may request to proceed with an immediate hearing, except in cases where suspension or expulsion may result. The assigned hearing officer may refuse to hear the case and refer to another hearing officer, with good cause.

5.7 Conduct Hearing

Hearings shall be administrative fact-finding proceedings, the purpose of which shall be to determine whether the respondent is responsible or not responsible for the misconduct charged in the complaint. An administrative hearing involves the respondent, hearing officer, and any other individuals deemed necessary to determine whether or not there has been a violation of the Code. Administrative hearings may include a hearing panel. For most conduct violations, students may request to have a hearing with or without a hearing panel. The University reserves the right to deny this request. Students may not serve on hearing panels in which suspension or expulsion may result.

During the hearing, the respondent has a right to make a written and/or oral statement describing the events leading up to the charge(s). In all cases involving an allegation of sexual misconduct, the respondent and the alleged victim shall have equal procedural rights, as detailed in SBHE Policy 520: [NDUS Title IX Policy](#)

The hearing officer will ensure the hearing is conducted in a manner which is fair, orderly, not unduly delayed, or prolonged, and in compliance with all applicable procedures. The hearing officer shall have authority to rule on requests and objections which may arise; to adopt reasonable rules to facilitate the hearing process; to impose reasonable constraints on any party, including the respondent, whose behavior is disruptive, intentionally harassing, or who refuses to adhere to a ruling or procedure; and, generally, to exercise such control as may be necessary and expedient to accomplish these ends.

When a case has potential to result in suspension or expulsion, the hearing will be recorded and retained in the student's conduct file.

The hearing officer will provide written notice of findings and associated sanctions to the student in a prompt and timely manner.

5.8 Advisory Options

The respondent has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or directives of the hearing officer may be cautioned and/or asked to leave.

The respondent may, at his or her own expense, consult with an attorney at any time during the disciplinary procedures and may have an attorney present at the hearing. If a student chooses to have an attorney present as her or his hearing advisor, DSU may request legal representation be present as well.

When a possible sanction is suspension or expulsion, attorneys or non-attorney advocates may fully participate in the hearing; meaning, they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing, and provide the respondent with support, guidance, and advice throughout the hearing.

5.9 Parties Present

Only those parties who are deemed participants in the hearing shall be allowed to be present. This will typically include the hearing officer, the respondent(s), the complainant, advisors/attorneys, and hearing panel members (when panel is being used), along with and any support personnel necessary to record the proceedings and the complainant. Witnesses, except those already listed, will be excluded from the hearing except when testifying.

5.10 Default Proceedings

In cases where the respondent/organization fails to appear without notice, or leaves the University with unresolved charges, the hearing officer may make a decision without the respondent/organization participating, providing sufficient written notice was provided via the DSU email system. The hearing officer may place a hold on the student's records indicating the student may not register until the matter is resolved. A notice may also be placed on the student's transcript indicating "may not register for non-academic reason," with consultation and approval from the VPSA or designee.

Student organizations that do not participate will lose recognition as an organization. Student leaders may still face individual sanctions. Student organizations that lose recognition in such a manner, except in cases where suspension or expulsion are involved, will be required to participate with a hearing in the future if recognition is sought again.

5.11 Conflict of Interest

Hearing officers and/or hearing panel members are expected to excuse themselves from hearing procedures when a conflict of interest or bias arises.

5.12 Burden and Standard of Proof

The burden of proof resides with the University. The standard of proof is "more than likely than not," or a preponderance of evidence. For the Student Code of Conduct, preponderance of evidence is based on the more convincing evidence and its probable truth or accuracy and not on the amount of evidence. Students who admit to the violation are found to have violated the Code.

5.13 Hearing Sequence

For cases in which suspension or expulsion are not possible sanctions, the hearing shall generally proceed as follows:

- (a) the hearing officer will read the charges to the respondent, who will admit to or deny the charges
- (b) failure to respond shall be deemed a denial
- (c) admitting to the charges will sustain a finding of misconduct without further proceedings
- (d) the complainant may offer evidence in support of the charges
- (e) the respondent may offer evidence
- (f) rebuttal evidence may be provided by either party
- (g) each party may make a closing statement
- (h) the hearing officer (and panel if used), will move into closed session for deliberation.

5.14 Evidence and Witnesses

The hearing officer shall determine what evidence is accepted, utilizing as governing criteria relevance to the issues at hand, fundamental fairness, and the limitation of repetitious evidence that would unduly prolong the hearing. Formal or technical rules of evidence shall not apply, although recognized principles of confidentiality and privilege shall be respected. Affidavits properly sworn may be received if the affiant is not reasonably available to testify in person, or if the receipt of affidavits would avoid the necessity of calling multiple witnesses on the same matter at hand and would not prejudice other parties. Affidavits must be received, in writing, at least two (2) University business days before a scheduled hearing date.

Witnesses shall be asked to affirm that their testimony is truthful. Additionally, the hearing officer and hearing panel members may take notice of matters which are clearly within the general experience of members of the University community.

An absolute right of cross examination is not granted under the Code. All questions will be addressed through the hearing officer, who will determine if the questions are relevant and reasonable. The hearing officer may exclude questions that are redundant or irrelevant in determining responsibility. Witness will only remain in the hearing for the duration of their own testimonies.

Character witnesses are not permitted. If the respondent is found responsible for violating the Code, character statements may be considered during sanctioning. The respondent may provide up to three (3) letters to the hearing officer, at least two (2) University business days prior to the scheduled hearing date. Each letter must be dated, signed, and submitted electronically from the author of the written statement.

Because hearings are an educational process, formal rules of evidence do not apply. For this reason, hearsay evidence, that construed as testimony given by a witness who speaks about information received from others, rather than information given directly by that witness, may be permitted in cases in which suspension and/or expulsion are not a possible sanction. The value of such evidence rests with the discretion of the hearing officer.

Sufficient time will be allotted for the respondent and the hearing officer to present written/oral information relevant in determining responsibility. Accused students and witnesses shall not be compelled to incriminate themselves in conduct constituting a violation of this Code and/or local, state, or federal law.

5.15 Hearing Board

Except in cases in which suspension or expulsion is a possible sanction, respondents may request to have a hearing board hear a case instead of a hearing officer. In such incidences, when the request is granted, a hearing officer will preside over the hearing, but the determination of sanctions will be within the purview of the board instead of the hearing officer.

Cases in which a hearing board presides will have at least three hearing board members present. Board members will be appointed by the VPSA or designee each academic year. Board members will be trained prior to participating with any case. In situations where there are not sufficient board members and/or enough trained board members, the case will proceed with a hearing officer.

Board members will be current DSU students, faculty, and staff. Students will not be allowed to serve as board members on hearings in which suspension and/or expulsion are a possible sanction.

5.16 Determination of Sanctions

Only evidence accepted and arguments made at the hearing shall be considered in making findings regarding misconduct. A finding of misconduct shall require a majority vote when a hearing panel is used.

If a respondent is found responsible of misconduct, the hearing officer and/or hearing board will be provided with a synopsis of the past disciplinary record of the respondent, and/or information concerning any pattern of criminal record of the respondent – when such information exists. In matters of progressive sanctioning, the hearing officer and/or hearing board will be made of the number of like charges/sanctions.

The hearing officer and/or the hearing board may ask the respondent and/or complainant for additional information regarding extenuating circumstances or other considerations which may have a bearing on sanctions. Selection of sanctions will align with the sanctioning matrix/rubric contained within the Code.

5.17 Sanction Report

The hearing officer will issue a written report which sets forth the findings, evidentiary support therefore, and the sanction(s) to be imposed.

5.18 Appeals

Students may file one appeal with the DSL and the decision of that appeal is final. See Section VIII for appeal procedures.

SECTION VI-HEARING PROCEDURES FOR POTENTIAL SUSPENSION OR EXPULSION CASES

When cases may result in potential suspension or expulsion, the hearing officer may request another hearing officer to serve as the designee for student conduct—to allow the hearing officer to facilitate the case, but not present the case. When a hearing officer is not available to serve as the designee, the DSL will appoint a DSU employee to serve in this capacity.

6.1 Introduction

With all parties present, the hearing officer will call the hearing to order and then ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings. The hearing officer will review the outline for the meeting. If a student is represented by an attorney or non-attorney advocate, that individual has the ability to fully participate in the hearing as previously indicated. Hearing advisors/advocates will be strongly encouraged to maintain confidentiality throughout the process. The hearing officer will dismiss witnesses until they are called to speak.

6.2 Complaint and Response

The hearing officer will introduce the case. The respondent (and/or attorney/non-attorney advocate) will be permitted to respond to the charges and present information that is relevant in determining whether the respondent violated one or more sanctions of the Code.

6.3 Presentation of Witnesses

The hearing officer and the respondent will be allowed to present witnesses who may be asked questions by the hearing officer, respondent (and/or attorney/non-attorney advocate), and student affairs designee. All questions will be directed to the hearing officer who will determine relevancy to the proceeding, request clarification if necessary, ask if questions are understood, and request responses.

6.4 Final Questions

The hearing officer and complainant (and/or attorney/non-attorney advocate) will be permitted to ask questions of each other. Questions will be permitted by the student affairs designee, who may question either party. The hearing officer and respondent (and/or attorney/non-attorney advocate) may be permitted to ask additional questions of each other.

6.5 Closing Statements

The respondent (and/or attorney/non-attorney advocate) will have an opportunity for a closing statement.

6.6 Deliberations and Decision

If the hearing officer believes that suspension or expulsion is warranted, the hearing officer will make such a recommendation in writing to the VPSA. The VPSA will endorse such recommendation or offer alternatives. The VPSA's decision will be returned to the hearing officer and the hearing officer will issue the written decision.

The hearing officer will provide written notice of findings to the student stating whether the Code was violated. The written notice will include sanctions, and terms and conditions for continued enrollment or re-enrollment, if any. The notice will be provided in a prompt and timely manner following the hearing.

SECTION VII-SANCTIONS AND CONDITIONS

An individual student or student organization found guilty of misconduct shall be subjected to the imposition of the following sanctions and conditions, which may be imposed alone or in conjunction with one or more additional sanctions and/or conditions. Sanctions are assigned based on the severity of the misconduct and/or past conduct history.

- a. Warning
- b. Conduct probation
- c. Supervised conduct probation
- d. Conduct suspension
- e. Expulsion
- f. Recommendation to the VPAA to withhold or rescind a degree

With each sanction, restorative actions, conditions, and/or terms may also be assigned. In addition, notification may be given to other university officials, as necessary. Such actions may include, but are not limited to:

- a. Alcohol or other drug programming, evaluation, and/or testing
- b. Anger management or other related assessment(s)
- c. Written assignment
- d. Participation in an assigned activity or project
- e. Loss of, limited, or restricted access or student privileges
- f. Orders of no contact
- g. Restitution
- h. Confiscation

When Code violations are serious enough to warrant suspension or expulsion, the hearing officer will make such a recommendation to the VPSA, who will approve or deny. Sanctions of suspension or expulsion are noted on students' academic transcript.

At times, mitigating circumstances may exist, which could result in no sanction being required.

In assigning sanctions and/or conditions for misconduct, the hearing officer will consider:

- a. Facts of the case as presented
- b. Existence of evidence
- c. Type and severity of the misconduct
- d. Impact of the misconduct
- e. Previous incidents of misconduct by the respondent
- f. The respondent's willingness and/or ability to accept responsibility

7.1 Sanctions

Warning

A written or oral notice to the respondent that continuation or repetition of specific conduct may be cause for further and more severe disciplinary action.

Conduct Probation

Placement of the respondent in a probationary status for a designated period. The restrictions which shall accompany probation shall be determined on a case-by-case basis. Probation shall carry with it a warning that further misconduct may result in suspension or expulsion.

Supervised Conduct Probation

Supervised probation generally requires meetings with a Student Life and/or SOAR Center staff member at regularly established intervals to monitor progress of the respondent's ability to remain a successful student within DSU. The staff member may assign educational tasks and/or projects deemed necessary and appropriate to assist the respondent in personal growth. Further prohibited conduct may result in additional sanctions being assigned, including but not limited to, suspension or expulsion.

Conduct Suspension

Separation of the respondent from the University for a designated period, not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the VPSA may specify a longer period of suspension. During such period, the respondent will not be able to re-enroll. Upon completion of the suspension, the respondent will need to reapply for admission, and may be required to meet with a representative from the division of Student Affairs & University Relations. Respondents who are suspended will be required to vacate University property; be subjected to tuition/fees being refunded based on the normal withdrawal policy; will be terminated from any university related employment; and restricted from campus except to enter into University related business. Conduct suspension is a matter of permanent record.

Student organizations placed on suspension will lose all rights and privileges provided through DSU. To regain rights and privileges, a suspended student organization is required to comply with and complete any and all sanctions and conditions assigned.

Expulsion

Separation of the student from the University permanently or on an indefinite basis. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record. Respondents who are expelled must leave university property and cease all use of DSU related property and services as designated in the notice of expulsion. The notice will also include any additional restrictions. Written requests for an exception to additional restrictions may be addressed to the VPSA, though will typically only be considered for the purpose of conducting official university business. Respondents who are expelled will not be able to apply for readmission to the University. Such requests will be denied.