

Dickinson State University

Student Code of Conduct

Updated: December 2015

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. All questions regarding the Code should be directed to the Vice President for Student Affairs & Enrollment Management (VPSAEM).

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.

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 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 Authority

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. At DSU, the responsibility for student conduct has been delegated by the President to the VPSAEM. The VPSAEM has assigned the Executive Director of Student Services (EDSS) to carry out these functions.

This Code shall be published and made available, by any reasonable means, to students at DSU, and it shall be applicable to all such 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 from the Office of the VPSAEM and/or the VPSAEM's designee, disseminated through public forums, and/or communicated to students through official university electronic media. Such changes would be included in future Code revisions.

Credited is provided to North Dakota State University who allowed DSU to model portions of the Student Code of Conduct on the Code of Student Conduct in place at NDSU.

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 in such a situation, 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 EDSS shall have the authority and discretion to define, interpret, or clarify. The VPSAEM 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: [Misconduct Report Form](#)

Additionally, students may arrange a meeting with the EDSS, 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.

II. Students 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 I, this list is not intended to be exhaustive, however, 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 policy, 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). To minimize risk of improper disclosure, a student's academic and disciplinary records shall be separately maintained. A student's transcript shall only contain information concerning a student's academic experience, except where noted in section 7.1.

2.5 Freedom of Inquiry and Expression

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 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 housing handbooks.

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

Students are expected to strive to protect the well-being of others. If an individual needs emergency medical attention, including from the use of alcohol or other drugs, students are expected to seek that assistance. Students and/or student organizations who fail to do so, may be subject to University sanctions and may also, potentially, be subject to civil and/or criminal liability.

Students who appropriately report or seek assistance for others will not be subject to the Student Conduct process for charges related to alcohol or other drugs, nor will the incident become a part of the student's conduct record. However, all students may be required to have an educational meeting with University personnel. This protection will only apply once in a two-year period and may not apply if other violations occur within the same incident.

Please see:

<http://www.legis.nd.gov/cencode/t32c03-1.pdf>

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 unadministered test; (e) Selling or giving away all or part of an unadministered test; (f) Bribing any other person to obtain an unadministered test or information about an unadministered 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 as 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 teaching, research, administration, disciplinary proceedings, and/or any other lawful activity which takes place on University property or which is sponsored by a University recognized/related group. Faculty can ask a student to leave the classroom if behavior is disruptive or disrespectful.

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 sponsored 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.

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

Smoking is 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.

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; (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.

Alcohol may be allowed within off-campus housing properties, for individuals of legal age, when such behavior is stipulated within the signed rental lease agreement.

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

With the exception of 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 at all times, 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

Domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct are prohibited at DSU.

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

3.31 Sexual assault

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 includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when: (a) submission to such conduct is either explicitly or implicitly a term of condition of an individual's employment or student status, or is used as a bases for any employment or academic decisions; or (b) such conduct has the purpose or effect of unreasonably interfering with an individual's work or learning performance or creating an intimidating, hostile, or offensive working or learning environment.

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 individuals' 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

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her or his safety, or the safety of others, or to suffer substantial emotional distress. Such behavior is prohibited for and by DSU students.

3.35 Domestic Violence

Domestic violence includes acts of violence committed by a current or former spouse or intimate partner of a victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. Such behavior is prohibited for and by DSU students.

3.36 Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship. 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 at: <http://dickinsonstate.edu/about/notice-of-non-discrimination/>

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

3.38 Weapons

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.

3.39 Violation of University Policy and/or of 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.

3.40 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.

IV. Student Organizations and Student Activities

4.1 Student Organizations and Affiliated University Group Responsibilities

Students residing in properties owned by University affiliated groups are responsible for their conduct, guest conduct, and controlling access to property as if the property was University owned. 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) takes place 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).

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.

V. Disciplinary Procedures

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

The Provost/ Vice President for Academic Affairs (Provost/VPAA)

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

The Director of Housing & Dining

The Director of Housing & Dining shall have initial responsibilities for minor misconduct associated within or about University owned and operated housing. Conduct violations occurring within University owned housing, which could result in more serious sanctions (e.g. suspension, expulsion) will be addressed through non-housing specific processes.

Hearing Officers

The Executive Director of Student Services has been designated by the VPSAEM to coordinate student conduct matters at DSU. The Executive Director will serve as a hearing officer. Additionally, in consultation with the VPSAEM, the Executive Director 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.

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; and (j) notification of appeal decision.

Cases related to Title IX compliance may require some modification to this process. The VPSAEM and/or the EDSS 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 organizations 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:

http://www.dickinsonstate.edu/Assets/uploads/DickinsonStateUniversity/import/www.dickinsonstate.edu/faculty_and_staff/human_resources/forms_2014/Harassment%20Complaint%20Form%202.27.14.pdf

All complaints must be in writing, on the student misconduct form available through the Office of the VPSAEM and on the VPSAEM website. All complaints must identify the type(s) of misconduct charged, shall succinctly state the alleged facts upon which each charge of misconduct is based, and shall be signed by the complainant. Evidence of the misconduct may be submitted with the complaint.

Any written complaints may be submitted to the Office of the VPSAEM. Additionally, non-academic based complaints may be submitted to the EDSS, academic based complaints may be submitted to the Provost/VPAA, and University housing based complaints may be submitted to the Director of Housing & Dining.

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; and (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. Failure of students to comply may result in a conduct hold being placed on student's registration and records.

Should a hearing need to be scheduled, the Respondent(s) will receive notice of the hearing date at least 3 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. Examples of good cause include, but are not limited to, participating party unable to attend or salient evidence not able to be obtained by the initially scheduled date. A respondent's unwillingness to participate is not considered good cause.

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 not be appealed.

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 VPSAEM (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; or, (d) University officials fear imminent destruction of salient evidence.

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

The VPSAEM (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 into a housing contract with DSU.

5.5 Notice of Charges

Once a complaint has been received, a written notice will be sent to the respondent(s) within a reasonable amount of time, typically within 5 University business days. 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.

Students will be provided notice of a prehearing conference at least 3 University business days in advance. Students

may consent to a shorter notice time, if they so choose.

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 or is not guilty of committing 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 514 (available at <http://ndus.edu/makers/procedures/sbhe/default.asp?PID=476&SID=6>).

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 within 10 University business days of the hearing. The VPSAEM may grant an extension, if necessary.

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. In cases where suspension or expulsion is not a possible sanction, the role of the attorney is to advise the respondent but not to participate in the hearing. Attorneys who do not comply with the procedures or directives of the hearing officer may be cautioned and/or asked to leave.

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 reasons,” with consultation and approval from the VPSAEM 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 proceedings when a conflict of interest exists.

5.12 Burden and Standard of Proof

The burden of proof resides with the hearing officer, or the hearing panel when used. The standard of proof is “more 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 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 letters to the hearing officer, at least 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.

5.14 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 VPSAEM 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 a sufficient number of 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.

5.15 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 guilty 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 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.

5.16 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.

5.17 Appeals

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

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 VPSAEM 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, 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 will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing. 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 respondent (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 VPSAEM. The VP will endorse such recommendation or offer alternatives. The VP'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 or not 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 generally be provided within 10 business days following the hearing. The VPSAEM may grant a time extension, if necessary.

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.

1. Warning
2. Conduct Probation
3. Supervised Conduct Probation
4. Conduct Suspension
5. Expulsion
6. Recommendation to the Provost/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:

1. Alcohol or other drug programming, evaluation, and/or testing
2. Anger management or other related assessment(s)
3. Written assignment
4. Participation in an assigned activity or project
5. Loss of, limited, or restricted access or student privileges
6. Orders of no contact
7. Restitution
8. Confiscation

Written decisions are generally rendered within 10 University business days, from the date of the hearing. When Code violations are serious enough to warrant suspension or expulsion, the hearing officer will make such a recommendation to the VPSAEM, 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; and (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 of time. 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 Affairs & Enrollment Management 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 of time, not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the VPSAEM may specify a longer period of suspension. During such period of time, 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 & Enrollment Management. 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. In order 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 VPSAEM, 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.

Degree Rescission

If a respondent is near to or has been awarded a degree from DSU, and is discovered to have committed a serious violation of this Code while attending the University, the University may, upon separate proceedings, elect to rescind the degree.

7.2 Conditions

Alcohol or other drug programming, evaluation, and/or testing

A student may be required to participate in alcohol and other drug programming as a result of participating in any incident involving the use or abuse of alcohol and other drugs.

Anger management or other related assessments

A student may be required to participate in anger management or other related assessments as a result of demonstrating behavior which may endanger the safety of themselves, others, and/or property, and/or a pattern of conduct has been demonstrated by a student.

Written assignment

A student may be required to complete one or more written assignments as a means of reflecting and/or learning more about a particular topic.

Participation in an assigned activity or project

A student may be required to participate in a specific activity or project, such as an educational course, meeting with a designated University official, public service, or other relevant assignment.

Loss of or limited access

A student may be denied, have withdrawn, or limitations implemented regarding one or more privileges made available by the University to students, such as housing, use of facilities, and/or participation with activities.

Orders of no contact

A student may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited to, any and all forms of communication, access to University owned or controlled locations, and specified minimum distances.

Restitution

An order that the student make a compensatory payment to an appropriate party for damage to property or loss of funds, in the case of property damage, restitution shall be limited to the actual cost of repair or replacement.

Confiscation

In addition to items seized as evidence, goods used or possessed in violation of University policies and/or local, state, or federal laws, may be confiscated and not be returned to the student. This includes, but is not limited to, falsified information or identification.

VIII. Appeal Procedures

Students sanctioned for violations of this Code may make one appeal. Cases resulting in suspension or expulsion are appealed to the VPSAEM. Cases not resulting in suspension or expulsion are appealed to the EDSS, unless the EDSS serves as the Hearing Officer. In those circumstances, appeals are made to the VPSAEM.

8.1 Deadline for Appeals

An appeal of any conduct process decision regarding a student, except suspension or expulsion, must be made in writing within five business days following the date the sanction notice was sent to the student via the DSU email system. When necessary to utilize US postal services, students will be allowed 10 business days from the date of the letter to submit an appeal. The EDSS may grant an extension in extenuating circumstances. The University reserves the right, however, to reduce the time allowed for student appeal in cases that may have the potential to result in harm to persons and/or property. The reduced time for appeal will be stipulated in the decision letter, along with the rationale for allowing reduced time.

An appeal of any conduct process decision resulting in a student's suspension or expulsion or a finding that a student organization violated the Code must be made within one year of receipt of final notice of the decision and sanction. A student complainant, a respondent, or a member of an affected student organization may bring an appeal. A student or student organization who appeals under this paragraph shall have their appeal heard by a DSU administrator or body that did not make the initial decision and may be represented by an attorney or non-attorney advocate at his/her/its own expense. An appeal brought under this paragraph may raise issues including new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process. The remainder of this appeal procedures section shall continue to apply to the extent that it does not conflict with the provisions for an appeal brought under this paragraph.

8.2 Appeal Letters

Appeals must be written by the student, and shall contain the student's name, date of the decision or action, and reason(s) for the appeal. Appeals may be submitted based upon the following: (a) severity of sanction not consistent with the severity of the offense; (b) the decision was made in an arbitrary or capricious manner; (c) the finding of the Code violated was not substantiated by the evidence; and/or (d) the student's rights were violated.

The appeal letter must specifically state why the appeal is being made, referencing one or more of the above prongs, and must specify which rights were violated.

8.3 Emergency Provisions

A properly filed notice of appeal may result in the imposed sanctions temporarily being suspended, until the appeal is decided upon. However, the VPSAEM has the authority to enforce sanctions during the appeals process to protect persons and/or property. Such decisions will be addressed in the decision letter.

8.4 Appeal Advisory Board

The appeal officer reserves the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the appeal officer may accept or reject. The decision of the appeal officer will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision is final.

8.5 Review

The appeal officer/advisory board will review the written letter of appeal from the student and materials from the original hearing. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered. After reviewing these materials, the appeals officer/advisory board may decide to do one of the following: (a) issue a decision based solely on the review; (b) recall one or more witnesses; or (c) return the case to the original hearing officer for presentation of new evidence and reconsideration of the decision and/or sanctions.

8.6 Decision/Sanction

Upon review of the appeal, the decision/sanctions may be lessened, but cannot be increased. The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during University recesses, in the event of complex cases, or when the advisory board has been appointed.

8.7 Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original decision, and/or evidence that the student was not afforded due to process as outlined in this Code. A request for reconsideration of the case should be submitted to the VPSAEM, in writing, within 10 University business days of receipt of the decision to suspend or expel. Information that may be considered, may include: police reports, transcripts of legal proceedings, and the outcome of any civil or criminal proceedings directly related to the appeal.

IX. Special Circumstances and Conditions

9.1 Interim, Temporary, and/or Emergency Suspension

Under certain exigent circumstances, such as actions or threats of actions indicating a serious threat to the welfare and/or safety of persons or property, expedited, temporary suspension of a student may be necessary or appropriate. No hearing will be required before a temporary suspension is imposed. However, one will be convened within five University business days following the suspension. If the suspension is upheld, the suspension remains subject to rules outlined in the Conduct Suspension portion of the Code, and remains a matter of permanent record.

Conditions under which interim suspension may be imposed, include: (a) to ensure the health, safety, or well-being of members of the University community; (b) to preserve University property; (c) to ensure the suspended student's own health, safety, and/or well-being; or (d) to ensure against disruption of, or interference with, the normal operations of the University.

The VPSAEM (or designee) may modify terms of an interim suspension at any time. Additionally, the VPSAEM (or designee) shall have the authority to impose, on an interim basis and in accordance with these procedures, any lesser sanction, including but not limited to, specifically restriction of privileges, removal from a class, and removal from University housing.

Student organizations shall be subject to interim suspension by action of the VPSAEM (or designee) under the same circumstances and upon the same procedures as set forth above.

9.2 Registration and/or Graduation Hold

If a student (new, current, or returning) fails to respond to a request to meet to discuss an alleged violation of the Code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of the Code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the University's withdrawal policy. A student may not be permitted to graduate while disciplinary action is pending.

9.3 Returning and/or New Students

If a student commits an act that violated the Code during a period of non-enrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on the matter. The student may be notified about these holds at the time the University is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, a hearing officer, in consultation with the VPSAEM (or designee), may place a registration hold to deny a student the eligibility to register. Reasons may include, but are not limited to, the student's arrest or criminal charges pending against the student, serious concerns about the health and/or safety of the student or others in the University community, and/or reasons otherwise provided by University and/or SBHE policy.

9.4 Involuntary Withdrawal

A student may be involuntarily withdrawn from the University when sufficient concern arises for the health and safety of others. In such instances, the student will not be allowed to return to the University until such time that the student may evidence a concern for the health and safety of others no longer exists. Once a student is involuntarily withdrawn, the student will have the opportunity to meet with the EDSS (or designee) within 5 University business days to discuss the circumstances surrounding the Involuntary Withdrawal and under which circumstances reinstatement will be considered. The student may appeal the Involuntary Withdrawal to the VPSAEM.

9.5 Interim Actions

In the interest of safety and security, interim actions may be implemented by the VPSAEM (or designee) prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to, no contact orders, housing/workplace changes, loss of privileges, or temporary, emergency suspension.

9.6 Crimes of Violence

The term “crimes of violence” means an offense that has an element of use, attempted use, or threatened use of physical violence against the person or property of another OR any other offense that is a felony, and that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use of threat or physical force, robbery, vandalism, and sexual offenses. In cases of crimes of violence, the VPSAEM (or designee) may increase, but not decrease, timelines stated in the Code.

Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the VPSAEM (or designee). If the victim is deceased as a result of such crimes or offense, the next of kin of such victim shall be treated as the alleged victim. Notification shall be limited to the responsible student(s), part(s) of the Code violated, and assigned sanction(s). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

9.7 Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing. Under these circumstances, the VPSAEM (or designee) may determine that an administrative hearing be held rather than a Conduct Board hearing.

X. Non-Disciplinary Procedures for Academic Misconduct

10.1 Academic Honesty is expected at all times.

The student is required to do the student’s own work, as well as accurately document borrowed ideas, paraphrased materials, and direct quotations.

10.2 When Academic Dishonesty occurs.

An instructor has the power to act within the instructor’s own jurisdiction and/or refer the case to the appropriate department, Dean, of VPAA – in that order. This includes awarding an “F” for the course. The instructor’s action must be reported to the appropriate offices. The student has the right to appeal the decision.

10.3 Academic Misconduct and Grade Appeal Process

Students have the opportunity to resolve academically related appeals through an informal resolution process and a formal resolution process. The grade appeal form can be found here: [Grade Appeal Form](#)

10.3.1 Informal Resolution Process

A. Instructor Level

If a student believes a grade received in a particular course is unwarranted; or the result of an alleged inequitable, prejudicial academic evaluation; or the instructor wrongfully accused the student of an act of academic misconduct as defined under section 3.4, the student should first contact the instructor and arrange for a clarification/resolution conference. This is the first level of the appeal, and the informal level at which the University attempts to resolve these issues.

The academic appeal (either oral or written) must be filed with the instructor, within ten University business days after the incident or within ten University business days after the start of the next semester (fall, spring, or summer) when the appeal involves final course grades. When the appeal timeline falls outside the fall or spring semesters, the instructor must respond within 10 University business days of the start of the following semester (fall, spring, or summer).

At the student/instructor level, the reasons for charging the student with an act of academic misconduct and subsequent actions or reason for awarding a specific course grade are explained by the instructor to the student in an informal conference and followed up in writing within one day of the conference. The instructor may choose to allow the academic misconduct charge and subsequent action or course grade to stand or be changed.

B. Chair Level

If the student is not satisfied with the clarification or action resulting from the instructor conference, the student then has the option to carry the appeal to the department chair (according to the organizational structure). This is the second level of the appeal within the informal resolution process. The student must notify the department chair, either verbally or in writing, that the student requests further review of the appeal within ten University business days after the instructor conference.

At this level, the department chair acts as a mediator between the instructor and the student, and tries to resolve the dispute through compromise. The chair will follow the steps outlined below:

1. The chair first examines pertinent documents in order to become familiar with the substantive issues of the appeals.
2. The chair then interviews both the student and the instructor. This may be done in a joint session but most often is accomplished in separate sessions.
3. The chair then makes a written recommendation for resolving the appeal. The recommendation must be forthcoming within ten University business days after receiving a request for review of the appeal from the appellant.
4. The written recommendation is forwarded to the instructor, the student, and the Dean of the college involved.
5. The recommendation is not binding on either the instructor or the student. The instructor still has the vested authority to continue with any action regarding academic misconduct or allow a previously posted grade that has been appealed to stand. However, the weight of the chair's recommendation would indicate one course of action over the other.
6. If not satisfied with the recommendation, the student may carry the appeal to the formal level through a written appeal to the Dean of the college in which the academic department is located.
7. The written appeal must state specific reasons why the initial appeal was submitted and refer to previous attempts at the instructor and chair level to resolve the issue informally.
8. The college Dean will determine whether the request for formal resolution is valid or not. If determined that the appeal is not valid, the Dean will inform the student and cite specific reasons. The appeal will not go forward to the formal phase, and the decision will be considered final.

10.3.2 Formal Resolution Process

The third level of the appeal process is triggered when a student submits a written request on an official appeal form. The outcome of the third level of the appeal is binding, when the Dean invokes the formal resolution process. The third level is invoked only after the informal actions of clarification and mediation have not resolved the issue. The written request for a formal review of the appeal must be submitted to the appropriate Dean within ten University business days after the conclusion of the informal resolution phase. Under no circumstances can a formal review of the appeal be initiated more than one semester (fall, spring, or summer) after the academic misconduct occurred or the course grade was posted on an official DSU transcript; the formal appeal resolution must occur within the semester immediately following the incident which the appeal deals with. At this level, the Dean acts as an arbitrator who makes a recommendation through a review committee to the Provost/VPAA.

Within ten University business days of the receipt of a written appeal requesting formal resolution, the Dean will convene a review committee, examine the pertinent evidence, and render a written opinion to the Provost/VPAA for concurrence and implementation. The ten University business day timeline may be extended by the Provost/VPAA because of extenuating circumstances.

The review committee will be chaired by the Dean and will include three other individuals, including: a Chair other than from the originating department, a faculty member from a department other than the originating department, and representative from Student Affairs & Enrollment Management who will serve as an advocate for the appellant to ensure procedure correctness. The committee will follow the steps listed below:

1. The Dean and review committee first examine the recommendation from the Chair and the pertinent documents reviewed by the Chair from an evidential standpoint.
2. The Dean and review committee may interview the department Chair, the instructor, and the appellant.
3. The review committee may gather information from other sources in order to formulate an opinion.
4. After reaching a consensus, the Dean renders a written opinion of what the recommended action should be in the appeal to the Provost/VPAA.

10.3.3 Concurrence/Implementation Phase

Upon examination of the review committee's opinion, the Provost/VPAA may concur or not concur. This action must be taken within ten University business days of the receipt of the written opinion.

1. The VPAA will provide a written rationale for concurrence or non-concurrence. If the Provost/VPAA concurs with the opinion, the appellant, instructor, and review committee chair will be notified in writing of the recommended action from the Provost/VPAA's office.
2. If the Provost/VPAA does not concur with the opinion, this decision is also relayed in writing to the appellant, instructor, and review committee chair.
 - a. In the case of non-concurrence by the Provost/VPAA where the procedure is perceived as being flawed, the Provost/VPAA may order the appeal reviewed again by another review committee with the chair designated by the Provost/VPAA. Timelines and procedures will be the same as stated above.
3. The decision of the review committee with concurrence by the Provost/VPAA is binding on both parties, and final.

4. The Provost/VPAA will notify all salient University entities of the decision and approve any document changes or actions within ten University business days of the decision.
5. Proven gross academic misconduct by students may result in disciplinary actions that go beyond academic sanctions within the course. These actions may be severe such as expulsion from an academic program, and in extreme cases, expulsion from the University.

10.3.4 Further Action

Any further action by either appellant or instructor beyond level three would be outside of the University as an external matter. The President of DSU does not serve as a “court of final appeals” in academic matters; this role is being reserved for the Provost/VPAA in the opinion concurrence/implementation phase of the appeal.

10.3.5 Conflict of Interest

If any of the misconduct appeal coordinators (Chair, Dean, Provost/VPAA) have situations involving a student in their own classes, where this process is to be implemented, the coordinator will be replaced by another individual of equal responsibility and rank. This decision will be made by the individual’s immediate supervisor who will designate a replacement.

XI. Disciplinary Records

11.1 Case File Content

A case file shall be developed and maintained in connection with each complaint filed against a student. It shall include and be limited to the following:

1. The complaint.
2. The notice to the student and the documentation of the disposition of the complaint.
3. All documents filed in connection with an appeal.
4. All pre-hearing documents.
5. All salient materials from the hearing.
6. Any notice(s) of appeal and position statement(s) received regarding the appeal, together with the decision(s) on the appeal.
7. All documents pertaining to a student’s interim sanctions.

11.2 Conduct Record

At the completion of the disciplinary process the case file, and any other materials not included in the case file but which were accumulated in connection with the case, shall be maintained as a part of the student’s disciplinary record at the University. The disciplinary record shall be maintained separate and apart from the student’s academic record.

The VPSAEM (or designee) shall have control over the student’s disciplinary record and shall see that it is maintained in compliance with institutional policy and the requirements of the federal Family Educational Rights and Privacy Act (FERPA), the USA Patriot Act, and lawful court orders. All conduct records are confidential. As provided under FERPA, information concerning Code violations for alcohol and/or other drugs may be shared with parents. In addition, Code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. Suspension and expulsion are the only completed conduct actions which may be reflected on the official academic transcript of the student.

Student conduct records will be retained for seven years, unless suspension or expulsion is involved. In those cases, conduct records will be retained on a permanent basis.

Final Notice: Occasionally, there may be a need to update certain details, such as changes to staff titles or office locations, which are mentioned in the Code. The VPSAEM may make editorial changes relating to this document as long as the substance of the document is not affected.