

## STUDENT CODE OF CONDUCT VIOLATION

### I. Procedure

- A. All student resolution processes regardless of the nature of the concern include the following rights:
- All students may have an advisor, of their choosing and at their own expense, accompany them during any part of the resolution process.
  - Western Dakota Technical College (WDTC) will make appropriate arrangements to ensure that persons requiring accommodations are provided those accommodations, as needed, to participate in the resolution process. Such arrangements may include, but are not limited to, providing interpreters for hearing impaired, providing recordings of material for visually impaired, or assuring a barrier-free location for the proceedings. The Director of Student Success is responsible for such arrangements.
  - WDTC will not retaliate against anyone who files a concern/complaint/grievance or cooperates in the investigation of a concern/complaint/grievance. Any action by a member of the WDTC community to penalize, intimidate, harass, or take adverse action against a person who reports or participates in the investigation of a concern/complaint/ grievance is prohibited. Retaliation may be found even when the underlying report does not constitute a concern/complaint/grievance.
- B. The resolution process for a student code of conduct violation is as follows:

#### Allegations

Student Code of Conduct allegations may be filed against any student by any member of the WDTC community.

Allegations of academic misconduct shall be directed to the VP for Teaching and Learning (VP) or designated representative. Allegations other than academic misconduct shall be directed to the VP for Institutional Effectiveness & Student Success (VP) or designated representative.

The complaint shall state the specific facts that form the basis for the allegation, as well as the identities of any other witnesses and the location of any physical evidence of the misconduct. Allegations must be signed by the Reporter. Any allegation should be submitted as soon as possible after the event takes place or after the Reporter discovers the identity of the alleged Respondent.

#### Preliminary Investigation

The VP shall make an initial determination as to whether the allegations were timely, taking into account the seriousness of the incident and the degree to which delay may have impaired access to evidence.

If it is determined the allegations were timely, the VP will determine if the allegations may have merit and whether the incident sufficiently affects WDTC interest to warrant further proceedings. If yes, notice will be given to the charged student.

### Notice

The VP or their designee shall provide the charged student with notice of the alleged violation. This notice shall be given in person, sent through campus email, or mailed to the student via certified mail. The notice shall include a statement of the charge(s) and a copy of, or link to, the due process and disciplinary procedures in effect at that time.

### Investigation

The VP will set a meeting to review the nature and circumstances of the alleged offense(s) with the charged student. The VP will conduct further investigation as needed.

### Disciplinary Hearings

#### *Informal Resolution Process*

If the VP determines an Informal Resolution may be appropriate, the VP shall determine whether the allegations can be resolved by mutual consent of the parties involved on a basis acceptable to the VP.

If mutual consent is agreed upon, then the Informal Resolution shall be final and there shall be no subsequent proceedings. The VP, Director of Student Success, or designated representative shall provide a written summary of the mutual agreement made by the parties and of the sanction(s) imposed, if any, to the parties involved.

If it is determined an Informal Resolution is not appropriate or if the allegations cannot be resolved by mutual consent, the Formal Resolution process will be implemented.

#### *Formal Resolution Process*

Within fifteen working days of the final Informal Resolution attempt, the VP shall present all allegations and recommended sanctions to the student charged in written form and shall identify with specificity each section of the conduct code under which allegations are brought.

A time shall be set for a hearing with the charged student, the Hearing Officer (the VP not involved in the Informal Resolution), and other parties deemed needed by the Hearing Officer not less than five nor more than fifteen working days after the student has been officially notified in person, by campus email, or by U.S. mail. The minimum time limits may be waived by the party charged. Maximum time limits for scheduling of hearings may be extended at the discretion of the Hearing Officer.

Hearings shall be conducted by the Hearing Officer according to the following guidelines:

1. The Hearing Officer shall have the power to exclude from the hearing any person whose conduct interferes with the hearing.
2. In hearings involving more than one accused student, the Hearing Officer may permit the hearings concerning each student to be conducted separately.
3. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Officer.
4. At the hearing, the Hearing Officer shall determine whether the student has violated each section of the Code of Conduct which the student is charged with violating based on the preponderance of evidence.
5. The fact that a student acted while under the influence of alcohol, drugs, or an illegal controlled substance shall not be considered a mitigating factor.
6. Except in the case of a student charged with failing to obey the summons of the Hearing Officer or WDTC official, no student may be found to have violated the Code of Conduct solely because the student failed to appear before the Hearing Officer.

### Sanctions

In each case in which the Hearing Officer determines that there is a preponderance of evidence that a student has violated the WDTC Code of Conduct, the Hearing Officer shall uphold or modify the recommended sanction(s) based on the principle of "like sanctions for like violations" and the principle of a sanction being commensurate with the violation.

The following are the usual disciplinary sanctions for violations other than drug or alcohol violations that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any WDTC policy, procedure, or directive will result in more severe disciplinary sanctions.
- **Required Counseling:** A mandate to meet with and engage in counseling to better comprehend the misconduct and its effects.
- **Conduct Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Conduct Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on conduct probation through the remainder of their tenure as a student at WDTC.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend WDTC-sponsored events.
- **Organizational Disciplinary Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including WDTC registration) for a specified period of time.

- Other Actions: In addition to or in place of the above disciplinary sanctions, WDTC may assign any other disciplinary sanctions as deemed appropriate.

In the case of a drug or alcohol violations, the sanctions imposed will be as follows:

1. The first offense will result in:
  - The student being removed from class and given options for transportation.
  - The student meeting with their Student Success Coach to discuss available campus and community resources.
  - If under 21, the student being required to attend at least one session, but up to three sessions, at Behavior Management Systems at WDTC's expense.
2. The second offense will result in:
  - The student being required to attend at least one session, but up to three sessions, at Behavior Management Systems at WDTC's expense.
  - The student being placed on conduct probation for the earlier of two full semesters (fall/spring) or until graduation.
3. The third offense will result in:
  - The student being suspended (conduct suspension) from WDTC for one full semester (fall/spring).
4. The fourth offense will result in:
  - The student being expelled (conduct expulsion) from WDTC.

Following the hearing, the Director of Student Success or designated representative shall provide a written summary of the findings of fact, conclusions, and recommendations, if any, reached by the Hearing Officer and of the sanction(s) imposed, if any, to the parties involved.

## **II. Definitions - None**

Legal References: None

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