



3.6.1 Student Code of Conduct Procedure

Part 1. Purpose: Procedure 3.6.1 implements Policy 3.6 Student Code of Conduct.

Part 2. Definitions: For purpose of Procedure 3.6.1, definitions are found in Century College Policy 3.6, Part 2

Part 3. Contents of the Student Code of Conduct: For purpose of procedure 3.6.1, Content Student Code of Conduct is found in Century College Policy 3.6.

Part 4. Process

The Conduct Hearing Process is used to review allegations of:

- Code of Student Conduct violations, unless otherwise stated in the policy
- College and Minnesota State Colleges and Universities policy violations
- For Academic Honesty see also Century College Academic Honesty Policy 3.6.2

A. Referral and Investigation

1. Any member of the College community may file a written or verbal conduct complaint alleging that a student or student organization has violated student conduct proscriptions outlined in Century College Student Code of Conduct Policy 3.6.
2. Any conduct complaint should be submitted as soon as possible after the event takes place. Persons filing the complaint shall be informed of their rights under the Minnesota Data Practices Act. The Student Conduct Officer will typically begin an investigation of the allegations within one instructional day.
3. If the alleged violation is a crime as defined by federal, state or local statutes, Public Safety must be notified within two calendar days.
4. If there is an imminent threat of safety is involved, contact Public Safety immediately. Faculty, staff, and Public Safety have the right to temporarily remove a student from a class or other College Campus location until there is a preliminary investigation conducted by the Student Conduct Officer. Any staff or faculty removing a student must immediately notify the Conduct Administrator and should follow-up with a written referral.
5. If, in the process of the investigation, the Student Conduct Officer determines that the complaint is unwarranted or unsupported, the Student Conduct Officer shall discontinue proceedings and immediately advise the referring party and accused student or student organization.

B. Student Conduct Meeting

1. If the Student Conduct Officer finds that there is sufficient evidence to support the complaint, the Student Conduct Officer shall offer the student respondent an opportunity to address the violation at a meeting. The student or students will be notified by College e-mail.
2. Prior to or at the beginning of the meeting, the student respondent must be provided with the following information: written notice of the complaint, The Student Code of Conduct, written notice of a summary of the evidence to support the specific policy they are accused of violating, a verbal or written Tennessee Warning, and information on advocates.
3. During the meeting, the Student Conduct Officer shall review the complaint and evidence with the student respondent and allow the student to present a defense against the complaint. The student may have an advocate present. However, the advocate may not participate in any questioning or speak on behalf of the student.
4. Within three instructional days following the meeting, the Student Conduct Officer shall inform the student respondent in writing of the decision if a violation of the Code was established by a preponderance of evidence and any applicable sanction (s).
5. If the student respondent fails to appear for the meeting, the Student Conduct Officer may still review the case to determine if there was a Student Code of Conduct violation and impose appropriate sanctioning against the student.
6. A student who has received a sanction may accept the sanction or may request a hearing with the Student Rights and Responsibilities Board. A request must be made in writing within five instructional days of the notice. Failure to request a hearing in writing within the designated time period presumes acceptance of the sanction; the matter is thereby determined to be resolved.

C. Student Rights and Responsibilities Board Hearing

1. After receiving a request for a hearing within the prescribed time period, the Student Conduct Officer will notify the student in writing of the time, place and date of the hearing. Such notice to the student shall also include:
 - i. A summary of the witnesses and documentary evidence that may be presented in support of a charge.
 - ii. A statement that the student's failure to appear will not prevent the hearing from proceeding as scheduled and may lead to imposition of sanctions in the student's absence.
 - iii. Notice that the student may have an advocate present but that they may not participate in the hearing.
 - iv. Notice that the student must provide a summary of their witnesses and documentary evidence that may be presented at the formal hearing by a proscribed date. Character witnesses are not allowed.
2. The hearing will be conducted in the following manner by the Student Rights and Responsibilities Board:
 - i. The hearing will be recorded; the recording becomes the official property of the College and maintained by the Student Conduct Administrator.
 - ii. The Student Conduct Officer who imposed the sanction shall first present the complaint and supporting evidence including witness testimony.
 - iii. The student respondent shall have an opportunity to challenge evidence.

- iv. The student respondent shall next present evidence or testimony to refute the complaint.
 - v. Only those materials and matters presented at the hearing shall be considered as evidence.
 - vi. The hearing shall be held in closed session unless the Student Rights and Responsibilities Board determines there is a compelling reason and neither the student respondent nor the complainant presents an objection.
 - vii. The student respondent may have an advocate present. However, the advocate may not participate in any questioning or speak on behalf of the student.
3. Upon conclusion of the hearing, the Student Rights and Responsibilities Board in closed session shall consider the evidence presented and decide by majority vote to exonerate the student or impose sanctions. The decision will be made based on a preponderance of the evidence.
4. The Student Rights and Responsibilities Board shall send written notice of the outcome of the hearing to the accused student, including any sanction imposed within two instructional days. The notice shall inform the student of the opportunity to appeal the Board's decision to the Vice President of Student Affairs.

Part 5. Appeals

A. The Vice President of Student Affairs (or Designee)

1. If the accused student believes that the formal hearing was conducted unfairly, or there was a procedural issue or if there is new and substantial evidence, the student may appeal to the Vice President of Student Affairs. The student must submit the request in writing and outline the reason within five instructional days of receiving the outcome of the Student Rights and Responsibilities Board.
2. An appeal shall be limited to the review of the audio record of the formal hearing and supporting documents to determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures allowing the accused student a reasonable opportunity to prepare and to present a rebuttal of the charges and evidence.
3. The Vice President of Student Affairs, within five instructional days of the appeal, will send a written notice of findings and conclusions to the student via the student's College e-mail. If the Vice President of Student Affairs affirms a long-term suspension of ten or more days or expulsion, the student may appeal this sanction before an administrative law judge within five days of notification. If the sanction is for less than ten days, the appeal process ceases and the decision of the Vice President of Student Services shall be final with the College and Minnesota State College and University System.

B. Contested Case Hearings

1. A student may appeal a sanction of ten or more days of suspension or expulsion before an administrative law judge pursuant to Minn.Stat.Ch.14. A student seeking a hearing before an administrative law judge must inform the Student Conduct Administrator within five instructional days of the e-mail notice of the Vice President of Student Affairs final decision. The College will request a hearing from the Office of Administrative Hearings. The student will be notified of the time, place, and date of the hearing.

2. The hearing will be conducted pursuant to Contested Case Procedures adopted by the Office of Administrative Hearings. An administrative law judge will be appointed by the Chief Administrative Law Judge pursuant to Minnesota Statute section 14.50.
3. Following the hearing, the administrative law judge shall make a report, which contains a recommendation, to the College President or their designee. Within a reasonable time period following receipt of the administrative law judge's recommendation, the College President or designee renders a decision. The President's or designee's decision shall be final.

Part 6. Notification to the Victim of Violent Crimes

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Part 7. Summary Suspension

In certain circumstances, the Conduct Administrator may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. A summary suspension may be imposed only when, in the judgment of the Conduct Officer, the student respondent's presence on the College campus would constitute a threat to the safety and well-being of members of the campus community. To the greatest extent possible before implementing the summary suspension, the student respondent shall be given verbal or written notice of the intent to impose summary suspension and shall be given an opportunity to present verbal or written arguments against the imposition of the suspension. However, the refusal of a student to accept or acknowledge this notice shall not prevent the implementation of a summary suspension. Notice of the summary suspension shall be provided in writing to the student in person or via College email. After the student has been summarily suspended, the student shall be provided an opportunity for a Student Conduct meeting or a Student Rights and Responsibilities Board hearing within the shortest reasonable time period, not to exceed nine instructional days. While the summary suspension is in place, the student may not enter the campus college premises nor participate in college sponsored activities without obtaining prior written permission from the Conduct Officer.

Part 8. Implementation

A sanction shall not become effective during the time in which a student seeks an appeal, unless, in the discretion of the Student Administration, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

None of the provisions in this policy affect the rights of persons in authority to take immediate and temporary action necessary to protect others and to uphold established policies, regulations and laws.

Part 9. Timelines

Timelines may change at any step in the process based on acceptable documented extenuating circumstances provided all parties are notified via College email.

References:

Century College Policy 3.6.1

Century College Academic Honesty Policy 3.6.2

Minnesota Statutes Chapter 14

Minnesota State Policy 3.6 and Minnesota State Procedure 3.6.1

Minnesota Statutes §13.04, subdivision 2

MN State Board Policy 2.3

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