Procedures for Resolving Student Conduct Code Violations

Crookston Campus

In accordance with the Board of Regents Policy: Student Conduct Code, these procedures explain the Crookston Campus’s process for actions initiated against students or student organizations by the campus under the Code.

These procedures are concerned with assisting students in understanding and accepting the consequences of their behavior in relation to themselves and to others. The procedures are designed to guarantee the rights of the accused and to protect the welfare of all members of the University community. While students are entitled to the full process established in these procedures, it is expected that most complaints can be heard and settled informally.

A student who fails to comply with the University disciplinary policies, procedures, and sanctions is subject to discipline, including suspension or expulsion. Likewise, student organizations that fail to comply are subject to revocation of official student organization status and the accompanying privileges and benefits.

AUTHORITY

The Board of Regents Policy delegate authority to the President and President has delegated this authority to the Chancellor of the University of Minnesota Crookston Campus for Student Conduct Code issues on the Crookston Campus. The Chancellor of the campus has, in turn, delegated the authority to develop policy and procedures, and to take formal disciplinary action to an organized faculty/staff-student committee of the UMC Campus Assembly. The Constitution of the UMC Campus Assembly established the Student Conduct Committee as the body responsible for formal disciplinary action on the Crookston Campus.

JURISDICTION

1. SOURCE OF AUTHORITY: The University of Minnesota, Crookston Campus, Student Conduct Committee is responsible for receiving, investigating, and acting upon complaints of alleged misconduct of members of the student body and official student organizations. The Student Conduct Committee consists of nine members — four non-student members, four student members, and the Associate Vice Chancellor for Student Affairs and Enrollment Management (Conduct Code Coordinator) who serves as an officer of the committee without a vote. Authority to act in emergency student disciplinary situations remains with the Conduct Code Coordinator and the Chancellor if the emergency warrants it.

2. POWERS: The Student Conduct Committee will establish disciplinary procedures and regulations to maintain standards of conduct and order within the student community commensurate with the educational goals of the college. Further, the Student Conduct Committee is empowered to take appropriate disciplinary action to insure that these standards are maintained, while at the same time protecting the student’s rights to an impartial hearing and offering the maximum opportunity for guidance and rehabilitation to offending students.
The scope of Student Conduct Committee action, in general, will be to interview, deliberate, and, if necessary, take appropriate action in any student disciplinary case referred to it in an appropriate manner. Such action will at once aim at the protection of the individual student, other students, and the institution.

The Committee has the right to impose any of the sanctions outlined under the Regents Student Conduct Code, including suspension or expulsion, or in the case of student organizations, revocation of official student organizations status and the accompanying privileges and benefits.

The Student Conduct Committee may delegate authority for disciplinary action to other groups or individuals such as the Residence Hall Judicial Board whose actions are subject to review by the Student Conduct Committee.

The right to review and recourse is available to the individual student, other students, and the institution through appropriate channels.

**CONDUCT CODE COORDINATOR**

A request for disciplinary action can be initiated by members of the student body, faculty, staff, or by administrators. All alleged violations of the conduct code and inquiries concerning possible violations, sanctions, and procedures to hear cases arising from such violations are directed to the Conduct Code Coordinator. The Conduct Code Coordinator performs any investigation which is necessary to determine whether a complaint should be issued or the matter dismissed or referred. Where more than one student is alleged to have violated the conduct code in a related incident, complaints or hearings may be consolidated. The Conduct Code Coordinator makes determinations regarding such consolidation. Incidents occurring in the residence halls may initially be handled by the Director of Residential Life and/or the Residential Hall Judicial Board. Those cases may be referred or appealed to the Conduct Code Coordinator.

At the conclusion of the investigation the Conduct Code Coordinator decides: (1) whether the allegations of misconduct, if proved, would appear as judged by available evidence to constitute a violation of the Student Conduct Code; (2) which item(s) in the Code may have been violated; and (3) whether the complaint should be referred to the Student Conduct Committee or handled on an informal basis by the Conduct Code Coordinator. When the Conduct Code Coordinator initiates a complaint, it is a preliminary formulation, subject to modification prior to transmittal to the Student Conduct Code Chairperson.

The Conduct Code Coordinator may refer an alleged violator to a professional counseling agent or agency as part of a sanction. A referral for professional counseling could also occur when, in the judgment of the Conduct Code Coordinator, the case involves a relatively minor offense that is determined to be not particularly suited to University adjudication. The Conduct Code Coordinator has the option to pursue adjudication if the student fails to follow-through with this type of referral. Students involved in cases handled by the Conduct Code Coordinator are informed in writing of any meetings required, of their options for formal or informal resolution of the dispute, and provided with a copy of the procedures to be followed and the names of the members of the Student Conduct Committee. At this same time a description of the alleged violation will be provided to the Chair of the Student Conduct Committee. The Conduct Code Coordinator informs the accused student(s) of
adverse evidence and offers the student(s) an opportunity to explain mitigating circumstances. A
written record of the findings will be made. The Coordinator handles such cases on an informal
person-to-person basis with emphasis on educational development whenever the success of such an
approach appears possible. However, the Coordinator is authorized to make findings of fact and to
impose sanctions.

Should the student(s) wish to have a formal hearing or reject the findings of the Coordinator the
matter is referred to the Student Conduct Committee. The Coordinator may decide before ruling on a
case that the complaint is too serious or complex, that the complaints against the student(s) are too
numerous, that the evidence is too conflicting or irreconcilable for informal resolution, or that the
handling of the matter by the Coordinator is not in the best interests of the University.

Under any of these circumstances, the Coordinator will refer the matter to the Student Conduct
Committee. When a case is referred to the Committee after preliminary handling by the Coordinator,
factual information gathered during the investigation of the complaint may be made available to the
Committee, but records of any informal proceedings involving the Coordinator and the accused
student(s) cannot be introduced in a subsequent Student Conduct Committee hearing.

PROCEDURES

Requests for disciplinary action (complaints) may be brought before the Student Conduct Committee
as a result of: (1) referral by the Conduct Code Coordinator, (2) an appeal by the accused student of
the Conduct Code Coordinator’s decision, or (3) an appeal by the accused student of the Residential
Hall Judicial Board’s decision.

In order to carry out its objectives, while at the same time offering maximum protection of students’
rights to an impartial hearing and adequate appeal procedure, the Student Conduct Committee will
take action when a complaint is made with the Committee, in writing, describing the act, and naming
those accused of misconduct.

Once the complaint has been made to the Student Conduct Committee, the Chairman and the
Conduct Code Coordinator will discuss the complaint with the Committee. If the charge is supported
by substantial evidence and the Committee decides to act, these procedures will normally be
followed.

1. The student will be notified in writing of the nature of the complaint and the time and place set
for the hearing. The notification will inform the student that the Student Conduct Committee is
a hearing body that does not require attorney representation. If the student(s) or student
organization chooses to be represented by an attorney, however, the Associate Vice Chancellor
for Student Affairs and Enrollment Management may designate an attorney to represent the
University at a Committee hearing. The accused student(s) or student organization may choose
to have an advocate to advise them. The name of any adviser, advocate, or attorney must be
submitted to the Conduct Code Coordinator at least two working days in advance of the
preliminary hearing.
2. The Committee Chairperson may request a preliminary conference with the University presenter, the accused student(s) and their adviser(s), and the Student Conduct Code Coordinator. Although the preliminary conference is a closed meeting, the Chairperson may allow additional individuals or staff members to be present. Attendance at a preliminary conference is not required. The purpose of the conference is to discuss procedural matters in order to expedite the Committee hearing. The Chairperson reports any decisions reached at the preliminary conference to the Committee at the time of the hearing. If a party elects not to attend the preliminary conference, any motion at the Committee hearing based on inadequate knowledge of the procedures, or challenges to committee membership may be denied.

3. Any evidence to be introduced at the hearing, and the names and relevance of all witnesses to be called, must be submitted to the Conduct Code Coordinator at least two weekdays prior to the hearing. Such information must be made available for inspection to both the person making the complaint and the accused student and his/her representative.

4. At the hearing, both the person making the complaint and the accused student will be given an opportunity to explain their position. Evidence and interested parties on both sides may be introduced. The hearing may include confrontation and cross-examination, if necessary and appropriate.

5. Students have the right to hear all evidence against them, and to question adverse testimony.

6. The Student Conduct Committee, in a closed session, will reach its decision and will inform in writing the interested parties of any action taken.

7. If any of the parties is dissatisfied with the decision, they have the right to appeal to the Chancellor for a review of the action taken.

8. The Conduct Code Coordinator will implement the action of the Committee in the name of the Committee.

**APPEAL STRUCTURE**

Action of the Conduct Code Coordinator or other University staff members can be appealed to the Student Conduct Committee. The final source of appeal on the Crookston Campus for action by the Student Conduct Committee is to the Chancellor of the Campus.

**APPEAL OF RESIDENT HALL JUDICIAL BOARDS AND STUDENT CONDUCT COMMITTEE DECISIONS**

The Student Conduct Committee conducts hearings of appeals of Resident Hall Judicial Board decisions. The Student Conduct Committee does not have appellate jurisdiction over its own actions. In those instances in which the Committee has acted in accordance with its original jurisdiction and authority, appeal of its decision is made to the Chancellor.
**GROUNDS FOR APPEAL**

The committee or individual receiving the request for an appeal will only be concerned with reviewing and deciding only those matters raised in the written appeal. Under no circumstances will an appellate body become involved in re-hearing an original complaint. The following will be recognized as grounds for appeal within the University’s disciplinary system.

1. The decision was made without benefit of relevant evidence not reasonably available at the time of the initial hearing. (If this ground is favorably reviewed, the case will be returned to the original body for presentation of the new evidence.)

2. The hearing was procedurally unfair, in that:
   a. The original hearing deviated in a substantial way from the body’s established hearing procedures.
   b. During the first full hearing of the original complaint, a student’s right established under University policy was violated.

3. The sanction was clearly inconsistent with the severity of the alleged violation of rules or policy.

4. The decision was made contrary to the weight of the evidence.

5. The interests of the residents, group, college, or the University were not adequately or sufficiently weighed and considered.

The grounds for appeal as specified will not preclude the filing of an appeal in other instances that can be documented or supported as a valid claim for review. If a new ground is to be proposed by the appellant, the ground should be clearly stated and documented in the written request for the appeal.

In any written requests and initial hearings on appeals, the mere assertion of any of the stated or created grounds for appeals alone will not constitute sufficient reason for an appellate body to accept the appeal for review. The statement of grounds must be supported in writing and at the initial hearing with reasoned argumentation and, if possible, with specific references to testimony, procedures, or rulings that support the assertions.

**PROCEDURES FOR FILING AN APPEAL**

Depending on the level of a decision, a request for an appeal to the Student Conduct Committee or the Chancellor must be filed with the University’s Conduct Code Coordinator. The request for an appeal must be filed in writing within ten work days (excluding University-observed holidays) of the decision of the original hearing body. The request should state the grounds on which the person or group believes the original hearing body clearly erred and offer preliminary argumentation to support their claims according to the criteria specified below. In matters involving requests for appeals, the Conduct Code Coordinator’s sole function is to forward the request for appeal to the Chairperson of the Student Conduct Committee or the Chancellor. The Conduct Code Coordinator will forward a request for appeal upon receipt of the written request.
In all cases in which the disciplinary action includes suspension or expulsion, there will be an automatic review by the Chancellor of the Campus.

**NATURE OF APPELLATE REVIEW**

In the hearing of a disciplinary appeal at any level of adjudication within the University, the appellate body will focus on the central questions: Has the previous adjudicative agency clearly erred? The Student Conduct Committee when serving as an appellate body will initially meet to determine whether the grounds for appeal are sufficient as presented to warrant a formal review. This hearing is based on the written request for an appellate review and whatever argument is necessary to support the written request. Only in unusual cases will grounds for an appeal not cited in the written request be allowed to be added at the time of this first hearing. This initial hearing will not involve the substance of the appeal, only the merits of the grounds as presented.

If the appellate body finds the grounds as established sufficient and convincing to warrant a formal review, they will commence such a review within one month and conclude within a reasonable amount of time thereafter.

In addition, the appellate body may review the record of proceedings of the previous adjudicate agency prior to the actual appellate hearing. All student disciplinary hearings are closed hearings.

If, as part of the appeal, new evidence that is demonstrated not to have been reasonably available at the time of the original hearing and that is also demonstrated as potentially having a substantial impact on the outcome of the original hearing is introduced, the complaint will be returned to the previous adjudicative agency for a hearing of the new evidence. The appellate body will, in other cases, accept the factual determinations of the previous agency if it determines that the agency had a reasonable basis for its findings. This is done with the understanding that a choice between one or two or more permissible interpretations of evidence or testimony is not clearly erroneous. An appellate body will also accept the determinations of the previous agency regarding policy interpretations and sanction dispositions if such determinations cannot be shown to be clearly erroneous in light of the record. If the appellate body determines that the previous agency did not sufficiently weigh or consider the interests of the University, college or group or clearly lacked a reasonable basis for making its findings, applying or interpreting a policy, or determining its sanctions, the appellate body will proceed in a manner to amend or reverse the previous agency’s decision. If the appellate body decides that the previous agency clearly erred in a matter involving substantial procedural unfairness, they may dismiss the case, amend or reverse the previous decision, or return the case for a rehearing. If an appellate body determines that in a procedurally based appeal a rehearing at the original hearing level is appropriate, attention should be given to the possibility that the original body has become incapable of rendering a fair hearing and, dependent on the nature of the alleged procedural unfairness, the appellate body may consider the possibility of mandating alternate panel membership.

If the determination of the original agency regarding the appropriateness of sanctions or the application of policy is overruled on the basis of disagreement rather than clear error, the original hearing body will be informed in writing of the basis for the decision so that guidelines for the application of future sanctions or policy interpretations can be made. In all cases, the previous adjudicative agency will be notified of the disposition of any appeal.
UMC CAMPUS PROCEDURES FOR SCHOLASTIC DISHONESTY

The Senior Vice Chancellor for Academic Affairs serves as the Academic Integrity officer at the University of Minnesota, Crookston. A report of Scholastic Dishonesty is to be filed with the Academic Integrity Officer if an incident has occurred for which faculty have taken specific action. The specific form can be obtained from the Academic Affairs Office.

Cases of dishonesty may be handled as a scholastic matter or as a student conduct code matter at the discretion of the instructor. Instructors choosing to treat the case as a scholarship matter have the authority to decide how the incident of dishonesty will affect the student’s grade in the course. If the instructor has treated the case as a scholastic matter involving the grade in a course and the student has a grievance related to this action, that grievance would be processed as outlined in on UMC’s campus policy website at http://www3.crk.umn.edu/info/policies/grievance.htm. Instructors choosing to treat the case as a disciplinary matter will refer the case to UMC’s Student Conduct Code Coordinator for resolution under the University’s Student Conduct Code.

http://www3.crk.umn.edu/administration/StudentAffairs/documents/disciplinaryproceedproced.pdf