

METROPOLITAN STATE UNIVERSITY REGULATIONS

University Community Conduct Code

University Policy #1030

Section 1. Authority

This university procedure is established in accordance with Minnesota State Colleges and Universities (MnSCU) Regulations, Article 2.

Section 2. Effective Date

This university procedure becomes effective immediately and shall remain in effect until specifically revoked.

Section 3. Responsibility

The responsibility for implementation of this university procedure is assigned to the Dean for Academic Advising and Student Services and the Director of Personnel and Planning.

Section 4. Policy

This code of conduct exists to guide the conduct of all members of the university community; faculty, staff and students. It is based on principles endorsed by the Carnegie Foundation. They are:

- the university is a purposeful community, intellectual life is central and faculty and students work together to strengthen teaching and learning
- the university is a just community; where the dignity of all individuals is affirmed and equality of opportunity pursued
- the university is an open, honest community; freedom of expression protected and civility affirmed
- the university is a disciplined community where individuals accept obligations to the group and defined governance procedures guide behavior for the common good
- the university is a caring community where the well-being of each member is sensitively supported and service to others is encouraged (Boyer 1990)

The following information, standards and procedures have been established as a means of reinforcing the above stated values and adjudicating violations.

I. JURISDICTION

The university reserves the right to take necessary and appropriate action in support of the adopted principles of community and to protect the safety and well-being of the university community; its students, faculty, staff, facilities and programs.

Members are expected to abide by local, state federal laws as well as the rules of the university. Should the violation of civil or criminal law by a community member involve university interests, the university has the right to proceed with disciplinary action without regard to civil or criminal proceedings.

The university reserves the right to impose sanctions for misconduct of members of the university community when off campus as well as on campus.

II. STANDARDS

The following examples of violations are illustrative only; other behaviors may also violate the standards. The possible sanctions are stated to provide the university community with examples of possible consequences of conduct code violations.

- Individuals are expected to be honest in meeting their academic obligations.

Examples of violation are: Cheating on assignments or examinations; plagiarizing; altering, forging or misusing university academic records; using tests or other materials without permission.

Possible sanctions: warning, course failure or grade change, probation, suspension or expulsion.

- Individuals are expected to follow university policies and procedures, rules and regulations. Copies may be obtained from the Student Services office.

Examples of violation are: wrongful use of university property or facilities, vandalism to property and/or equipment, theft, consumption of alcohol on state university property.

Possible sanctions: warning, confiscation, denial of related privileges, restitution, compliance, probation, suspension, expulsion or community service.

- Individuals are expected to respect the rights, privileges and property of others.

Examples of violation are: threats, physical or verbal abuse, class disruption, sexual harassment and manifestations of prejudice regarding race, ethnicity, religion or sexual orientation, unauthorized possession of property.

Possible sanctions: warning, confiscation, compliance, probation, suspension, expulsion, community service or appropriate sensitivity training.

- Individuals are expected to obey local, state and federal laws.

Examples of violation are unlawful possession, use or distribution of drugs or alcohol on university property or as any part of the university's activities, violation of fire and or smoking codes, providing false information in seeking federal or state financial aid or other acts in violation of civil law.

Possible sanction: warning, probation, suspension, expulsion, restitution, community service or denial of related privileges.

III. SANCTIONS

Disciplinary sanction is implemented by written notification after informal administrative hearing or formal committee hearing. In the case of informal administrative hearing the hearing officer is responsible for written notice. The chairperson of hearing committee is responsible in the case of formal committee hearing.

Possible Sanctions

WARNING: Issuance of an oral or written warning, admonition or reprimand, may include counseling.

CONFISCATION: Confiscation of property or goods used or possessed in of university rules

COMPLIANCE: Carrying out a rule as a condition of admission or continuing enrollment

RESTITUTION: Payment required to the university or to other persons, groups or organizations for damages incurred.

PROBATION: Continuance at the university but under special conditions for a specified period of time.

SUSPENSION: Separation from the university for a specified period of time. During this time the student cannot qualify for graduation register for or attend classes or other university functions. The university reserves the right to restrict transfer of credits earned elsewhere during the suspension period.

EXPULSION: Permanent separation from the university.

DENIAL OF RELATED PRIVILEGES: Example is denial of use of computer center if violation is related to use of computer center.

COMMUNITY SERVICE: Set number of hours of volunteer service to the university or a community agency.

SENSITIVITY TRAINING: Examples are attendance at appropriate workshops, readings or other activities designed to enhance sensitivity of individual in area of violation.

The university reserves the right to impose other sanctions as warranted under the circumstances.

Section 5. Procedure

Any member of the university community may bring a charge against another member to the conduct officer. Persons making charges will be required to provide pertinent information in writing and, if necessary, appear at a hearing.

All complainants must contact the conduct officer within two weeks of awareness of the alleged violation.

DUE PROCESS FOR UNIVERSITY EMPLOYEES

The handling of infractions by university faculty and staff is subject to due process afforded by applicable bargaining agreements and State University Board rules, regulations and Chancellor's policies.

Complaints or concerns may be initiated by contacting the conduct officer for information regarding appropriate referral and due process.

Complaints may also be directed to the appropriate supervisor.

DUE PROCESS FOR STUDENTS

Both informal and formal procedures are available. To begin the process a notice of complaint or alleged violation must be given, in writing, with explanation of evidence or changes within two weeks of awareness of the alleged violation. The complainant must send a written notice to the conduct officer.

The conduct officer will meet with the accused student to inform him/her of his/her rights and advise in the decision to request a formal or informal hearing. All decisions from informal or formal process must be in writing with summary of findings that support the decision. The following guidelines should be used as grounds for an appeal: new evidence not reasonably available at the time of the hearing, violation of hearing procedures, violation of student's due process rights, inconsistency of sanction relative to violation, decisions contrary to weight of the evidence.

INFORMAL PROCESS

If the student chooses the informal procedure, the complaint/allegation will be heard and investigated by the conduct officer. The conduct officer will meet with the student and make a determination of sanction if appropriate.

Academic dishonesty refers to misconduct related to academic assignments or examinations, plagiarizing or other misconduct directly related to the academic learning experience.

Behavior Misconduct

Student must meet with conduct code officer who will make thorough investigation and determination of sanction if appropriate. Conduct Officer will give decision in writing, within five working days.

Students may appeal this decision to chief student affairs officer in writing within five working days.

- The chief student affairs officer will give decision in writing within ten working days.

Academic Dishonesty

Student must meet with instructor and attempt to resolve. The instructor will give decision in writing, within five working days.

Students may appeal this decision to faculty coordinator in writing within five working days. Faculty coordinator will give decision in writing, within five working days.

- Student may appeal this decision in writing to the Academic Affairs Vice President within five working days. Academic Affairs Vice President will give a decision in writing within ten working days.

FORMAL PROCEDURE

If the formal hearing option is selected, the conduct committee consisting of faculty, staff and student representation will hear the complaint/allegations. The committee will convene within 30 days of receipt of the written request to meet. This is a formal hearing in which both the student and the university present their cases, bring witnesses on their behalf, have the right to question opposing witnesses and present all evidence pertaining to the case.

Behavior Misconduct

After hearing by committee decision given in writing with sanction, if appropriate within five working days.

Student may appeal this decision to conduct code officer in writing within five working days. Response will be given within five working days.

Student may appeal this decision to the chief student affairs officer in writing within five working days.

- The chief student affairs officer within ten working days will give decision in writing.

Academic Dishonesty

After hearing by committee, decision given in writing by committee chair with sanction, if appropriate, within five working days.

Student may appeal to committee or to appropriate dean in writing within five working days. Response will be given in writing, within five working days.

Appeals of this decision may be made in writing to the Academic Affairs Vice President within five working days.

- Academic Affairs Vice President will give decision in writing, within ten working days.

- If sanctions result in suspension for more than 10 days or expulsion, appeal may be made to administrative law judge, MN Statute Chapter 14 hearing, MN State Hearing Examiners Office, St. Paul, MN.

IV. STUDENT APPEALS/CONDUCT COMMITTEE

A. Membership

Members must meet criteria determining lack of bias as established by the committee. Members will be as follows:

1. student nominated by the Student Executive Council
2. advising staff associate
3. three resident faculty representatives from the B.A. faculty, one from each college. In the case of a graduate student, one graduate faculty shall be added.
4. student may choose to add a non-voting advocate, selected by the student, from the faculty or staff at the university.

B. Committee procedures

1. committee members shall serve for a one year term
2. committee shall be chaired by a faculty member selected by committee from committee membership
3. committee meetings, procedures and decisions will be recorded and kept on file.

C. Hearing procedures

1. hearings are open to university community unless either student or university requests a closed hearing
2. after presentation of the case by both parties, the hearing is closed for private deliberation by the committee
3. student will be notified in writing by the committee chair within five working days from the hearing date.

Issued on the 12th day of October, 1990

Tobin G. Barrozo, President