3.6.1 Student Code of Conduct Procedure


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


Part 4. Process

The Conduct Hearing Process is used to review allegations of:

1. Code of Student Conduct violations, unless otherwise stated in the policy
2. College and Minnesota State Colleges and Universities policy violations
3. Academic Honesty Procedures 3.6.2 violations

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. A verbal complaint should be followed with a written referral.

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 follow up on the complaint typically within one instructional day and begin an investigation of the allegations.

3. If there is an imminent threat or safety involved, Public Safety should be contacted immediately. Faculty, staff and Public Safety have the right to temporarily remove a student from a classroom or other 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.

4. Following the filing of a complaint or receipt of a report of alleged misconduct, the Student Conduct Officer will conduct an investigation. 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: Informal Hearing (Conduct Officer 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 resolve 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:
   a. Verbal or written notice of the complaint.
   b. The Student Code of Conduct.
   c. Verbal or written notice of a summary of the evidence to support the complaint specific policy they are accused of violating.
   d. An verbal or written Tennessen Warning
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 advisor present. However, the advisor may not participate in any questioning or advocate for the student.
4. Within three (3) 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 formal hearing with the Student Judicial Board to appeal. A request for an appeal must be made in writing within five (5) instructional days of the notice. Failure to request a formal hearing in writing within the designated time period presumes acceptance of the sanction; the matter is thereby determined to be resolved.

C. Formal Hearing (Student Judicial Board Hearing)

1. After receiving a request for a formal hearing within the proscribed time period, the Student Conduct Officer will notify the student in writing of the of the time, place and date of the hearing. Such notice to the student shall also include:
   a. A summary of the witnesses and documentary evidence that may be presented in support of a charge.
   b. 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.
   c. Notice that the student may have an advisor present
   d. Notice that the advisor may not participate in the hearing.
e. Notice that the student must provide a summary of their witnesses and documentary evidence that may be presented at the formal hearing by a prescribed date. Character witnesses are not allowed.

2. The hearing will be conducted in the following manner:
   a. The hearing will be recorded; the recording becomes the official property of the College and maintained by the Student Conduct Administrator.
   b. The Student Conduct Officer who imposed the sanction shall first present the complaint and supporting evidence including witness testimony.
   c. The student respondent shall have an opportunity to challenge evidence.
   d. The student respondent shall next present evidence or testimony to refute the complaint.
   e. Only those materials and matters presented at the hearing shall be considered as evidence.
   f. The hearing shall be held in closed session unless the Student Judicial Board Chairperson determines there is a compelling reason and neither the student respondent nor the complainant presents an objection.
   g. The student respondent may have an advisor present. However, the advisor may not participate in any questioning or advocate on behalf of the student.

3. Upon conclusion of the hearing, the Student Judicial Board in closed session shall consider the evidence presented and decide by majority vote to exonerate the student or impose sanctions. The decision made will be based on a preponderance of the evidence.

4. The Judicial Board shall send written notice of the outcome of the hearing to the accused student, including any sanction imposed within two (2) 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
   The student may appeal the decision of the Student Judicial Board to the Vice-President of Student Affairs within five (5) instructional days of the notice. The Vice President of Student Affairs, within five (5) 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 (5) days of notification. If the sanction is for less than ten (10) days, the appeal process ceases.

B. Contested Case Hearings
   A student may appeal a sanction of ten (10) or more days of suspension or expulsion before an administrative law judge pursuant to Minnesota Statutes Chapter 14. A student seeking a hearing before an administrative law judge must inform the Student Conduct Administrator within five (5) 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.
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.

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. Summary Suspension
In certain circumstances, the Conduct Officer 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 an informal or formal hearing within the shortest reasonable time period, not to exceed nine (9) school or business days. During the summary suspension, the student may not enter the campus without obtaining prior written permission from the Conduct Officer.

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 7. Implementation
A sanction shall not become effective during the time in which a student seeks an appeal meeting or formal hearing, unless, in the discretion of the Student Conduct Officer, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

Part 8. Timelines
Time lines may change at any step in the process based on acceptable documented extenuating circumstances.

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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