

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

Committee: Educational Policy

Date of Meeting: December 6, 2005

Agenda Item: Proposed Amendment to Policy 3.6 Student Conduct (Second Reading)

Proposed
Policy Action

Approvals
Required by
Policy

Other
Approvals

Monitoring

Information

Cite policy requirement, or explain why item is on the Board agenda:

This item is a second reading policy document.

Scheduled Presenter(s):

Linda L. Baer, Senior Vice Chancellor for Academic and Student Affairs (Mike López)

Outline of Key Points/Policy Issues:

The proposed amendment moves procedural language into a newly created Procedure 3.6.1. Secondly, the proposed amendment changes language from a judicial context to a student development context. The policy also requires that students be informed of the student conduct code and the policy authorizes the creation of a procedure. The proposed procedure adds clarifying language, deletes unnecessary language, and changes language to be consistent with a student development model. Definitions are proposed for the terms: “preponderance of evidence” and “student.”

Background Information:

Policy 3.6 was developed prior to merger and was amended in 1998 to address the issue of “hazing.” Policy 1A.1, Part 6, Subpart H. Periodic Review requires that policies be reviewed at least once every three years. This policy was revised and procedures were proposed by a Student conduct Policy Task Force during the past winter. The proposed policy revision and procedure were sent out for review and comment on September 2, 2005 and October 27, 2005.

Second Reading

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES
*ACTION ITEM***

Proposed Amendment to Policy 3.6 Student Conduct

1 **INTRODUCTION**

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3 The Office of the Chancellor is submitting an amendment to Policy 3.6 Student Conduct.
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5 **BACKGROUND**

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7 This policy was developed prior to merger and incorporated previously existing system policies. In 1998,
8 the policy was amended to address the issue of “hazing.” The proposed amendment moves procedural
9 language into a newly created Procedure 3.6.1. Secondly, the proposed amendment changes language
10 from a judicial context to a student development context. The policy also requires that students be
11 informed of the student conduct code and the policy authorizes the creation of a procedure. The proposed
12 procedure adds clarifying language, deletes unnecessary language, changes language to be consistent with
13 a student development model, and adds definitions of “preponderance of evidence” and “student.”
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15 **CONSULTATION**

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17 Consultation has occurred as follows:

- 18 • System-wide cross functional Student Conduct Policy Task Force met on several occasions
19 during Spring, 2005
- 20 • Reviewed policy amendment with chief student affairs officers at their meeting in May, 2005.
- 21 • Review and comment requested on the proposed policy and procedure from faculty, students,
22 administrators, staff, statewide student associations, statewide faculty associations and other
23 employee association groups through this system-wide constituent mailing, dated 9/2/05;
24 11/27/05.
- 25 • Reviewed extensively with student associations’ leadership.
- 26 • Reviewed with the Academic and Student Affairs Policy Council - 9/13/05; 11/15/05.
- 27 • Reviewed at MSCF Meet and Confer - 9/15/05.
- 28 • Reviewed at IFO Meet and Confer - 9/30/05; 11/18/05.
- 29 • Reviewed with Leadership Council - 10/11/05; Planned for review on 12/5/05.
- 30 • Reviewed at MSUAASF Meet and Confer - 10/7/05.

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32 **RECOMMENDED COMMITTEE ACTION**

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34 The Educational Policy Committee recommends that the Board of Trustees adopt the following motion:
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36 **RECOMMENDED MOTION**

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38 The Board of Trustees approves the proposed amendment to Policy 3.6 Student Conduct.

BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES

BOARD POLICY
Chapter 3. EDUCATIONAL POLICIES
Section 6. STUDENT CONDUCT

1 **3.6 Student Conduct**

2
3 **Part 1. Definitions.**

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5 ~~Summary suspension: A suspension imposed without a formal hearing to ensure the safety and well-being~~
6 ~~of members of the college or university community.~~

7
8 ~~Suspension: Denial of the privilege of enrollment for a specified period of time after which the student is~~
9 ~~eligible to return. Conditions for re-admission may be specified.~~

10
11 ~~Expulsion: Permanent denial of the privilege of enrollment at that college or university.~~

12
13 ~~Hazing: An act which endangers the mental or physical health or safety of a person, subjects a person to~~
14 ~~public humiliation or ridicule, or which destroys or removes public or private property for the purpose of~~
15 ~~initiation, admission into, affiliation with, or as a condition for continued membership in a student group,~~
16 ~~organization, or athletic team.~~

17
18 **Part 2 1. Student Conduct Policies.** Each college and university shall establish a code of student
19 conduct that states its student conduct policies and its procedures for the administration of student
20 conduct proceedings. Hazing, whether occurring on or off-campus, shall be included in each institution's
21 list of prohibited behavior. Students shall be afforded appropriate due process in the adjudication resolution
22 of any charge(s) allegation(s) of violations of the code of student conduct. Students found guilty of
23 responsible for violations are subject to sanctions which in more serious cases may include removal from
24 student housing or suspension or expulsion from the college/university, or eviction from student housing.
25 ~~Students shall be provided a copy of the code of conduct during registration~~ Annually, and upon
26 amendment, colleges and universities shall notify students of the availability and location of the code of
27 conduct and a copy of the code shall be posted at appropriate locations on campus and on the
28 college/university website. Allegations of discrimination, harassment, and sexual violence or academic
29 dishonesty shall be adjudicated resolved pursuant to Board policy, and allegations of academic dishonesty
30 may be resolved under separate procedures in accordance with an institution's policies on those issues.

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32
33 **Part 3. Contents of Code of Student Conduct.**

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35 A code of student conduct shall include the following:

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- 37 ● ~~A statement of student responsibilities as members of the college/university community.~~
- 38 ● ~~A statement of proscribed behavior for which a student may be held accountable, including~~
39 ~~violation of local, state, and federal laws. Hazing, whether occurring on or off campus, shall be~~
40 ~~included in each institution's list of proscribed behavior. If a college or university wishes to~~

1 exercise authority over certain violations that may occur off campus, that shall be explicitly
2 stated.

- 3 • A listing of sanctions that may be imposed as a result of disciplinary proceedings.
- 4 • The procedure to be followed in the adjudication of alleged violations of the code of student
5 conduct. The procedure shall include provisions for both informal and formal proceedings.

6 7 **Part 4. Process.**

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9 **Subpart A. Investigation and informal process.** Any member of the college or university community
10 may file a written complaint alleging that a student or organization has violated student conduct
11 proscriptions. Institutional policies may provide for the filing of complaints by others under certain
12 conditions. Following the filing of an accusation against a student, the person responsible for
13 administering the code (in this policy, referred to as the "administrator") shall conduct an investigation of
14 the charges. If the accusation seems unwarranted, the administrator may discontinue proceedings. If there
15 is sufficient evidence to support the accusation, the administrator shall offer the accused student an
16 opportunity to resolve the violation at an informal meeting. Prior to this meeting the student shall be
17 given oral or written notice of the specific charges against him/her and of the evidence available to
18 support the charge. If a mutually acceptable resolution cannot be reached during the informal meeting,
19 including any applicable sanctions, the case shall be referred for the formal adjudication process.

20 21 **Subpart B. Formal hearing and due process rights.**

- 22
23 1. The formal hearing procedure, including composition of the judicial panel, shall be developed by
24 each college and university. Students serving on the judicial panel shall be elected by the student
25 body or appointed by the campus student association.
- 26 2. Students referred for a formal hearing shall be given adequate advance notice in writing of the
27 time, place, and date of the hearing. A student's failure to appear at the hearing shall not prevent
28 the hearing from proceeding as scheduled.
- 29 3. Within a reasonable time prior to the hearing, the student must be informed in writing of: 1) the
30 charges, 2) the evidence to be presented against him/her, 3) a list of witnesses and the nature of
31 their testimony.
- 32 4. The student shall be given the opportunity to speak in his/her own defense, and to question any
33 witnesses and may have an advisor present. The advisor may provide advice to the student, but
34 may not participate in any questioning. When there is a likelihood that a student involved in
35 conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that
36 the student have an attorney as the advisor.
- 37 5. A written notice of findings and conclusions shall be provided to the student within a reasonable
38 time after the hearing. The notice shall inform the student of any sanction to be imposed.

39 40 **Part 52. Off-campus Conduct.**

41
42 The Minnesota State Colleges and Universities may hold students accountable for a violation of the
43 behavioral proscriptions contained in their Student Codes of Conduct committed off campus when:

- 44 • Hazing is involved; or
- 45 • The violation is committed while participating in a college or university sanctioned or sponsored
46 activity; or
- 47 • The victim of the violation is a member of the college or university community; or
- 48 • The violation constitutes a felony under state or federal law; or
- 49 • The violation adversely affects the educational, research, or service functions of the college or
50 university.

1 **Part 6. Summary Suspensions.**
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3 ~~In certain circumstances, the administrator may impose a summary suspension prior to the informal or~~
4 ~~formal proceedings described in the previous articles. A summary suspension may be imposed only when,~~
5 ~~in the judgment of the administrator, the accused student's presence on the college or university campus~~
6 ~~would constitute a threat to the safety and well being of members of the campus community. Before~~
7 ~~implementing the summary suspension, the accused student shall be given oral or written notice of the~~
8 ~~intention to impose the summary suspension and shall be given an opportunity to present oral or written~~
9 ~~arguments against the imposition of the suspension. Notice of the intention to impose the summary~~
10 ~~suspension shall be provided in writing to the student. After the student has been summarily suspended,~~
11 ~~the student shall be provided an opportunity for a formal or informal hearing within the shortest~~
12 ~~reasonable time period, not to exceed nine (9) days. During the summary suspension, the student may not~~
13 ~~enter the campus without obtaining prior permission from the administrator.~~
14

15 **Part 7 3. Appeal.**
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17 Students found to be responsible for a conduct violation shall be provided an avenue of appeal within the
18 institution ~~for any adverse outcome of a conduct proceeding~~. In addition, in cases involving sanctions of
19 suspension for 10 days or longer, students shall be informed of their right to a contested case hearing
20 under [Minnesota State Statute 14.](#)

21 **Part 4. Procedures.** The chancellor shall establish procedures to implement this policy. The student
22 conduct codes and procedures of colleges and universities shall comply with Policy 3.6 and Procedure
23 3.6.1.

Date of Implementation: 7/01/95

Date of Adoption: 5/16/95

Date & Subject of Revisions: 4/29/98 - amendments regarding "hazing"