

UNITED TRIBES TECHNICAL COLLEGE

Policy Approval Request

Section I: Approval

1. **Title:** Policy – Student Code of Conduct

2. **Approvals:**

Recommended for approval by the UTTC Administrative Council:

(sign)  (date) 5-31-16

(print) Bill Gowen
Chairperson, UTTC Administrative Council of Vice Presidents

Approved:

(sign)  (date) 6-2-16
Dr. Leander "Russ" McDonald, President, United Tribes Technical College

3. **Last Review Date for Current Policy:** May 16, 2016

4. **Authors of this Policy:** Administrative Council

5. **Tentative Effective Date:** June 3, 2016

6. **Date the Policy is to be Reviewed:** June 3, 2016

7. **Department Responsible for Administering This Policy:** Students Services & Academics

SECTION II: Summary

The Student Code of Conduct provides a detailed document that gives a voice to all involved in the process. The policy guides the student and departments of United Tribes Technical College that have a vested interest in the process of discipline and the due process students are provided.

SECTION III: Rationale

The new UTTC Student Code of Conduct allows all parties guidance and a better understanding of the violations, discipline, and appeal process that is fair and concise to all involved. The policy allows students who have violations due process and a chance to discuss and defend themselves in front of their mentors

SECTION IV: Policy

Student Code of Conduct (SCC)

Student policy is vital to the development and implementation of culturally based standards for community safety, security, and ethical integrity. United Tribes Technical College (UTTC) expects all members of the community to conduct themselves in a manner supportive of our educational mission. Any violations of established policy may lead to various sanctions, up to and including expulsion. All UTTC students and employees are also obligated to observe the laws and ordinances of the Bismarck/Mandan communities, North Dakota, and the United States of America.

The policies listed below are not exhaustive; thus, UTTC has the right and obligation to act upon conduct not in accord with the SCC values and principles, whether or not expressly listed below.

Students shall be provided with a copy of the *Student Handbook* annually. The *Student Handbook* is available through hard copy and the UTTC website. Students are responsible for having read and abiding by the provisions of the SCC and the *Student Handbook*.

Jurisdiction

The SCC process applies to the conduct of UTTC's students. For the purposes of the SCC, an individual is a student from initial enrollment through the actual awarding of a degree, even though conduct may occur before classes begin, or after classes end, during the academic year, or during periods between terms of actual enrollment. UTTC retains conduct jurisdiction over students who choose to take a leave of absence or withdraw for any misconduct that occurred prior to the leave or withdrawal. A student who has violated the SCC or the *Student Handbook* during the time periods described herein, may be sanctioned by UTTC for said violation. If sanctioned, a hold may be placed on the student's ability to re-enroll, or obtain official transcripts, or graduate, and all sanctions must be satisfied prior to re-enrollment eligibility.

The SCC applies to behaviors that take place on the UTTC campus or at UTTC sponsored events, and may also apply to conduct occurring in other locations when the Vice President of Student Services (VPSS) or designee determines that the off-campus conduct affects a substantial UTTC interest. A substantial UTTC interest includes, but is not limited to:

- Any situation where the student's conduct appears to present a potential danger or threat to the health or safety of others on the UTTC campus or otherwise part of the UTTC community; or
- Any situation that significantly infringes upon the rights, property or achievements of others in the UTTC campus community or significantly breaches the peace and/or causes social disorder; or
- Any situation that is detrimental to UTTC's educational mission, operations and/or interests.

The SCC applies, within reason, to student's conduct online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats

and social networking sites are in the public sphere and are not private. If UTTC becomes aware of postings made in violation of the SCC or the *Student Handbook*, UTTC shall be authorized to take corrective action against the violating student in accordance with the SCC, *Student Handbook*, and Catalog.

The SCC applies to students' guests. Students who host guests must take reasonable precautions to ensure that their guests comply with the SCC, and are subject to discipline if they fail to take such precautions. Visitors and guests may seek resolution of violations of the SCC committed against them by UTTC students.

There is no time limit on reporting violations of the SCC; however, if the report is made more than 6 years after the alleged violation, UTTC is under no obligation to investigate if UTTC deems that an investigation will not lead to the discovery of useful information. Therefore, those with information about perceived violations must take caution that the longer someone waits to report an offense, the harder it will be for UTTC officials to obtain information and witness statements and to make determinations regarding alleged violations. UTTC requires persons reporting violations to provide their names and contact information. UTTC email is the primary means of communication with students. Students are responsible for all communication delivered to their UTTC email address.

Violations of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the SCC. UTTC may, but shall not be obligated to, delay processes when criminal charges on the basis of the same behaviors that implicate a student are being investigated. Whether criminal charges are pursued or not shall not determine whether UTTC may take action under the SCC for violations of the SCC and the *Student Handbook*.

UTTC reserves the right to exercise authority to temporarily suspend a student upon notification that a student is facing criminal charges/convictions. Interim suspensions shall be imposed until a hearing can be held. The interim suspension may be continued if a danger to the community is posed and UTTC may be delayed or prevented from conducting an investigation and resolving the allegation pending completion of the criminal process. In such cases, UTTC will only delay the hearing until such time as that an internal investigation may be conducted or sufficient information may be obtained independently or from law enforcement upon which to proceed.

Students accused of crimes may request to take a leave from the UTTC until the criminal charges are resolved. In such situations, the UTTC procedure for voluntary leaves of absence is subject to the following conditions:

- The Responding Student must comply with all UTTC investigative efforts; and
- The Responding Student must comply with all interim actions or restrictions imposed during the leave of absence; and
- The Responding Student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

Any violation of the law should be immediately reported to UTTC Safety and Security and the VPSS.

Standards of Conduct

Good social conduct in the large majority of cases is a matter of common sense and the ordinary principles of fairness, respect, and honesty. Considering how we ourselves would like to be treated will usually provide guidance on how to interact with other members of the UTTC community. The social policies listed below cannot fully describe all values of a respectful and cooperative community; however, they do address the more serious issues that sometimes confront our community. Violations of the Student Code of Conduct (SCC) include, but are not limited to, the following:

***Integrity:** UTTC students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:*

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
2. **Academic Dishonesty.** Violating the Academic Integrity Policy as defined by the Student Academic Integrity Policy, See Student Responsibilities.
3. **Unauthorized Access.** Unauthorized access to any UTTC building (including but not limited to access such as the unauthorized use of keys and cards), unauthorized possession, duplication or use of means of access to any UTTC building, or failing to report a lost UTTC identification card or means of access (e.g., a key or card), propping of doors (of any kind) or unauthorized use of alarmed doors for entry into or exit from a UTTC building;
4. **Collusion.** Action or inaction in concert with another or others to violate the SCC;
5. **Election Tampering.** Tampering with the election of any UTTC student organization;
6. **Taking of Property.** Intentional and unauthorized taking of UTTC property or the personal property of another, including goods, services and other valuables;
7. **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

***Community:** UTTC students build and enhance their community. Behavior that violates this value includes, but is not limited to:*

1. **Disruptive Behavior.** Substantial disruption of UTTC operations including obstruction of teaching, research, administration, other UTTC activities, and/or other authorized non-UTTC activities that occur on campus;
2. **Infringement of Certain Intellectual Property Rights.** Unauthorized use (including misuse) of the name, images, logos, trademarks or service marks, or other infringement of intellectual property rights, of the UTTC or an organization recognized by UTTC;
3. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of UTTC property or the personal property of another;
4. **Information Technology.** Violating the UTTC IT Policy
5. **Weapons.** Possession, use, or distribution of explosives (including but not limited to fireworks and ammunition), guns (including but not limited to air, BB, paintball, facsimile

weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives having blades in excess of six inches in length (except for culinary knives reasonably necessary for cooking in on-campus residences or), including the storage of any item that falls within the category of a weapon in a vehicle parked on UTTC property. The only exception to this rule is that Students residing on campus will be allowed to store hunting weapons with the Safety and Security Department in a locked weapons safe.

6. **Smoking.** Violating the UTTC [Tobacco Free Policy](#).
7. **Fire Safety.** Violating the Fire Safety Policy. Please read link for definition, policy, and conduct procedures. [College-Wide Protocol for Fire Emergency](#) or [Emergency Action Guide: Fire](#)
8. **Animals.** Violating the Service and Therapy Animal Policies. For definition, policy, and conduct procedures see [Service Animal Policy](#).

***Social Justice:** Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing campus community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:*

1. **Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, gender identity/expression or other protected status) that is sufficiently severe that it interferes with, limits or denies the ability to participate in or benefit from UTTC programs or activities. UTTC reserves the right to sanction discrimination even if the behavior in question does not rise to the level of legally recognized or actionable discrimination.
2. **Harassment.** Harassment on the basis of race, color, religion, gender, age, national or ethnic origin, disability, veteran status, marital status, sexual orientation, gender identity or expression, or any other protected category constitutes violations of SCC, but such violations are adjudicated under policies below rather than under the procedures described here.
3. For sexual and gender-based harassment definition, policy, and conduct procedures, see [Student Sexual Harassment Policy and Procedures](#)
4. **Retaliation.** Any intimidation, harassment, discrimination, retaliation or other adverse action against an individual as a result of that individual participating in, or cooperating with, UTTC processes (including without limitation student disciplinary processes), or to reporting perceived violations of law or other UTTC policy.
5. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, UTTC processes including student disciplinary processes, including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information;

- b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- d. Failure to comply with the sanction(s) imposed by the campus conduct system;
- e. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect: *UTTC students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:*

1. **Harm to Persons.** Intentionally or recklessly causing physical or emotional harm or endangering the physical or emotional health or safety of any person.
2. **Threatening or Intimidating Behaviors:**
 - a. **Threat.** Written or verbal conduct that causes a reasonable fear of injury to the physical or emotional health or safety of any person or damage to any property.
 - b. **Intimidation.** Express or implied acts that cause a reasonable fear of injury to the physical or emotional health or safety of any person or damage to any property.
3. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate, intentionally harm or control another person physically or emotionally.
4. **Hazing.** Violating the Hazing Policy. For definition, policy, and conduct procedures, see Behavior Violations.
5. **Sexual and Gender-Based Misconduct (SGBM), including dating violence, stalking, and sexual misconduct.** In cases where a student is alleged to have violated the SGBM policy and other SCC policies during the same incident, the Integrity Administrator (IA) may charge the Integrity Committee (IC) to adjudicate all of the alleged violations. For sexual and gender-based misconduct definitions, policy, and conduct procedures, see Student Sexual Harassment Policy and Procedures.

Responsibility: *UTTC students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:*

1. **Alcohol and Other Drugs.** Violating the UTTC Alcohol and Other Drugs Policy. For definition, policy, and conduct procedures, see Alcohol Policy AND Illegal Drug & Other Substance Policy
2. **Failure to Comply.** Failure to comply with the authorized directives of UTTC officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
3. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to UTTC, including, but not limited to; knowingly passing a worthless check or money order in payment to UTTC or to an official of UTTC acting in an official capacity.

4. **Arrest.** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime or offense (including but not limited to non-custodial or field arrests) to the Office of Student Conduct within 72 hours of release.
5. **Other Policies.** Violating other published UTTC policies or rules, including but not limited to Housing policies;
6. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

Authority

The Vice President of Student Services (VPSS) is responsible for resolving student violations of social policies while the Vice President for Academic Affairs (VPAA) is responsible for resolving student violations of academic policies. All references to the VPSS and VPAA include their designees. Students and faculty should report an alleged violation to the student and to the vice president within three business days after the violation was committed; however, UTTC reserves the right to pursue disciplinary action whenever UTTC learns about a SCC violation.

UTTC may vary procedures with notice where the VPSS or VPAA determines that the circumstances make such action necessary or advisable (for example, upon determining that changes to law or regulation require policy or procedural alterations not reflected in this process). Minor modifications are acceptable to this procedure as long as the modifications do not jeopardize the fairness owed to any party. Questions of interpretation of the applicable rules or procedures may be referred to the VPSS for social policies and the VPAA for academic policies, who will have discretionary authority to resolve any disputed or ambiguous terms and whose interpretation is final.

Investigation

The VPSS or VPAA will appoint an investigator(s) for allegations under this Code, typically a Campus Safety Officer in the case of social policy violations, and the Career and Technical Education (CTE) Director in cases of academic integrity. The investigator(s) will take the following steps:

1. Determine the identity and contact information of the party bringing the complaint, whether that person is a harmed party, a UTTC representative, or a third party;
2. Conduct a preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the alleged incident(s), any potential patterns, and the nature of the complaint;
 - a. If the harmed party is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the harmed party;
 - b. Notify the harmed party of whether UTTC intends to pursue the complaint regardless of their involvement, and inform the harmed party of their rights in the process and option to become involved if they so choose;

- c. Implement appropriate action to maintain the safety of the campus community (or specific persons within the campus community) until the investigation or hearing process is complete, such as “no contact” directives, removal from campus residence facilities, removing a student from a class or classes, or interim suspension from UTTC. A student subject to such interim measures may appeal the decision to impose them to the VPSS within 3 business days after being notified of the decision;
3. If indicated by the preliminary investigation and authorized by the VPSS, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the Responding Student violated UTTC policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b. If there is sufficient evidence through the investigation to support reasonable cause, the allegations will be referred for resolution as described below;
4. UTTC may deny a student participation in commencement activities if the student is the subject of an ongoing investigation or has disciplinary charges pending.

Resolution Options

A student accused of violating the SCC meets with the VPSS, VPAA, or their designee, to review the complaint and potential avenues for resolution (described below). A determination of the available processes will be used in any given case based upon factors including, but not limited to, the seriousness of the alleged violation, the existence of a pattern of repeat or multiple violations, or issues of fairness and equity. If a student withdraws from UTTC while disciplinary action is pending, UTTC may proceed with resolution based on available information in the student’s absence, and include the finding in the student's permanent record. The student must resolve the disciplinary complaint before UTTC will consider readmission.

1. **Administrative Conference:** The VPSS or VPAA may conduct an administrative conference to determine and administer appropriate sanctions without an Integrity Committee hearing, typically when the Responding Student admits to violating the SCC. In an administrative conference, complaints will be heard and determinations as to responsibility and sanctioning will be made by the VPSS or VPAA. Sanctions may include any sanctions available in connection with a formal Integrity Committee hearing (described below).
2. **Informal Resolution:** If harmed parties are willing, the VPSS or VPAA may ask faculty and staff as appropriate to participate in mediation, conflict resolution, or restorative justice conferencing as an informal resolution that may remove the need for a formal IC hearing.
 - a. **Mediation and Conflict Resolution Circles:** The VPSS or VPAA may recommend facilitated dialogues to help parties in a dispute find an agreement that best meets their needs. Students in conflict may be referred to mediation or a

conflict resolution circle to find a mutually acceptable outcome. Participation in mediation or a conflict resolution circle does not require admission of a violation and agreements do not result in a conduct record.

- b. **Restorative Justice (RJ) Conference.** RJ is a collaborative decision-making process that includes harmed parties, Responding Students, and others seeking to hold Responding Students accountable by having them (a) accept and acknowledge responsibility for their misconduct; (b) to the best of their ability repair the harm they caused to harmed parties and communities; and (c) work to reduce the risk of further conduct violations by building positive social ties to the community. Trained facilitators guide the dialogue. After a discussion of the harm, the parties (rather than an Integrity Administrator or Integrity Committee) decides what steps the Responding Student can take to repair the harm. An RJ conference is a voluntary process used when a Responding Student has admitted to a violation. RJ agreements are included in the conduct record.
 - c. Students participating in an informal resolution process may elect to withdraw from the process at any time. If the Reporting Individual or Responding Student withdraws, the matter will be addressed through an administrative conference or IC hearing.
3. **Academic Integrity Resolution.** Faculty are required to report suspected academic integrity violations of the SCC to the VPAA. When a student acknowledges responsibility for a violation, the VPAA administers institutional sanctions as prescribed by the Student Academic Integrity Policy. The faculty member retains authority over the grade consequence. Most cases alleging academic integrity violations are resolved between the VPAA, the student, and the instructor; however, students may question grade integrity by utilizing the grievance process.
 4. **The Integrity Committee (IC)** will meet with the Responding Student and determine if the Responding Student is in violation of the SCC and, if so, assigns sanctions. The IC requires a student who has violated the SCC to be accountable for their misconduct and take steps to return the student to good standing. The procedures described below, which include fact-finding, discussion, complaint resolution, and assignment of sanctions, support these goals. The IC depends on the participants' honesty, integrity, and commitment to resolving complaints, and decides each case according to the merits of each and the disciplinary precedents that may apply.

Integrity Committee Structure and Process

Types of Boards

The VPSS establishes the Integrity Committee (IC).

1. **Integrity Committee (IC):** The VPSS or VPAA will impanel the IC to hear cases. An IC for a hearing includes three trained members from the administration/staff who are appointed by the VPSS to serve as in over-lapping two-year terms. In academic cases, the IC will include at least one faculty member.

Participants in the Hearing Process

1. **Integrity Administrator (IA):** The IA provides the IC with information, answers questions about policy and procedure, and is responsible for IC training. The IC receives reports of suspected violations and provides information about the applicable process to the harmed party, Reporting Individual, and Responding Student. The IC also works with the IC chair to ensure an orderly hearing process and presents the investigation findings to the IC. In most cases, the CTE Director serves as IA for academic cases and an administrator from the VPSS serves as IA for social integrity cases.
2. **Integrity Committee Chair:** The IC chair assists with administrative oversight of the IC and is responsible for ensuring a fair and reasonable hearing. The IC chair manages the tone and pace of the hearing and leads the IC through the decision-making process. The chair works with the IA to inform the Reporting Individual about procedures, inform the Responding Student and Reporting Individual in writing of the IC's decision, and helps track compliance with sanctions. The chair decides, in consultation with the IA, what information, and which witnesses, will be presented and considered.
3. **Integrity Committee Member:** IC members are representatives of the UTTC community and are expected to be fair-minded and to promote the well-being of the community. IC members may ask questions of the various participants in the hearing and their decisions about determinations of responsibility and sanctions shall be by majority vote.
4. **Reporting Individual:** The Reporting Individual is the person alleging a violation of the SCC. In certain cases, the IA acts as the Reporting Individual on behalf of UTTC. For example, UTTC may pursue a violation of the SCC in response to a complaint.
5. **Responding Student:** The student charged with violating the SCC.
6. **Harmed Party:** The IA may invite, as feasible and subject to confidentiality restrictions under applicable law, anyone allegedly harmfully impacted by a violation. Harmed parties may be asked to specify how they have been harmed and ideas they may have for repairing harm and rebuilding trust.
7. **Witness:** If and to the extent deemed appropriate by the Chair, Responding Students, Reporting Individuals and/or the IA may invite witnesses to the hearing to assist the IC in their determination of responsibility.
8. **Resource Expert:** The IA may invite, as needed, individuals with specific expertise, such as a counselor with knowledge about rehabilitation resources.

Referral to Integrity Committee

Once a determination is made that reasonable cause exists for the IA to refer a complaint for a hearing, notice will be given to the Responding Student at least three days before the hearing. Notice will be in writing and may be delivered by one or more of the following methods: in person by the IA; mailed to the local or permanent address of the student as indicated in official UTTC records; or emailed to the student's UTTC-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- Include the alleged violation and notification of where to locate SCC and UTTC procedures for resolution of the complaint.

- Provide notice of the time, date and location of the hearing.

Preparation for Integrity Committee Hearings

- A meeting with the IA may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the Responding Student must indicate in writing to the IA whether they admit to or deny the allegations of the complaint.
- The IA will ensure that the hearing information and any other available written documentation is shared with the parties prior to, or if prior exchange is not feasible at the commencement of, the hearing. In addition, the parties will be given a list of the names of all IC members in advance. Should any party object to any IC member, that party must raise all objections, in writing, to the IA immediately. IC members will only be unseated if the IA concludes that bias precludes an impartial hearing of the complaint. Additionally, any IC member who feels they cannot make an objective determination must recuse themselves from the proceedings. In either case, the IA shall appoint a replacement IC member. A party who does not object to an IC member prior to the hearing in accordance with this paragraph is deemed to waive any objection to the composition of the IC.
- Responding Students are expected to participate in the hearing, but may submit a written statement to the IC instead. If a student fails to attend the hearing, the hearing proceeds without the student present, and the IC renders a decision based on available information.
- At the discretion of the IA, Responding Students and harmed parties may participate by remote means such as phone or video conference.
- In hearings involving more than one Responding Student, the complaints may be heard jointly if all Responding Students consent, or if a joint hearing is otherwise determined by the IA to be appropriate if permitted by applicable law. In joint hearings, separate determinations of responsibility will be made for each Responding Student.
- UTTC reserves the right to notify the parents/guardians of dependent students regarding any conduct situation. UTTC may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations, when UTTC has determined a threat to health and/or safety necessitates such notification or when otherwise permitted by applicable law.

The Committee Hearing

- The IC decides every case on an individual basis, after considering the information presented. The IC conducts hearings in a fair and reasonable manner, respecting the rights and needs of all participants, while also considering the importance of honoring the community value system.
- All procedural questions are subject to the final decision of the IA.
- Hearings will be closed to the public.
- All hearings are audio-recorded. The Reporting Individual and/or Responding Student may request to listen to the audio file in the event of an appeal. Deliberations are not recorded.
- Admission to the hearing of persons other than the parties involved will be at the discretion of the IC chair, in consultation with the IA.

- Pertinent records, exhibits, and written statements may be accepted as information for consideration by the IC chair. Formal rules of procedure and evidence are not observed.
- During the hearing, Reporting Individuals and Responding Students have an opportunity to offer information, and to present materials and witnesses on their behalf, in each case at the discretion of the IC chair.
- The Reporting Individual, the Responding Student, the IC, and the IA will have the privilege of questioning all present witnesses, and questioning all present parties, at the discretion of the IC chair.
- The IC will base their decision on the information presented at the hearing. The standard of decision used by the IC is preponderance of the evidence. In other words, IC members must determine whether it is more likely than not that the alleged violation occurred. While the IC members seek full consensus in reaching their decision, in disputed decisions a simple majority vote will decide the case.
- The IC hearing has two parts: (1) Finding of responsibility and (2) determination of sanctions. In the first part, the IC reviews the allegations and determines if the Responding Student has violated the SCC. If a Responding Student is found not to be in violation, the hearing shall be adjourned. If a Responding Student is found in violation, the second part of the hearing is used to determine an appropriate sanction using the guidelines set forth below.
- The IC may decide which parties may be present for some or all of the hearing with the exception of private deliberations by the IC. Witnesses typically participate only in the first part of the hearing (determination of responsibility), though the chair may permit witnesses during the sanctioning phase if he or she determines their testimony to be relevant for purposes of enabling the IC to determine appropriate sanctions. Reporting Individuals, Responding Students, harmed parties, advisors, and support persons typically participate in both parts.
- The IC usually informs a student of a decision immediately after reaching a determination and to responsibility and (if applicable) sanctioning. However, if necessary the IC may take up to three business days to issue its findings.

Guidelines for Sanctions

Sanctions preserve individual and institutional integrity and, whenever possible and appropriate, help students to learn from their mistakes, make amends, and regain their standing in the community. The IA will maintain a record of all disciplinary hearings and sanctions applied, and these are admissible in subsequent student conduct proceedings involving the student(s) in question. Sanctions may include, but are not limited to, those described below. Each listed sanction may be imposed alone or in combination with one or more others. Violations of the SCC may have an impact on eligibility for awards and honors such as, eligibility to hold a leadership position, scholarships, or awards.

Disciplinary Probation: The IA or IC may sanction students found in violation of the SCC in a variety of ways that protect the safety of the community, repair harm or rebuild trust. During the period from hearing to completion of sanctions, the student is on "Disciplinary Probation." If determined appropriate by the IC or the VPSS or VPAA, a student on Disciplinary Probation may not be eligible to register for the ensuing semester of study at UTTC. In the case of

graduating students, students may not participate in the graduation ceremony until completion of all sanction requirements, unless specifically permitted by the IC. Note that some campus organizations, such as SGA, do not permit their members to serve in leadership positions if they are on Disciplinary Probation. Probation may also affect eligibility for attending conferences, or representing UTTC at an official function such as, an event or intercollegiate competition as a player, manager or student coach.

- **Warning:** An official written notice that the student has violated UTTC policies and that greater conduct action will result should the student be involved in other violations while the student is enrolled at UTTC.
- **Apology:** The IC may require the Responding Student to provide a written apology to any parties they have harmed. Apologies are to include:
 - **What Happened:** A description detailing the harm caused by the incident.
 - **My Role:** An acknowledgement that the student was responsible for the incident.
 - **How I Feel:** An expression of remorse or regret in causing harm.
 - **What I Won't Do:** A statement of commitment to responsible behavior and causing no further trouble.
 - **What I Will Do:** A statement of commitment to make amends for the harm caused.
- **Restitution:** Restitution is monetary payment or services that pay(s) for financial losses. Restitution is intended to compensate the harmed party for the estimated losses incurred by the harmed party. Restitution agreements seek to meet the needs of the harmed party, but may also take into account the Responding Student's ability to pay. Sometimes services are substituted for payment.
- **Community Service:** Volunteering in the community is a way to be helpful to others, show that one is socially responsible, and rebuild the trust that is lost through misbehavior. Community service should be meaningful and rewarding, potentially serving as a platform for personal development. Community service serves two important goals: making amends to the community and demonstrating good citizenship. Rather than focus on specific hours, the IC will help the Responding Student design a service project that best meets these goals.
- **Counseling:** A Responding Student may be required to engage in activities including, but not limited to, seeking academic counseling or substance abuse screening, anger management counseling, or similar evaluation and/or assistance. The IA or IC does not diagnose psychological problems or specify treatment; however, they may require the student to seek consultation and follow any recommended treatment plan.
- **Supervision:** A Responding Student may be required to meet regularly with one or more members of the community for mentoring, support, and reassurance to the community that the student is complying with sanctions and UTTC policies.
- **Educational Program:** The IC may require the Responding Student to attend, present and/or participate in a program related to the violation. This may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Students may be required to complete a research or reflection paper

articulating the harm caused by their actions and/or strategies they may adopt to prevent further disruptive behavior.

- **Grade Penalties:** In academic integrity cases, the IC may make a recommendation to the appropriate faculty member about grade penalties. However, the faculty member has final say about any grade assigned in the course.
- **Specific Restriction(s):** The IC may impose specific restrictions on an individual to prevent either access to an area of campus or participation in one or more UTTC or UTTC-recognized or sponsored programs or activities (e.g., commencement).
- **“No Contact” Directive:** The IC may impose a prohibition against having any avoidable contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
- **UTTC Housing Reassignment or Suspension:** The IC may reassign the student to another UTTC housing facility, or may remove the student from UTTC housing for a specified period of time, including permanent removal.
- **UTTC Suspension:** The IC or IA may recommend suspension to the VPSS or VPAA. During the suspension period, the student is prohibited from being present on or at UTTC property, functions, events and activities without prior written approval from the IA. The board may also assign specific sanctions, such as community service, for completion during the suspension period. While suspended, students may transfer up to 18 credits taken at another institution, subject to the usual review by the Registrar and with the approval of the VPSS or VPAA. UTTC follows the refund practices as set forth in the financial aid policy found under the Financial Aid: Withdrawal Policy. A decision for suspension constitutes a recommendation to the VPSS or VPAA, who will consider whether to accept or modify the recommendation.
- **UTTC Suspension in Abeyance:** In cases of suspension, the IC may decide that there are circumstances that mitigate against the immediate separation of the student from UTTC. For example, the IC may allow the student to complete the current semester’s coursework and begin their suspension period at the semester’s end. However, should the student be found in violation of the SCC during the period of abeyance, the abeyance may be lifted and the suspension shall take effect immediately and continue through the originally scheduled expiration date for the suspension (subject to any additional sanctions that may be imposed as a result of the new violation).
- **Expulsion:** The IC or IA may recommend expulsion to the VPSS or VPAA. The student is prohibited from being present on or at UTTC property, functions, events or activities. Expulsion is a permanent status. The Responding Student must leave UTTC immediately and cannot register again as a student without going through a full readmission process. A decision for expulsion constitutes a recommendation to the VPSS or VPAA, who will consider whether to accept or modify the recommendation.

Disciplinary Record

The outcome of a conduct resolution (administrative conference, restorative justice conference, and/or IC) is part of the education record of the Responding Student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would

constitute a “crime of violence” or forcible or non-forcible sex offense, UTTC will inform the alleged victim in writing of the final results of a hearing regardless of whether UTTC concludes that a violation was committed. Such release of information may only include the Responding Student’s name, the violation committed (including both the UTTC policy(ies) violated and the findings of fact supporting the conclusion that the violation occurred), and the sanctions assigned (if applicable).

In cases where UTTC determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or forcible or non-forcible sex offense, UTTC may also release the above information publicly or to any third party. In addition, UTTC reserves the right to release information regarding disciplinary proceedings in other circumstances when required or permitted under applicable law, including but not limited to FERPA.

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(f)(i)(i)-(viii), UTTC shall make a notation on the transcript of a Responding Student found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the Responding Student who withdraws from UTTC while such conduct charges are pending, and declines to complete the disciplinary process, UTTC shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Students who are suspended after a finding of responsibility for a code of conduct violation may submit a written appeal to the VPSS requesting that the transcript notation be removed from their transcript. Such a notation may not be removed from a student’s transcript prior to one year after conclusion of the suspension. Notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

All conduct records are maintained by UTTC for seven years from the time of their creation except those that result in separation (suspension or expulsion), those that fall under Title IX, and violations of academic integrity, which are maintained indefinitely. Additional information about privacy, FERPA, and UTTC student educational records can be found at this website: [Family Educational Rights and Privacy ACT](#)

Appeals Process

A student involved in the conduct process as a Reporting Individual or a Responding Student may appeal any decision from the IC. Appeals will be considered on the following grounds: (a) A procedural error occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.); (b) the discovery of new evidence, unavailable to the appealing party during the original hearing or investigation, that could substantially impact the original finding or sanction; or (c) sanctions are disproportionate to the nature or severity of the violation or violations, taking into account the totality of the circumstances (including the cumulative conduct record of the Responding Student, if any).

Individuals who wish to appeal a decision must submit their request for review in writing to the VPSS (for social policy violations) or the VPAA (for academic integrity violations) within three business days after receiving notification of the outcome being appealed. Upon receiving an appeal, the Integrity Administrator (IA) may decline to consider the appeal if the appeal is not based on one or more of the criteria listed above. If the IA considers the appeal, he or she may review the record of the case and the Responding Student's prior disciplinary history (if any), and may consult participants present at the initial hearing (if any) as he or she deems appropriate. If the appeal is granted, the IA may alter the result of the case as to responsibility or sanctioning, remand the case to the original hearing IC to reconsider some or all of the case, or direct that a Board of Appeals hearing be convened to reconsider some or all of the case. The decision of the IA is final, subject to any further proceedings ordered by the IA as described above.

Board of Appeals (BOA): At the discretion of the VPSS or VPAA, the BOA may review cases heard by the IC. Members are appointed by the IA from the pool of IC members who did not participate in the initial hearing (if any). BOA membership is as follows:

- For social violations: three faculty and/or staff and chaired by the VPSS.
- For academic violations: two faculty and one staff and chaired by the VPAA.

REFERENCES

https://www.skidmore.edu/student_handbook/honor-code.php

<https://www.nchem.org/resources/model-code-project/download-the-code/>