

## UTTC STUDENT CODE OF CONDUCT (SCC)

### SECTION I: SCOPE

United Tribes Technical College (UTTC) expects all members of the community to conduct themselves in a manner supportive of the educational mission of the College. Any violations of established policy may lead to various sanctions, up to and including expulsion. Students shall be provided a copy of the Student Code of Conduct (SCC) as part of the Student Handbook that is available as a hard copy and on the UTTC website. Students are responsible for having read and abiding by the provisions of the SCC in the Student Handbook.

The SCC process applies to the conduct of UTTC's students on the UTTC campus or at UTTC sponsored events. The SCC also applies to student's conduct online, via email or other electronic medium. Students should 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, UTTC shall be authorized to take action against the violating student in accordance with the SCC.

### SECTION II. GUIDING PRINCIPLES

- a) UTTC seeks an environment that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests; does not threaten the physical or mental health or safety of members of the campus community; and serves the educational mission of the College.
- b) UTTC is dedicated to responsible stewardship of its resources and to protecting its property and resources from theft, damage, destruction, or misuse.
- c) UTTC supports and is guided by state and federal law while also setting its own standards of conduct for its academic community.
- d) The College is dedicated to the rational and orderly resolution of conflict.
- e) Students are entitled to due process and procedural fairness protections, including the prompt notification of charges, the opportunity to respond, the right to an advocate of choice, and the right to the resolution of a case within a reasonable period of time.

### SECTION III. DEFINITIONS

- **Academic Environment** shall mean any setting where a student is engaged in work toward academic credit, satisfaction of program-based requirements, or related activities including but not limited to online courses and field trips.
- **Campus** shall mean all UTTC premises, including all land, buildings, facilities, and other property owned, possessed, leased, used, or controlled by UTTC, and adjacent streets and sidewalks.
- **Student** shall mean any person taking courses at UTTC or enrolled in a UTTC program; any person participating as a student in UTTC activities prior to the start of classes; any student who is not enrolled or registered for a particular term but has a continuing

relationship with UTTC (in between semesters); any student who withdraws, transfers, or graduates after an alleged violation of the SCC; and any already graduated student when the conduct at issue implicates the student's UTTC degree, certificate, or diploma.

- **Student Code of Conduct (SCC) Hearing Officers** consists of a three-member team including the Career & Technical Education Director, or designee; the Director of Security & Safety, or designee; and the Director of Housing, or designee. The Administrative Assistant for the Vice President of Campus Services will serve as administrative support for the Hearing Officers.
- **Student Group** shall mean any group of students that is a UTTC student group, such as a student vocational club or Student Government.
- **UTTC (or College) Sponsored Activities** means any program or event sponsored by UTTC, including but not limited to those sponsored by students group or athletics.
- **Medical Amnesty:** North Dakota (ND) has a medical amnesty law for alcohol-related emergencies. ND Century Code states: "An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five individuals."

#### SECTION IV. DISCIPLINARY OFFENSES

Violations, or assisting or encouraging others in the violation of the College's policies, are subject to disciplinary action through the appropriate process. The following behaviors violate UTTC's Student Code of Conduct:

1. **Disruption of the Academic Environment** is engaging in behavior, either in the classroom or online discussion forums, which substantially or repeatedly interrupts either the instructor's ability to teach and/or a student's ability to learn.
2. **Falsification** means willfully providing false, misleading, or incomplete information; forging or altering official College records or documents or conspiring with or inducing others to forge or alter without proper authorization academic records or documents; misusing, altering, forging, falsifying, or transferring to another person College-issued identification; or intentionally making a false report of a bomb, fire, natural disaster, or other emergency to a College official or an emergency service agency.
3. **Refusal to Identify and Comply** is willfully refusing to or falsely identifying one's self or willfully failing to comply with a proper order or summons when requested by campus security, law enforcement personnel, by emergency medical staff responding to an emergency, or by a UTTC employee acting within the purview of his or her job responsibilities.

4. **Attempt to Injure or Defraud** is making, forging, printing, reproducing, copying, or altering any record, document, writing, or identification used or maintained by UTTC when done with intent to injure, defraud, or misinform.
5. **Harm to Person** means engaging in conduct that endangers or threatens to endanger the physical and/or mental health, safety, or welfare of another person, including, but not limited to, threatening, stalking, harassing, intimidating, or assaulting behavior.
6. **Bullying** is aggressive behavior directed at another person that causes stress or harm and that is repeated over time, including but not limited to assaulting, defaming, terrorizing, making obscene gestures, or invading privacy.
7. **Sexual Misconduct** is any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. Sexual misconduct includes the following behaviors: sexual assault, relationship violence, stalking, and sexual or gender-based harassment.
8. **Disorderly Conduct** is engaging in conduct that incites or threatens to incite an assault or breach of the peace; breaching the peace; obstructing or disrupting teaching, research, administrative, or public service functions; or obstructing or disrupting disciplinary procedures or authorized College activities.
9. **Illegal or Unauthorized Possession or Use of Weapons** means possessing or using weapons or articles or substances usable as weapons, including, but not limited to, firearms, incendiary devices, explosives, and dangerous biological or chemical agents, except in those instances when authorized by law and, where applicable, by proper UTTC authority.
10. **Illegal or Unauthorized Possession or Use of Drugs or Alcohol** means possessing or using drugs or alcohol on campus or at any UTTC sponsored or supported events.
11. **Unauthorized Use of Campus Facilities or Services** means wrongfully using UTTC campus properties or facilities; misusing, altering, or damaging fire-fighting equipment, safety devices, or other emergency equipment or interfering with the performance of those specifically charged to carry out emergency services; or acting to obtain fraudulently—through deceit, unauthorized procedures, bad checks, or misrepresentation—goods, quarters, services, or funds from UTTC departments or student groups or individuals acting on their behalf.
12. **Theft, Property Damage, or Vandalism** means theft or embezzlement of, damage to, destruction of, unauthorized possession of, or wrongful sale or gift of property.
13. **Unauthorized Access** means accessing UTTC property, facilities, services, or information systems without authorization, or obtaining or providing to another person the means of such unauthorized access, including, but not limited to, using or providing keys, access cards, or access codes without authorization.
14. **Disruptive Behavior** means willfully disrupting UTTC campus events, or UTTC sponsored events; participating in a campus demonstration that disrupts the normal operations of the College and infringes on the rights of other individuals; leading or inciting others to disrupt scheduled or normal activities of the College; engaging in intentional obstruction that interferes with freedom of movement, either pedestrian or vehicular, on campus; using sound amplification equipment on campus without authorization; or making or

causing noise, regardless of the means, that disturbs authorized UTTC activities or functions.

15. **Violation of Rules** is engaging in conduct that violates National Junior College Athletic Association (NJCAA), collegiate, or departmental regulations that have been posted or publicized, including provisions contained in academic contracts with students.
16. **Violation of Local, State, or Federal Laws or Ordinances** means engaging in conduct that violates a local, state, or federal law, or ordinance, including, but not limited to, laws governing alcoholic beverages, drugs, gambling, sex offenses, indecent conduct, or arson.
17. **Persistent Violations** means engaging in repeated conduct or action in violation of this Code.

\* Academic dishonesty violations processes (e.g. plagiarism and cheating) are excluded from the SCC and included in the Academic Affairs Policies Handbook and cited on course syllabi.

## SECTION V. SANCTIONS

Students found responsible for disciplinary offenses under the SCC are subject to sanctions. Factors to consider in determining appropriate sanctions include:

- Nature of the offense,
- Severity of the offense,
- Culpability of the student or student group,
- Impact on other students or members of the campus community, and
- Opportunity for student growth and development based on appropriate interventions.

Separation from the College through suspension or expulsion is a serious sanction that may be appropriate for:

- Repeated violations of the SCC, and
- Misconduct that constitutes a threat to community safety or well-being (including, but not limited to harm to person and sexual assault), or significantly disrupts the rights of others or the operations of the College.

UTTC seeks to provide a safe, secure, and healthy environment for all students. Recognizing that the potential application of disciplinary sanctions could deter students from seeking medical attention for themselves or others, UTTC will provide medical amnesty as defined in Section III. However, a student requiring emergency evaluation or treatment at a medical facility will be required to complete an alcohol assessment or education program. This is not considered a disciplinary response. Amnesty is granted only for violations of illegal or unauthorized possession or use of drugs or alcohol, and does not apply to other possible violations of the SCC (e.g., property damage or assault) that may have occurred during the time of intoxication. In circumstances involving a student group, the willingness of the student

group's members to seek medical assistance for a member or a guest will be viewed as a mitigating factor in the review process for any possible violations.

The following sanctions, which are listed in order of least severe to most severe, may be imposed upon students or student groups who have violated the SCC. The Hearing Officers reserve the right to assign any sanction depending on each situation and the severity of the offense.

***Typical sanction for first offense:***

- **Warning** means the issuance of an oral or written warning or reprimand.

***Typical sanction for second offense:***

- **Probation** means special status with conditions imposed for a defined period of time and includes the probability of more severe disciplinary sanctions if the student or student group is found to violate any institutional regulation during the probationary period.

***Typical sanctions for third offense or for first or second offense, based on severity:***

- **Required Compliance** means satisfying evaluation, counseling, and after-care requirements; work assignments; community service; participating in a restorative justice process; or other discretionary assignments.
- **Confiscation** means confiscation of goods used or possessed in violation of campus regulations or confiscation of falsified identification or identification wrongly used.
- **Restitution** means making compensation for loss, injury, or damage.
- **Restriction of Privileges** means the denial or restriction of specified privileges, including, but not limited to, access to an official transcript for a defined period of time.

***Typical sanction for domestic violence offense:***

- **Campus Housing Suspension** means separation of the student from campus housing for a defined period of time.
- **Campus Housing Expulsion** means permanent separation of the student from campus housing.
- **Suspension** means separation of the student or student group from UTTC for a defined period of time, after which the student is eligible to return. Suspension may include conditions for readmission. The suspension may be deferred when an offense is serious enough to warrant separation from UTTC, but where the specific circumstances of the case justify special consideration.

***Typical sanctions for sexual misconduct, weapons violations, possession of Class A and B drugs (excluding marijuana), and sale and distribution of any illegal or unauthorized substance:***

- **Expulsion** means the permanent separation of the student from the College. This will be matter of permanent record.

- **Withholding of Diploma or Degree** means the withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.

### **Alcohol and Illegal Drug Sanctions**

Students at United Tribes Technical College are required to abide by all federal, state and local laws regarding the possession, sale, use and consumption of alcoholic beverages. UTTC also considers the use, possession, distribution, or sale of those drugs (hallucinogens, narcotics, stimulants, and depressants) that are illegal except when taken under a physician's prescription as contrary to the welfare of the campus community. Students involved in such activities are subject to disciplinary action and will be prosecuted according to the law.

UTTC recognizes the serious problems created by the use and abuse of alcohol and drugs. In response to this awareness, UTTC is an alcohol, drug and tobacco free campus and has an alcohol and drug prevention program that is committed to providing resources and referral services for students who experience alcohol and/or drug abuse.

#### **Campus Regulations**

1. A student who possesses or consumes intoxicating liquors, alcoholic beverages or illegal drugs on campus is subject to disciplinary action.
2. A student who attends class under the influence of alcohol or illegal drugs is subject to disciplinary action.
3. Faculty and staff are justified in contacting appropriate campus security or law enforcement authorities in the event a student is under the influence.
4. Students who are involved in illegal drug usage, off the premises of the campus, may also face disciplinary action.
5. Student organizations are not allowed to sponsor on-campus or off-campus events at which alcohol or illegal drugs are consumed.
6. Sale of alcoholic beverages or drugs by student organizations is strictly forbidden.
7. In addition to campus disciplinary sanctions, the College may report drug violations to the appropriate law enforcement authorities.
8. Since involvement with drugs may be associated with medical and/or psychological problems, students may be referred or may refer themselves to counseling or medical services.
9. Each student will be held responsible for his or her own behavior and it will not be regarded as "double jeopardy" for both civil authorities and the College to initiate disciplinary sanctions against a student who violates the SCC.
10. A federal or state drug conviction can disqualify a student from Federal Student Aid eligibility. If a student is convicted of possession or sale of illegal drugs during a period of enrollment for which the student was receiving federal financial aid, the student will lose eligibility for federal student aid funding. The student can lose federal financial aid eligibility of one year from the date of the first conviction, two years from the date of the second conviction and indefinitely for a third offense for

the possession of illegal drugs. A student can lose federal financial aid eligibility for two years from the date of the first conviction and indefinitely for the second conviction for the sale of illegal drugs. A student can regain eligibility the day after the period of ineligibility ends or when he or she successfully completes a qualified drug rehabilitation program.

Students may initiate help for themselves or others by contacting any of the following:

**On Campus:**

- UTTC Wellness Center Director – (701) 221-1777
- UTTC Chemical Health Center Coordinator – (701) 221-1776

**Community Resources**

- “211” – 24 hour referral and crisis management hotline for North Dakota.
- West Central Human Services – (701) 328-8888
- Heartview Foundation – (701) 222-0386
- Alcoholics Anonymous – (701) 222-2100

**National Numbers**

- The National Drug & Alcohol Hotline: 1-800-711-6375 or 1-800-711-6402

**Records and Reinstatement**

- Suspension and expulsion from the College are matters of permanent record.
- Reinstatement after suspension: The Registrar may permit reinstatement after suspension; however, the Registrar may do so only after the student has completed the terms of the suspension.
- Reinstatement after expulsion: A student who has been expelled from the College may petition the Vice President of Academic Affairs to be considered for re-admissions no sooner than one year after being expelled. Each case will be addressed individually.

**SECTION VI. INTERIM SUSPENSION**

The President or delegate may impose an immediate suspension on a student pending a hearing before the appropriate disciplinary committee to:

1. Ensure the safety and well-being of members of the campus community or to preserve campus property,
2. Ensure the student’s own physical or emotional safety and well-being, or
3. Ensure the student or student group does not pose an ongoing threat of disrupting or interfering with the operations of the College.

During the interim suspension, the student or student group may be denied access to all College activities or privileges for which the student or student group might otherwise be

eligible, including access to campus housing or property. The student or student group has a right to a prompt hearing before the President or delegate on the questions of identification and whether the interim suspension should remain in effect until the full hearing is completed.

## **SECTION VII. NOTIFICATION, HEARING, AND APPEALS OF STUDENT DISCIPLINARY OFFENSES**

### **Notification**

UTTC Safety and Security utilizes software referred to as ReportExec. This tool has the ability to document when a student is served for a potential violation of the SCC. All potential violations of the SCC are reported by UTTC Safety and Security to the chair for the Hearing Officers team within 3 business days of the alleged violation. The Hearing Officers review the violation report and determine if there is reasonable cause for an administrative hearing.

Students subject to an administrative hearing shall receive the following:

- a. Written email notice of the alleged SCC violation at least 3 business days in advance of the administrative hearing. UTTC uses email as the means of delivering the written notice.
- b. The Academic & Personal Counselors will also make an attempt to contact the student to ensure the student is informed of the hearing.
- c. An opportunity to address the case before the SCC Hearing Officers not more than ten business days after the student has been notified in writing.

If the Hearing Officers determine the alleged violation does not warrant an administrative hearing, the Safety and Security report will be retained and the student will be notified.

**Administrative Hearing Procedure:** conducted by the three-member SCC Hearing Officers team. The Vice Presidents of Campus Services and Academic Affairs grant authority to the SCC Hearing Officers to adjudicate and determine whether the involved student violated the policy, and to determine appropriate outcomes as necessary.

- B. The hearings will be conducted once per week, as needed, at a date and time determined by the SCC Hearing Officers.
- C. SCC Hearing Officers shall officiate all administrative hearings. The Hearing Officers will select one member to chair the meeting.
- D. All email correspondence will be sent and received through the [HearingOfficers@uttc.edu](mailto:HearingOfficers@uttc.edu) email account.
- E. The Administrative Assistant for the Vice President of Campus Services will keep minutes for the meetings that include all actions taken by the Hearing Officers.
- F. Administrative hearings are held privately with the exception of the Hearing Officers, the student(s), and one additional person to attend the hearing (e.g. advisor, coach, counselor) to speak on behalf of the student.
- G. Administrative hearings may be held with all involved students or individually.



- H. Students subject to an administrative hearing shall receive the following:
- a. Maximum time limits for scheduling of conduct hearings may be extended at the discretion of the Vice President of Campus Services or designee.
  - b. A written decision and explanation of any outcomes within 5 business days of hearing will be sent to the email address the student has on file in the Registrar's Office.
  - c. An opportunity to appeal the decision as outlined in the following "Appeals Process".
- I. A summary of the Administrative Hearing, including the violation and resulting sanction, is recorded in the JICS Retention Module if it is determined the student violated the SCC.
- J. Administrative hearings are not recorded.
- K. If a student, or student group, fails to attend the administrative hearing, it will be assumed the student has violated the SCC and the appropriate sanction for the violation will be applied.

In regard to sexual misconduct and domestic abuse cases, both the reporting party and the accused student have the opportunity to request a formal hearing and appeal as part of due process.

### **Appeals Process**

Appeals may only be made by:

- The student who allegedly violated the SCC in the original hearing, or
- The complainant in the original hearing, when such is present.

If one of the above chooses to appeal a decision, they must submit their appeal in writing to the Vice President of Campus Services within five business days of the date of the outcome letter. To receive consideration, a student's appeal must be full and complete upon its submission, including the basis for appeal and any supporting documentation.

The receipt of the appeal will be acknowledged in writing (which can include email). In cases involving opposing parties, when an appeal is filed the other party will be given the opportunity to review and respond in writing to the appeal. Any response by the opposing party must be submitted to the Vice President of Campus Services within five (5) business days from receipt of the appeal. The appeals documents from each party will be considered together in one appeal review process.

No appeal hearing will be held. The Vice President of Campus Services and the Vice President of Academic Services will render a joint decision on the appeal based solely on the student's written appeal, any response from the other party, and the record of the original hearing. The decision is final, and will be rendered within five business days of the receipt of the written appeal.

In cases where suspension or expulsion is assigned as an outcome, the disciplinary action will go into effect at the conclusion of the appeal process. During the appeals process, a student who was issued suspension or expulsion may continue to attend class, ***unless otherwise directed by the Vice President of Campus Services***, but is prohibited from participating in, representing the College in, or attending extra-curricular, co-curricular, and official College activities, if it is determined that the health or safety of a student or the community is at risk. Additional interim measures, such as those to ensure the safety of community members, may be put in place until the conclusion of the appeal process, as deemed appropriate by the Vice President of Campus Services or designee.

## **SECTION VIII. JURISDICTION**

The Student Code of Conduct shall apply to student and student group conduct that occurs on campus or at UTTC sponsored activities. The SCC shall also apply to off-campus student and student group conduct when the conduct, as alleged, adversely affects a substantial College interest and either:

1. Constitutes a criminal offense as defined by local, state, or federal law or ordinance, regardless of the existence or outcome of any criminal proceeding; or
2. Indicates that a student or student group may present a danger or threat to the health or safety of the student or others.

The conduct of a student who is a member of a student group will not be considered to be conduct of the student group unless the facts and circumstances surrounding the conduct suggest that the student group sponsored, organized, or otherwise endorsed the conduct.

## **SECTION IX. RESPONSIBILITIES OF DUAL MEMBERSHIP**

Students are both members of the campus community and of the state. Students are responsible to the community of which they are a part, and they are responsible to the academic community of UTTC. By enforcing the SCC, UTTC neither substitutes for nor interferes with other civil or criminal legal processes. When a student is charged in both jurisdictions, the SCC Hearing Officers will decide on the basis of its interests, the interests of affected students, and the interests of the community whether to proceed with its disciplinary process or to defer actions. Determinations made or sanctions imposed under the SCC will not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of the criminal law defendant.

## **SECTION X. INTERPRETATION AND REVISION**

UTTC publishes the SCC to provide students with general notice of prohibited conduct. Since this SCC is not written with the specificity of a criminal statute it is open to interpretation and application by students, College administrators, faculty members, committees, and

organizations acting in an official capacity. Any question of interpretation regarding this SCC must be referred to the Vice President of Campus Services or designee for final determination.

The SCC is reviewed as needed under the direction of the Vice President of Campus Services, or designee, who consults with stakeholders as appropriate. The SCC in place at the time an alleged violation occurs shall be the procedures against which the conduct is resolved in any subsequent conduct hearing or resolution process.

#### *References*

*Bismarck State College Student Conduct Policy, September 2016.*

*Lewis & Clark College Student Code of Conduct, Amended: March 20, 2015.*

*University of Minnesota Board of Regents Student Conduct Code, Amended: June 10, 2016.*