

Student Code of Conduct

2013-2014



ST. CLOUD STATE
UNIVERSITY™

EDUCATION FOR LIFE.

Office of Student Life and Development
219 Atwood Memorial Center
320-308-3111

www.stcloudstate.edu/studenthandbook/code

Author

The Student Code of Conduct is published by the
Office of Student Life and Development
219 Atwood Memorial Center
(320) 308-3111
www.stcloudstate.edu/sld.

Statement of Non-Discrimination

No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech. The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

This policy supersedes all existing system, college, and university equal opportunity and nondiscrimination policies.

St. Cloud State University is committed to providing equal education and employment opportunities to all students and employees regardless of race, color, creed, sex, age, religion, marital status, sexual orientation, gender identification, gender identity, national origin, disability, or other mentioned immutable characteristics. To carry out this commitment, St. Cloud State University not only prohibits discrimination in policy and process, but takes affirmative steps to prevent sexual and discriminatory harassment in the workplace and classroom.

St. Cloud State University student or employees with concerns or uncertainty about possible harassment or discrimination are encouraged to contact Ellyn L. Bartges, University Designated Officer, Equity and Affirmative Action Officer and Title IX Coordinator, at 320-308-5123 or via email at affirmativeaction@stcloudstate.edu or at www.stcloudstate.edu/affirmativeaction/policies.

Alternative Formats

Office of Student Life and Development

219 Atwood Memorial Center

Phone: 320-308-3111

Fax: 320-308-5369

Website: www.stcloudstate.edu/sld

TTY: 1-800-627-3529.

St. Cloud State University is an affirmative action/equal opportunity educator and employer. The Student Code of Conduct is available in an alternative format by contacting the Office of Student Life and Development.

Related University Policy Websites

Student Code of Conduct www.stcloudstate.edu/studenthandbook/code

Title IX, Equity and Affirmative Action Resources

www.stcloudstate.edu/affirmativeaction

Alcohol and Other Drug Policy www.stcloudstate.edu/studenthandbook/policies

Sexual Violence Policy www.stcloudstate.edu/studenthandbook/policies

University Policies www.stcloudstate.edu/policies.

Disclaimer

This document supersedes all previous editions of the St. Cloud State University Student Code of Conduct. Every effort was made to ensure that the information was accurate at the time of publication. However, the Student Code of Conduct website at www.stcloudstate.edu/studenthandbook/code is the repository of the most current information.

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Introduction

St. Cloud State University aspires to foster an academic community that promotes the intellectual, personal, social and ethical development of its students. To achieve this, the University expects all members of the educational community to create safe environments conducive for the learning, growth and success of all.

The St. Cloud State University Student Code of Conduct documents our commitment to upholding these standards and expectations. It ensures both fair and educational processes for determining responsibility when student behavior may have deviated from these expectations and provides appropriate educational sanctions when a student, student organization and/or club has not met these standards as set forth in the Student Code of Conduct. Every effort will be made to balance individual, student organization or club needs and rights with the welfare of the whole community.

General Policy

St. Cloud State University has developed regulations and policies pertaining to students, student organizations and clubs. Students, student organizations and clubs, faculty, staff and administrators are expected to be familiar with St. Cloud State University policies and procedures.

Any student, student organization or club alleged to have violated an established University policy, no matter when discovered, is subject to the student conduct process, according to the provisions outlined in the St. Cloud State University Student Code of Conduct. The regulations and policies should be interpreted broadly and are not designed to define misconduct in exhaustive terms. Additionally, charges of violations of local ordinances, state or

federal laws may subject a student, student organization or club to the University student conduct process. The Student Code of Conduct does not replace or reduce the requirements of civil or criminal laws.

Personal conduct on University-owned, rented, or University-controlled property or at University activities is subject to University jurisdiction. The University also may enforce the Student Code of Conduct, regardless of where misconduct occurs, when conduct by a student, student organization, or student club directly, seriously, or adversely interferes with or disrupts the educational mission, programs or other functions of the University. The University reserves the right to take necessary action to protect the safety and welfare of the University community.

Examples of when St. Cloud State University may hold students, student organizations and clubs accountable for a violation of the Student Code of Conduct committed off campus include, but are not limited to:

1. Hazing;
2. Sexual and other violence;
3. Underage consumption, open container, hosting underage drinking, and sale or providing of alcohol to underage students;
4. Possessing, selling or distributing illicit drugs;
5. Harassment and/or stalking;
6. The violation is committed when participating in a University affiliated, sanctioned or sponsored activity;
7. The victim and/or perpetrator of the violation is a member of the University community;
8. The violation adversely affects the educational, research, or service functions of the University;
9. Violations of city ordinances, criminal acts, state or federal laws.

Student Rights and Responsibilities

Student Rights

Student freedoms and rights include, but are not limited to:

- Freedom of inquiry, speech and assembly.
- Freedom from threats.
- Freedom from acts of violence.
- Freedom from unfair or obscene treatment from others.
- Freedom from interference from others in an unreasonable and unauthorized manner while in class, activities and public events.
- Freedom from theft and willful destruction of personal property.
- Right to study and to learn in an atmosphere of academic freedom.
- Right to procedural due process in the University student conduct process.
- Right to be governed by justifiable academic regulations.
- Right to be informed of the regulations and standards for academic and social conduct, and graduation requirements of the University.
- Right to petition for redress of grievances, academic and nonacademic.
- Right to be informed in writing of alleged violations of the Student Code of Conduct.

Student Responsibilities

Each student has the responsibility:

- To respect others' rights, their property, and University property.
- To recognize that one's choices and actions reflect upon self and the University community.

- To recognize the University has a duty to provide safe environments that are conducive to learning and inquiry.
- To be fully acquainted with University policies and procedures, including the Student Code of Conduct.
- To adhere to the academic requirements determined by individual faculty, the colleges and schools, and St. Cloud State University.

Student Conduct Responsibility

Responsibility for University student conduct matters is vested in the President of St. Cloud State University who delegates to the Vice President for Student Life and Development the task of policy development and adjudication of student conduct matters. The Title IX student conduct process is the responsibility of the Title IX Coordinator. Students, faculty and staff are asked to assume positions of responsibility by serving on the University Student Conduct Board. Final authority in student conduct matters is, however, vested in the University Administration.

Prohibited Student Conduct

Any student who attempts or assists others to commit prohibited conduct as defined below may be held accountable as committing the prohibited act.

1. Academic dishonesty, including but not limited to: cheating, plagiarism, misrepresentation of student status, and resume, transcript or diploma falsification. Plagiarism includes, but is not limited to, the use by paraphrase or direct quotation, the published or unpublished work of another person without full and

- clear acknowledgment; unacknowledged use of materials prepared by another person or agency engaged in selling or otherwise providing term papers or other academic materials; and commercialization, sale or distribution of class notes without the instructors' permission.
2. Intentionally or recklessly interfering with, or causing disruption to, normal University or University sponsored activities including, but not limited to: teaching, research, University administration, fire, police or other emergency services, ceremonial events, scheduled interviews, co-curricular activities or other functions on University premises or officially arranged University activities off-campus. This includes a pattern of behavior in which the nature, duration, and/or severity demonstrate a disregard for the basic rights of others in the University community, community standards, or the educational mission of the University.
 3. Intentionally, recklessly or negligently causing or attempting to cause physical harm to any person. This includes engaging in any form of fighting.
 4. Intentionally, recklessly or negligently placing any person under mental duress or causing fear of physical danger. This may occur through verbal abuse, stalking, hazing, intimidation, threats, harassment, sexual harassment, repeated phone calls, electronic messages, text messages, emails, postings on social networking sites or other conduct which threatens or endangers that person's emotional, mental or physical well-being.
 5. Actual, attempted or threatened sexual assault and misconduct. Sexual assault includes but is not limited to: sexual contact that involves coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; involvement in any sexual act, when the victim is unable to give consent (due to being asleep, unconscious, or incapacitated due to alcohol or drug consumption); intentional touching or coercing, forcing, or attempting to coerce or force another to touch an unwilling person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast); and offensive sexual behavior directed at another without that individual's consent, such as indecent exposure or voyeurism. Consent must be informed, freely given, and mutually understood. This definition is applicable where violations of St. Cloud State University's Sexual Violence Policy are alleged.
 6. Use, threat of use, or possession of weapons on University premises, unless expressly authorized by Minnesota law, MnSCU Board policy or University policy. "Weapon" is broadly defined to include, but is not limited to, all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, Billy clubs, electronic control devices, fireworks, and inappropriate use of vehicles.
 7. Activating a fire alarm without cause; tampering with or damaging fire safety equipment or initiating a false report, warning or threat of fire, explosion or other emergency on University premises. This includes any intentional, reckless or negligent

- burning or attempt to burn property belonging to self or others.
8. Unauthorized use, possession, manufacture, or distribution of any controlled substance or illicit drugs and/or drug paraphernalia. This definition is applicable for alleged violations of the St. Cloud State University Alcohol and Other Drug Policy.
 9. Use, possession or distribution of alcohol on University premises or University-sanctioned or sponsored events except as expressly permitted by University policy. Violation of local and state alcohol laws off-campus, including but not limited to, underage consumption, hosting underage drinking, and sale or provision of alcohol to individuals. This includes any violation of the St. Cloud State University Alcohol and Other Drug Policy.
 10. Knowingly furnishing false information to University personnel; or the knowledgeable passing of an insufficient funds check or fraudulent money order in payment of any financial obligation to the University.
 11. Forgery, unauthorized alteration or unauthorized use of any University document (e.g., parking permits), access devices (e.g., keys, electronic cards) or instrument of identification.
 12. Theft, attempted theft, unauthorized borrowing or possession, taking or use of any University, public or private property or services.
 13. Unauthorized presence in or use of University premises, facilities, and property, including, but not limited to: unauthorized presence in another student's residence or any University owned or rented facility.
 14. Unauthorized or fraudulent use of University owned or rented facilities, telephone system, mail system, or computer system or use of any of the above for any illegal act or any act prohibited by the Student Code of Conduct.
 15. Actual or attempted damage to, malicious use of, or abuse of any University, public or private property.
 16. Failure to comply with the directions of University officials including, but not limited to University Public Safety, residence hall staff, faculty, staff, or administrators acting in the performance of their duties. This includes failure to present identification upon request.
 17. Gambling for money or other things of value on campus or at University sponsored activities except as permitted by law.
 18. Falsely claiming to represent the University, a student, a registered student organization or club, a faculty, administrator or staff member of the University.
 19. Actions which unreasonably interfere, obstruct, or prevent the regular and essential operations of the University or infringe upon the rights of others to freely participate in its programs and services. This may include, but is not limited to, intentionally and substantially interfering with the freedom of expression of others; participating in a campus demonstration which disrupts the normal operations of the University; occupying a University owned or rented building after regular hours; and intentionally obstructing or interfering with the freedom of pedestrian or vehicular movement on campus.

20. Violation of published University policies, rules or regulations including, but not limited to: technology/ computer use, parking, tobacco, solicitation, distribution of literature, sexual violence, Residential Life agreement and policies, Atwood Memorial Center policies, including amplification and loud speaker use.
21. Parties or gatherings which disturb the peace or create excessive noise in campus residences or off campus neighborhoods.
22. Alleged violation of local city ordinances, federal or state law.
23. Interfering with student conduct procedures or outcomes, including but not limited to: falsification, distortion or misrepresentation of information, knowingly initiating a complaint without cause, harassment, intimidation or retaliation of a Complainant, member of the University Student Conduct Board, witness, or University personnel before, during or after a student conduct process.
24. Failure to comply with any educational sanction or restriction imposed by the student conduct process.

Definitions

Adviser means an individual who has agreed to assist a student and/or student organization during a student conduct process. The Complainant and Respondent may select an Adviser of their own choosing and at their own expense. The Adviser may be present during student conduct proceedings but may not appear in lieu of, or speak for, the Respondent or Complainant.

Complainant means any person filing a complaint of alleged misconduct under

the Student Code of Conduct. In cases where the complaint is filed by a third party or information is provided to the University by a person who does not wish to participate in the process, the University may be the Complainant.

Confidential University staff and faculty will protect information about students and keep it in confidence as required by federal and state law disclosing it only as appropriate. The University cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed health care professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or health care professionals.

Day means a day when the University is open for business, regardless of whether classes are in session. When determining any deadlines set forth in the Student Code of Conduct, references to a number of “days” shall not include the day of the event, a weekend, established University holiday or official University break.

Decision-maker is a University appointed official tasked with making decisions of responsibility and imposing educational sanctions in student conduct matters.

Expulsion is defined as permanent denial of the privilege of enrollment at the University.

Group means a number of persons who are associated with each other but who may not have registered as a student organization.

Harassment means to engage in intentional conduct in which a person knows or has reason to know would cause a person under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated.

Hazing is defined as an act which endangers the mental or physical health or safety of a person; subjects a person to public humiliation and/or ridicule; and destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group, student organization, or athletic team.

Health means physical or mental well-being.

Inquiry-is the activity initially performed by university staff to determine whether a full investigation is required. This may be described as a preliminary investigation and may include review of documents, interviews or other activities. It is often a step in the MnSCU Board of Trustees Procedure 1B.1.1.

Investigation is a full investigative process to look into complaints, policy violations or allegations of misconduct that will result in Findings of Fact to be reviewed by a Decision maker.

Investigator means any person assigned by the University to investigate a complaint.

May is used to connote a permissive decision or action.

Member of the University community means any person who is a student, faculty, staff, administrator, or any other person serving the University in an

official capacity. The Vice President for Student Life and Development or designee shall determine a person's status in a particular situation.

Preponderance of evidence is defined as a standard of responsibility that it is more likely than not that the Student Code of Conduct has been violated.

Plagiarism includes, but is not limited to the use by paraphrase or direct quotation the published or unpublished work of another person without full and clear acknowledgment; unacknowledged use of materials prepared by another person or agency engaged in selling or otherwise providing term papers or other academic materials or sale or distribution of class notes without the instructors' permission.

Policy means the written regulations of the University and the Minnesota State Colleges and Universities (MnSCU) Board as found in, but not limited to the Student Code of Conduct, the University and MnSCU web pages, Student Handbook, Technology Handbook, Residential Life Handbook and the University Catalog.

Privacy/Private means information or data privacy with regard to the collection, correction and sharing of data about students and employees. The University is subject to the Family Education Rights and Privacy Act, 20 USC 1232g, and the Minnesota Government Data Practices Act, Minn. Stats, Chapter 13 which limit access to data about students and employees of the university.

Respondent means a student, student organization or club against whom a complaint has been filed under the Student Code of Conduct.

Retaliation is any form of intimidation, reprisal or harassment against an individual because he or she made a complaint, assisted or participated in an investigation or process. Retaliation also occurs when one associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin is intimidated, harassed or suffers reprisal.

Shall and will are used to connote a mandated or required action or result.

Stalking means a pattern of harassment in which a person knows, or has reason to know, would cause a person under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated; and causes this reaction on the part of that person.

Student means all persons who:

1. Are enrolled in one or more courses, either credit or noncredit, through the University; or
2. Withdraw, transfer or graduate, after an alleged violation of the Student Code of Conduct; or
3. Are not officially enrolled for a particular term but who have a continuing relationship with the University; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Live in a University residence hall or Coborn Plaza although not enrolled in the University.

Student Conduct Administrator means a person designated by the University to be responsible for administering the Student Code of Conduct in any incident.

Student employee means a student who is employed by, or receives payment for services from the University.

Student Organization or Club means any registered student organization or club.

Suspension means the denial of the privilege of enrollment for a specified period of time after which the student may be eligible to return to the University. Conditions for re-enrollment may be specified.

Title IX is federal legislation that states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity.

Title IX Coordinator is the University official responsible for Title IX compliance and oversees Deputy Coordinators and Investigators for the Title IX conduct process.

University premises means all land, buildings, facilities and other property in the possession of, owned, rented, used, maintained or controlled by the University.

University means St. Cloud State University.

Summary Suspension and Altered Privileges

Summary suspension is defined as a suspension imposed without a formal hearing to ensure the safety and well-being of members of the University community.

1. At any time following the submission of a written complaint, the Vice President for Student Life and Development or designee may alter or suspend the rights of a student, including, but not limited to: being present on University owned or rented premises; attending classes; participating in University sponsored activities; and/or maintaining a residence on campus or Coborn Plaza for an interim period prior to resolution of the student conduct process.
2. The Vice President for Student Life and Development or designee will base the decision on whether the allegation is apparently reliable and whether the continued presence of the student on University owned or rented premises reasonably poses a threat to the physical or emotional well-being of any individual, including the student, or for reasons relating to the safety and welfare of University owned or rented property or any University function.
3. The decision to alter or suspend the rights of a student for an interim period will be communicated in writing and will be effective immediately. Notification will be delivered in person or sent by certified mail to the current address provided to the Office of Records and Registration and through HuskyNet email. Failure or refusal to take receipt of notification will not negate or postpone the action.
4. A student who is summary suspended or has their privileges altered for an interim period will be provided an opportunity to respond to the allegations to the Vice President for Student Life and Development or designee no later than two days following receipt of notification.
5. The summary suspension or altered privileges will remain in effect until a final campus decision has been made on the complaint or until the Vice President for Student Life and Development or designee determines the reason for imposing the summary suspension or alteration of privileges no longer exists.
6. For a summary suspension, the student shall be provided an opportunity for a hearing within a reasonable time period, not to exceed nine days.

University Registered Student Organizations and Clubs

1. Student organizations or clubs may be charged with alleged violations of the Student Code of Conduct. Initial investigations and/or resolution may be addressed by the Department of Campus Involvement staff or other appropriate department staff using University student conduct procedures.
2. A student organization or club and its officers may be held collectively and/or individually responsible when violations of the Student Code of Conduct by those associated with the organization or club have received the tacit or overt consent or encouragement of the organization or club or of the organization's or club's leaders, officers, or spokes-

- persons. Usually, if more than three members are present at a function, it may be considered a student organization or club sponsored event.
3. The officers or leaders or any identifiable spokesperson for a student organization or club may be directed by the Student Conduct Administrator to take appropriate action(s) designed to prevent or end violations of the Student Code of Conduct by the organization or club or by any persons associated with the organization or club who can reasonably be said to be acting in the organization's or club's behalf.
 4. Failure to make reasonable efforts to comply with the directives of University representatives will be considered a violation of the Student Code of Conduct by the officers, leaders or spokesperson(s) for the organization or club and by the organization or club itself.

General Student Conduct Procedures

University student conduct procedures have been established to guide the fair and uniform interpretation and enforcement of the Student Code of Conduct for any student or student organization and club alleged to have violated the Student Code of Conduct. These conduct procedures are designed to allow for fact-finding, decision making in the context of an educational community, and to encourage students to accept responsibility for their actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and/or student organization and club and the legitimate interests of the University.

1. The focus of inquiry in the student conduct procedures will be whether it is more likely than not that the Respondent violated the Student Code of Conduct.
2. Formal rules of evidence will not be applicable.
3. A complaint may be filed against a student and/or student organization and club also charged with a violation of a local ordinance, state, or federal law. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the University. Determinations made or educational sanctions imposed shall not be subject to change because civil or criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of or against the student, student organization or club.
4. Deviations from prescribed procedures do not necessarily invalidate a decision or proceeding unless significant prejudice to a student and/or student organization or the University exists.
5. Students and/or student organizations and club may be assisted by an Adviser of their own choice and at their own expense. The Adviser may be present at student conduct proceedings but may not speak or participate in the proceedings except to advise the student and/or student organization and club. An Adviser may not appear in lieu of the student and/or student organization and club.
6. Students and/or student organization and clubs that violate the terms of University Probation may be referred to the University Student Conduct Board. The University may

utilize mediation or conciliation procedures in addition to, or in lieu of, formal conduct procedures.

7. If a student and/or student organization and club fail to respond to a notice of a student conduct proceeding, the University may review the available information and act upon the complaint in the student or student club and/or organization's absence. The student or student organization and club will be notified in writing of actions taken, any educational sanctions and the opportunity to appeal decisions, according to the criteria and procedures established in the student code of conduct. In some cases, the failure of a student to respond may result in an additional Student Code of Conduct violation and/or a hold being placed on the student's registration.
8. If a student has been notified of an alleged violation of the Student Code of Conduct and prior to resolution of the conduct process withdraws or does not enroll for the next semester, a hold may be placed on the student's registration and/or transcript until the alleged violation is addressed. The University may also adjudicate the alleged violations.
9. Complainants of violence-related Student Code of Conduct violations will be notified in writing of decisions and educational sanctions imposed on a Respondent upon completion of the student conduct process.
10. Students will be notified of conduct actions in writing to their HuskyNet email or by mail to the local address on file at the Records and Registration office. Students

are expected to notify Records and Registration of address changes.

Failure or refusal to take receipt of notification will not negate or postpone conduct actions.

Student Code of Conduct Procedures

There are two separate procedures to address alleged violations of the Student Code of Conduct. These procedures also comply with federal and state requirements for Title IX. The determination of which procedure will be used to resolve alleged violations of the Student Code of Conduct rests with the Vice President for Student Life and Development or designee and are based on the nature of the alleged offenses. Both the Title IX and Student Conduct procedures will follow these steps:

1. A complaint is filed or information is received.
2. The complaint is reviewed. Interim measures, including Summary Suspension or Alteration of Privileges may be imposed during the student conduct process.
3. Determinations about which procedure will be followed will be made and the complainant and respondent will be informed.
4. Interviews are conducted with individuals associated with the incident and relevant documentation is obtained.
5. A decision is made as to whether a violation of the Student Code of Conduct occurred and if so, educational sanctions are imposed.
6. An appeal of the decision may be filed.

Title IX Procedure

Due to the nature of bias motivated and sexual violence offenses, alleged violations will usually be administered through the Title IX procedure under

the direction of the Title IX Coordinator. Alleged violations typically adjudicated by this procedure include, but are not limited to sexual violence, rape, sexual assault, harassment, domestic violence and some forms of stalking. The procedure is as follows:

Filing a Complaint

1. Any person may file a complaint against a student and/or student organization and club for an alleged violation of the Student Code of Conduct. A complaint may be in writing and directed to the Title IX Coordinator.
2. Complaints should be submitted as soon as possible after the incident.
3. A third party or University employee may submit a complaint on behalf of, or in lieu of, a student.
4. The complaint must include information on the alleged act(s) of misconduct in sufficient detail to enable the Title IX Coordinator to make a determination if sufficient information exists to conduct an inquiry into the alleged Student Code of Conduct violations.

Initial Review of a Complaint

1. Upon receipt of a written complaint or report concerning a St. Cloud State University student, student organization or club, the Title IX Coordinator shall review the complaint and perform a preliminary inquiry. The Title IX Coordinator or designee reserves the right to refer any complaint to another University official, process or office for further action.
2. If it is determined that there are no Title IX related conduct violations the Title IX Coordinator shall refer other alleged conduct violations to appropriate university offices. To determine if there is sufficient basis

to believe that a violation of the Student Code of Conduct may have occurred, the Title IX Coordinator may conduct interviews or obtain additional information.

3. Interim measures may be taken by the University during the inquiry process. This may include, but not limited to: student, organization and club contact directives, residential accommodations and academic modifications.
4. If the inquiry results in sufficient information to support the complaint, the Title IX Coordinator shall send a written notice to the student and/or student organization and club. The written notice will include the basis of the complaint, the behavior the allegedly violates the Student Code of Conduct, and will inform the student and/or student organization and club of a pending investigation.

Investigation

1. The Respondent will be provided an opportunity to respond to the complaint, present relevant information, and may be provided with additional information regarding the complaint during the investigative process. The Complainant and witnesses may also be interviewed.
2. Students must meet with the Title IX Investigator if requested, but may choose not to provide information or otherwise participate in the investigation process. Decisions will be made based on available information, and a student's decision not to participate will not delay or deter the investigation from completion.
3. Students who participate in the investigative process will have four days to review the transcript of their interview once notified.

4. Complainants and Respondents will periodically be provided information on the progress of the investigation.

Decision

1. When an investigation has been completed, the Investigator will submit it to a Decision-maker assigned by the Title IX Coordinator.
2. Title IX decisions and information on the appeal process will be communicated in writing to the Respondent and Complainant.
3. The Respondent will be informed of any educational sanctions assigned for any finding of "responsible" that a violation of the Student Code of Conduct occurred.
4. The Complainant and Respondent will have four days to appeal a Title IX decision as outlined in the Appeals section of the Student Code of Conduct.

Student Conduct Procedures

Filing a Complaint

1. Any person may file a complaint against a student, student organization or club for an alleged violation of the Student Code of Conduct. A complaint shall be in writing and directed to a Student Conduct Administrator.
2. Complaints should be submitted as soon as possible after the incident.
3. The complaint must state facts, including specific name(s), date, location, and description of the alleged act(s) of misconduct in sufficient detail to enable the Student Conduct Administrator to make a determination how to proceed and if sufficient information exists for an informal meeting on the alleged Student Code of Conduct violation.

4. A Student Code of Conduct complaint may be filed against a student, student organization or club also charged with a violation of a local ordinance, state, or federal law. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the University. Determinations made or educational sanctions imposed shall not be subject to change because civil or criminal charges arising from the same facts were dismissed, reduced, or resolved in favor of or against the student, student organization or club.

Initial Review of a Complaint

1. Upon receipt of a written complaint or incident report against a St. Cloud State University student, student organization or club, a Student Conduct Administrator shall review the complaint, make a determination as to whether an investigation needs to be conducted, and/or if the situation can be disposed of by mutual consent of the persons involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. The Vice President for Student Life and Development or designee reserves the right to refer any complaint to another University official, process or office for further action.
2. To determine if there is sufficient basis to believe that a violation of the Student Code of Conduct may have occurred, the Student Conduct Administrator may conduct interviews or obtain additional information.

3. If there is sufficient information to support the complaint, the Student Conduct Administrator shall send a written notice to the student, student organization or club. The written notice will include the basis of the complaint, the behavior that allegedly violates the Student Code of Conduct, and notification of their responsibility to meet with a Student Conduct Administrator.
4. The notice will be sent through one or more official means of communication including HuskyNet or to the address recorded by the Office of Records and Registration. Students are expected to notify the Office of Records and Registration when they change addresses.
5. If a student, student organization or club fails to respond to the written notice the Student Conduct Administrator may review the available information and act upon the complaint in the student, student organization or club's absence and they will be notified in writing of actions taken, educational sanctions assigned and the opportunity to appeal decisions.

Informal Student Conduct Meeting

1. The student, student organization or club will be given an opportunity to read and respond to the written complaint, present relevant information, and be provided with the nature of any other information regarding the complaint prior to accepting or not accepting responsibility for the alleged violation.
2. The student, student organization or club can seek resolution through an informal student conduct meeting or request a formal student conduct hearing with a Student Conduct

Administrator or the University Student Conduct Board.

3. If the student, student organization or club decides on an informal student conduct meeting, they will then have an opportunity to accept or not accept responsibility for any alleged violation. If the student, student organization or club does not accept responsibility, the Student Conduct Administrator may make a decision after considering the available information.
4. The Student Conduct Administrator shall inform the student, student organization or club in writing of the decision, including any educational sanctions, if necessary. The student and/or student organization may appeal the assigned educational sanctions.

Formal Student Conduct Hearing

1. Students, student organizations or clubs alleged to have violated the Student Code of Conduct, who dispute the complaint, and who are not subject to suspension or expulsion are entitled to a formal student conduct hearing with another Student Conduct Administrator, if requested by the student, student organization or club or determined by the Student Conduct Administrator
2. Respondents will be given no less than four days' notice in writing of the date, time and location of the formal student conduct hearing. The notice will also include written documentation of the complaint, and the alleged Student Code of Conduct violations. A student, student organization or club's failure to appear shall not prevent the hearing from proceeding as scheduled.

3. The Respondent will have an opportunity at the formal student conduct hearing to respond to the complaint and to present relevant information and witnesses.
4. After the hearing, the Respondent will receive a written notice of the Student Conduct Administrator's determination of whether or not a violation of the Student Code of Conduct was established. The notice will include any assigned educational sanctions.
5. The student, student organization or club may appeal the decision and/or any educational sanction.
3. The University Student Conduct Board will be composed of five trained members: three students and two faculty or staff members. One member will be designated the chairperson and preside over the hearing.
4. A student has a right to an Adviser at the University Student Conduct Board hearing. If the Respondent is advised by an attorney, the University reserves the right to also have an attorney present.
5. In order to preserve the confidential nature of the student conduct process and to protect the privacy of all parties, University Student Conduct Board hearings will be closed.

University Student Conduct Board

General Information

1. Students, student organizations or clubs alleged to have violated the Student Code of Conduct for which a finding of "responsible" may result in suspension or expulsion from the University and the alleged violations are not adjudicated through the Title IX process are normally accorded a hearing with the University Student Conduct Board.
2. The Vice President for Student Life and Development or designee may apply any/all educational sanctions, including suspension or expulsion from the University when final examinations, official closure of the University or breaks would prevent a timely hearing. This may also occur when in the judgment of the Vice President for Student Life and Development or designee, appearing before the University Student Conduct Board poses a threat to the physical well-being or safety of individuals involved in the process or is not in the best interest of the student and/or University.

6. University Student Conduct Board hearings will be audio recorded. The University is not responsible for technical malfunctions. The Respondent may obtain a copy of the hearing transcript by making a request in writing to the Vice President for Student Life and Development or designee. The cost of the transcription will be shared equally between the Respondent and the University.

Procedures

1. The Student Conduct Administrator will send a written notice to the student, student organization or club no less than five days prior to the University Student Conduct Board hearing via HuskyNet email, to the campus address of an on-campus student and/or certified mail to the address listed with the Office of Records and Registration, and will include:
 - The date, time, and location of the University Student Conduct Board hearing;

- the alleged violations of the Student Code of Conduct in sufficient detail to enable the Respondent to prepare a response;
 - Notice of student, student organization or club's right to an Adviser; and
 - The names of the University Student Conduct Board members selected for the hearing.
2. At least three days prior to the hearing, the student, student organization or club will receive:
 - The names of the witnesses who may be called to speak at the hearing on behalf of the University and/or Complainant; and
 - Copies of all documents or written statements to be presented by the University at the hearing.
 3. At least three days prior to the hearing, the student, student organization or club will provide the Student Conduct Administrator:
 - Any written documentation they wish to be included in the hearing; and
 - Names and relevancy of testimony to the incident of witnesses who will be called by them. It is the responsibility of the Respondent to notify these witnesses of the time, date and location of the hearing.
 4. The Respondent may request the removal of a member of the University Student Conduct Board member on the grounds of personal bias by submitting a written request to the Student Conduct Administrator setting forth the basis for the request no later than three days prior to the University Student Conduct Board hearing. The Student Conduct Administrator will determine whether to sustain or deny the request. If the request is sustained, a replacement will be appointed.
 5. The student, student organization or club will be afforded an opportunity to meet with a Student Conduct Administrator to discuss the University Student Conduct Board hearing process prior to the hearing.
 6. A representative of the University will present the information informing the allegations and will have the burden of showing that it is more likely than not that a violation of the Student Code of Conduct has occurred.
 7. Witnesses will be asked to leave the University Student Conduct Board hearing following their testimony. Any witness may be recalled. The Complainant and Respondent may remain throughout the entire hearing. Character witnesses are permitted to testify in the sanctioning phase if a student, student organization or club is found responsible for a violation of the Student Code of Conduct.
 8. Usually, the order of presentation at the University Student Conduct Board hearing will be as follows:
 - The University Representative and the Respondent may present an opening statement.
 - The University Representative and the Respondent may provide written documentation and call relevant witnesses.
 - At the conclusion of each witness' statement, he/she may be questioned by the Respondent, Complainant and/ or University Representative and by members of the University Student Conduct Board.

- Following the witnesses, a closing statement may be presented by the University Representative and the Respondent.

Deliberations and Recommendations

1. Only members of the University Student Conduct Board and the Board's Adviser may be present during deliberations.
2. A simple majority of votes is necessary to reach a finding of responsibility that a Student Code of Conduct violation more likely than not occurred.
3. If a Respondent is found responsible for one or more violations, the hearing will proceed to the educational sanctioning phase. The University Representative and the Respondent may introduce additional information and/or witnesses.
4. At the conclusion of the educational sanctioning phase, the University Student Conduct Board will deliberate and render a recommendation in writing to the Decision-maker.
5. The Decision-maker will review the process and recommendation and notify the Respondent of the decision in writing.
6. The Respondent has three days to appeal the decision according to the appeal procedure found in the Student Code of Conduct.

Educational Sanctions

General Information

1. If a student, student organization or club is found responsible for a violation of the Student Code of Conduct, more than one educational sanction may be imposed.
2. Violations involving persons or organizations intentionally targeted

because of their race, creed, sex, sexual orientation, gender identity, gender expression, color, national origin, ancestry, religion, age, marital status, disability, public assistance status or inclusion in any group or class protected by state or federal law may result in enhanced educational sanctions.

3. Educational sanctions will be assigned based on the nature of the violation, student conduct history and previous educational sanctions.
4. Educational sanctions shall not begin until either the time for the campus appeal has expired or until the campus appeal process is exhausted. However, the Vice President for Student Life and Development, Title IX Coordinator or designee may impose educational sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

List of Educational Sanctions

Educational sanctions include, but are not limited to:

Warning: A notice in writing to the student that the student has violated University policy and that continuation or repetition of prohibited conduct may be cause for additional student conduct action.

University Probation: A written reprimand specifying the violation for which the student has been held responsible. Students who are on University Probation are not considered to be in good standing with the University. According to University policies, participation in some University activities and programs may be restricted while on University

Probation. University Probation is for a designated period of time and includes the probability of more severe student conduct educational sanctions if the student is found to be in violation of any University policy during the probationary period.

Restriction and loss of privileges: Denial or restriction of specified privileges for a designated period of time.

Restriction from contact: Restriction of contact with another individual or group.

Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Discretionary sanctions: May include, but are not limited to work and written assignments, development and implementation of a program, or participation in alcohol, drug, or other education program.

Residence Hall Probation: A written reprimand specifying the violation for which the student has been held responsible.

Residence Hall Re-assignment: Required move to a different residence hall floor or building.

Residence Hall Contract Termination: Required to vacate premises within a specified period of time. Students may not return to the residence hall building or any residence hall. Students who are removed remain responsible for the full academic year's residence hall contract fees.

Suspension: Denial of the privilege of enrollment at the University for a specified period of time after which the student may be eligible to return. Conditions for re-enrollment may be specified. Suspensions lasting more than ten days will be listed on the student's academic transcript.

Expulsion: Permanent denial of the privilege of enrollment at the University. Expulsions will be listed on the student's academic transcript.

Revocation of admission and/or degree: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

Withholding degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Code of Conduct, including the completion of all educational sanctions.

Student Organization or Club Educational Sanctions

1. Any of the educational sanctions listed above.
2. Loss of registration as a registered student organization or club. The Department of Campus Involvement or other appropriate office shall notify any national, regional or state governing body with whom the organization is associated or which sponsors social, academic, or sports events when such action is taken. Loss of registration includes loss of all student activity fees and University funding and all rights and privileges accorded to registered student organizations.

3. Loss or withdrawal of all student activity fee funding and/or any other selected rights and privileges accorded to registered student organizations or club for a specified period of time.

Student Conduct and Title IX Appeals

Grounds for Appeal

Appeals must be based on the issue of substantive or procedural errors which were committed during the student conduct process. The student must demonstrate that one or more of the following criteria has merit:

1. New or newly discovered information is of a character which may substantially affect the outcome.
2. There was a procedural error which substantially affected the outcome.
3. The sanction is excessively severe.
4. Title IX Complainants also have the right to appeal on the grounds that a sanction is too lenient.

Appeal Procedure

1. The appeal authority and a deadline to submit an appeal will be stated in the decision letter that student, student organizations or clubs receive from the Decision maker.
2. The student must submit the appeal letter in writing to the appeal authority and include one or more the Grounds for Appeal. The appeal letter shall be sent to the appeal authority designated in the official University letter.
3. If there is adequate reason to believe that one or more of the grounds for appeal has merit, an

appeal meeting may be scheduled by the appeal authority.

4. The appeal authority will review the request and notify the student in writing if the appeal is granted or the original decision was modified or upheld. For Formal and University Student Conduct Board hearings, the appeal authority may request a re-hearing.
5. Failure to file an appeal or request an extension by the deadline stated in the decision letter constitutes a waiver of any right to appeal.
6. Educational sanctions shall not begin until the campus appeal process is exhausted. However, the Vice President for Student Life and Development, Title IX Coordinator or designee may impose educational sanctions during the appeal process to ensure the safety and well-being of members of the University Community or preservation of University property.
7. Students receiving suspension for more than nine days or expulsion and who have exhausted all campus appeal procedures may request a contested case meeting before an Administrative Law Judge, Minnesota Statute Chapter 14. This request must be submitted in writing within five days of receipt of the official University letter regarding the appeal.

Record and Document Retention

Student conduct records are kept on file for seven years. After a period of five years, the student may make a request in writing to the Vice President for Student Life and Development that the notations

of conduct actions be removed from their transcript. Decisions will be made based on the circumstances surrounding the request and the Student Code of Conduct violations.

Suspensions lasting more than ten days or expulsion from the University will be listed on the student's official academic transcript.

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