

# Student Conduct Policy

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\*Information on this section taken from the current Student Handbook. The complete handbook is available online at [MinotStateU.edu/student\\_handbook.pdf](http://www.minotstateu.edu/student_handbook.pdf) ([http://www.minotstateu.edu/student\\_handbook.pdf](http://www.minotstateu.edu/student_handbook.pdf)).

## I. Scope of Regulations

General Note:

When a student fails to maintain a reasonable standard of conduct whether on or off campus, he or she becomes subject to disciplinary action. All penalties provided for misconduct on the campus may be applied for similar misconduct off the campus.

### a. Introduction:

As is the case with any other community, Minot State University has regulations reflecting the values to which the University is committed and which are designed to help ensure order in the University community. Students enrolled at Minot State University will be expected to conform to the ordinary rules of polite society; to be truthful; to respect the rights of others; to maintain integrity in scholastic work; and to have regard for the preservation of state property as well as the private property of others. A student is expected to be responsible for his/her actions whether acting individually or in a group. This judicial system has been established to deal with students who are accused of violating university policies and is comprised of students, faculty, and staff. The members of this system are committed to conducting fair hearings and following due process as well as being concerned with both the education of individual students and upholding the values to which Minot State University is committed. In all disciplinary proceedings it shall be recognized that Minot State University is an educational institution and not a court of law. The concept of fair treatment shall be the norm for all settings and the guiding disciplinary philosophy shall be educational in nature. Every attempt will be made to resolve disciplinary incidents in an informal setting with the following goals in mind:

- i. To assist the student/student organization in understanding why his/her/their behavior was inappropriate.
- ii. To assist the student/student organization in confronting the value questions involved in the behavior.
- iii. To encourage the student/student organization to understand the importance of considering in advance the consequences of his/her/their behavior so he/she/they might make better decisions in the future.

### b. When the University Rules and Regulations Govern:

Students who are enrolled in the University are subject to the rules and regulations of the institution. In addition, persons who are not enrolled but are occupying University housing are subject to the rules and regulations of the institution. Students are expected to conduct themselves in accordance with the laws of the federal government and the state of North Dakota, Board of Higher Education policies, Minot city ordinances, and University regulations. Students may be disciplined by the University for violating these standards of conduct even though the students may be punished by federal, state or city authorities for the same act. However, institutional disciplinary action shall not be used merely to duplicate penalties by civil authorities.

## II. Standards of Conduct

### a. Financial Transactions with the University:

The Business Office is responsible for matters relating to student financial transactions. Students who owe debts to the University may be denied enrollment or readmission and may have official transcripts withheld until the debt is paid.

### b. Other Offenses:

Notwithstanding actions taken by civil authorities, the Vice President for Student Affairs or his/her designate may initiate disciplinary proceedings as outlined in Section IV against a student who:

- i. Violates either singly or in concert with others the laws of the state of North Dakota or the United States, whether or not the violation occurs on University property or in connection with any University-oriented activity.
- ii. Possesses or uses firearms or fireworks on University property without written permission from the Physical Plant Director.
- iii. Conducts himself/herself in a manner that significantly interferes with the operation of the University.
- iv. Conducts himself/herself in a manner that significantly endangers the mental or physical health or safety of members of the University or visitors on the campus.
- v. Damages, defaces, or destroys University property.
- vi. Engages in hazing. Hazing by University groups is prohibited on or off campus. Hazing is defined by North Dakota Century Code 12.1-17-10. A person is guilty of an offense when, in the course of another person's initiation into or affiliation with any organization, the person willfully engages in conduct that creates a substantial risk of physical injury to that person or a third person. As used in this section, "conduct" means any treatment or forced physical activity that is likely to adversely affect the physical health or safety of that other person or a third person, or which subjects that other person or a third person to extreme mental stress, and may include extended deprivation of sleep or rest or extended isolation, whipping, beating, branding, forced calisthenics, overexposure to the weather, and forced consumption of any food, liquor, beverage, drug, or other substance. The offense is a class A misdemeanor if the actor's conduct causes physical injury, otherwise the offense is a class B misdemeanor.

- vii. Possesses or uses intoxicating beverages in a University classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall, or any other public campus area. Students are expected to abide by local ordinances and state laws regarding the consumption or possession of alcoholic beverages.
- viii. Misuses, alters, or forges a student identification card.
- ix. Falsifies, defaces, alters, or mutilates any University document —ID card, receipt, transcript, etc.—or withholds or falsifies information on an admissions or financial aid application.
- x. Possesses unauthorized keys to University buildings. The duplication of a key issued to a student is prohibited.
- xi. Illegally uses, possesses and/or sells a drug or narcotic. Students are expected to abide by local ordinances, State Board of Higher Education policy and state and federal laws regarding the consumption or possession of drugs.
- xii. Engages in disruptive activity such as disorderly conduct which is defined by North Dakota Century Code 12.1-31-01.
  - 1. 1. An individual is guilty of a class B misdemeanor if, with intent to harass, annoy or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed or alarmed by the individual's behavior, the individual:
    - a. Engages in fighting, or in violent, tumultuous, or threatening behavior;
    - b. Makes unreasonable noise;
    - c. In a public place, uses abusive or obscene language, or makes an obscene gesture.
    - d. Obstructs vehicular or pedestrian traffic, or the use of a public facility;
    - e. Persistently follows a person in or about a public place or places;
    - f. While loitering in a public place for the purpose of soliciting sexual contact, the individual solicits the contact;
    - g. Creates a hazardous physically offensive, or seriously alarming condition by any act that serves no legitimate purpose; or
    - h. Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.
    - i. Uses a fixed optical device that enhances or records a visual occurrence to view through any window of another person's property; or uses a surveillance camera to capture an image from the dwelling or accessory structure of another person; however, an individual using a surveillance camera has seven days from notice by a law enforcement officer to direct or shield the camera so as to not capture an image from another person's dwelling or accessory structure before there is an offense.
    - j. This section does not apply to constitutionally protected activity. If an individual claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
- xiii. Maliciously and/or negligently tampers with fire equipment on the MSU campus.
- xiv. Violates the campus tobacco policy.
- xv. Engages in any form of academic dishonesty including but not limited to the misrepresentation of another's work as one's own.

### III. Establishment of Judicial Bodies

- a. Student Welfare and University Affairs Committee:  
The committee consists of four faculty and/or staff members appointed by the President, and four student members appointed by the Student Senate.
- b. Students Rights Committee: The committee consists of six faculty or staff members appointed by the Faculty Senate and three student members, appointed by the Student Senate.
- c. Inter-residence Hall Council: This committee consists of one staff member and one student from each hall plus a chairman. Committee membership is rotated among the housing staff  
(Applies to residence hall violations only; see Residence Hall Handbook for Specific Process.)

### IV. Handling of Complaints or Violations of Disciplinary Rules and Regulations

- a. Any student, University faculty or staff member, or administrator may file a report of a University policy violation. The report should provide the name of the accused student, the specific details of the violation, and the signature of the person filing the report. The report form is available from residence hall staff, campus police, the Student Affairs Office, or online at [MinotStateU.edu/pdf/incident\\_report\\_form.pdf](http://MinotStateU.edu/pdf/incident_report_form.pdf).
- b. Allegations of violations of disciplinary rules or regulations shall be referred to the Vice President for Student Affairs or his/her designate.
- c. Upon receipt of allegations of violations of disciplinary rules or regulations, the Vice President for Student Affairs or his/her designate shall investigate the alleged violations, gather additional information and witnesses, if necessary and appropriate; and, determine whether or not there is sufficient information to charge a student with the alleged violation.
- d. After the initial investigation is complete, the Vice President for Student Affairs or his/her designate may:
  - i. Take no action.
  - ii. Take administrative action to counsel, advise or admonish the student.
  - iii. Initiate hearing procedures.

- e. Pending action on any charges, the status of a student may not be altered, or the right to be present on the campus to attend classes suspended, except when necessary for the student's physical or emotional safety and well being, or for reasons relating to safety and well being of other students, faculty or university property.
- f. When hearing procedures are initiated the Vice President for Student Affairs or his/her designate may:
  - i. Hear and make a decision concerning the case (Administrative Hearing).
  - ii. Refer the case to the Student Welfare and University Affairs Committee. The accused may indicate a preference for an Administrative or Committee hearing but final determination shall rest with the Vice President for Student Affairs or his/her designate.
- g. The Vice President for Student Affairs or his/her designate shall schedule hearings on allegations or violations of Disciplinary Rules or Regulations, and shall notify all parties of the matter of concern. The hearing shall not be scheduled less than seventy-two (72) hours after issuance of the notice of hearing.
- h. The notice of hearing shall include the following:
  - i. A statement of the time, place, and nature of the hearing;
  - ii. A reference to the particular sections of the rules or regulations involved;
  - iii. A short and plain statement of the matters asserted;
  - iv. A statement of the student's rights under these regulations.
- i. Hearing Procedures:
  - i. Hearings on allegations of violations of disciplinary rules or regulations shall be conducted informally.
  - ii. Opportunity shall be afforded all parties to respond to the allegations and to present evidence and argument on all issues involved.
  - iii. The burden of proof will rest upon the party attempting to prove the violation of a University regulation.
  - iv. Unless precluded by law, informal disposition may be made of any individual proceedings by mutual agreement of all concerned parties.
  - v. A party may bring to a hearing an advisor of his/her choice. This advisor may address the hearing body only at the pleasure of the chairman.
  - vi. Upon conclusion of the hearing, the person conducting the hearing shall issue written findings of act and, if a violation is found, shall impose sanctions in accordance with paragraph (IV) (K) of these regulations.
- j. The Appeals Procedure:
  - i. The Student Welfare and University Affairs Committee shall hear all appeals from decisions rendered by the Vice President for Student Affairs or his/her designate with regard to violations of disciplinary rules and regulations, when such decision imposes a sanction of probation, suspension, expulsion, or the imposition of specified restrictions on a student's activities. The Student Rights Committee shall hear all appeals from the Student Welfare and University Affairs Committee with regard to violations of disciplinary rules and regulations, when such decision imposes a sanction of probation, suspensions, expulsion, or the imposition of specified restrictions on a student's activities. Students shall have the right to one appeal before the appropriate committee.
  - ii. Any student adversely affected by a decision of the Vice President for Student Affairs or his/her designate or a committee relating to a violation of disciplinary regulations may appeal such decision to the appropriate body. The appeal shall be instituted by filing a written notice of appeal with the appropriate committee within 96 hours after the decision was rendered. For the purposes of this subparagraph, a notice of appeal shall be deemed to have been filed if delivered to the Student Affairs Office within 96 hours after the decision was rendered. The period of 96 hours will not include Saturdays, Sundays, holidays, or any day when the Office of Student Affairs is not open for at least four hours.
  - iii. Upon receipt of notice of appeal, the Chairman of the committee, or in his or her absence the Vice Chairman, shall schedule a hearing on such appeal as soon as practical, after consultation with the student and the university officials concerned with the hearing.
  - iv. Stay of Sanctions Pending Appeal: The filing of a notice of appeal shall stay the imposition of any sanction imposed as result of a hearing except that such stay shall not apply to removal of a student from the campus and from campus housing to ensure the safety of other members of the University community or to prevent damage to University property.
- k. Disciplinary Sanctions:
  - i. A FINE is the imposition of monetary penalty. Besides its use as a disciplinary sanction, it may also be used to compensate the University for a monetary loss resulting from a student's misconduct.
  - ii. PARENTAL NOTIFICATION will occur after second offense involving alcohol and a student who is under age 21. (See Parental Notification Policy.)
  - iii. A WARNING is a discussion of misconduct which becomes a matter of at least temporary record (in the Student Affairs Office only).
  - iv. PROBATION indicates that continued enrollment is conditional upon good behavior during a specific period. It is a matter of office record and may include specific restriction of activity.
  - v. EVICTION is the formal removal of a student from University housing.
  - vi. SUSPENSION is a temporary withdrawal of the privilege of enrolling in the University for a specific period. Suspension may be deferred to allow completion of an academic term, after which it is automatically invoked unless a provision for review was made at the time of the original decision. During a period of deferment, the suspension will be enacted immediately by administrative staff decision if additional misconduct occurs.
  - vii. EXPULSION is the withdrawal of enrollment privileges with no promise of reinstatement at any time and no opportunity for review for at least one year. Suspension and expulsion are the only actions reflected in the official transcript. In each case, the words "may not register" appear without explanation. Reinstatement after suspension follows an interview with a staff member in the Student Affairs Office, who will inform the Registrar

that the student may enroll again. Reinstatement after expulsion depends upon a recommendation to the President from both the Student Affairs Office and the academic college.

viii. WITHHOLDING TRANSCRIPTS AND GRADES is a refusal by the University to provide transcripts and grades to the student, to other institutions, to employers and to other agencies.

I. Student Rights:

A student against whom an allegation charging violation of the university disciplinary rules and regulations has been lodged shall have the following rights:

- i. To be given written notice of the charges in sufficient time to ensure an adequate opportunity to prepare for the hearing.
- ii. To present information on their own behalf, including written and oral statements and physical exhibits when appropriate.
- iii. To hear all information presented and to question all who present it.
- iv. To be advised by an advisor or attorney for consultation during questioning.
- v. To receive a timely written decision.
- vi. To appeal decisions involving the imposition of specified restrictions, probation, suspension, or expulsion.

**V. EMERGENCY SUSPENSION AND CONDITIONS**

The University is committed to providing an optimal educational environment for all of its students. Any person who has information that indicates the continued presence of a student on the University campus poses a substantial threat should provide the information to the vice president of student affairs. The VPSA or designee will convene the Behavioral Intervention Team (BIT) to review information that indicates:

- a. A student's behavior poses a significant threat of danger and/or injury to self or others,
- b. A student's behavior poses a threat of disruption to the educational process for others, and/or
- c. A student's behavior poses a threat of destruction of property.

Upon review, the BIT will provide a recommendation to the VPSA or designee. The BIT has the authority to recommend an emergency suspension and/or other conditions. The VPSA or designee has the authority to impose an emergency suspension and/or other conditions.

An emergency suspension is the immediate suspension, pending action on charges, of a student's right to be present on campus and/or to attend classes (including on-campus, on-site, practicum, or on-line environments). Unless otherwise noted, the student will be able to communicate with members of the University community at a distance during the emergency suspension period.

Other conditions that may be imposed include but are not limited to:

- a. Restricting a student from physically being on campus or specific campus locations. If permitted, a student may request from their faculty member(s) consideration in adjustments of course timelines or methods of teaching or testing. Faculty member(s) are under no obligation to agree to such requested accommodations,
- b. Requiring further evaluation of the student through appropriate experts. In such a case, the VPSA or designee may postpone a final decision until after further evaluation results are received.

Emergency suspension and/or other conditions are effective immediately following the notification of the student. The VPSA or designee may initially notify the student verbally of an emergency suspension and/or other conditions. The VPSA or designee will notify the student in writing within three business days.

Emergency suspension and/or other conditions remain in effect until the conclusion of the student conduct process or until lifted by the VPSA or designee.

A student may request, in writing to the VPSA, a review of an emergency suspension and/or other conditions that have been imposed. After receiving such a request, the VPSA or designee will meet with the student within five business days. At this time, the student may present and/or provide additional information for consideration by the VPSA or designee. The student may have a personal advocate during the emergency suspension review process. A process advisor will be assigned to the student upon the student requesting a review of the emergency suspension and/or conditions or upon the initiating of a student conduct process, whichever initiates first.

Upon review of the information, the VPSA or designee will determine if the emergency suspension and/or other conditions should remain in effect until the matter is resolved. The student will be notified in writing of the review decision within three business days. The VPSA or designee may notify the student of the decision verbally prior to the student receiving the written notification. July 2019

## Tobacco Free Campus Policy

Effective Jan. 1, 2009.

**Tobacco-Free Campus** Source: SBHE Policy Manual, Section 917

North Dakota Century Code 50-11.1-02.2 and 23-12-10

Minot State University is a tobacco-free campus. This policy is established to protect the health and promote the wellness and safety of all students, employees, and visitors. The use of tobacco or any plant product is prohibited within university buildings, parking structures, walkways, arenas, in university or state fleet vehicles, and on university-owned property.

1. Definitions:

For the purpose of this policy, "tobacco use" is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette, which creates a vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Policy.

2. All administrators, directors, department chairs, and supervisors will communicate the policy to everyone within their areas of responsibility.

3. The Human Resources Office will determine policy applicability and will answer policy related questions.

4. It is the responsibility of the Minot State University Wellness Center, Student Services, and the Human Resources Office to provide information regarding tobacco prevention and cessation.

5. The policy will be communicated to all members of the campus community. Education regarding the University's tobacco-free policy and smoking cessation will be included in formal orientation for all incoming students and employees and via information distributed through announcements, postings and special events throughout the year.

6. Sufficient signage will be posted to inform members of the campus community and its visitors, including contractors and vendors, of the policy.

7. Compliance with this policy is the shared responsibility and the right of all Minot State staff, students, and faculty members. The success of this policy will depend upon the courtesy, respect, and cooperation of users and non-users of tobacco products.

8. Ceremonial Use Exception - The tobacco-free policy may not apply to specific activities used in connection with the practice of cultural activities by American Indians that are in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a. All ceremonial use exceptions must be approved in advance by the President of Minot State University or designee.

## Additional Policy Statements

### Nondiscrimination Policy

The University adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

Minot State University does not engage in discrimination or harassment against any person because of race, color, religion or creed, sex, gender, gender identity, pregnancy, national or ethnic origin, disability, age, ancestry, marital status, sexual orientation, veteran status, political beliefs or affiliations, or information protected by the Genetic Information Nondiscrimination Act ("GINA"); and complies with all federal and state non-discrimination, equal opportunity and affirmative action laws, orders and regulations, including remaining compliant and consistent with the Civil Rights Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972. This policy on non-discrimination applies to admissions, enrollment, scholarships, loan programs, participation in University activities, employment, and access to participation in, and treatment in all University programs and activities. The University prohibits retaliation against any individual or group who exercises its rights or responsibilities protected under the provisions of state law, federal law and/or University policy. Employees or students who violate this policy may face disciplinary action up to and including separation from the University. Third parties who commit discrimination or harassment may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

Questions, comments, or complaints regarding sexual harassment may be directed to the Title IX Office. All other forms of discrimination (e.g. racial) or harassment may be directed to the Vice President for Student Affairs or the Director of Human Resources, as appropriate. Complaints may also be filed with the U.S. Department of Education, Office for Civil Rights.

When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied by the University according to the appropriate grievance process.

Questions, comments, or complaints regarding sexual discrimination or sexual harassment should be directed to the Title IX Office (<https://www.minotstateu.edu/title9/index.shtml>). Complaints may also be filed with the U.S. Department of Education, Office for Civil Rights (<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm?contactstate=IL>).

The following people have been designated to handle inquiries regarding non-discrimination policies:

Sara Abrahamson  
 Director, Human Resources / EEO/ AA  
 500 University Ave W  
 Minot, ND 58707  
 701-858-4610

sara.abrahamson@MinotStateU.edu

Lisa Dooley, Ed.D.,  
Title IX Coordinator  
Memorial Hall, 4th Floor, Room 412  
500 University Ave W.  
Minot, ND 58707  
701-858-3447  
lisa.dooley@MinotStateU.edu

Kevin Harmon  
Vice President of Student Affairs  
Administration Bldg., 3rd Floor  
500 University Ave W  
Minot, ND 58707  
kevin.harmon@MinotStateU.edu

The Office for Civil Rights/Chicago  
U.S. Department of Education, Citigroup Center  
500 W Madison Street, Suite 1475, Chicago, IL 60661  
Telephone: (312) 730-1560, FAX: (312) 730-1576,  
TDD: (800) 877-8339, email: OCR.Chicago@ed.gov, website: ed.gov/ocr (<https://ed.gov/ocr/>).

EEO and Non-Discrimination Policy ([https://www.minotstateu.edu/hr/\\_documents/policies/equal-opportunity-and-nondiscrimination.pdf](https://www.minotstateu.edu/hr/_documents/policies/equal-opportunity-and-nondiscrimination.pdf))  
Report an Incident (<https://www.minotstateu.edu/sa/report-a-concern.shtml/>)  
EEO is the Law ([https://www.minotstateu.edu/hr/\\_documents/policies/equal-opportunity-is-the-law.pdf](https://www.minotstateu.edu/hr/_documents/policies/equal-opportunity-is-the-law.pdf))