

DAWSON COMMUNITY COLLEGE STUDENT CONDUCT CODE

DAWSON COMMUNITY COLLEGE

300 College Dr. Glendive, MT 59330

406-377-9400

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Article I. Introduction

Being a student at Dawson Community College (DCC) presupposes a commitment to responsible citizenship and to the ideals of integrity and fairness. DCC Board of Trustees (Board) recognizes the need for a code of student conduct which identifies appropriate conduct and sanctions for misconduct and which protects both the rights of students accused of misconduct, as well as the rights of victims of such misconduct.

Pursuant to the above principles, the Board of Trustees confirms its commitment to the establishment of a fair code of student conduct and fair and expeditious procedures for the implementation of disciplinary sanctions pursuant to that Conduct Code. In furtherance of this commitment, the Board directs and authorizes the DCC Administration to develop and maintain a Student Code of Conduct for the students of DCC with fair procedures for the implementation of sanctions under that code. The code should address the rights of the parties involved, the imposition of discipline and appeal procedures, and the confidentiality of disciplinary proceedings and sanctions. Such procedures may include sanctions against individual students and student groups and may include the disciplinary sanctions of suspension and expulsion. The VP of Academic and Student Affairs (or her/his designee) shall be responsible for the procedural administration of the code.

Section 1.01 Definition of Student

For purposes of this Code, a student means any person who is enrolled and pursuing undergraduate studies, whether full-time or part-time, or engaged in college activities.

In addition to compliance with this Code, students remain responsible for compliance with the civil and criminal laws of Montana and the United States.

Article II. Jurisdiction of Dawson Community College

Generally, DCC chooses to limit its own jurisdiction to College premises or at College sponsored activities. College jurisdiction may also be asserted when off-campus conduct threatens the health and safety of any member of the campus or surrounding community. In many cases, educational sanctioning supplements (not supplants) criminal sanctioning. DCC reserves the right to investigate any student's behavior and if the student is found responsible for behavior that is deemed unacceptable to DCC's community standards, apply educational sanctioning. Educational sanctioning is not related to, nor is it dependent on pending or resolved criminal litigation.

Application of this Code to off-campus offenses is subject to procedures adopted by the DCC Administration in accordance with this policy.

Section 2.01 Searches

College authorities reserve the right to search students' belongings in accordance with state and federal laws and in accordance with College policies and procedures. DCC may pursue enforcement of its rules whether or not criminal proceedings are in process and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether DCC community standards have been compromised.

Article III. Student Rights

DCC recognizes that its students retain the rights provided by the United States and Montana Constitutions, federal and state statutes, and applicable College policies. The provisions of this Student Conduct Code are intended to be consistent with these rights. The following rights are specifically recognized and implemented in this Student Conduct Code:

Section 3.01 Right to Confidentiality

- (a) All disciplinary proceedings are closed to the public.
- (b) The College, and individuals involved in a disciplinary proceeding, will not disclose information to anyone not connected with the proceeding except as required by law. Failure to abide by this provision can result in disciplinary action. The fact that there is a disciplinary proceeding concerning the incident may be disclosed; however, the identity of individual students will not be disclosed.
- (c) The College, including individuals involved in a disciplinary proceeding, will disclose the results of the proceedings, including sanctions imposed, only to those who need to know the results for purposes of record-keeping, enforcement of the sanctions, further proceedings, or to comply with Federal and/or State law.

Section 3.02 Right to Due Process

The student accused of violating the Student Conduct Code (the “Respondent”) and a student who brings a report against another student under the Student Conduct Code (the “Reporter”) will be treated with equal care, concern, honor, fairness and dignity.

- (a) A student accused of violating the Student Conduct Code (the “Respondent”) has certain rights including the right to:
 - 1) Be advised that a report is being investigated and the nature of the report.
 - 2) Respond to the report including the right to submit a written account relating to the report.
 - 3) Have a person of choice, including legal counsel, present throughout any and all proceedings provided for in this Code (Any expense for the person the Respondent chooses as their person of choice is the Respondent’s responsibility and not the responsibility of the College or Reporter).
 - 4) To review any evidence reasonably likely to be used in the proceedings.
 - 5) Be advised of the charges under the Student Conduct Code that are being filed.
 - 6) Respond to the charges filed including the right to submit a written account relating to the charges.
 - 7) Know the identity of individuals who will be present at an administrative or a Discipline Hearing Committee (DHC) hearing.
 - 8) A reasonable period of time to prepare for a hearing and the right to request a delay of the hearing for good reason.
 - 9) Hear and question witnesses and the Reporter during the proceeding (the appropriate time and place for this is determined by the College). This right will be unavailable in exceptional circumstances.
 - 10) Present relevant evidence and witnesses.

- 11) Timely resolution of charges as provided in this Code.
- (b) A student who files a report against another student under the Student Conduct Code (the "Reporter") also is entitled to certain rights which include the right to:
 - 1) Meet with the designated administrative officer to discuss the various aspects of the disciplinary process.
 - 2) Submit a written account of the incident and a statement discussing the effect of the alleged misconduct on himself or herself.
 - 3) Have a person of choice, including legal counsel, present throughout any and all the proceedings provided for in this Code (Any expense for the person the Reporter chooses as their person of choice is the Reporter's responsibility and not the responsibility of the College or Respondent).
 - 4) Be informed of the date, time, and location of any meetings related to the disciplinary proceedings
 - 5) Be informed immediately of the outcome of each step of the disciplinary proceeding
 - 6) Have past conduct that is irrelevant to the case not discussed during the proceedings. In the case of rape and sexual assault, this is specifically provided for in Montana Law.

Article IV. ACADEMIC CONDUCT

Section 4.01 Standards of Academic Conduct

Students at Dawson Community College are expected to practice academic honesty at all times. Academic misconduct is subject to Academic Penalty (or penalties) by the course instructor and/or Student Conduct Sanction(s) by the College through the Vice President of Academic and Student Affairs. Academic misconduct is defined as all forms of academic dishonesty, including but not limited to:

- (a) **Plagiarism:** Representing another person's words, ideas, data, or materials as one's own.
- (b) **Misconduct during an examination or academic exercise:** Copying from another student's paper, consulting unauthorized material (this includes but is not limited to electronic devices or notes), giving information to another student, collaborating with one or more students without authorization, or otherwise failing to abide by the College or instructor's rules governing the examination or academic exercise without the instructor's permission.
- (c) **Unauthorized possession of examination or other course materials:** Acquiring or possessing an examination or other course materials without authorization by the instructor.
- (d) **Tampering with course materials:** Destroying, hiding, or otherwise tampering with source materials, library materials, laboratory materials, computer equipment or programs, or other course materials.

- (e) **Submitting false information:** Knowingly submitting false, altered, or invented information, data, quotations, citations, or documentation in connection with an academic exercise.
- (f) **Submitting work previously presented in another course:** Knowingly making such submission in violation of stated course requirements.
- (g) **Improperly influencing conduct:** Acting calculatedly to influence an instructor to assign a grade other than the grade actually earned.
- (h) **Substituting, or arranging substitution, for another student during an examination or other academic exercise:** Knowingly allowing others to offer one's work as their own.
- (i) **Facilitating academic dishonesty:** Knowingly helping or attempting to help another person commit an act of academic dishonesty, including assistance in an arrangement whereby any work, classroom performance, examination activity, or other academic exercise is submitted or performed by a person other than the student under whose name the work is submitted or performed.
- (j) **Altering transcripts, grades, examinations, or other academically related documents:** Falsifying, tampering with, or misrepresenting a transcript, other academic records, or any material relevant to academic performance, enrollment, or admission, or causing falsification or misrepresentation of any of the above.

Section 4.02 Penalties for Academic Misconduct

Depending on the severity of the academic misconduct, a student may incur one or more of the following penalties:

- (a) **Academic Penalty(ies) by the Course Instructor:** The student may receive a failing or reduced grade in an academic exercise, examination, or course, and/or be assigned additional work which may include re-examination.
- (b) **Student Conduct Sanction(s):** The College may also impose a sanction that exceeds the academic penalty. Sanctions (iii) through (vi) require administrative review and approval by the Vice President of Academics and Student Affairs:
 - (i) **Disciplinary Warning:** The student is warned that further misconduct may result in more severe disciplinary sanctions.
 - (ii) **Disciplinary Probation:** The student is warned that further misconduct may result in suspension or expulsion. Conditions may be placed on continued enrollment for a specified period of time.
 - (iii) **Suspension:** The student is separated from the College for a specified period of time and may also be excluded from participation in any College-sponsored activity.
 - (iv) **Expulsion:** The student is permanently separated from the College and may also be excluded from any College-owned and/or -controlled property or events.
 - (v) **Denial of a Degree:** A degree is not awarded.
 - (vi) **Revocation of a Degree:** A previously awarded degree is rescinded.

Section 4.03 Disciplinary Procedures for Academic Misconduct

The focus of inquiry in disciplinary proceedings related to academic misconduct is to determine if a violation of the Standards of Academic Conduct has occurred and, if so, to determine an appropriate academic penalty and/or College sanction. Proceedings are administrative proceedings and do not follow formal rules of evidence applicable in legal and criminal proceedings. However, the accused student must receive due process and the College has the burden of proof to establish a violation of academic misconduct by **preponderance of the evidence**.

It is assumed, unless shown otherwise, that the faculty and Academic Dean (or designees) make impartial judgments concerning academic misconduct and fairly impose an appropriate academic penalty and/or Student Conduct sanction. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the College.

The adjudication of any alleged academic misconduct must be initiated within two years of discovery of the incident.

Section 4.04 Procedures for Academic Misconduct

(a) Investigation by the Course Instructor ¹

(i) **Misconduct alleged during the course:** When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within ten (10) working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting (see Section 3.02 "Right to Due Process"). The role of legal counsel, if any, at this stage should be restricted to consultation with the student and the expense for the legal counsel if the responsibility of the student. At this meeting the course instructor will:

- 1) Inform the student of the alleged academic misconduct and present the evidence supporting the allegation.
- 2) Inform the student of the Student Conduct Code procedures.
- 3) Allow the student an opportunity to respond to the charge(s) and evidence. (The student is not required to respond.)
- 4) Discuss the academic penalty and possible Student Conduct sanctions, and allow the student to respond.

(ii) **Misconduct alleged at or after the conclusion of course:** When an incident of alleged academic misconduct is discovered or brought to the attention of the course instructor at or after the

¹ *When an allegation of academic misconduct is made against a student not enrolled in the course, the instructor refers the allegation to the Academic Dean (or designee) for investigation and appropriate action.*

conclusion of the course, the course instructor notifies the student in writing and takes steps (1) through (4) above and will follow up in writing.

(iii) Consultation with the Academic Dean (or designee) The course instructor should consult with the Academic Dean (or designee) in order to determine whether any record of prior academic misconduct is on file the Student Affairs Office warrants a recommendation that the College impose a sanction on the student. The course instructor may make such a recommendation to the Academic Dean (or designee) based on the severity of the alleged offense and/or prior record of misconduct.

(iv) Resolution of the charge by the course instructor

- 1) If the instructor concludes that the student engaged in academic misconduct, the instructor informs the student of the academic penalty to be imposed. The academic penalty does not take effect until the final resolution of the charge(s) or until the deadline for an appeal has passed.
- 2) If a College sanction is recommended, the course instructor notifies the student that the case will be transferred to the Academic Dean (or designee).
- 3) The course instructor informs the student of the appeal procedure as outlined in the Student Conduct Code.
- 4) If a College sanction is recommended, or if the student appeals, the course instructor will prepare a written summary for the Academic Dean (or designee) that will include a concise statement of the act of academic misconduct and the evidence. A copy of this summary will be provided to the student, the Academic Dean, and the Vice President of Academic and Student Affairs. A copy of this summary is also added to the student's disciplinary file maintained by the Student Affairs Office. The student also may provide a written statement to be placed in the file. In cases where the student accepts the academic penalty, the written summary prepared by the instructor will be included in the student's file.

(v) Resolution of the charge by the instructor when the student does not appear for the investigative meeting: If the student does not appear for the investigative meeting with the course instructor, the course instructor informs the student in writing of the following:

- 1) The academic penalty recommended. The academic penalty is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "I" grade is assigned.
- 2) The transfer of the case to the Academic Dean (or designee) if a College sanction is recommended.
- 3) Student Conduct Code procedures and opportunity for appeal (a copy of this Code will suffice).
- 4) The fact that a written summary of the case has been sent to the student, the Academic Dean, and the Vice President of Academic and Student Affairs, with a copy placed in the student's

disciplinary file maintained by the Student Affairs Office. The student also may provide a written statement to be placed in the file.

(b) Sanction(s) Imposed by the University for Academic Misconduct

(i) Investigation by the Academic Dean (or designee): After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor, the Academic Dean (or designee) reviews the student's disciplinary record maintained by the Student Affairs Office, reviews the evidence, and interviews individually or together the instructor, the accused student and possible witnesses. Before the interview, the accused student is informed that they may bring a person of choice and that they also has the right to have legal counsel present during the interview (student is responsible for any fees required by legal counsel). The student must notify the Academic Dean (or designee) at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.

(ii) Resolution of the charge(s) by the Academic Dean (or designee):

- 1) If the Chair of the Teaching and Learning Committee decides not to impose a College sanction, the Dean notifies and provides written justification of the decision to the student, and course instructor. The decision of the Academic Dean to not impose a College sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor.
- 2) If the Academic Dean decides to impose a College sanction, the Dean informs the course instructor and Department Chair, and the student is notified in writing. When a College sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Academic Dean will present the recommendation to the Vice President of Academics and Student Affairs for review and approval prior to notifying the student.
- 3) The notice to the student includes:
 - a) A statement of the specific academic misconduct committed
 - b) A concise summary of the facts upon which the charge is based
 - c) A statement of the College sanction(s)
 - d) A statement of the appeal procedure
- 4) If, within ten (10) working days the student does not appeal the decision to impose the College sanction, the allegation in the notice of College sanction will be accepted. The Vice President of Academics and Student Affairs will instruct the appropriate College officials to implement the sanction.
- 5) A written summary of the case will be placed in the student's disciplinary file maintained by the Student Conduct Officer in the Student Affairs Office.

- 6) No College sanction or academic penalty is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed.

(c) Student Appeal of Academic Penalties and/or College Sanctions

If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the College sanction, the student may appeal. A request for an appeal with supporting evidence must be presented in writing to the Vice President of Academics and Student Affairs within ten (10) working days after the student is informed by the instructor of the imposed academic penalty or within ten (10) working days after receiving the notice of a College sanction, whichever occurs later.

(i) Academic Conduct Hearings:

- 1) When a student appeals, the Vice President of Academics and Student Affairs schedules a hearing date. The Vice President of Academics and Student Affairs gives notice of the time, date, and place of the hearing to the student, course instructor, and Academic Dean. In the absence of extenuating circumstances, the hearing is held within fifteen (15) working days of the appeal.
- 2) A student appealing may be accompanied by a representative. If the representative is an attorney (student is responsible for all of their attorney's fees), the student must notify the Vice President of Academics and Student Affairs in writing at least three (3) working days before the scheduled hearing. Failure to give notice of representation may delay the hearing. If the student is to be represented at the hearing by an attorney, then the College may also be represented by legal counsel.
- 3) Hearings are closed to the public. However, at the discretion of the Vice President of Academics and Student Affairs, an open hearing may be held if requested by the student and if the individual privacy rights of others are protected.
- 4) The Vice President of Academics and Student Affairs is responsible for conducting the hearing in an orderly manner. The student presents witnesses and/or evidence in support of the appeal. The course instructor, and Academic Dean also present witnesses and evidence. Each party may question the other party's witnesses. The burden of proof is on the College to establish a violation by preponderance of the evidence.
- 5) Formal rules of evidence (such as in a legal proceeding) do not apply. The Vice President of Academics and Student Affairs decides the admissibility of all evidence presented and rules on all procedural issues.
- 6) Minutes of the hearing are taken at College expense.
- 7) The Vice President of Academics and Student Affairs may prescribe additional procedural rules for the hearing that are consistent with this Code.
- 8) The Vice President of Academics and Student Affairs reaches a decision. The decision upholds, alters, or overturns the academic penalty and/or College sanction. The decision of the Vice President of Academics and Student Affairs is submitted to the President of the College for review and final approval.

- 9) Within ten (10) working days, a copy of the Academic Appeal decision is provided by the Vice President of Academics and Student Affairs to the student, the course instructor, Academic Dean, the Student Affairs Office, and the President.
- (ii) **Failure to Appear:** A student who fails to appear for the Academic Conduct Hearing is considered to have waived the right to appeal. The student receives the academic penalty(ies) and/or College sanction(s) recommended by the Academic Dean and approved by the Vice President of Academics and Student Affairs.
- (d) Review by the President of the College
- (i) The decision of the Academic Conduct Hearing is reviewed by the President of the College.
- (ii) Reviews must be completed within ten (10) working days from the date of the notice to the student of the Academic Conduct Hearing decision.
- (iii) The President's review is limited to:
- 1) Whether the evidence provides a reasonable basis for the academic penalty(ies) and/or College's sanction(s).
 - 2) Whether procedural errors deprived either party of a fair hearing.
- (iv) Each party may submit supplemental written statements.
- (v) The President of the College approves or overrules the decision of the Academic Conduct Hearing. A copy of the President's decision is provided to the student, the course instructor, Academic Dean, Student Affairs Office, and the Vice President of Academics and Student Affairs.
- (vi) The President's decision after review is the final campus decision and includes directions for implementation. A presidential decision to overrule may include an order for a new hearing to consider new or omitted evidence or to correct procedural errors.
- (vii) The student may seek further administrative review by the Board of Trustees of Dawson Community College.
- (e) **Hearing Officer Option:** When an appeal cannot be heard by the Vice President of Academics and Student Affairs within a reasonable time after the student's request (e.g. during summer or between semesters) the President of the College may, whenever it is in the best interest of the College or the student, appoint an impartial Hearing Officer to conduct a hearing. This hearing is conducted following the procedures described in this Code. The decision of the Hearing Officer is submitted to the President for review.

Article V. Rules of Student Conduct

Section 5.01 General Student Conduct

Students have the responsibility to conduct themselves in a manner that does not impair the welfare nor the educational opportunities of others in the DCC community and that does not compromise the DCC community standards. Students should act as responsible members of the academic community;

respect the personal and property rights, privileges, and dignity of others; and refrain from actions which interfere with normal College functions. Each member of the DCC campus community who is a bystander is expected to take on the role of a Defender by, for example, comforting the victim and/or trying to the best of their ability and considering their own safety and that of others actively stopping the incident. This can be accomplished in a multitude of ways such as: telling the individuals involved to stop, immediately reporting the incident to someone at the college with authority, and/or by calling 911). Bystanders are expected to report an incident as soon as possible after one has taken place if they are unable to report it immediately. This expectation is for the safety and protection of all members of the DCC Community.

Section 5.02 Violation of the terms of any disciplinary sanction

Violations are imposed in accordance with the Student Conduct Code. The following conduct is prohibited by DCC, this list is not all inclusive, and will be sanctioned in accordance with this code.

- 1) Attempts to commit acts prohibited by the Standards of Student Conduct, or knowingly or willfully encouraging or assisting others to commit such acts, are prohibited by this Code and may be punished to the same extent as if one had committed the prohibited act. This includes being one of the following types of Bystanders: 1. Assistants 2. Re-enforcers 3. Outsiders 4. Passive Defenders.
- 2) Forgery, falsification, or fraudulent misuse of DCC documents, records, or identification cards.
- 3) Furnishing false information to DCC or members of the College community who are performing their official duties (this includes but is not limited to: lying, giving false statements, providing misleading statements, or withholding information)
- 4) Causing false information to be presented before any proceeding of the College or intentionally destroying evidence important to such a proceeding.
- 5) Tampering with the election of any recognized student organization.
- 6) Violations of copyright laws or policies.
- 7) Theft of property or auxiliary services including housing, or failure to report possession of stolen property on College premises.
- 8) Unauthorized use, destruction, or damage of College property or the property of others on College premises or at College-sponsored activities.
- 9) Unauthorized or fraudulent use of the College's facilities, telephone system, mail system, or computers, or use of any of the above for any illegal act.
- 10) Unauthorized entry, use, or occupancy of College facilities (this includes entry into an apartment without permission of an occupant when that occupant is not under duress and living in an apartment other than the one checked into by Housing).
- 11) Failure to comply with the reasonable directives of College officials, including Resident and/or Student Life Assistants, acting in the performance of their duties within the scope of their authority.
- 12) Violation of published College regulations or policies. (Among such regulations are those pertaining to student housing, entry and use of College facilities, scientific research, inventions made or developed with College support, use of amplifying equipment, campus demonstrations, etc.) College regulations and policies may be obtained from various offices of the College, e.g., Housing or from the office of the VP of Academic and Student Affairs.

- 13) Intentional obstruction or disruption of normal College or College-sponsored activities, including but not limited to studying, teaching, research, administration and disciplinary procedures, or fire, police, or emergency services.
- 14) Use, possession, or distribution of alcoholic beverages on College premises or at College sponsored activities except as permitted in College policies (DCC Facility Use Policy and DCC Alcohol/Dangerous Drug Policy) or failure to report when such actions take place. Note: Use of alcohol does not excuse abusive or destructive behavior. Sanctions for Student Conduct Code violations will not be reduced on the basis of alcohol use.
- 15) Use, possession, manufacture, sale or distribution of any dangerous drug or possession of any drug paraphernalia by any person on College property, while conducting College business, at College-sponsored activities, or which threatens the reputation or the integrity of the College (BP 3-2 Alcohol, Drugs and Tobacco).
- 16) Disorderly or indecent conduct on College-owned or -controlled property or at College sponsored activities.
- 17) Interfering with the freedom of expression of others on College premises or at College sponsored activities.
- 18) Stalking, including, but not limited to, purposely or knowingly causing another personal substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly following another person or harassing, threatening, or intimidating another person, in person or by mail, by electronic communication or any other action, device or method.
- 19) Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which 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 or organization.
- 20) Bullying or other malicious intimidation or harassment of another. When a student, with the intent to terrify, intimidate, threaten, harass, annoy, or offend, (1) causes bodily injury to another, (2) causes reasonable apprehension of bodily injury in another, (3) damages, destroys, or defaces any property of another or any public property, or (4) makes repeated telephone and/or social media communications, including anonymously, or at extremely inconvenient hours or in offensively coarse language or in a way that is not a positive representation as a member of the DCC community.
- 21) Retaliation
 - a) Against a person for filing a report or acts of intimidation directed towards the person to force or attempt to get them to drop or stop pursuing their report.
 - b) Against a person who is a witness to a report or incident.
 - c) Against a person responding to a report or incident.
- 22) Illegal or unauthorized possession or use of firearms, explosives, other weapons, dangerous chemicals, or other noxious substances on College premises.
- 23) Violation of federal, state or local law on DCC premises or at DCC-sponsored activities; violation of published College policies, rules or regulations; acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the College.

- 24) Sexual Misconduct or Sexual Harassment. [See BP2-7 Violent, Discriminatory, and Sexual Misconduct].
- 25) Homicide, assault, aggravated or felony assault, or threat of the same, to any person on College-owned or -controlled property or at College-sponsored functions.
- 26) Conduct which threatens or endangers the health or safety of any such person; or off-campus homicide, assault, aggravated or felony assault, or threat of the same.
- 27) Other conduct which harms a person in the College community, damage to the property of another, or otherwise constitutes behavior inappropriate in the DCC setting.
- 28) Violation of the terms of any disciplinary sanction imposed in accordance with the Student Conduct Code.

Section 5.03 Sanctions and Mitigating Factors

Committing any act prohibited by this Code may result in: fines, campus community service, educational courses, mandated counseling sessions, a disciplinary letter placed in student record, restitution, eviction from student Housing, expulsion or suspension from the College or any other action which the College deems appropriate dependent upon the circumstances. Mitigating factors may be considered in the sanctioning a student or student group. Such factors may include the present attitude and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Mental/Physical ability or reduced awareness caused by any drug, legal or illegal, will not be used to justify reduction of any sanctions.

Section 5.04 Application of the Student Conduct Code to Off-Campus Offenses

Student Conduct Code proceedings may be initiated against a student who engages in conduct off-campus that threatens the health and safety of any member of the campus community or in cases when behavior is alleged to compromise DCC or its surrounding communities' standards. A student, College employee, or community member having knowledge of the off-campus offense may file a report with the VP OF ACADEMIC AND STUDENT AFFAIRS. The VP OF ACADEMIC AND STUDENT AFFAIRS (or her/his designee) has discretion whether or not to adjudicate off-campus allegations. Criminal proceedings notwithstanding, DCC may decide to investigate, and if the party or individual found responsible is a student (or was at the time of the incident) sanctions may be imposed. Disciplinary procedures set forth in this Code apply to charges initiated under this section. If the health and safety of the campus community can be protected through the criminal justice proceedings, the College may choose to defer Student Conduct Code charges until criminal proceedings are concluded. College officials will encourage reports of alleged criminal conduct to criminal justice authorities. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Section 5.05 Disciplinary Sanctions

The College will take necessary and appropriate action to protect the safety and well-being of the campus community. Sanctions for violating the Standards of Student Conduct will be dependent on the severity of the incident. There are times when the nature of the behavior requires more immediate or severe sanctioning. Sanctions may include any combination of the following:

- 1) **Disciplinary Reprimand:** The student is given a written reprimand for violation of the Student Conduct Code and a warning that further misconduct may result in more severe disciplinary action.

- 2) **Disciplinary Probation:** A status which is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Student Conduct Code during the probation/warning period.
- 3) **Fines:** Fines in amounts up to \$250 may be imposed. Grades and transcripts will be withheld until all fines are paid.
- 4) **Campus Community Service:** A hold will be placed on the student's account until all hours of Campus Community Service are completed.
- 5) **Restitution:** The student is required to make compensation for actual loss, damage or injury. This may take the form of appropriate service and/or monetary and/or material replacement.
- 6) **Suspension:** The student is separated from the College for a specified period of time. The student shall not participate in any College sponsored activity and may be barred from College premises. The sanction of suspension requires administrative review and approval by the DCC VP OF ACADEMIC AND STUDENT AFFAIRS.
- 7) **Expulsion:** The student is permanently separated from the College and/or from any College-owned or -controlled property or events. The sanction of Expulsion requires administrative review and approval by the DCC VP OF ACADEMIC AND STUDENT AFFAIRS.
- 8) **Other Sanctions:** In addition to or in place of the above, other sanctions may be imposed such as eviction from College housing, restriction or banning from certain on-campus facilities, restriction or prohibition from attending campus events or participating in campus activities, and requirements to attend and complete classes, programs, workshops, and/or counseling sessions. Details of the terms of the sanction will be provided to the student in writing.

Repeated or aggravated violation of this Code may result in more severe disciplinary sanctions than any individual violation might warrant.

Notification of any sanction imposed will be sent to appropriate College officials.

Section 5.06 Interim Actions:

(a) Temporary Suspension:

A student may be temporarily suspended from the College or evicted from College Housing by the DCC VP OF ACADEMIC AND STUDENT AFFAIRS pending disciplinary (on campus) or criminal (off-campus) proceedings.

- (i) *Such suspension or eviction will become immediately effective without prior notice whenever there is a possibility that the student's continued presence on the campus constitutes a threat to the student or others or to the continuance of normal College operations.*

(b) Right to Appeal Interim Action(s):

The student is given an opportunity to appear before the DCC VP OF ACADEMIC AND STUDENT AFFAIRS within five (5) working days from the effective date of the suspension or eviction in order to discuss the following issues:

- 1) The reliability of the evidence against the student, and

- 2) Whether the alleged conduct and surrounding circumstances reasonably indicate that the student's presence on campus constitutes a threat to the student or others or to the continuance of normal College operations.

Section 5.07 Readmission from Suspension

Following suspension for misconduct, readmission to the College is dependent upon the student's compliance with the conditions designated at the time of suspension and the student's fitness to return to the campus community. Appropriate documentation, depending upon the nature of the original violation and the conditions of suspension, is required. Upon readmission, the student may be placed on disciplinary probation for a designated period of time with required conditions and expectations of behavior monitored by a designated campus professional(s).

Section 5.08 Group Sanctions

Every campus group and organization has the responsibility to take all reasonable steps to ensure that their collective and individual conduct is not in violation of the college Conduct Code, regulations and/or federal, state and local laws. The following sanctions may be imposed upon campus groups or organizations:

- (a) **Group General Probation:** This is given to a college club or other organized group for a specified period. If group violations are repeated during the term of the probation, the charter may be revoked or activities restricted.
- (b) **Group Restrictive Probation:** Removing college recognition during the semester in which the offense occurred or for a longer period. While under restriction, the group may not seek or add members, hold or sponsor events in the college community, or engage in other activities as specified.
- (c) **Group Charter Revocation:** Removal of college recognition for a group, club, society, or other organization. A group may petition for re-charter if the VP OF ACADEMIC AND STUDENT AFFAIRS or his/her designee approves a time frame.

Article VI. Disciplinary Records

- 1) Sanctions of expulsion and suspension affect the student's academic status and are entered as notations in the student's permanent academic record maintained by the Registrar during such time as the imposed sanctions are in effect.
- 2) During the period that a Student Conduct Case is in process, the student, unless temporarily suspended, evicted, or except as directed by college officials, and continues to have the same rights and privileges as other students.
- 3) The VP of Academic and Student Affairs Office shall maintain disciplinary records, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant.

Disciplinary records and related information shall be made available to assist in disciplinary proceedings and to aid in making recommendation of an appropriate sanction, and to other College personnel who require such information to fulfill their official duties.

Students may arrange to review their own disciplinary records and related information by contacting the VP OF ACADEMIC AND STUDENT AFFAIRS.

- 4) DCC will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.
- 5) Except as provided elsewhere in this Code and/or as required by law, the College shall not communicate a student's disciplinary record to any person or agency without the prior written consent of the student or, when the student is under the age of eighteen, the student's parents or legal guardian.

Article VII. Disciplinary Procedures

Section 7.01 Introduction

The focus of inquiry in disciplinary proceedings is to determine if a violation of the Standards of Student Conduct has occurred and, if so, to decide appropriate sanctions. Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in judicial proceedings. However, the accused student must receive due process, and the College has the burden of proof to establish a violation by a preponderance of evidence. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the College.

The following procedures apply in adjudicating charges of student misconduct:

Section 7.02 Investigation and Sanctions

Whenever it appears that a student may have committed an act of general misconduct, a College official designated by the VP OF ACADEMIC AND STUDENT AFFAIRS will be assigned to investigate the incident. The official conducting the investigation:

- a) Determines the facts of the incident through interviews, reports, and other evidence.
- b) Informs the student of the findings of the investigation and the alleged misconduct.
- c) Informs the student of the Student Conduct Code rules of procedure.
- d) Allows the student an opportunity to respond to the evidence and potential charge(s).

- e) Makes an impartial judgment as to whether or not any general misconduct occurred, and, if so, proposes appropriate sanctions.
- f) Allows the student an opportunity to respond to the proposed sanctions.
- g) Develops a written report.
- h) Informs the student of the right to an administrative conference with an official designated by the VP OF ACADEMIC AND STUDENT AFFAIRS or a hearing by the Discipline Hearing Committee, if the student denies the charge and/or does not accept the proposed sanctions.
- i) If the student admits the charges, the designated official consults with the VP OF ACADEMIC AND STUDENT AFFAIRS regarding the student's past disciplinary record, and propriety of proposed sanctions.
- j) If the student admits the charges and accepts the sanctions, the designated officer provides the written report to the student, with a copy to the VP OF ACADEMIC AND STUDENT AFFAIRS. The written summary, including a concise statement of the evidence, findings, and sanctions, when signed by the student, concludes the case and the designated official implements the sanctions. The student has two (2) working days to sign the statement. The signed statement is sent to the VP OF ACADEMIC AND STUDENT AFFAIRS, with a copy provided to the student.
- k) DCC is responsible for conducting investigations and, if warranted, initiating charges and adjudicating those charges. Although the Reporter's responses are sought during the disciplinary process, the adjudicating of the case is the responsibility of the College. If the Reporter decides to withdraw the report, the College may still proceed with the case.

Section 7.03 Administrative Conference

- (a) If the student denies the charges and/or does not accept the sanctions, the investigative officer reports in writing the allegations and proposed sanctions to the VP OF ACADEMIC AND STUDENT AFFAIRS within two (2) working days of meeting with the student. The VP of Academic and Student Affairs (or a designee) shall evaluate the merit of and grounds for an appeal within two (2) working days. If the VP OF ACADEMIC AND STUDENT AFFAIRS does not find grounds for a procedural or sanctions appeal, the student is required to complete the sanctions. The only exception to this procedure is in cases of suspension or expulsion—which automatically rise to the Discipline Hearing Committee level. If there are sufficient grounds for an appeal, the VP OF ACADEMIC AND STUDENT AFFAIRS may hear the case, or refer the case to the Discipline Hearing Committee.
- (b) Except for temporary suspension or eviction, no disciplinary sanction is imposed until final resolution of the charges or until the deadline for an appeal has passed.

Section 7.04 Discipline Hearing Committee

- (a) Composition. The Discipline Hearing Committee (DHC) is a five-member standing committee appointed by the VP OF ACADEMIC AND STUDENT AFFAIRS. A quorum is considered to be all five members. Members are:

- (i) *One professional staff member.*
 - (ii) *Two faculty member. One of the faculty appointees will serve as Chair.*
 - (iii) *Two student members appointed by the Associate Student Body Senate.*
 - (iv) *A non-voting recording secretary will be provided by the VP OF ACADEMIC AND STUDENT AFFAIRS to record minutes.*
- (b) All members are assigned a one-year term. In the case of unavailability or disqualification of a member(s) for any given case, an alternate member(s) to serve on the DHC will be appointed the VP OF ACADEMIC AND STUDENT AFFAIRS.
 - (c) No member of the DHC may sit on a case if he or she is closely associated personally or professionally with the accused student or the administrator making the charges. A DHC member should disqualify himself or herself when any ground for disqualification is present. The accused student may assert grounds for disqualification of a DHC member to the Chair of the DHC no later than three (3) working days prior to the scheduled hearing. The Chair shall implement a disqualification when warranted by the facts asserted.
 - (d) When a student requests a hearing by the DHC, but the DHC cannot hear the case within a reasonable time (e.g., between semesters and during the summer and other academic breaks), the VP OF ACADEMIC AND STUDENT AFFAIRS, whenever it appears to be in the best interest of the College or the student, conducts a hearing. This hearing will be conducted following the procedures of this Code, with the decision of the hearing officer replacing the decision of the DHC. In those cases, the individual hearing may not be appealed other than as a DHC decision would be appealed.

Section 7.05 Informal Resolution

Nothing contained in this Code limits the right of the appropriate College representative or the student at any time to agree to educational sanctions if the student agrees not to contest the charges. Any such agreement must be in writing and, when signed by the student and filed with the VP OF ACADEMIC AND STUDENT AFFAIRS, concludes the case. An agreement regarding charges that have progressed to the level of the administrative officer must be reviewed and approved by the VP OF ACADEMIC AND STUDENT AFFAIRS.

Section 7.06 Hearings

- (a) When proceedings have been referred to the DHC, the Chair of the DHC in consultation with the appropriate College administrator, schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing to the student which, absent exigent circumstances, will be held not less than ten (10) working days after the date of such notice. A student or the administration may be granted a reasonable extension of time for good reason.
- (b) Students charged with misconduct may be accompanied by a representative who may be an attorney whom they have engaged at their own expense.

- (c) Hearings are closed to the public.
- (d) The DHC Chair exercises control over the hearing to achieve an orderly process. The College, through its authorized representative, states the charges against the student and presents evidence and witnesses in support thereof. The Reporter, the Respondent and their advisor(s), if any, shall be allowed to attend the entire portion of the DHC Hearing at which information is received (excluding deliberations) The Reporter and the Respondent have the right to be assisted by an advisor they choose, at their own expense. The Reporter and/or the Respondent is responsible for presenting his/her own information, and therefore, advisors are not permitted to speak or to participate directly in any DHC Hearing before a DHC. Questions may be suggested by the Reporter and/or the Respondent to be answered by each other or by other witnesses. This will be conducted by the DHC with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.
- (e) Formal rules of evidence are not applicable, and the Chair determines the admissibility of any evidence presented. The Chair also rules on all procedural issues.
- (f) There shall be a single verbatim record, such as a tape recording, of all DHC hearings (not including deliberations). Deliberations shall not be recorded. The record shall be the property of Dawson Community College.
- (g) The Chair of the DHC may prescribe additional procedural rules covering the conduct of hearings consistent with this Code.
- (h) The DHC renders a decision by majority vote within five (5) working days after the close of the hearing. The Chair has a vote in all cases. The decision contains a finding as to violation of the Code, a statement of the reasons for the decision, and the sanctions to be imposed.
- (i) The Conduct Board determines the appropriate disciplinary sanctions for student misconduct from among those authorized by this Code.
- (j) A copy of the Conduct Board's decision constitutes the final decision of the College, subject to appeal to the Vice President of the College. Copies of the Conduct Board's decision shall be sent to the student and the VP OF ACADEMIC AND STUDENT AFFAIRS.
- (k) A student who fails or refuses to appear after proper notice at the time and place scheduled for hearing is considered to have waived his or her right to be heard by the DHC. The College will impose the disciplinary sanctions specified in the statement of charges.

Section 7.07 Appeal to the Vice President of the College

- (a) The decision of the DHC may be appealed in writing to the Vice President of the College within five (5) working days of the student's receipt of the written decision of the DHC.

- (b) The Vice President's review must be completed within ten (10) working days from the date of receipt of the student's appeal.
- (c) Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the DHC Hearing and supporting documents for one or more of the following purposes
 - 1) Whether the evidence provides a reasonable basis for the resulting findings and disciplinary sanction.
 - 2) Whether specified procedural errors were so substantial as to deny a fair hearing.
- (d) The Vice President will approve or overrule the decision of the Conduct Board. A copy of the decision will be furnished to the student, the VP OF ACADEMIC AND STUDENT AFFAIRS, and the DHC.
- (e) The Vice President's decision is final and will include directions for implementation. A decision to overrule may include a directive for a new hearing to consider new or omitted evidence or to correct procedural defects.

Section 7.08 Appeal to the College President

- (a) The decision of the Vice President may be appealed in writing to the President of the College within five (5) working days of the student's receipt of the written decision of the Vice President.
- (b) The President may appoint an ad hoc committee to aid in the appeal to the College President.

Section 7.09 MUS Complaint Processes <https://mus.edu/MUS-Statement-of-Complaint-Process.html?>

(a) **How to File a Complaint**

(i) *Students and prospective students of the Montana University System are encouraged to initially address complaints through the applicable institution's complaint or review procedures.*

(b) **Unresolved Complaints:** *Complaints that remain unresolved after engaging in the above-referenced process may be further pursued in the following manners:*

(i) *An individual adversely affected by the final decision of a university president may appeal the decision to the Commissioner of Higher Education and the Board of Regents pursuant to Board of Regents' Policy 203.5.2.*

(ii) *Complaints concerning broad institutional academic practices, such as those that raise issues regarding an institution's ability to meet accreditation standards, may be filed with the Northwest Commission on Colleges and Universities.*

(iii) *Complaints concerning consumer protection violations may be directed to the Montana Department of Justice Office of Consumer Protection.*

(iv) *Individuals enrolled in an online or distance course with the Montana University System and residing outside of the State of Montana can seek to utilize the complaint processes in their state of residence. View the list of information regarding the complaint processes of other states.*