

## STUDENT CODE OF CONDUCT

### Part 1. INTRODUCTION

The Student Code of Conduct applies at all locations of the College and all College activities wherever located.

### Part 2. DEFINITIONS

For purposes of this policy the following definitions apply:

#### *Subpart A.*

College means Lac Courte Oreille Ojibwe College.

#### *Subpart B.*

Administrator means that person designated by the College President to be responsible for the administration of the Student Code. For behavioral infractions, this individual is the Dean of Student Affairs. For academic misconduct infractions, the “administrator” is the faculty member and/or Dean of Academic Affairs. Appeals for both behavioral and academic misconduct decisions will be heard by the President or President’s designated official.

#### *Subpart C.*

Student includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through the College;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a term but who have a continuing relationship with the College; and/or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.

#### *Subpart D.*

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

#### *Subpart E.*

Expulsion means a permanent denial of the privilege of enrollment at the College.

#### *Subpart F.*

Summary suspension means a suspension imposed without a formal hearing to ensure the safety and well-being of members of the College community.

#### *Subpart G.*

Hazing means an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, 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 student group or organization.

#### *Subpart H.*

Preponderance of evidence means a standard of responsibility that it is more likely than not that the Code has been violated.

#### *Subpart I.*

Cheating includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or employees; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

#### *Subpart J.*

Plagiarism includes, but is not limited to, the use, by paraphrase or direct quotations, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

### **Part 3. Notification and Student Responsibilities**

#### *Subpart A. Student Responsibilities*

Students are responsible for knowing of and abiding by all the rules and regulations of Lac Courte Oreilles Ojibwe College. Many of these rules and regulations are simply extensions of those existing in the larger community, and some are unique to the college setting. These rules and regulations apply to both campus and off-campus college-sponsored activities. Violations of these rules and regulations may result in disciplinary action.

### **Part 4. Proscribed Behavior and Sanctions**

#### *Subpart A. Jurisdiction of the Student Code of Conduct*

The College Student Code shall apply to conduct that occurs on College premises, at College-sponsored activities, and to off-campus conduct in the following circumstances:

1. Hazing is involved;
2. The violation is committed while participating in a College sanctioned or sponsored activity;
3. The victim of the violation is a member of the College community;
4. The violation constitutes a felony under state or federal law; or
5. The violation adversely affects the educational, research or service functions of the College.

The administrator shall decide whether the Student Code shall be applied to conduct occurring off-campus on a case-by-case basis at his/her sole discretion.

#### *Subpart b. Rules and Regulations*

Any student found to have committed or to have attempted to commit the following misconduct in circumstances falling under the jurisdiction of this code may be subject to the disciplinary sanctions outlined in Part 4, Subpart E.

### *Subpart c. Proscribed Conduct*

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty;
  - b. Furnishing false information to any college official, faculty member, or office;
  - c. Forgery, alteration, or misuse of any college document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or of other authorized non-college activities when the conduct occurs on college premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
5. Hazing.
6. Failure to comply with directions of college officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises.
8. Violation of any college policy, rule or regulation published in hard copy or available electronically on the college or website.
9. Violation of any federal, state, or local law.
10. Use, possession, manufacturing, distribution or being on campus under the influence of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, distribution or being under the influence of alcoholic beverages or public intoxication.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.
13. Participation in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the academic community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

16. Any violation of the College's Internet Use Policy.
17. Abuse of the student conduct system, including but not limited to:
  - a. Failure to obey the notice from a college official to appear for a meeting or hearing as part of the student conduct system;
  - b. Falsification, distortion, or misrepresentation of information;
  - c. Disruption or interference with the orderly conduct proceeding.
  - d. Making false accusations;
  - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
  - f. Failure to comply with the sanction(s) imposed under the Student Code;
  - g. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
18. Use of any tobacco product in non-designated areas including a lighted cigar, cigarette, or pipe; the use of smoking material; or use of smoking tobacco.
19. Use of chewing tobacco on campus premises.
20. Knowingly furnishing false information to college personnel; or the knowledgeable passing of an insufficient funds check or fraudulent money order in payment of any financial obligation to the College.
21. Forgery, unauthorized alteration or unauthorized use of any College document or instrument of identification.
22. Unauthorized presence in, or use of College premises, facilities, or property.
23. Refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized within the regulation of the College.
24. In-line skating, roller-skating, or skateboarding in all College buildings.
25. Unauthorized or fraudulent use of College facilities, telephone system, mail system, computer system, or use of any of the above for any illegal act or any act prohibited by the Code of Conduct.
26. Deliberate destruction of, damage to, malicious use of, or abuse of property, wherever located, or the deliberate destruction, damage to or malicious use of public or private property.
27. Gambling for money or other things of value on campus or at College-sponsored activities except as permitted by law.
28. Falsely claiming to represent the College or a student organization of the College.
29. Actions, which unreasonably interfere, obstruct, or prevent the regular and essential operations of the College 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.

*Subpart d. Violation of Law and College Discipline*

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be

carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the administrator.

Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

#### *Subpart e. College Sanctions*

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

1. **Warning.** Issuance of written warning, admonition, or reprimand, and may include a referral for counseling.
2. **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period. The College may impose specific written conditions for the probation.
3. **Loss of Privileges.** Denial of specified privileges for a designated period.
4. **Restitution.** Required reimbursement for damage to or misappropriation of property. This may take the form of appropriate services or other compensation.
5. **Discretionary sanctions.** Work assignments, fines, service to the college, counseling or referral to community agencies, rehabilitative programs, or other related discretionary assignments.
6. **Denial of access.** Denial of rights to access the college premises or specified areas within the College, either permanently or for a specified period.
7. **Suspension.** Denial of the privilege of enrollment for a specified period after which the student is eligible to return. Conditions for re-enrollment must be specified.
8. **Expulsion.** Permanent denial of the privilege of enrollment at the College.
9. **Revocation of Admission and/or Degree.** Admission to or a degree awarded from the college maybe revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
10. **Withholding Degree.** The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this student conduct code, including the completion of all sanctions imposed, if any.

More than one of the sanctions listed above may be imposed for any single violation.

The following sanctions may be imposed upon groups or organizations:

1. Those sanctions listed above;
2. Loss of selected rights and privileges for a specified period;
3. **Deactivation.** Loss of all privileges, including college recognition, for a specified period.

Other than College suspension or expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record.

#### *Subpart f. Summary Suspension*

In certain circumstances, the administrator may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. A summary suspension may be imposed only when, in the judgment of the administrator, the accused student's presence on the College campus would constitute a threat to the safety and well-being of members of the campus community. To the greatest extent possible before implementing the summary suspension, the accused student shall be

given oral or written notice of the intent to impose summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. However, the refusal of a student to accept or acknowledge this notice shall not prevent the implementation of a summary suspension. Notice of the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, the student shall be provided an opportunity for a hearing within the shortest reasonable time period, not to exceed nine (9) school or business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the administrator.

#### *Subpart g. Student Rights and Due Process*

Disciplinary action against individual students or groups of students must be administered in the context of a unified and coordinated set of campus regulations and processes to ensure fair, equitable and legal outcomes. Each person involved in the administration of the Student Code of Conduct of the College will set as a goal the fair, objective, consistent and humane approach in all conduct cases. Consistent treatment in disciplinary action is another goal. Each case, however, must be recognized as a highly individual matter, and consistency for the sake of consistency should not be the dominant concern.

Those involved in administering the Student Code of Conduct should be aware that their efforts are primarily directed toward:

- Protecting the integrity and order of the institution, and the morale and reputation of students and employees.
- Educating the student involved with the conduct process so that he/she may learn to himself/herself and accept responsibilities of membership in the College community.
- Helping the student gain insight into the reasons and consequences of his/her behavior so that he/she may cope with future difficult situations more successfully.

The administration of the Student Code of Conduct shall also guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the alleged offense and the potential sanctions, which may be applied. Sanctions shall be commensurate with the seriousness of the offense and may include suspension/expulsion from the college community. Repeated violations justify increasingly severe sanctions. In all cases, procedural fair play requires that a student charged with misconduct be informed of the nature of the charges, given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. Therefore, persons making charges are required to provide pertinent information in writing and, if necessary, appear at a hearing.

### **Part 5. Process**

#### *Subpart A. Investigation and informal process*

1. A student or organization has violated student conduct proscriptions. Any complaint should be submitted as soon as possible after the event takes place.
2. Persons filing complaints shall be informed of their rights following the filing of a complaint against a student.
3. If the Dean of Student Affairs or designee deems a complaint to be unwarranted, she/he may discontinue proceedings.
4. If there is enough evidence to support the complaint, the Dean of Student Affairs or designee shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given notice of the specific complaint against him/her and the nature of the evidence available to support the complaint and provided with a copy of the code of conduct. During the meeting, the Dean of Student Affairs or designee shall

review the complaint and the evidence with the student and allow the student to present a defense against the complaint. Within a reasonable time period following the meeting, the Dean of Student Affairs or designee shall inform the accused student in writing of his/her decision whether a violation of the code was established by evidence, and any applicable sanction as well as options available for an appeal.

5. If the accused student fails to appear for the informal hearing, the Dean of Student Affairs or designee may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.
6. A sanction shall not become effective during the time in which a student seeks an appeal unless, in the discretion of the administrator, it is necessary to implement an immediate sanction for the safety and welfare of the College community.

#### *Subpart B. Appeals*

A student may request and appeal the decision of the Dean of Student Affairs via a hearing before the President's designated official(s). The request for an appeal to be heard must be submitted in writing to the Dean of Student Affairs within five working days of the date of the notification of the decision. The Dean of Student Affairs will forward the information to the President's Office. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal. Except as required to explain the basis of new information, an appeal shall be limited to a review for one or more of the following purposes:

1. To determine whether the informal or formal hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred.
3. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct, which the student was found to have committed.
4. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original informal or formal hearing.

If an appeal is upheld by the President or President's designated Official(s), s/he may take any appropriate action. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

#### *Subpart C. Records Retention*

All non-academic conduct records will be housed with the Dean of Student Affairs' Office and retained for a period of five years. A log of conduct violations will be maintained in the Dean of Student Affairs' Office.

### **Part 6. Academic and Classroom Misconduct**

All students have the right to pursue their academic careers in an atmosphere based on honesty and trust. Acts of academic misconduct destroy that atmosphere, violate that trust, and are therefore subject to penalty. This section of Student Code of Conduct defines what acts of academic misconduct are and presents the procedure for imposing penalties for such acts. Acts of academic misconduct necessarily involve the Dean of Student Affairs, Dean of Academic Affairs, and faculty. Therefore, the procedures



for investigating complaints and imposing penalties for academic misconduct differ somewhat from those applied to social misconduct.

#### *Subpart A. Academic Honesty*

A fundamental concept of all educational institutions is academic honesty. All academic work depends upon respect for and acknowledgment of the research and ideas of others. Misrepresentation of someone else's work as one's own is a most serious offense in any academic setting. Therefore, academic misconduct in relationship to academic dishonesty, including any form of cheating and plagiarism, cannot be condoned. Academic misconduct, as referenced, includes, but is not limited to, the following:

1. Cheating: the use of unauthorized materials, methods, or information in any academic exercise, including improper collaboration (electronic or otherwise).
2. Plagiarism: the representation of the words or ideas of another as one's own, including:
  - a. Direct quotation without both attribution and indication that the material is being directly quoted, e.g., quotation marks; paraphrase without attribution.
  - b. Paraphrase with or without attribution where the wording of the original remains substantially intact and is represented as the author's own.
  - c. Expression in one's own words, but without attribution, of ideas, arguments, lines of reasoning, facts, processes, or other products of the intellect where such material is learned from the work of another and is not part of the general fund of common academic knowledge.
  - d. Fabrication: the falsification or invention of any information or citation in an academic exercise.
  - e. Fraud: the falsification, forgery, or misrepresentation of academic work, including the re-submission of work performed for one class for credit in another class without the informed permission of the second instructor; or the falsification, forgery or misrepresentation of other academic records or documents, including admission materials and transcripts; or the communication of false or misleading statements to obtain academic advantage or to avoid academic penalty.
3. Bribery or intimidation in relationship to the grading process.
4. Engaging or assisting others in any portion of the aforementioned acts.

#### *Subpart B. Classroom Misconduct*

Beyond the act of academic dishonesty, there are other modes of conduct that serve to undermine the academic success of students during classroom instruction. Therefore, students are prohibited from impeding an environment conducive to learning, whether it be during traditional instruction, instruction through technological means, instruction within a learning center, instruction by way of tutoring, or instruction by way of individual study on the campus of Lac Courte Oreilles Ojibwe College. Hence, any student who is found to disrupt the educative process of another student, or other students, is subject to sanctions as described in the informal judicial process for academic misconduct.

Academic misconduct, as so referenced, includes, but is not limited to, the following:

1. Engaging in verbal outburst, talking loudly to classmates independent of class discussion.
2. Being openly disruptive.
3. Talking in an openly abusive or disrespectful manner the instructor and/or to other classmates.



4. Disregarding verbal and/or written instruction in relationship to expected codes of conduct during classroom instruction.
5. Initiating or participating in inappropriate conduct (e.g., horseplay) that disrupts classroom activities.
6. Using any device to cause disturbance inside or outside of the classroom during instruction.
7. Continuing to engage in inappropriate interaction after one has been counseled not to continue adverse behaviors.

#### *Subpart C. Procedures for Academic and Classroom Misconduct*

##### **1. Informal Process**

A faculty member may pursue an informal judicial process if a student is interfering with the learning environment. A faculty member has the right to remove a student from a class session prior to activating the rights of other students. If a faculty member believes that misconduct warranting discipline has occurred, he/she shall inform the student concerned and offer to confer. If the student foregoes such a conference, or if after the conference the faculty member remains convinced that misconduct warranting discipline has occurred, he/she may, among other options, treat any work in question or an entire course as unsatisfactory, informing the student thereof.

2. Additionally, or alternatively, the faculty member may refer the matter to the Dean of Academic Affairs. If the dean determines that sufficient cause exists to warrant consideration of additional discipline, the dean may impose sanctions.
3. Students have the right to appeal decisions resulting from this policy. A written appeal must be made to the Dean of Academic Affairs within five (5) working days after written notification of the decision, which is being appealed. The President or President's designated official(s) will make a decision and then notify the appellant.

#### **Part 7. Release of Information**

Lac Courte Oreilles Ojibwe College will not release to the media the results of the outcomes of disciplinary procedures resulting from its student investigations, including those, which involve criminal offenses. Such records may be released to government agencies exercising jurisdiction.

#### **Part 8. Records Retention**

All records of academic misconduct shall be forwarded to the Dean of Academic Affairs' Office where they will be logged and retained for a period of 5 years.