

Section Eight: Student Code of Conduct

The following process will be used to address complaints, not including discrimination and harassment based on a protected class, brought against a student by any member of the WDT community for conduct that is outside the established standards for academic and personal conduct.

STUDENT CODE OF CONDUCT – WDT Policy 4014 (pending Policy Committee, Cabinet, and RCAS Board approval)

Western Dakota Tech has a responsibility to protect its mission and the members of the College community. The College has established reasonable standards for academic and personal conduct that allows others to learn, study, work, and relax in a safe and orderly environment. The following Code of Conduct, while not all inclusive, identifies conduct that infringes upon those expectations, disrupts the learning environment, and possibly exposes students and staff to injury. Such conduct will result in disciplinary action. Any student, group of students, or student organizations found in violation of the WDT Student Code of Conduct is subject to the disciplinary sanctions. Violations of the Code of Conduct include, but are not limited to:

1. Inappropriate behavior defined as conduct that disrupts the educational process and impedes the learning environment.
2. Physical or verbal abuse or detention of any person or persons on school property or at WDT activities.
3. Endangerment of the health and safety of oneself or others, or infringement upon the rights of others.
4. Theft or damage to WDT property or property of any member of the WDT community or campus.
5. Unauthorized entry to or use of WDT facilities or property.
6. Use, possession, manufacture, or distribution of alcohol, narcotics, illegal drugs, or other controlled substances, firearms, items commonly considered weapons, explosives, or dangerous chemicals on school-controlled property or during WDT sponsored activities.
7. Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the school.
8. Reckless use of a vehicle on WDT property.
9. Failure, after due notice, to pay fees or other school financial obligations, i.e. Bookstore, Parts Store, damage, non-sufficient funds or no-account personal checks, department supply charges, et cetera.
10. Harassment or hazing of fellow students or staff members.
11. Smoking and the use of smokeless tobacco or vapor products on WDT property other than within the confines of personal vehicles.
12. Failure to report to the WDT Administration Office or local sheriff and/or police agencies any knowledge of criminal activity on campus: i.e., murder, rape, robbery, aggravated assault, burglary, arson, vandalism, consumption of alcohol, or use of controlled or illegal substances or motor vehicle theft. Such a report must be provided in a manner that is timely and that will aid in the prevention of similar occurrences.
13. Illegal, improper, or unethical use of computer systems.
14. Copyright infringement.
15. Disruptive behavior that detracts from maintaining classroom discipline, unnecessarily draws attention to the students involved and away from classroom activity and prevents those students and/or other students from their pursuit of learning.
16. Failure to comply with the directives of a WDT employee.

Allegations and Notice

1. Student Code of Conduct allegations may be filed against any student by any member of the WDT community.
 - a. Allegations of academic misconduct shall be directed to the VP for Teaching and Learning or designated representative.
 - b. Allegations other than academic misconduct shall be directed to the VP for Institutional Effectiveness & Student Success or designated representative.
 - c. The complaint shall state the specific facts that form the basis for the allegation, as well as the identities of any other witnesses and the location of any physical evidence of the misconduct. Allegations must be

signed by the Reporter. Any allegation should be submitted as soon as possible after the event takes place or after the Reporter discovers the identity of the alleged Respondent.

2. The VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success shall make an initial determination as to whether the allegations were timely, taking into account the seriousness of the incident and the degree to which delay may have impaired access to evidence. The VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success shall determine if the allegations have merit and whether the incident sufficiently affects WDT interest to warrant further proceedings.
3. Once the VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success determines that a violation may have occurred and that an investigation shall commence, the VP for Teaching and Learning, VP for Institutional Effectiveness & Student Success or designee shall provide the charged student with a written notice of the alleged violation. This notice shall be presented in person whenever possible. In lieu of in-person delivery notice of an alleged violation may be sent through campus email or, in matters of serious allegations, shall be sent to the student via registered mail. The notice shall include:
 - a. statement of the charge(s), including the nature and circumstances of the alleged offense;
 - b. the date, time, and place of the informal resolution hearing;
 - c. the name of the person to contact to read the report(s) pertaining to said allegations of violations;
 - d. and a copy of, or link to, the due process and disciplinary procedures in effect at that time.

Disciplinary Hearings

Informal Resolution

1. If the VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success determines that the allegations have merit, the VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success shall next determine whether the allegations can be resolved by mutual consent of the parties involved on a basis acceptable to the VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success or by waiver of formal hearing where the charged student admits to the misconduct and accepts the proposed sanction.
2. Informal Resolution shall be final and there shall be no subsequent proceedings. If the allegations cannot be resolved informally, the formal resolution procedure will be implemented.

Formal Resolution

Within fifteen working days of the final informal resolution attempt, the VP for Teaching and Learning or VP for Institutional Effectiveness & Student Success shall present all allegations and recommended sanctions to the student charged in written form and shall identify with specificity each section of the conduct code under which allegations are brought. A time shall be set for a hearing between the student and the Hearing Officer (the VP not involved in the informal resolution), not less than five nor more than fifteen calendar days after the student has been officially notified by school email or written letter in U.S. mail. The minimum time limits may be waived by the party charged. Maximum time limits for scheduling of hearings may be extended at the discretion of the Hearing Officer. Hearings shall be conducted by the Hearing Officer according to the following guidelines:

- a. The Hearing Officer shall have the power to exclude from the hearing any person whose conduct interferes with the hearing.
- b. In hearings involving more than one accused student, the Hearing Officer may permit the hearings concerning each student to be conducted separately.
- c. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Officer.
- d. At the hearing, the Hearing Officer shall determine whether the student has violated each section of the Code of Conduct which the student is charged with violating.
- e. The fact that a student acted while under the influence of alcohol, drugs, or an illegal controlled substance shall not be considered a mitigating factor.
- f. There shall be a single written record of all formal evidentiary hearings before the Hearing Officer. The record shall be the property of WDT.

- g. The record and its contents shall be held in confidence. Any person who unnecessarily discloses the contents of the record to parties not involved in the appeal shall be subject to discipline.
- h. Except as required by the Americans with Disabilities Act, WDT shall not be required to change the form in which the record is maintained.
- i. Except in the case of a student charged with failing to obey the summons of the Hearing Officer or WDT official, no student may be found to have violated the Code of Conduct solely because the student failed to appear before the Hearing Officer. In all cases, the evidence in support of the allegations shall be presented and considered.

Sanctions

In each case in which the Hearing Officer determines that there is a preponderance of evidence that a student has violated the WDT Code of Conduct, the Hearing Officer shall uphold or modify the recommended sanction(s) based on the principle of "like sanctions for like violations" and the principle of a sanction being commensurate with the violation.

In the case of a drug or alcohol violation, the sanction imposed will reflect what is stated in the Alcohol and Other Drugs section of the Student Handbook.

Following the hearing, the Director of Student Success/Registrar or designated representative shall provide a written summary of the findings of fact, conclusions, and recommendations, if any, reached by the Hearing Officer and of the sanction(s) imposed, if any, to the parties involved.