

STUDENT CODE OF CONDUCT VIOLATION

I. Procedure

A. All student resolution processes regardless of the nature of the concern include the following rights:

- All students may have an advisor, of their choosing and at their own expense, accompany them during any part of the resolution process.
- Western Dakota Technical College (WDTC) will make appropriate arrangements to ensure that persons requiring accommodations are provided those accommodations, as needed, to participate in the resolution process. Such arrangements may include, but are not limited to, providing interpreters for hearing impaired, providing recordings of material for visually impaired, or assuring a barrier-free location for the proceedings. The Student Success Center supervisor is responsible for such arrangements.
- WDTC will not retaliate against anyone who files a concern/complaint/grievance or cooperates in the investigation of a concern/complaint/grievance. Any action by a member of the WDTC community to penalize, intimidate, harass, or take adverse action against a person who reports or participates in the investigation of a concern/complaint/ grievance is prohibited. Retaliation may be found even when the underlying report does not constitute a concern/complaint/grievance.

B. The resolution process for a student code of conduct violation is as follows:

Allegations

Student Code of Conduct allegations may be filed against any student by any member of the WDTC community. 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.

Allegations of academic misconduct shall be directed to the VP for Teaching and Learning (VP) or designated representative. Allegations other than academic misconduct shall be directed to the VP for Institutional Effectiveness & Student Success (VP) or designated representative.

Preliminary Investigation

The VP 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.

If it is determined the allegations were timely, the VP will determine if the allegations may have merit and whether the incident sufficiently affects WDTC interest to warrant further proceedings. If yes, notice will be given to the charged student.

Notice

The VP or their designee shall provide the charged student with notice of the alleged violation. This notice shall be given in person, sent through campus email, or mailed to the student via certified mail. The notice shall include a statement of the charge(s), a copy of, or link to, the due process and disciplinary procedures in effect at that time, the hearing date, and instructions for the student to submit a statement and supporting documentation to the VP at least 7 calendar days before the hearing date.

Investigation

The VP will conduct further investigation as needed.

Disciplinary Hearing

1. Within 21 calendar days of the notice to the charged student, a hearing will be conducted by the VP (Hearing Officer).
2. Following the hearing, the VP or designated representative shall provide a written summary of the findings of fact and conclusions reached by the VP and of the sanction(s) imposed, if any, to the parties involved within 7 calendar days of the hearing.
3. Maximum time limits may be extended at the discretion of the VP.

Hearing Guidelines

Hearings shall be conducted by the Hearing Officer according to the following guidelines:

1. The Hearing Officer shall have the power to exclude from the hearing any person whose conduct interferes with the hearing.
2. In hearings involving more than one accused student, the Hearing Officer may permit the hearings concerning each student to be conducted separately.
3. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Officer.
4. 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 based on the preponderance of evidence.
5. 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.
6. Except in the case of a student charged with failing to obey the summons of the Hearing Officer or WDTC official, no student may be found to have violated the Code of Conduct solely because the student failed to appear before the Hearing Officer.

Sanctions

In each case in which the Hearing Officer determines that there is a preponderance of evidence that a student has violated the WDTC 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.

The following are the usual disciplinary sanctions for violations other than drug or alcohol violations that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any WDTC policy, procedure, or directive will result in more severe disciplinary sanctions.
- **Required Counseling:** A mandate to meet with and engage in counseling to better comprehend the misconduct and its effects.
- **Conduct Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Conduct Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on conduct probation through the remainder of their tenure as a student at WDTC.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend WDTC-sponsored events.
- **Organizational Disciplinary Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including WDTC registration) for a specified period of time.
- **Other Actions:** In addition to or in place of the above disciplinary sanctions, WDTC may assign any other disciplinary sanctions as deemed appropriate.

In the case of a drug or alcohol violations, the sanctions imposed* will be as follows:

1. The first offense will result in:
 - The student meeting with their Student Success Coach to discuss available campus and community resources.
 - The student being placed on conduct probation from the time of the decision and for the earlier of one full semester (fall/spring) or until graduation.
2. The second offense will result in:
 - The student meeting with their Student Success Coach to discuss available campus and community resources.

- The student being placed on conduct probation from the time of the decision and for the earlier of two full semesters (fall/spring) or until graduation.
3. The third offense will result in:
 - The student being suspended (conduct suspension) from WDTC from the time of the decision and for a minimum of one full semester (fall/spring).
 4. The fourth offense will result in:
 - The student being expelled (conduct expulsion) from WDTC.

*The Hearing Officer may also impose required counseling based on the circumstances of the infraction which may be at the student's expense.

Appeal

Should the student feel the resolution reached by the VP to be unsatisfactory, the student must submit a written appeal within 7 calendar days of the written decision to the Student Success Center supervisor to deliver to a VP who was not involved in the disciplinary hearing. That VP will review the appeal. The VP will issue a decision within 14 calendar days of the appeal. All appeal decisions are final.

II. Definitions - None

Legal References: None

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