Student Accountability

STUDENT CODE OF CONDUCT
Western Dakota Tech (WDT) has a responsibility to protect its mission and the members of the WDT community. WDT 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 Code of Conduct is subject to the disciplinary sanctions.

Violations of the Code of Conduct include, but are not limited to:
1. Inappropriate behavior is 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 Institute.
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, student loans, non-sufficient funds or no-account personal checks, department supply charges, etc.
10. Harassment or hazing of fellow students or staff members.
11. Smoking or the use of chewing tobacco 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. Disruptive behavior is 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.

PROCEDURAL DUE PROCESS PRINCIPLES
Allegations and Hearings
1. Student Code of Conduct allegations may be filed against any student by any member of the WDT community.
   a. Allegations other than academic misconduct shall be directed to the Dean of Enrollment Services or designated representative.
   b. Allegations of academic misconduct shall be directed to the Dean of Academics 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 complainant. Any allegation should be submitted as soon as possible after the event takes place or after the complainant discovers the identity of the alleged perpetrator.

2. The Dean of Enrollment Services or Dean of Academics 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 Dean of Enrollment Services or Dean of Academics shall determine if the allegations have merit and whether the incident sufficiently affects WDT interest to warrant further proceedings.

**Informal Resolution**

1. If the Dean of Enrollment Services or Dean of Academics determines that the allegations have merit, the Dean of Enrollment Services or Dean of Academics shall next determine whether the allegations can be resolved by mutual consent of the parties involved on a basis acceptable to the Dean of Enrollment Services or Dean of Academics 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**

A. Within fifteen working days of the final informal resolution attempt, the Dean of Enrollment Services or Dean of Academics shall present all allegations 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, not less than five nor more than fifteen calendar days after the student has been notified. 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 Dean of Enrollment or Dean of Academics.

B. Hearings shall be conducted by a Conduct Board according to the following guidelines:
   a. Hearings shall be conducted in private.
   b. The chair of the Conduct Board shall have the power to exclude from the hearing any person whose conduct interferes with the hearing.
   c. In hearings involving more than one accused student, the Conduct Board may permit the hearings concerning each student to be conducted separately.
   d. The complainant and the defendant have the right to be assisted by an advisor of their choice, at their own expense. Ordinarily, no more than one advisor for each student shall be permitted. The advisor may be a faculty member, staff member, student, attorney or family member. The complainant and the defendant are responsible for presenting their own cases, and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Conduct Board.
   e. The complainant, the defendant, and the Conduct Board shall have the privilege of presenting witnesses, subject to the right of cross examination. Witnesses may only be present during the hearing while testifying.
   f. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a Conduct Board at the discretion of the chairperson.
   g. At the hearing, the Conduct Board shall determine (by majority vote) whether the student has violated each section of the Code of Conduct which the student is charged with violating.
   h. The fact that a student acted while under the influence of alcohol, marijuana, or an illegal controlled substance shall not be considered a mitigating factor.
   i. There shall be a single written record of all formal evidentiary hearings before a Conduct Board. The record shall be the property of the WDT.
      i. The record and its contents shall be held in confidence and may be used solely for purposes of appeal. Any person who unnecessarily discloses the contents of the record to parties not involved in the appeal shall be subject to discipline.
      ii. In the event of an appeal, the defendant shall be given access to the record for purposes of preparing the appeal. Access shall be provided at such places and times as the Dean of Enrollment Services or Dean of Academics may direct.
      iii. Except as required by the Americans with Disabilities Act, WDT shall not be required to change the form in which the record is maintained.
   j. Except in the case of a student charged with failing to obey the summons of a Conduct Board or WDT official, no student may be found to have violated the Code of Conduct solely because the student failed to appear before a Conduct Board. In all cases, the
evidence in support of the allegations shall be presented and considered.

Sanctions
In each case in which a Conduct Board determines that a student has violated the WDT Code of Conduct, the sanction(s) shall be determined and imposed by the Conduct Board 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 WDT Drug and Alcohol Policy.

Following the hearing, the Dean of Enrollment Services or Dean of Academics shall provide a written summary of the findings of fact, conclusions, and recommendations, if any, reached by the Conduct Board and of the sanction(s) imposed, if any, to the parties involved.