



Student Conduct

Purpose:

The purpose of a code of conduct at Fond du Lac Tribal and Community College is to establish clear expectations for student behavior, ensuring a safe, respectful, and conducive learning environment. It outlines the standards of conduct that students must adhere to, promoting integrity, responsibility, and mutual respect within the college community. The code of conduct also provides a framework for addressing violations, ensuring that disciplinary actions are handled fairly and consistently while upholding the rights of all students.

Policy Language:

Part 1. Student Code of Conduct

Each student at Fond du Lac Tribal and Community College has the right to an education, and it is the responsibility of the college to provide an environment that promotes learning. Any action by a student that interferes with the education of any other student or interferes with the operations of the college in carrying out its responsibility to provide education will be considered a violation of this code. Disciplinary action will be handled in an expeditious manner while providing due process.

Fond du Lac Tribal and Community College have established a code of student conduct that states its student conduct policies and its procedures for the administration of student conduct proceedings. Hazing, whether occurring on or off-campus, is included in FDLTCC's list of prohibited behavior. Students shall be afforded appropriate due process in the resolution of any allegation(s) of violations of the code of student conduct. Students found responsible for violations are subject to sanctions, which in more serious cases may include removal from student housing or suspension or expulsion from the college. Annually, and upon amendment, FDLTCC shall notify its students of the availability and location of the code of conduct and a copy of the code shall be posted at appropriate locations on campus and on the college website. Allegations of discrimination, harassment, sexual violence, fraud or dishonest acts as defined in Board Policy 1C.2 shall be resolved pursuant to Board policy. Allegations of academic dishonesty may be resolved under separate procedures in accordance with FDLTCC's policy.

FDLTCC's Student Code of Conduct applies to all locations and activities of the college. During orientation, students must be informed of the student code of conduct and where an available copy is located. Student organizations are subject to the college's student code of conduct and to the process in Part 4 of this procedure.

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Part 2: Off-campus Conduct

Colleges may hold students accountable for a violation of the behavioral proscriptions contained in their student codes of conduct committed off campus when:

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

Part 3. Definitions

For purposes of Board Policy 3.6 and System Procedure 3.6.1 the following definitions apply:

Administrator- The college employee responsible for administering the student code of conduct.

Advocate- An individual who advises a student during the process.

Expulsion-Permanent denial of the privilege of enrollment at that college.

Hazing-

An act which endangers the mental or physical health or safety of a person, subjects a person to 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, organization, or athletic team.

Preponderance of evidence- A standard of responsibility that it is more likely than not that the code has been violated.

Student- The term “student” includes all persons who: Are enrolled in one or more courses, either credit or non-credit, through a college. Withdraw, transfer, or graduate, after an alleged violation of the student code of conduct.

Are not officially enrolled for a particular term, but who have a continuing academic relationship with the college. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid. Are living in a college residence hall although not enrolled at the college.

Summary suspension-A temporary suspension imposed without a formal hearing to ensure the safety and well-being of members of the college community.

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

Part 4. Proscribed Behavior

Violations will include, but not be limited to, the following:

Intentionally or recklessly interfering with college or college-sponsored activities including, but not limited to, teaching, research, college administration, fire, police or other emergency services, ceremonial events, scheduled interviews, extracurricular activities or other functions on college premises or officially arranged college activities off-campus.

Intentionally, recklessly or negligently causing physical harm to any person. This includes engaging in any form of fighting. Physically detaining or restraining any other persons or removing such persons from any place where they are authorized to remain.

Intentionally, recklessly or negligently placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse, harassment (including

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repeated phone calls), sexual harassment, hazing, intimidation, threats or other conduct which threatens or endangers that person's emotional, mental or physical well-being. Criminal sexual behavior including, but not limited to, the implied use or threatened use of force to engage in any sexual activity against a person's will and/or engaging in such behavior with a person who is unconscious, substantially mentally impaired (including intoxicated); intentionally touching another person's genitals, buttocks, or breasts without the person's consent; indecent exposure; voyeurism.

Use or possession of weapons unless expressly authorized by the college. "Weapon" is broadly defined to include, but is not limited to, all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy clubs, and fireworks. Intentionally or recklessly activating a fire alarm without cause; damaging fire safety equipment or initiating a false report; warning or threat of fire, explosion or other emergencies.

Use, possession or distribution of any controlled substance or drugs and/or drug paraphernalia. Use, possession or distribution of alcohol except as expressly permitted by college policy. Reporting to campus or to a campus-sponsored activity while under the influence of a controlled substance, except as prescribed by a physician, which affects alertness, coordination, reaction, response, judgment, decision making, or safety.

Use of tobacco on campus that violates the Minnesota Clean Indoor Air Act or the local no-smoking ordinance established by Carlton County. The act prohibits smoking or use of other tobacco products in public places and at public meetings except in designated smoking areas. This law has been interpreted to apply to Fond du Lac Tribal and Community College as follows: smoking or use of other tobacco products is not permitted in any college building used by the public or serving as a place of work except in designated smoking areas. This applies to classroom, hallways, lounges, auditorium, reception areas, entrances, and any portion of college buildings except in designated posted smoking areas. Smoking is also prohibited in all college vehicles.

Knowingly furnishing false information to college personnel, or the knowledgeable passing of insufficient funds check or fraudulent money order in payment of any financial obligation to the college.

Forgery, unauthorized alteration or unauthorized use of any college document or instrument of identification.

Theft, attempted theft, unauthorized borrowing or use of any college property or service wherever located, or the theft, attempted theft, or unauthorized borrowing or use of public or private property.

Possessing, making, or causing to be made any key to operate locks or locking mechanisms without proper authorization, including using or giving to another a key for which there has been no proper authorization.

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Unauthorized presence in, or use of college premises, facilities or property.
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.

In-line skating, roller skating, or skateboarding in all college buildings.

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.

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.

Failure to comply with the directions of college officials including, but not limited to, faculty or administrators acting in the performance of their duties; failure to present identification upon request of college personnel in the performance of their duties.

Gambling for money or other things of value on campus or at college-sponsored activities except as permitted by law.

Falsely claiming to represent the college or a student organization of the college. 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; participating in a campus demonstration which disrupts the normal operations of the college, intentionally obstructing or interfering with the freedom of pedestrian or vehicular movements on campus.

Violation of published College policies, rules or regulations including, but not limited to, smoking, solicitation, distribution of literature, sexual harassment, and amplification and loudspeaker use.

Parties and/or large gatherings, which disturb the peace of the campus community or off-campus neighborhoods.

Apparent or alleged violation of local ordinances, federal or state laws where said violation poses a substantial threat to the safety and/or welfare of campus community members.

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Attempts and complicity: attempts to commit acts prohibited by this code, or encouraging others to commit acts prohibited by this code will be punished to the same extent as if one had committed the prohibited act.

Interfering with the judicial procedures or outcomes including, but not limited to, falsification, distortion or misrepresentation of information before a hearing officer or judicial panel; knowingly initiating a complaint without cause or failure to comply with the sanction(s) imposed by either a hearing officer or administration.

Hazing, “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 group, organization, or athletic team.”

Part 5. College Sanctions

The following sanctions may be imposed for misconduct:

Warning- Issuance of a written warning, admonition, or reprimand, and may include a referral for counseling.

Probation- Continuance at the college, but only under special conditions for a specified period of time.

Loss of Privileges- Denial of specified privileges for a designated period of time or exclusion from participation in the extracurricular activities of the college, including the holding of any student office, for a period of time not to exceed one academic year.

Restitution- Required reimbursement for damage to or misappropriation of property. This may take the form of appropriate services or other compensation.

Discretionary sanctions- Work assignments, service to the college, counseling or referral to community agencies, rehabilitative programs, or other related discretionary assignments. Failure to participate as directed may result in the imposition of additional sanctions.

Confiscation- Confiscation of property or goods used or possessed in violation of college rules and may not be subject to return to the student.

Trespass- Denial of rights to access the college premises or specified areas within the college, either permanently or within a specified period of time.

Administrative and legal sanctions up to and including expulsion and referral for prosecution may be imposed on students who violate local, state or federal law.

Suspension- Denial of the privilege of enrollment for a specified period of time, after which the student is eligible to return. During this time the student cannot qualify for graduation, register for or attend classes or other college functions.

Summary Suspension. A suspension imposed without an informal or formal hearing to ensure the safety and well-being of members of the college. This shall include an oral or written statement from the chief student affairs officer or designee that the student is violating or has violated college rules and may be subject to more severe sanctions.

Expulsion- Permanent denial of the privilege of enrollment at the college. More than one of the sanctions listed above may be imposed for any single violation. Other than college

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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. NOTE: Disciplinary suspensions or expulsions. In accordance with Minnesota State System Procedure 3.29.1, suspensions or expulsions for disciplinary reasons shall be noted on the official transcript with a two-line message. For a suspension, the first line shall read "Disciplinary Suspension" and the second line "Eligible for Reinstatement 'Term, Year.'" Expulsion shall be noted by a first-line reading "Disciplinary Expulsion" and the second line reading "Not Eligible for Reinstatement." The disciplinary suspension notation shall be removed from the transcript following the date when the student becomes eligible for reinstatement, while the disciplinary expulsion notation is permanent.

Part 6. Process

Subpart A. Investigation and process

Any member of the college community may file a written complaint alleging that a student or organization has violated student conduct proscriptions. College processes may provide for the filing of complaints by others under certain conditions. Persons filing complaints must be informed of their rights under the Minnesota Statute 13.04, subdivision 2 and be provided with information about the process and the anticipated timeline of the investigation. Following the filing of a complaint against a student, the administrator shall conduct an investigation of the allegations.

The college process must include the following:

If the complaint seems unwarranted, the administrator may discontinue proceedings.

If there is sufficient evidence to support the complaint, the administrator shall offer the student whose conduct is in question an opportunity to address the alleged violation at an informal meeting. Prior to this meeting, the student must be given written notice of the specific complaint, the nature of the evidence available to support the complaint, information on advocates, and a copy of the student code of conduct. During the meeting the administrator shall review the complaint and the evidence with the student and allow the student to present a response to the complaint.

If the meeting occurs, then within a reasonable time period afterwards the administrator shall inform the student in writing of the college's decision, including:

whether a violation of the student code of conduct was established by a preponderance of evidence, and if any applicable sanction(s) as well as options are available for an appeal and/or a student conduct hearing.

The complainant must receive notification consistent with state and federal privacy laws.

If the meeting does not occur, then the administrator may proceed to review and act upon the complaint in the student's absence and shall notify the student in writing of the college's decision, including; whether a violation of the student code of conduct was established by a preponderance of evidence and if any applicable sanction(s) as well as options available for an appeal and/or a hearing before a student conduct panel.

The complainant must receive notification consistent with state and federal privacy laws.

A student who is subject to a sanction of expulsion or suspension, for more than nine days may agree to accept the sanction or may request a student conduct hearing prior to

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implementation of the sanction. Other sanctions must be accepted unless appealed in accordance with the college appeal process.

Subpart B. Student conduct hearing and due process rights

The formal hearing procedure, including the composition of the Judicial Board, shall be developed by FDLTCC. The panel shall include the chief student affairs officer or designee, two students, appointed by the Student Senate and Anishinaabe Student Congress, one faculty member appointed by the Faculty Association, and one person appointed by the president. Students serving on the Judicial Board shall serve a one-year term and may be reappointed for a second term. Members shall not serve more than two consecutive terms. The chief student affairs officer or designee shall provide appropriate training to the Board. The members shall elect a chair who shall preside over judicial hearings and a vice-chair who shall preside in the chair's absence. A majority of the full membership of the Judicial Board shall constitute the quorum necessary to hear any case. When a case is referred to the Judicial Board, the chief student affairs officer or designee shall forward to the Board:

Subpart C. Formal hearing and due process rights

Students referred for a formal hearing must be given adequate advance notice in writing of the date, time, and location of the hearing.

Within a reasonable time prior to the hearing, the student must be informed in writing of:

- (a) the complaint,
- (b) the evidence to be presented against the student,
- (c) a list of witnesses, and
- (d) the nature of their testimony.

The student must be given the opportunity to speak and present a response to the complaint, to present witnesses, to question any witnesses, and to have an advocate present. The advocate may provide advice to the student, but may not participate in any questioning or the presentation of information.

A student's failure to appear at the hearing will not prevent the hearing from proceeding as scheduled.

A written notice of findings and conclusions must be provided to the student within a reasonable time after the hearing. The notice must inform the student of any sanction(s) to be imposed and contain information regarding any applicable appeal process.

The complainant must receive notification of process outcomes consistent with state and federal privacy laws.

Admission of any person to the proceeding shall be at the discretion of the Judicial Board. In proceedings involving more than one accused student, the Judicial Board may at its discretion permit the proceedings concerning each student to be conducted separately.

Judicial Board proceedings shall be conducted in the following manner:

The chief student affairs officer or designee shall first present the charges and supporting evidence, including the testimony of any witnesses. The accused student shall have the opportunity to challenge evidence and to ask questions of any witnesses introduced by the administrator or designee. The complainant shall be available for testimony.

The accused student shall next present evidence or testimony to refute the charges. The administrator or designee may challenge evidence presented by the student and may ask questions of witnesses introduced by the student.

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Only those materials and matters presented at the hearing shall be considered as evidence. The chair shall exclude irrelevant, immaterial, or unduly repetitious evidence. Hearings shall be held in closed session unless the Judicial Board determines there is a compelling reason for the hearing to be open and neither the accused student nor the complainant presents an objection.

The student shall be given the opportunity to speak in his/her own defense, and to question any witnesses and may have an advocate present. The advocate may provide advice to the student, but may not participate in any questioning. When there is a likelihood that a student involved in conduct proceedings shall face criminal prosecution for a serious offense, it may be advisable that the student has an attorney as the advisor.

The hearing shall be audiotape recorded, and the tape shall be kept on file in the Dean of Student Services or designee's office for a period of three years.

Upon conclusion of the hearing, the Judicial Board in closed session shall consider the evidence presented and decide by majority vote to exonerate the student or to impose one of the sanctions stated in the policy.

A written notice of findings and conclusions shall be provided to the student within five working days after the hearing. The notice shall inform the student of any sanction to be imposed. The notice shall also contain information regarding any applicable appeal process.

Subpart D. Appeals

Following the panel's decision, a student may request an appeal hearing before the president. The request for an appeal to be heard must be submitted in writing to the chief student affairs officer or designee within five days of the date of the notification of the decision. The chief student affairs officer or designee will forward the information to the president. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following grounds:

The sanction is excessively severe.

New or newly discovered evidence of nature, which may substantially affect the outcome of the hearing.

There was a procedural error, which substantially affected the outcome of the hearing. The appeal letter will be reviewed and, if there is adequate reason to believe that one or more of the grounds for appeal has merit, an appeal hearing will be scheduled between the accused student and the president. A student's attorney or advocate may attend this meeting if criminal charges are pending against the student. In the event that new evidence is relevant to the outcome of the decision, the president may request a rehearing by the original panel. The president will render a decision and notify the student in writing within five days of the appeal hearing.

Subpart E. Chapter 14 Contested Case Hearing

Students who are suspended for more than ten days or are expelled may request a contested case hearing before an administrative law judge supplied by the Minnesota State Hearing Examiner's Office in Saint Paul, Minnesota. The hearing officer will issue a recommendation to the President of the college who will make the final decision.

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Part 7. Summary Suspensions

In certain circumstances, a summary suspension may be imposed prior to student conduct proceedings. A summary suspension may be imposed only when the 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 student must be given oral or written notice of the intent to impose summary suspension and must 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 must not prevent the implementation of a summary suspension. Notice of the summary suspension must be provided in writing to the student. After the student has been summarily suspended, the student must be provided an opportunity for a meeting with the administrator or a student conduct 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 or participate in any college activities without obtaining prior permission from the administrator.

Policy 3.6 History

Date of Adoption: 05/16/95

Date of Implementation: 07/01/95

Date of Last Review: 01/27/21

01/27/21 – Replaced “avenue of appeal” with “appeal process” in Part 3 and made several technical edits.

05/18/16 – Amended to change “code of student conduct” to “student code of conduct” so the name is consistent with other types of codes of conduct. Applied the new formatting and writing styles which resulted in multiple technical edits.

12/7/05 – some procedural language moved into a newly created Procedure 3.6.1. Policy was amended to change language from a judicial context to a student development context. New language requires that students be informed of the student conduct code and the policy authorizes the creation of a procedure. The proposed procedure adds clarifying language, deletes unnecessary language, and changes language to be consistent with a student development model. deleted Part 1 Definitions, deleted Part 3 Contents of Code of Student Conduct, deleted Part 4 Process, deleted Part 6 Summary Suspensions. Created new Part 4 Procedures.

4/29/98 – amendments regarding “hazing”

Procedure 3.6.1 History

Procedure Date of Adoption: 01/19/06

Procedure Date of Implementation: 01/19/06

Procedure Date of Last Review: 01/19/21

Date & Subject of Amendments:

01/19/21 – Removed the words “formal” and “informal to avoid confusion, deleted or replaced “accused student” with “student” or “the student whose conduct is in question”, updated the complaint investigation process language in Part 4, Subpart A to be more consistent and accurate, and made technical edits throughout the document.

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11/13/19 – Added “administrator” and “advocate” definitions in Part 2, deleted or replaced outdated terminology to be more accurate and clarify the procedure, and applied the new formatting and writing styles.

01/25/11 – Amended Part 1 to require that information be given at orientation. Eliminated Part 3, Subpart A requiring a hard copy be given to students. Amended Part 3, new Subpart C requiring that suspensions and expulsions be posted on transcripts. Amended to require that information about the process and timeline be given to persons filing complaints, and that notification of complaints are consistent with state and federal privacy laws.

[List Related Policies, Procedures Or Forms:](#)

MN State Board Policy 3.6 and System Procedure 3.6.1

Date Policy was Originally Adopted:

Responsible Division/Author:

Revision Date(s):