

Student Policy - Student Conduct

Policy:

It shall be the policy of Bismarck State College to have rules and regulations governing the conduct of students and to provide regulations and procedures for disciplinary action.

Authority:

The North Dakota State Board of Higher Education has delegated the administration of student discipline to the President of the College, who in turn may assign to individuals and/or committees the responsibility for assisting with the enforcement of the rules, regulations, and policies of the College.

Prohibited Student Conduct:

The following behaviors violate BSC's standards of conduct. Violations, or assisting or encouraging others in the violation of the college's policies, are subject to disciplinary action through the appropriate process.

1. Not following the rules, regulations, and policies of the College. Failures to show proper respect for good order and the rights of others, or insubordination toward a College official in the proper execution of his or her duties.
2. Physical abuse, verbal abuse, stalking, hazing, threats, intimidation, bullying, harassment, coercion, or any other conduct that threatens or endangers the health or safety of any person.
3. Sexual Misconduct (see BSC's Sexual Misconduct and Title IX Compliance Policy).
<http://www.bismarckstate.edu/uploads/resources/5739/sexualmisconducttitleixcompliance.pdf>
4. Stalking. Intentionally and repeatedly following, contacting or harassing another person, so that fear is instilled in that individual.
5. Hazing, abusing or humiliating initiation into a group or affiliation.
6. Disorderly or lewd conduct.
7. Failure to pay financial obligations to the College (library fines, parking fines, tuition, etc.).
8. Breaching a contract made with BSC, including those related to BSC-owned housing.
9. 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.
10. Interfering with, obstructing or disrupting police or fire responses. This prohibition includes, but is not limited to:
 - a. Resisting arrest.
 - b. Failing to abide by the directions of a peace officer.
 - c. Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms.
 - d. Failing to evacuate during a fire alarm.
 - e. Arson/setting fires.
 11. Violation of computer usage (see BSC's Use of Computer & Network Facilities Policy).
<http://www.bismarckstate.edu/uploads/resources/314/useofcomputerfacilities.pdf>
 12. Refusal to respond to reasonable requests and direction from BSC authorities while in the performance of their duties.
 13. Acts of dishonesty, including but not limited to making false statements, fraud, providing false information or identification, forgery, or misuse of BSC documents, forms, records, and identification cards.
 14. Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results or assisting others to do the same. A student is expected to abide by the BSC's Academic Honor Code
<http://www.bismarckstate.edu/uploads/resources/356/StudentAcademicHonorCode.pdf>
 15. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
 16. 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.
 17. Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on BSC property or at BSC events; or use of such items, even if legally possessed in a threatening or irresponsible manner that causes fear or imminent bodily harm. (see BSC's Firearms and Weapons Policy)
<http://www.bismarckstate.edu/uploads/resources/317/FirearmsandWeapons.pdf>
 18. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law. (see BSC's Alcohol and Illegal Drugs Policy)
<http://www.bismarckstate.edu/uploads/resources/358/AlcoholandIllegalDrugs.pdf>
 19. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College or NDUS regulations) and public intoxication. (see BSC's Alcohol and Illegal Drugs Policy)
<http://www.bismarckstate.edu/uploads/resources/358/AlcoholandIllegalDrugs.pdf>
 20. Violating any federal, state, local law or, violation of any College or board policy, rule, or regulation published in hard copy or available electronically on the College or NDUS website.
 21. Situations, other than those already mentioned, which will warrant disciplinary action are those in which a student endangers or seriously threatens the life or physical safety of

others, himself, or herself or property.

College Disciplinary Sanctions:

Factors Considered in Determining Sanctions:

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

1. The nature of the violation(s)
2. Prior violations and disciplinary history
3. Mitigating circumstances surrounding the violation
4. The student's motive or purpose for engaging in the behavior
5. Sanctions which have been imposed in similar cases in the past
6. The developmental and educational impact on the student

Possible Sanctions:

A sanction is a consequence placed upon any student for conflicts with specified College policies. Sanctions help define the student relationship with the College in the context of current and potential future behavior including a notice that further conflicts may lead to more severe behavioral sanctions.

Individual students who are found in violation of College policy may be subject to one or more of the sanctions below.

Possible disciplinary action may include:

1. **Warning** – A verbal or written notice to the student that the student is violating or has violated College regulations.
2. **Probation** – A written notification for violation of College policy. Probation indicates that continued enrollment is conditional upon review and observation in which the student demonstrates the ability to comply with College policies and any terms or conditions that have been imposed during a specified period. It is a matter of temporary record.
3. **Suspension for Conduct** – A written notification of denial of the privilege of enrollment in the College for a specific period. Conditions for re-enrollment may be specified. This is a matter of permanent record.
4. **Expulsion from the College**– A written notification that the student is permanently denied the privilege of enrollment at the College. This is a matter of permanent record.
5. **Suspension from Class**— The immediate revocation of the privilege of attending a class, using a laboratory, or participating in a shop.
6. **Loss of Privileges** – Denial of specified privileges for a designated period of time. Loss of privileges may include, but are not limited to participating in or attending an event, receiving guests in residence halls, using network services, representing the College, and receiving financial aid.
7. **Discretionary Sanctions** – Work assignments, service to the College, confiscation, educational projects, alcohol and drug testing and/or screening, participation in a specific program.
8. **Restitution** – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

9. **Fine** – The imposition of a monetary penalty.
10. **Eviction** – The formal removal of a student from College housing.
11. **Revocation of Admissions and/or Degree** – Admission to or a degree awarded from the College may be 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.
12. **Withholding Transcript (Grades) or Degree** – Refusal by the College to provide transcripts or the degree to the student, to other institutions, to employers, and to other agencies until the completion of the process set forth in student conduct, including the completion of all sanctions imposed, if any.
13. **Failing Grade** – Possible penalty that may be used in the case of academic dishonesty. Depending on the circumstances, the failure may apply to a single assignment or exam, a unit of study, or an entire course.
14. **Interim Action** – A student may be temporarily suspended when the student actions or threats of actions indicate a serious threat to the welfare and/or safety of persons or property. Conditions under which emergency suspension may be imposed: to ensure the health, safety, or well-being of members of the College community; to preserve College property; to ensure the suspended student's own physical and emotional safety and well-being; or to ensure against the disruption of, or interference with, the normal operations of the College.

Procedures for Suspension or Expulsion from Class:

1. All instructors and academic administrators are empowered to temporarily expel a student from a class, laboratory, or shop. Temporary expulsion will continue for not more than one calendar week or until the Provost shall overturn the expulsion, instate permanent expulsion, or the student appeals the expulsion.
2. A student may be permanently expelled from a class, laboratory, shop, program, or from the college by the Provost or VP for NECE.
3. Students may appeal temporary or permanent expulsion by following the due process procedures stated in the Student Grievance and Appeal policy.

Limits, Regulations, and Procedures:

1. If misconduct is alleged, the Provost or VP for NECE may order immediate disciplinary action or require a hearing.
2. If the Provost or VP for NECE requires a hearing, he/she may assign the responsibility of a hearing to a Hearing Committee or a Hearing Officer.
 - a. Pending completion of the hearing, the status of a student should not be altered or the right to be present on the campus and attend classes suspended, except for reasons relating to his or her physical or emotional safety and well-being, for reasons relating to safety and well-being of other students, faculty or College property.
 - b. Students shall be given every reasonable opportunity to present their case, including the presentation of written and oral testimony by themselves and

their witnesses, and students will have the right to be assisted by an advisor, friend, or counsel.

- c. If the Hearing Committee or Officer decides that disciplinary action is required, they will notify the Provost or VP for NECE of their decision.
 - d. The Hearing Committee or Officer shall submit a written report of the proceedings to the Provost or VP for NECE. The report need not be verbatim, but must include all matters upon which the final decision was based.
 - e. Ordinarily the College shall abide by the recommendations of the Hearing Committee or Officer, except that the Provost or VP for NECE retains the right to modify or reject Committee or Hearing Officer's recommendations.
3. A student may follow due process procedures as stated in the Student Grievance and Appeal Policy if he or she disagrees with the final decision.

Records and Reinstatement:

1. Suspension and expulsion from the College are matters of permanent record.
2. Reinstatement after suspension--the Registrar may permit reinstatement after suspension. However, the Registrar may do so only after the student has completed the terms of the suspension.
3. Reinstatement after expulsion from the College--in unusual cases the Provost or VP for NECE may readmit a student who was expelled, for reasons of conduct.

Reference:

North Dakota Century Code 15-10-17.1
State Board of Higher Education Policy Manual Section 305.1

History of This Policy:

First policy draft October 13, 1986.

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