



Bemidji State University	
Student Handbook	
Student Code of Conduct	
Section IV	The Student Conduct System

## The Student Conduct System

The mechanism for adjudicating cases of alleged misconduct on the part of student members of the University is the Student Conduct System. Allegations of academic dishonesty are reviewed through a separate process outlined in this Handbook. The Student Conduct System of Bemidji State University consists of the Student Conduct Policy Committee, the Residence Hall Floor Hearings, Residence Hall Directors, the Residence Hall Hearing Board, the University Student Conduct Officer, the University Conduct Board, and the Office of the Vice President for Student Development & Enrollment. BSU student conduct policy and procedures conform with MnSCU Student Conduct Policy and Procedure accessible at: <http://www.mnscu.edu/board/policy/306.html>

The Student Code of Conduct applies at all locations of the university and all university activities wherever located. Student organizations are subject to the University Code of Conduct and Procedures (MnSCU 3.6.1, Part 1).

### Definitions: (MnSCU 3.6.1, Part 2)

- A. Expulsion. Permanent denial of the privilege of enrollment at the university.
- B. 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 student group, organization, or athletic team.
- C. Preponderance of evidence. A standard of responsibility that it is more likely than not that the code has been violated.
- D. Student. The term "student" includes all persons who:
  - 1. Are enrolled in one or more courses, either credit or non-credit, through a college or university.
  - 2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code.
  - 3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university.
  - 4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
  - 5. Are living in a college or university residence hall although not enrolled in the institution.
- E. Summary suspension. A suspension imposed without a formal hearing to ensure the safety and well-being of members of the college or university community.
- F. 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.

**Process:**

Bemidji State University provides students charged with a student conduct violation the opportunity to address and resolve the charge through informal and/or formal hearing processes. Following is MnSCU policy (MnSCU 3.6.1, Part 4) that guides Bemidji State University's student conduct process:

- A. Investigation and informal process. Any member of the college or university community may file a written complaint alleging that a student or organization has violated student conduct proscriptions. Institutional policies may provide for the filing of complaints by others under certain conditions. Persons filing complaints shall be informed of their rights under the Minnesota Statute 13.04, subdivision 2. Following the filing of a complaint against a student, the person responsible for administering the code (in this policy, referred to as the "administrator" [at BSU this person is the student conduct officer]) shall conduct an investigation of the allegations. The institution's process shall include the following:
1. If the complaint seems unwarranted, the administrator may discontinue proceedings.
  2. If there is sufficient evidence to support the complaint, the administrator (or hearing officer) shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given written notice of the specific complaint against him/her and the nature of the evidence available to support the complaint and provided with a copy of the code of conduct. During the meeting the administrator shall review due process rights, the complaint and the evidence with the student. The administrator will also have a discussion with the student about the charges that would include an opportunity for the student to present a defense against the complaint. If the student accepts responsibility for the charges, the administrator may resolve the case. If the administrator resolves the case, within a reasonable time period following the meeting, the administrator shall inform the accused student in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing. If the student does not accept responsibility for the charges, the administrator will determine, at her/his discretion, whether to adjudicate the case or refer the case to a conduct board for a formal hearing.
  3. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine days may agree to accept the sanction, or may request a formal hearing prior to implementation of the sanction. Other sanctions shall be accepted or may be appealed in accordance with the institution's appeal procedures.
  4. If the accused student fails to appear for the informal hearing, the administrator may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.
- B. Formal hearing and due process rights.
1. The formal hearing procedure, including composition of the conduct board, was developed by Bemidji State University. Students serving on the University Conduct Board are appointed by the Student Senate. In the case of Residence Hall Hearing Boards, students are selected through an application process. Faculty and staff representatives are appointed in consultation with the appropriate collective bargaining unit.
  2. Students referred for a formal hearing shall be given adequate advance notice in writing of the time, place, and date of the hearing. A student's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.

3. 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 him/her, c) a list of witnesses, and d) the nature of their testimony.
4. The student shall be given the opportunity to speak in his/her own defense, to present witnesses and 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. When there is a likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advocate.
5. A written notice of findings and conclusions shall be provided to the student within a reasonable time 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.

**Summary Suspensions: (MnSCU 3.6.1, Part 5)**

In certain circumstances, the administrator (at BSU this is the student conduct officer) may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. A summary suspension may be imposed only when, in the judgment of the administrator, the accused student's presence on the college or university 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 accused student shall be given oral or written notice of the intent to impose summary suspension and shall 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 shall not prevent the implementation of a summary suspension. Notice of the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, the student shall be provided an opportunity for a formal or informal 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 without obtaining prior permission from the administrator.

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Specific information on student conduct policy, procedure, and appeal processes can be obtained through the University Conduct Officer, Office of the Vice President for Student Development & Enrollment, 755-2075.