

Winona State University Student Conduct Code

Winona State University (WSU) is an academic community committed to providing an environment of learning. It has a vested interest in the safety and well-being of members of the University community, and in the promotion and protection of the University's educational mission.

Students are members of both WSU and the local community and are expected to be respectful citizens who are responsible for their behavior.

The University's Student Conduct Code is designed to promote attitudes conducive to learning; hold students accountable for violating University standards; and protect the due process rights of those charged with Student Conduct Code violations.

All students are expected to comply with the Student Conduct Code. The University has an obligation to investigate conduct that interferes with the rights of others, threatens University property, or interferes with the University's educational mission. The University also supports local, state, and federal laws.

This policy applies to all conduct that occurs on University premises; at University-sponsored activities whether on or off-campus and to certain off-campus conduct, identified below. Consequences for failing to comply with the Student Conduct Code could result in sanctions from the University.

The Conduct Code is based on mutual respect and understanding. In this community of learners, student conduct issues will be addressed with an educational approach. Sanctions will be designed as educational opportunities which promote personal responsibility.

Article I: Definitions/Rights & Responsibilities

University- Winona State University or WSU.

Administrator- the Vice President for Student Life and Development, who has been designated by the President to be responsible for the administration of the Student Conduct Code. The Administrator may delegate their duties under the Student Conduct Code to a designee.

Cheating- an act which includes, but is not limited to:

- use of any unauthorized assistance in taking quizzes, tests, or examinations
- use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments
- the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff
- engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion

Director of Student Conduct and Citizenship- the person designated by the Administrator to implement the Student Conduct Code on a day-to-day basis, including investigating and adjudicating Student Code of Conduct complaints.

Expulsion- permanent denial of the privilege of enrollment at the University.

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.

Off-Campus Conduct- any behavior occurring off WSU property that threatens the health or safety of students or members of the public, disrupts the educational process and/or negatively affects the University's relationship with the community.

Plagiarism- includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

Policy- the written regulations of the University and Minnesota State System as found in, but not limited to, the Student Conduct Code, Residence Life Handbook, University and Minnesota State web pages, Minnesota State Policy and Procedure 5.18 and 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus, Minnesota State Policy and Procedure 5.22 and 5.22.1 on Acceptable Use of Computers and Information Technology Resources, and the University Catalog.

Preponderance of evidence- a standard of responsibility where it is more likely than not that University or Minnesota State System policy has been violated.

Student- includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through the 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 University or who plan to re-enroll;
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are living in a University residence hall although not enrolled in the institution.

Student organization- any number of persons who have complied with the formal requirements for University recognition as a club or group.

Summary suspension- a suspension imposed without a formal hearing to ensure the safety and well-being of members of the University 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.

Student Rights and Responsibilities

WSU adheres to Minnesota State System Board Policy 3.1 (<http://www.minnstate.edu/board/policy/301.html>) in regards to student's rights and responsibilities.

Article II: Proscribed Conduct

A. Jurisdiction -- Student Conduct Code

1. **Off-Campus Conduct:** The Student Conduct Code shall apply to all conduct that occurs on University premises and at University sponsored activities. The Student Conduct Code shall also apply to off-campus conduct where:

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

In accordance with Minnesota State Policy 3.6.1-Student Code: Part 3 Contents: Subpart B examples of off-campus behavior which may be subject to University conduct action include, but are not limited to the following:

- underage consumption, selling or otherwise providing alcohol to underage persons
- hosting underage drinking or disruptive parties
- actions that threaten or endanger the health or safety of individuals
- using, selling or distributing illegal drugs; sexual violence
- hazing

The Director of Student Conduct and Citizenship shall decide whether the Student Conduct Code shall be applied to conduct occurring off-campus on a case-by-case basis, in their sole discretion.

2. Conduct Addressed Outside Student Conduct Code

A. Allegations of **Discrimination, Harassment, and Sexual Violence** shall be resolved pursuant to the following policies and procedures:

1. Minnesota State Policy 1B.1 (Nondiscrimination in Employment and Education Opportunity);
2. Minnesota State Procedure 1B.1.1 (Report/Complaint of Discrimination/ Harassment Investigation and Resolution);
3. Minnesota State Policy 1B.3 (Sexual Violence Policy);
4. Minnesota State Procedure 1B.3.1 (Sexual Violence Procedure);
5. University Regulation 5-7 (Policy for Dealing with Sexual Harassment);
6. the University's Sexual Violence Policy.

These policies and procedures are available on the University and Minnesota State websites, and in the Offices of Affirmative Action and Legal Affairs

B. **Academic Dishonesty**, including, but not limited to, **Cheating** and **Plagiarism**, and all allegations of academic dishonesty shall be resolved pursuant to the University's Academic Integrity Policy. The Academic Integrity Policy is available on the University's website.

Information pertaining to alleged violations of the Academic Integrity Policy can be answered in the Office of the Vice President for Academic Affairs.

C. Allegations of **Fraudulent and Dishonest Acts** by student employees shall be resolved pursuant to Minnesota State Policy 1C.2 (Fraudulent or Other Dishonest Acts). This policy is available on the Minnesota State website.

B. Conduct -- Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article III:

1. Violation of any University or Minnesota State policy, rule, or regulation, contained in any official publication or administrative announcement, or available electronically on the University or Minnesota State System websites.
2. Obstruction of the free flow of traffic, both pedestrian and vehicular, on University property or at University-sponsored or University-supervised functions.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including University's public service functions on or off-campus, or of other authorized non-University activities when the conduct occurs on University premises.
4. Physical or verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or endangers the health or safety of any person. This includes any form of fighting.
5. Attempted or actual theft of and/or damage to University property or to property of a member of the University community, or other personal or public property on or off campus
6. Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.
7. Any violation of the University's Computer Usage Policy, Regulation 7-3 or Minnesota State Policy and Procedure 5.22 and 5.22.1 on Acceptable use of Computers and Information Technology Resources.
8. Violation of University rules governing residence in University-owned or controlled property.
9. Use, possession, manufacturing or distribution of marijuana, heroin, narcotics, other controlled substances, or drug paraphernalia, except as expressly permitted by law.
10. Use, possession, manufacturing or distribution of alcoholic beverages (except as expressly permitted by University or Minnesota State regulations), public intoxication, or violation of University's Alcohol Policy or Minnesota State Policy and Procedure 5.18 and 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not under any circumstance be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
11. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear in others.
12. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so. University officials include, but are not limited to, Resident Assistants, Residence Hall Directors, Security Guards, Food Service Managers, Student Union Night Managers, and any other person delegated supervisory responsibility by a University official.
13. Conduct that is disorderly, lewd, or indecent; a breach of the peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by the University or in which University or members of the academic community participate. Disorderly conduct includes, but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent, when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
14. Gambling for money or other things of value, except as permitted by law.
15. Commercial solicitation, including the distribution of advertisements and samples, on University property without prior authorization by the appropriate University official(s).
16. Hazing by any group or individual. Hazing includes, but is not limited to, forced or required consumption of any food, liquor, drug, or any other substance; forced or required participation in physical activities; physical brutality; verbal abuse; kidnapping (transportation with the intent of stranding individuals); theft of or damage to property; assignment of unlawful or illegal activities; intentional creation of clean-up work or labor; denial of sufficient time to study; or causing excessive fatigue as a result of any of the above actions.
17. Tampering with fire or safety equipment or setting off false alarms, including Code Blues.

18. Falsification or misuse, including forgery, alteration, or fraudulent misuse of University records, permits, documents, or identification cards.
19. Knowingly furnishing false or incomplete information to the University or a University official in response to an authorized request.
20. Violation of any federal, state or local law.
21. Abuse of the student conduct system, including, but not limited to:
 - o Falsification, distortion, or misrepresentation of information before a University investigator or decision-maker, or student conduct panel;
 - o Disruption or interference with the orderly conduct of a student conduct panel or other disciplinary proceeding;
 - o Bad faith institution of a student conduct code or other complaint of misconduct;
 - o Discouraging, or attempting to discourage, an individual's proper participation in, or use of, the student conduct system;
 - o Attempting to influence the impartiality of a designated investigator or decision-maker, or a member of a student conduct panel, prior to and/or during the course of the student conduct proceeding;
 - o Harassment (verbal or physical) and/or intimidation of a University investigator or decision-maker, or member of a student conduct panel, prior to, during, and/or after a student conduct proceeding; or
 - o Failure to comply with the sanction(s) imposed by the University.
22. Failure to engage in responsible social conduct that reflects credit upon the University community and to model good citizenship in any community.
23. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

C. Violation of Law and University Discipline

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Proceedings under the Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Director of Student Conduct and Citizenship. Determinations made or sanctions imposed under the Student Conduct Code shall not be subject to change because criminal charges arising out of the same incident were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Article III: Student Conduct Code Procedures

A. Investigation and Informal Process

Any member of the University community may file a written complaint with the Director of Student Conduct and Citizenship alleging that a student or student organization has violated student conduct proscriptions. A complaint should be submitted as soon as possible after the event takes place. Persons filing complaints shall be informed of their data privacy rights under Minnesota Statutes, section 13.04, subdivision 2.

Following the filing of a complaint against a student or student organization, the Director of Student Conduct and Citizenship or his/her designee shall conduct an investigation of the allegation(s).

If the complaint is determined to be unwarranted, the Director of Student Conduct and Citizenship may discontinue proceedings.

If there is sufficient evidence to support the complaint, the Director of Student Conduct and Citizenship shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the accused student shall be given written notice of the specific complaint against him/her, the nature of the evidence available to support the complaint, and/or a copy/web link of the Student Conduct Code.

During the meeting, the Director of Student Conduct and Citizenship shall review the complaint and the evidence with the accused student and allow him/her to present a defense against the complaint. Within a reasonable time following the meeting, the Director of Student Conduct and Citizenship shall inform the accused student in writing of his/her decision as to whether a violation of the Student Conduct Code was established by a preponderance of evidence, the proposed sanction(s) as listed in Sanction Part C, and options available for an appeal and/or a formal hearing.

A student who is subject to a sanction of expulsion or suspension, except summary suspension, by the Director of Student Conduct and Citizenship 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 (See Appeals Part E).

If the accused student fails to appear for the informal meeting, the Director of Student Conduct and Citizenship may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of any action taken, including a decision regarding sanctions.

B. Formal Hearing

Formal hearings shall be conducted before the All-University Student Conduct Committee. The University President or designee determines the composition of the All-University Student Conduct Committee. Students serving on this committee shall be elected by the student body or appointed by the campus student association.

All-University Student Conduct Committee hearings shall be conducted according to the following guidelines:

- All-University Student Conduct Committee hearings shall be conducted in private.
- Students or organizations referred for a formal hearing shall be given five (5) days' notice in writing of the time, place, and date of the hearing. A student or organization's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled and the Committee may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of any action taken, including a decision regarding sanctions.
- Within five (5) days of 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 the witnesses' testimony.
- In hearings involving more than one accused student or organization, the Director of Student Conduct and Citizenship, with his or her discretion, may permit the hearings to be conducted separately or jointly.
- The student shall be given the opportunity to speak in his/her own defense, to present witnesses, to question 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 possibility 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.

- The All-University Student Conduct Committee shall make a decision and determine the appropriate sanction(s). 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 imposed and contain information regarding the applicable appeal process.
- If determined to be appropriate by the Director of Student Conduct and Citizenship, accommodations may be made during the hearing for the personal safety and well-being of the complainant, accused student, or other witness by providing separate facilities, using a visual screen, or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means.

C. Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:

1. Warning- A notice in writing to the student that the student is violating or has violated University regulations.
2. Probation- A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
3. Loss of Privileges- Denial of specified privileges for a designated period of time.
4. Restitution- Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. Discretionary Sanctions- Work assignments, essays, service to the University or community, education programs, educational meetings, or other related discretionary assignments.
6. Residence Hall Suspension- Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
7. Residence Hall Expulsion- Permanent separation of the student from the residence halls.
8. 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.
9. Expulsion- Permanent denial of the privilege of enrollment at the University.
10. Revocation of Admission and/or Degree- Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
11. Withholding Degree- The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed.

More than one of these sanctions may be imposed for any violation.

In addition to the sanctions listed above, the following sanctions may be imposed upon groups or organizations:

- Those sanctions listed above
- Loss of Selected Rights/Privileges- Loss of selected rights and privileges for a specified period of time.
- Deactivation- Loss of all privileges, including University recognition, for a specified period of time.

D. Summary Suspension

In certain circumstances, the Vice President for Student Life and Development and/or his or her designee 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 Vice President, the

accused student's presence on the 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 an informal hearing within a reasonable time period, not to exceed nine (9) school days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the Vice President of Student Life and Development and/ their designee.

E. Appeals

A sanction(s) imposed by the Director of Student Conduct and Citizenship other than expulsion or suspension may be appealed by the accused student(s) or complainant(s) to the Dean of Students within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students. The Dean of Students' decision on this appeal is final.

A sanction(s) of expulsion or suspension imposed by the Director of Student Conduct and Citizenship may be appealed by the accused student(s) or complainant(s) to the Vice President of Student Life and Development within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President. The Vice President and/or designee will work with the chair of the All University Student Conduct Committee to hear the appeal regarding suspension or expulsion.

A decision reached by the Student Conduct Committee may be appealed by the accused student(s) or complainant(s) to the Vice President of Student Life and Development within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President.

Except as required to explain the basis of new information, the Vice President of Student Life and Development will review an the committee's decision for one or more of the following purposes:

- To determine whether the informal meeting or formal hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures, giving the complaining party a reasonable opportunity to prepare and to present information that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish by a preponderance of the evidence that a violation of the Student Conduct Code occurred.
- To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code that the student was found to have committed.
- To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing or meeting, because such information and/or facts were not known to the person appealing at the time of the original informal meeting or formal hearing.

If the original decision is not upheld by the Vice President for Student Life and Development or other administrator designated for this purpose, that person may take any action they deem to be appropriate.

If the original decision is upheld, the matter shall be considered final and binding upon all involved except that in cases involving suspension for ten (10) days or longer or expulsion, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

Related Links

[Academic Misconduct Referral Form](#)

[Reporting Form](#)

[Student Conduct Code](#)

[Sexual Violence Policy](#)

[Student Complaint & Grievance Process](#)

[Hazing Policy](#)

[Alcohol & Other Drug Policies](#)

[Academic Integrity Policy](#)