

Judicial Affairs

Prohibited Code of Conduct

1. Federal, State, and Local Laws.

The University is not a sanctuary from the general law, and members of the University community are expected to abide by the laws of the Federal, State, and local governments as citizens.

2. Respect for Property.

You are expected to respect the property of others. Theft, damage, vandalism, or unauthorized use of University property or the property of a University community member is prohibited.

3. Written Policies and/or Regulations.

You are expected to abide by the written MnSCU Board and University policies and procedures contained in any official publication or administrative announcement of the MnSCU Board or Southwest Minnesota State University. This includes, but is not limited to, the Student Handbook, Guide to Community Living, Catalog, etc. Copies of these are available in the Library, the Office of the Vice President for Student Affairs, or the MnSCU or SMSU websites.

4. Academic Dishonesty.

(SMSU Policy A-032)

Any form of academic dishonesty, including, but not limited to, cheating, and plagiarism, is prohibited. Cases involving allegations of Academic Dishonesty will be handled pursuant to SMSU Policy A-032.

5. Alcohol.

(Refer to SMSU Policy G-012 for Alcohol and Drug Use/Abuse Policy)

Southwest Minnesota State University recognizes that students are adults, ultimately responsible for their own conduct, and responsible for the consequences of their behavior as well. Students are expected to adhere to state and university regulations. Campus violators of the alcohol/drug policies are subject to disciplinary actions.

Alcohol on Campus

Possession, consumption, distribution, or knowingly being in the presence of alcohol on University property is prohibited.

6. Computer Misuse.

Computer misuse is interpreted by the Minnesota Computer Crime Act and Federal Statutes.

Examples of Computer Misuse can be, but are not limited to:

- a. Intentionally and without authorization damage or destroy any computer, computer system, computer network, computer software, or any other property.
- b. Downloading or distributing copyrighted material, including peer to peer file sharing, without the permission of the copyright owner is against the law and the SMSU Student Conduct Code. Illegal downloading or distribution of copyrighted materials can result in a student being prosecuted in criminal court and sued for damages in civil court in addition to University imposed sanctions. Criminal penalties can be up to 5 years in prison and \$250,000 in fines. Civil penalties of up to \$150,000 per work distributed are possible in addition to attorney's fees and monetary damages. The use of Southwest Minnesota State University resources for unauthorized distribution of copyrighted materials is expressly forbidden

7. Electronic E-mail Regulation.

- a. The electronic mailing privilege along with the access to Internet is provided to members of the University community to enhance their ability to quickly and conveniently send and receive written communication and documents for the purpose of conducting University business or academic assignments or research. Use of the privileges for personal gain and for non-University-related business is prohibited. It is not the intent of this regulation to interfere with private communication between individuals.
- b. E-mail managers and network system administrators are expected to treat the contents of electronic files as private and confidential. Any inspection of electronic files, and any action based upon such inspection, shall be governed by applicable federal and state laws and by University policies.
- c. Transmissions are prohibited which advocate the election of a particular candidate for public office at the federal, state, or local level.

8. General E-mail Standards and Guidelines.

- a. E-mail users are advised not to send chain letters, recipes, announce "garage sales", or advertise events or items for sale or rent that result in personal gain or revenue.
- b. E-mail users are asked to take care of directing their message to large audiences and to avoid sending repeats of the

same messages as "reminders."

c. Users should be cognizant that libel laws and harassment-related prohibitions cannot be circumvented by using e-mail.

d. A user's password is the key to the e-mail network and as such users are advised that they are responsible for the security of their respective password.

9. Disruption of University Functions

Actions which unreasonably interfere obstruct or prevent the regular and essential operations of the University 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 University; occupying a campus building after regular office hours; intentionally obstructing or interfering with the freedom of pedestrian or vehicular movement on campus.

10. Drugs.

Possession, use, sale, or knowingly being in the presence of controlled substances or illegal drugs, including hallucinogens, amphetamines, barbiturates, narcotics and marijuana, and/or drug paraphernalia, is not permitted on University property. Students violating this policy will be referred for disciplinary and/or criminal action.

11. Failure to Comply.

You are expected to comply with the directions of, or present identification to, any University official acting in the performance of his/her duties. This includes compliance with the condition of sanctions resulting from University conduct action.

12. Falsification of Records/Forgery.

You shall not knowingly furnish false or misleading information to University or System officials. Nor shall you alter, destroy, or misuse any University documents, records, identification cards, or papers. Knowingly make false oral or written statements to any University Conduct Hearing Committee or student conduct hearing officer is prohibited.

13. Financial Responsibilities.

You are expected to meet your financial obligations including, but not limited to, fees, tuition, housing accounts, library fines, rental loans, Student Center transactions, parking tickets and bookstore charges. Failure to settle these accounts could result in cancellation of class or other disciplinary actions.

14. Fire Alarms and Equipment.

Tampering with or damaging fire alarms and fire equipment; intentionally or recklessly activating a false fire alarm; or initiating a false report, warning, or threat of fire, explosion or other emergency on University property is prohibited.

15. Firearms, Fireworks, and Weapons.

For the safety of all members of the University community, the possession and/or use of firearms, fireworks, or their explosive materials of any device used as a weapon (e.g knives, air pistols and brass knuckles) on campus is prohibited. (On-campus students should refer to the Guide to Community Living for additional information).

16. Gambling.

Gambling for money or other things of value, except as permitted by law, is prohibited.

17. Mail Misuse.

Use of either the United State Postal Service or campus mail for sending threatening, obscene, or harassing materials to Community members is prohibited.

18. Respect for Persons/Hazing.

You are expected to respect the rights and privileges of other members of the University community. Violating this Code of Civility includes, but is not limited to: physical abuse of any person, engaging in brawling, engaging in any boisterous or noisy conduct reasonable tending to arouse alarm, resentment or anger in others, obscene behavior, hazing (defined below) or any conduct which interferes with the rights of others. Conduct that threatens or endangers the health or safety of any person is prohibited.

Hazing is defined as the following: Any willful action taken or situation created which recklessly or intentionally endangers the mental or physical health of another.

19. Racial, Disability, or Cultural Intolerance/Harassment.

(Refer to MnSCU Policy 1.B.1)

Any verbal or physical contact directed at an individual or group such as racial slurs, jokes, or other behaviors that demean or belittle a person's race, color, gender preference, national origin, culture, history or disability, is prohibited.

20. Sexual Harassment.

(Refer to MnSCU Policy 1.B.1)

Unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of your academic performance or your participation in student activities sanctioned by the University.
- b. Such conduct has the purpose or effect of threatening, or interfering with your work or academic performance.
- c. In situations where there is a superior/subordinate relationships between parties such as staff and student, faculty and student, or supervisor and staff.

21. Criminal Sexual Behavior.

Acts of sexual violence, assault, or abuse are prohibited. These acts include, but are 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 or substantially mentally impaired (this includes intoxication); intentionally touching another person's genitals, buttocks or breasts without that person's consent; indecent exposure; and voyeurism. This conduct is criminal behavior and will be reported to the appropriate law enforcement agencies as well as the University's conduct program. (Refer to SMSU Sexual Violence Policy P-013 on page 36.)

22. Telephone Misuse.

Telephone misuse is defined as:

- a. The use of University telephones for long-distance calls or any unauthorized calls.
- b. Use of telephones for threatening, obscene, or harassing calls. (On-campus students experiencing calls of this nature should immediately contact the Department of Public Safety for assistance.)

23. Unauthorized Use or Entry.

Entering or using University facilities without authorization is prohibited. This includes the invasion of privacy, forced entry, or entry without permission into students' rooms or accessing the roof of any SMSU owned building.

24. Attempted Misconduct.

Persons found accountable for attempts to commit acts in violation of this Code, or encouraging others to commit conduct violations, will be subject to the same sanctions as if they had committed the acts.

25. Misrepresentation.

Falsely claiming to represent the University or a recognized University student organization is prohibited.

26. Interference with Student Conduct Program Process.

This includes but is not limited to falsification, distortion, or ill-representation of information before a hearing officer, hearing committee of Judicial Council; knowingly filing a complaint without cause; intimidation and/or harassment of any member of the Judicial Council or University personnel before, during, or after a proceeding.

- Any conduct violation that is motivated by bias will result in stronger penalties. A violation motivated by bias is any violation wherein the accused intentionally selects the alleged victim because of the alleged victim's race, creed, color, national origin, religion, disability, gender, age, marital status, sexual orientation, public assistance status or inclusion in any group protected by state or federal law.
- Student violators will be held financially responsible for direct and/or indirect charges associated with Code of Conduct violations.
- Removal from a residence hall for disciplinary reasons may involve immediate relocation to another assigned space or the immediate loss of the privilege to live on campus.

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