

# STUDENT CODE OF CONDUCT

## STUDENT CODE OF CONDUCT PURPOSE

Members of a university community share purposes that require mutual respect and trust and a commitment to provide and foster a living and learning environment of mutual responsibility. The university community has a special interest in the prevention of certain modes of conduct which are harmful to the interests of the members of the university community. The office of Judicial Affairs has been established to act to protect the rights of all students. By serving as "prosecutor" in cases of alleged violations of university policies, the senior student life administrator is protecting the rights of the students as a community.

## ARTICLE I: DEFINITION OF TERMS

The following definitions of terms apply to their use in this document. The senior student life administrator and/or senior academic administrator is the person designated by the University President to be responsible for the administration of the Student Code.

- The term "Allegation" refers to an official written statement alleging a violation of University Code of Conduct and includes but is not limited to an Official Security Incident Report, Residence Life Incident Reports, and any/or written statement submitted by a member of the University Community.
- The term "Administrative Appeals Board" means any person or persons authorized by the senior student life administrator and/or senior academic administrator to consider an appeal from a Judicial Body's determination that a student has violated the Student Code or from the sanctions imposed by the Judicial Advisor.
- Academic integrity is essential to any academic institution and is in keeping with the mission of Concordia University. In order to protect the rights of students, the disciplinary procedure for dealing with cases of academic dishonesty follows these broad guidelines. Violations of academic integrity include "cheating", "plagiarism", and "recycling" as defined by the university's Student Code of Conduct (SCC). [FH 6.87 & 9.66]
  - The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff (4) academic deception (e.g. fabricating data, misrepresenting sources, misleading presentations, lying) in written or oral form. [FH 6.87 & 9.66]
  - The term "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 acknowledgement. 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. [FH 6.87 & 9.66]
  - The term "recycling" may be new to some. Instructors expect that work submitted in a course is original work done for that course. These are two examples of recycling:
    - Submitting your own work, which has been submitted and graded for an earlier course, for a second course.
    - Submitting your own published work as original work for a course. [FH 6.87 & 9.66]
- The term "faculty member" means any person hired by the University to conduct classroom activities.

- The term "Judicial Advisor" means a University official authorized on a case-by-case basis by the President to impose sanctions upon students found to have violated the Student Code. The President may authorize a Judicial Advisor to serve simultaneously as a Judicial Advisor and the sole member or one of the members of a Judicial Body. Nothing shall prevent the President from authorizing the same Judicial Advisor to impose sanctions in all cases.
- The term "Judicial Body" Refers to one or more Judicial Officers.
- The term "judicial hearing" is a process in which meetings and investigations with involved parties and or witnesses are held and disciplinary outcomes are determined.
- The term "Judicial Officer" means the University official designated by the Judicial Advisor to investigate reported incidents and impose sanctions.
- The term "may" is used in the permissive sense.
- The term "member of the University community" includes any person who is a student, staff, faculty member, University official, authorized volunteer, contracted campus partner or any other person employed by the University. A person's status in a particular situation shall be determined by the senior student life administrator.
- The term "organization" means any number of persons who have complied with the formal requirements for University recognition.
- The term "policy" is defined as the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Student Policies Handbook, Residence Hall Agreement and Academic Catalog.
- The term "shall" is used in the imperative sense.
- The term "student" is defined as any person who is admitted, enrolled or registered for study at CSP for any academic period and/or those who may attend other educational institutions and reside in an CSP residence hall or attend CSP classes. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in, CSP are considered "students". A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, pre-season athletic camps, orientation, placement testing, and residence hall check-in.
- The term "University" means Concordia University, St. Paul.
- The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

## ARTICLE II: JUDICIAL AUTHORITY

- The Judicial Advisor shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings, which are not inconsistent with provisions of the Student Code.
- Decisions made by a Judicial Body and/or Judicial Advisor shall be final, pending the normal appeal process.
- A Judicial Body may be designated as arbiter of disputes within the student community in cases, which do not involve a violation of the Student Code. All parties must agree to arbitration, and to be bound by the decision with no right of appeal.

## ARTICLE III: PROSCRIBED CONDUCT

### A. Jurisdiction of the University

1. Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its objectives. If the University is made aware of an infraction of the Student Code of Conduct off campus, actions may be taken.
2. Students are responsible for the violations of their on-campus guests, and for the damages and/or losses caused by their guests.

### B. Conduct – Rules and Regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV, Section B:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty;
  - b. Furnishing false information to any University official, faculty member or office;
  - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification;
  - d. Tampering with the election of any University-recognized student organization; or
  - e. Unauthorized use of University copy, telephone and computer systems.
  - f. Attempting, aiding, abetting, being an accessory to or failing to report any act prohibited by the University policy shall be considered the same as a completed violation.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus or other authorized non-University activities, when the act occurs on University premises.
  - a. Non-compliance with reasonable time, place, or manner restrictions on expression is considered a violation of this section. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program.
  - b. To remain in the vicinity of activity that is disrupting normal University functions when requested to leave by a University official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy as well.
  - c. Disruption includes sports and other activities in hallways, stairwells and office areas that is occurring for reasons outside of education. This includes, but is not limited to, bouncing balls, riding bike, skateboarding, etc.
3. Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm conditions for person is also prohibited. These actions include, but are not limited to physical abuse, verbal abuse, threats, intimidation, harassment, coercion, retaliation and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual of and/or damage to property of the University or property of a member of the University community or other personal or public property. Theft includes seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
5. Hazing, defined as an act which endangers the mental, emotional or physical health or safety of a student, 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 or organization. The express or implied consent of the victim will not be a defense. Apathy and/or complicity in the presence of hazing are not neutral acts; they are violations of this policy.
6. Failure to comply with directions, failure to identify oneself, and/or failure to answer truthfully when addressed by University officials or law enforcement officers acting in performance of their duties.
7. Unauthorized possession, duplication or use of keys, access cards or access codes to any University premises or unauthorized entry to or use of University premises.
8. Violation of published University policies, rules or regulations.
9. Violation of federal, state or local law on University premises or at University sponsored or supervised activities.
10. Use, under the influence of, possession or distribution of narcotic or other controlled substances except as expressly permitted by law.
  - a. NOTE 1: This includes, but is not limited to, the possession or use of illegal drugs or drug paraphernalia (e.g. hookahs, bong, blow tubes, blunts, look-alike drugs). See Note 1 under alcohol.
  - b. NOTE 2: The unauthorized possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, "designer," or controlled drug or other substance is prohibited. This includes prescription medications. Violating any other provision of the Code of Student Conduct while under the influence of any illegal or illegally obtained drug is also a violation of this policy. The possession of drug paraphernalia is also prohibited. Any dilute, late, missed, forged, or failed university required drug screen will constitute a violation of this policy.
    - i. The drug policy includes, but is not limited to, the possession of a prescription drug not issued to the student, the inappropriate or unlabeled storage of prescription drugs, falsifying prescriptions, and/or furnishing one's prescription drug(s) to another.
11. Use, possession or distribution of alcoholic beverages or alcoholic beverage containers or public intoxication except as expressly permitted by law and University Policy.
  - a. NOTE 1: The University will also consider ALL individuals found in a location where an alcoholic beverage or drug is present to be in possession of an alcoholic beverage/drug. This would include locations off campus (e.g. underage students drinking in a bar or at a house party).
  - b. NOTE 2: Minnesota state law prohibits the consumption of alcohol by a person under the age of 21, whether consumed on or off campus. Any underage person who is encountered by Campus officials and is suspected of having consumed alcohol may be subject to a Preliminary Breath Test (PBT) for the purpose of determining if alcohol has been used by the underage student. Any student who refuses to provide a breath sample for a PBT will be considered in violation of this policy and will be subject to discipline for their failure to submit to the PBT test.
12. Possession of firearms or other weapons including but not limited to, lasers, stun guns, pellet guns, explosives, fireworks or dangerous biological or chemical substances on University premises except in those instances when expressly authorized by University authority for activities properly requiring the use or possession of the item.
13. Participation in activities which disrupts the normal operations of the University and 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; or intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

14. Conduct which is disorderly or indecent; breach of peace; or aiding, abetting or procuring another person to breach the peace on University premises or at functions sponsored by or participated in by, the University.
15. Conduct which goes against the Concordia University, St. Paul, Network Access and Acceptable Usage Policy.
16. Abuse of the Judicial System, including but not limited to:
  - a. Failure to obey the summons of a Judicial Body or University official;
  - b. Falsification, distortion, or misrepresentation of information before a Judicial Body;
  - c. Disruption or interference with the orderly conduct of a judicial proceeding;
  - d. Institution of a judicial proceeding knowingly without cause;
  - e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
  - f. Attempting to influence the impartiality of a member of a Judicial Body prior to, and/or during the course of, the judicial proceeding;
  - g. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Body prior to, during, and/or after a judicial proceeding;
  - h. Failure to comply with the sanction(s) imposed under the Student Code; or
  - i. Influencing or attempting to influence another person to commit an abuse of the judicial system.
17. Gambling or wagering (except for that provided under Minnesota Statutes).
18. Sexual misconduct, including lewd behavior (see Sexual Misconduct Policy).
19. Conduct resulting in breach or potential breach of security (propping doors, using windows for entering/exiting, defeating locks, etc.)
20. Display of pornographic pictures, vulgar graphics, or drawings offensive to a Christian university community and constituency.
21. Intentional activation of a fire or smoke alarm when no emergency exists.
22. Destruction or making dysfunctional any fire alarm or other part of the emergency communication system.
23. Use, misuse, under the influence of, possession or distribution of mood altering substances except as prescribed by a licensed medical provider.
24. University Faculty and staff do not monitor online communities. The University does not forbid faculty/staff and students from joining and participating in online communities. Any behavior that violates any University policies brought to the attention of a University official will be treated as an opportunity to educate and a judicial sanction may occur.
25. Individuals are prohibited from entering community and public bathrooms designated for members of the opposite sex.
26. Tobacco and Smoking – failure to comply with listed University tobacco and smoking policy.
27. Retaliation
  - a. Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment or discrimination, supporting a

complainant or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of University policy and will be treated as an instance of harassment or discrimination.

- b. Acts of alleged retaliation should be reported immediately to the Title IX/Equity/AA Coordinator or to the VP/SA or Dean of Students and will be promptly investigated. Concordia University will take all appropriate actions to protect individuals who fear that they may be subjected to retaliation.
28. The operation of an unmanned aircraft system (UAS), a drone, is regulated by the Federal Aviation Administrations (FAA). Drones are permitted only for educational and/or research purposes. To operate a drone, approval must be obtained from the Director of Security at least three University business days in advance. Email requests should be sent to security@csp.edu and include date, time purpose and length of drone operations and campus location where the UAS will be used.
  29. The use and storage of any and all hover board devices (also known as self-balancing scooters or smart boards) is prohibited on University property.

### C. Violation of Law and University Discipline

1. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the University community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contest" or "nolo contendere").
2. University disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.
3. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a Judicial Body under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ARTICLE IV: THE DISCIPLINARY REVIEW PROCESS

### Administrative Hearing

An administrative hearing conducted by one or more Judicial Officer(s) is the most common way a student conduct case is adjudicated. During the hearing, the student has the right to hear and present information related to the disciplinary process and the allegations against him or her.

#### A. Submitting an Incident Report/Allegation and Procedures

1. Any member of the University community may bring an allegation against a student for misconduct. Allegations/Incident Reports

must be presented to the Judicial Officer via the link found online at [www.csp.edu/reporting](http://www.csp.edu/reporting) and should be submitted as soon as possible after the event takes place. Allegations/reports should include the following:

- a. The date, time, and location of the incident;
  - b. The name(s) of the individual(s) involved;
  - c. The specific details of the allegation; and
  - d. The name(s) of all witnesses and the individual submitting the allegation/report.
2. The Judicial Officer will notify the alleged student(s) of the allegations brought against them in an allegation notice. The allegation notice will be sent via University email to the University provided email account. The alleged student may choose to admit to the allegation in person or in writing using the allegation notice. Failure to respond to the allegation notice by the stated date and time will be considered admission to the allegation. If a student chooses not to schedule and/or attend a hearing, a determination is made about his or her involvement without his or her input, and the student's right to appeal is forfeited.
  3. If the student denies the allegations, the Judicial Officer or Judicial Body may conduct an investigation to determine if the allegations have merit and/or if they can be dealt with through the mutual consent of the parties involved.
  4. Upon the completion of the investigation, the Judicial Officer or Judicial Body may determine the allegation to be a violation, a non-violation or refer the case to the senior student life administrator.

#### B. Sanctions

Concordia University, St. Paul has created its policies and guidelines for student behavior with the intention of protecting the rights of the community as a whole while assisting students as they develop and define their personal values and boundaries. When misconduct does occur, the University will make every effort to address each situation individually. In so doing, issues of frequency, attitude and circumstance will be considered with the intent of holding each individual personally responsible for his or her individual actions. The goal is to work with students individually in order to design interventions that will promote growth and healing.

1. Sanctions: One or more of the following sanctions may be imposed upon any student found to have violated the Student Code. The University holds the right to impose sanctions not listed below at the discretion of the Judicial Officer. For life and safety related concerns, referrals may be assigned in conjunction with University Sanctions.
  - a. Warnings: Warnings will be issued in cases of minor misconduct or in cases of unique circumstance. Warnings may include contractual sanctions that would only be enforced if the student repeats the misconduct.
  - b. Fines: In cases of gross and/or repeated misconduct, the University reserves the right to use additional disciplinary sanctions.
  - c. Restitution: Students should expect to be held financially accountable for the cleaning, repair and/or replacement of lost, damaged or stolen property. Further, compensation for physical injury may be included in the sanctioning process.
  - d. Community Service: The goal of community service is twofold: to provide meaningful service to the local community and to allow the student to build a stronger sense of self through the building of relationships, integrity and a sense of achievement.

The University Judicial Officer may assign community service hours to be completed on or off campus.

- e. Alcohol Education: Students violating the University alcohol policy may be required to attend an approved alcohol education class. The class should address issues of alcohol abuse, alcoholism, family systems, responsible drinking and sources of help for individuals with drinking problems.
  - f. Educational Sanctions: Students may be required to perform community service, write a paper, complete an online educational course, or any other activity deemed appropriate for the violation.
  - g. Hall Restriction: The goal is to help students respect their visitation privileges. Students on hall restriction will not be allowed to meet with members of the opposite sex in residence hall rooms.
  - h. Disciplinary Probation: Disciplinary probation is a strong warning that any further violation of the Student Conduct Code may result in suspension or expulsion from the residence halls and/or the University. Generally, students who are expelled from the residential halls and/or placed on University probation will not be allowed to publicly represent the University (such as in athletics, music, drama, or student government). As the University believes that extracurricular activities are a valuable component of a university education, students may be allowed to appeal to the Judicial Officer requesting that community service hours be exchanged for the opportunity to represent the University.
  - i. Residence Hall Suspension and Expulsion: Students persisting in misconduct within the residence halls, or in misconduct directly related to life in the residence halls, may be suspended or expelled from the residence hall. A suspension will consist of being removed from the residence hall for a specific period, after which the student may reapply for admittance to the residence hall. Expulsion from the residence halls is permanent.
  - j. Suspension from the University: Students suspended from the University will not be allowed to attend class or participate as a Concordia student in any capacity for a determined period of time. Conditions for readmission may be specified.
  - k. Expulsion from the University: Students expelled from the University will not be allowed to attend class or participate as a Concordia student in any capacity. University expulsion is permanent.
  - l. Disciplinary Hold: Disciplinary holds are used exclusively in cases when students have not completed previously assigned sanctions. When students do not complete sanctions on time, a disciplinary hold will be placed on their student account. This hold will prevent the student from registering for class, obtaining grade reports and receiving a student or official copy of their transcript. Disciplinary holds are set and lifted by the Judicial Officer. Holds will be lifted when students complete assigned disciplinary sanctions or develop a written contract with the Judicial Officer outlining when and how sanctions will be completed.
  - m. Parental Notification: See Release of Personal Information section in the Student Policies Handbook under Administrative Policies.
2. Student Records: the University maintains two separate sets of records regarding student misconduct.
    - a. Academic Records: Other than expulsion or suspension longer than 30 days from the University (Disciplinary Review, Article IV B.1.j-l), disciplinary sanctions will not be part of the student's

permanent academic record. Academic records are maintained by the University Registrar.

- b. **Disciplinary Records:** The University maintains a file in the office of Judicial Affairs for each person found to be responsible for a Code of Conduct violation. Judicial Affairs may, under FERPA exception, disclose information related to student conduct records to Concordia University officials with legitimate educational interests. The Office of Judicial Affairs may, at the student's request, reveal the contents to other University departments, employers, schools and others. The Judicial Officer is required to provide access to a student's file when subpoenaed by a court or federal agency, or as otherwise required by law.
  - c. A student wishing to view his or her conduct file should contact the Office of Judicial Affairs to schedule an appointment. Federal Law requires that the requested file be reviewed and information on any other student be redacted. The requesting student will be permitted to view his or her prepared file, but will not be allowed to copy, take pictures, or otherwise record the documents. This request will be fulfilled within 45 days of the written request. Student Judicial files are normally kept for seven (7) years.
3. The following sanctions may be imposed upon student groups or organizations:
    - a. Sanctions listed in Disciplinary Review, Article IV.B.1, a-m,
    - b. Deactivation for a specified period of time. Deactivation includes the loss of all privileges, including University recognition.

#### C. Appealing Decisions

1. **Right to Appeal:** Students have the right to request an appeal based on the criteria discussed below (Article IV C3 a-c). All requests for appeals must be made in writing and submitted to the Judicial Advisor within 72 hours of the decision. If a student chooses not to schedule and/or attend a hearing, a determination is made about his or her involvement without his or her input, and the student's right to appeal is forfeited. Students are allowed one appeal per case, and each case can be only appealed once.
2. **Appeal Process:**
  - a. A Request for Appeal is made in writing to the Judicial Advisor within 72 hours.
  - b. Request for Appeal is evaluated on the merits of criteria listed below (Article IV C3 a-c) by the Judicial Advisor.
  - c. Administrative Appeals Board evaluates the appeal and makes final decision on the appeal.
  - d. Decision on the appeal is communicated with those parties involved.
  - e. Decisions of the Administrative Appeals Board are final.
3. **Reviewing Appeals:** Appeals will be reviewed on the following basis:
  - a. That the decision was made contrary to existing University policy or sanctions are outside parameter of violation,
  - b. That information used to reach a decision was incomplete or inaccurate, and/or
  - c. That circumstances beyond the control of the student prevented the student from responding to the allegation in a timely manner.

#### D. Interim Suspension

In certain circumstances, the Judicial Officer may impose a University or residence hall suspension prior to the hearing before a Judicial Body.

1. An interim suspension may be imposed only:
  - a. to ensure the safety and well-being of members of the University community or preservation of University property;
  - b. to ensure the student's own physical or emotional safety and well-being;
  - c. if the student poses a definite threat of disruption of the normal operations of the University; d. to allow the student to attend to legal matters outside the University.
2. During the interim suspension, students will be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible.
3. Decisions regarding an interim suspension are made by the Judicial Advisor and may be appealed only to the senior student life administrator.

#### INCIDENT REPORT FORM

A link to the Incident Report Form can be found online at [www.csp.edu/reporting](http://www.csp.edu/reporting).

## AMNESTY

Underage possession or consumption immunity provided for a person seeking assistance for another Minn. Stat. 340A.503, the law pertaining to underage possession and consumption of alcohol. It provides that if a person contacts a 911 operator to report that the person or another person is in need of medical assistance for an immediate health or safety concern, the person is not subject to prosecution under this law. The immunity applies if the person is the first person who initiates contact. The person must also provide a name and contact information, remain on the scene until assistance arrives, and cooperate with the authorities at the scene. The person who receives medical assistance is also immune from prosecution. The law also applies to one or two persons acting in concert with the person initiating contact provided that all the same requirements are met.

## MODIFICATIONS

The University reserves the right to change or modify at any time the Student Code of Conduct, except that any changes will not be applicable to pending cases without the consent of all students involved.