



Student Conduct Code and Non-Academic Conduct Procedures

Policy number: 601
Policy owner: Dean of Students

Date of initial publication: 07/18/2015
Date of last update: 02/20/2017

SECTION II. JURISDICTION

A. Applies to Student Behaviors Both on and Off Campus

The Student Conduct Code applies to conduct that occurs on University property or at University-sponsored activities. It also applies to off-campus conduct that adversely affects the St. Thomas community or is detrimental to the educational mission and/or interests of the University. Each student is responsible for their conduct from the time of application for admission through the awarding of a degree, even though conduct may occur before classes begin or after classes end. Students are responsible for their conduct during the academic year and during periods between enrollment terms. The University retains jurisdiction if conduct occurring before graduation is discovered after a degree is awarded. If serious misconduct was committed while a student was enrolled but is discovered after graduation, the University may invoke these procedures and may, in some cases, revoke the student's degree if found responsible. If the student withdraws from school while a conduct matter is pending, the Student Conduct Code remains applicable to the student's conduct prior to withdrawal. At its discretion, the University reserves the right to proceed with the conduct process in a student's absence or to delay the conduct process until the student seeks re-enrollment.

(n)66.i

.2o.67(r.193

0dgT0.5

F. Violations of the Law

Conduct that may violate federal, state, and local laws may also be investigated and addressed under the Student Conduct Code. The University conduct process is separate from the criminal justice process. Students will usually experience both processes if the conduct is reported to law enforcement and the University. The University will be guided by the following policies in such incidents:

- The student conduct process may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Findings and/or sanctions imposed through the University conduct process are not subject to change if/when criminal charges resulting from the same facts are dismissed, reduced, or resolved in favor of or against the student.
- St. Thomas is not obligated to request or agree to special consideration when a student is charged with violating federal, state, or local law because of their student status. The University may advise off-campus authorities of the Student Conduct Code, the University conduct process, and how violations are typically addressed within the St. Thomas

3. **Detrimental Conduct.** Conduct on or off campus that is detrimental to the University or which discredits the University.

4. **Disruptive Behavior**

- a. **Disorderly Conduct:** Conduct on or off campus that is disorderly, lewd, or indecent. Breaching the peace or aiding and/or assisting in the same. **3 (g)-1.6. Tw ti(a)4 (i)4.6 (d)1.4 (i)0.6 (n)42.5(**

emotionally.

10. **Alcohol.** Use, possession, sale or distribution of alcoholic beverages or paraphernalia except as permitted by law and the [University's Alcohol and Drug Policies](#).
 - a. Under 21 – use or possession: The underage use and/or possession of alcoholic beverages. Public intoxication or excessive consumption of alcohol; disorderly and/or irresponsible conduct as a result of consumption of alcohol.
 - b. Over 21 – Use or possession of alcohol in public areas where alcohol is not permitted. Public intoxication or excessive consumption of alcohol; disorderly and/or irresponsible conduct as a result of consumption of alcohol.
 - c. Sale and/or distribution: Seeing, distributing, furnishing, or manufacturing alcohol to persons under 21 years of age.
11. **Drugs.**
 - a. Use or possession: Use or possession of illegal drugs and other controlled substances,

destruction of University property or the property of another, including acts of vandalism.

18. Fire Safety. Violation of federal, state, local, or campus fire policies including, but not limited to:

- a. Intentionally or recklessly causing a fire that damages University or personal property or causes injury and/or death;
- b. Failure to evacuate a University-controlled building during a fire alarm;
- c. Improper use of University fire safety equipment; or
- d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property.

19. Hazing. An act which endangers the mental or physical health or safety of a student, or

e.4(pl)5v-

- b. taking pictures or video or audio recording another person, without the person's explicit consent, under circumstances in which the person has a reasonable expectation of privacy;
- c. g

Conduct Code.

- j. Disrupting a conduct meeting, a University Conduct Board, an Appeal Board, or a meeting of the Grievance & Discipline Committee.
 - k. Reporting a violation of this Student Conduct Code in bad faith or under false pretenses.
29. **Bystanding.** Complicity with or failure of any student to appropriately address known or obvious violations of the Student Conduct Code or law.
30. **Responsible for Guests.** Students are responsible for the actions of their guests and their activity on or off campus.
31. **Private Business.** Unauthorized use of University property or resources to conduct a private business

1. Written Report of Student Misconduct

b. 2

b. Statement of Responsibility

The conduct officer will also present the student with a Statement of Responsibility form. The Statement of Responsibility lists the Student Conduct Code violation(s) the student is charged with based on the written report. This form may be completed and signed by the student at the conduct meeting or may be signed and returned within three business days.

- the sale or distribution of illegal drugs or controlled substances.
- personal injury or acts of extreme negligence.
- subject to concurrent resolution by criminal authorities.
- students with prior conduct violations.
- a conduct officer, in consultation with the Dean of Students Office, requests a University Conduct Board.
- potential suspension or expulsion from the residence halls or the University.

The above list is not exhaustive. It lists examples of situations in which a University Conduct Board may be convened to hear incidents of student misconduct.

a. **University Conduct Board Members**

The lead conduct officer will select and train members of the University Conduct Board. In general, the lead conduct officer will select five members for a University Conduct Board meeting – one conduct board chairperson, one Residence Life Area or Hall Director, two faculty and/or staff members, and one student representative. The lead conduct officer has discretion regarding the composition of any University Conduct Board. There may be more or fewer than five members on a given University Conduct Board due to the availability of its members, particularly during the Summer or J-Term sessions. However, a University Conduct Board will have a minimum of three members including a chairperson.

- (i) **Conduct Board Chairperson.** The University TJ15.3.nts

Student representatives are trained throughout each academic year to hear incidents of student misconduct by the lead conduct officer.

b. University Conduct Board Procedures

The lead conduct officer reviews incidents of student misconduct to determine which are referred to a University Conduct Board. This determination may be made in consultation with the Dean of Students and other conduct officers. All mem**bt**

Stud

(where appropriate) but0 Td()TjP-110(4)819(e)15(6)15.210410.6apprehlepre

B. APPEALS

1. Grounds for Appeal

An appeal is not rehearing of the conduct incident. A student may appeal on one or more of the following grounds:

- a. **The decision was made contrary to existing University policy.**
- b. **Information used to reach the decision was incomplete and/or inaccurate.**

University Conduct Board *	Vice President for Student Affairs	Appeal meeting with Vice President for Student Affairs (optional Appeal Board)
University Conduct Board**	Vice President for Student Affairs	Grievance & Discipline Committee

*Appeals of the University Conduct Board that do not involve removal from the residence halls or suspension and/or expulsion from the University are heard by the Vice President for Student Affairs.

**Appeals of the University Conduct Board that involve removal from the residence halls or suspension or expw 0.398 0 Td79 (pw 0.398 0 Td79 (pw -0.001 Tc 0.001 Tw 0.211T-(a)-291c -0.05(pw 0.3988 0 Td(

the appeal officer is considered final.

5. **Appeal of a Decision Following a University Conduct Board Meeting**

- a. **Appeals of Decisions that Do Not Involve Removal from Residence Halls, Cancellation of a Residence Agreement, or Suspension or Expulsion from the University**

Appeals of a decision made by the Dean of Students following a University Conduct Board

should respect the credibility and judgments made by the original University Conduct Board, unless the second appeal ground is asserted and new evidence is submitted, in which case the new information may be considered. The Appeal Board should limit its review of the original University Conduct Board decision to determine whether information before the conduct board reasonably supported its conclusions. The Appeal Board makes a recommendation to the Vice President for Student Affairs. The Vice President for Student Affairs may accept the appeal board's recommendations in full, or amend, modify, or change decisions.

Scanned with CamScanner

(ii) Lead Conduct Officer

The lead conduct officer works closely with the Grievance and Discipline Committee chairperson and acts as the liaison between the Dean of Students Office and the committee. The lead conduct officer brings conduct expertise and context to the committee by fulfilling the roles of advisor, counselor, and clerk. The lead conduct officer may be present for all meetings before the Grievance and Discipline Committee and any appeal board thereof and may also be present for deliberations.

(iii) Procedure

The Grievance and Discipline Committee appeal board will examine facts presented in the appealing student’s appeal letter to determine if there is sufficient information to hear the appeal. If there is sufficient information to hear the appeal, the Grievance and Discipline Committee appeal board will investigate the appeal and hold a meeting. The Grievance and Discipline Committee appeal board will determine, at its sole discretion, whether to invite the appealing student or witnesses to speak at any such meeting or whether to decide the appeal based solely on the record for the matter.

The Grievance and Discipline Committee appeal board does not rehear the conduct incident; it reviews the decision of the original University Conduct Board. The committee may review as much information as it deems necessary to reach a conclusion, including review of the original University Conduct Board verbatim record and requesting the chairperson of the original conduct board appear before the Grievance and Discipline Committee. The Grievance and Discipline Committee is not to substitute its judgment for that of the original University Conduct Board. The committee should respect the credibility and judgments made by the original University Conduct Board, unless the second appeal ground is asserted and new evidence is submitted, in which case the new information may be considered. The Grievance and Discipline Committee should limit its review of the original University Conduct Board decision to determine whether information before the conduct board reasonably supported its conclusions.

(iv) Decision

The Grievance and Discipline Committee will make one of the following recommendations to the Vice President for Student Affairs after considering the appeal:

1. Uphold the original decision of responsibility and/or sanction(s);
2. Uphold the original decision and reduce or increase the original sanction(s);
3. Order a new University Conduct Board meeting or request that the Conduct Board consider new or additional information;
4. Reverse the original decision and drop charges and sanctions.

The Grievance and Discipline Committee will make one of the following recommendations to the Vice President for Student Affairs after considering the appeal:

the decision of the Vice President of Student Affairs will be considered final.

C. Special Conduct Board/Special Appeal Board

The Dean of Students has discretion to convene Special Conduct Boards and the Vice President of Student Affairs has discretion to convene Special Appeal Boards. These special panels serve in the capacity of a University Conduct Board or an Appeal Board.

Special Conduct Boards/Special Appeal Boards are reserved for situations involving student misconduct that are not or cannot be adequately reviewed under the procedures set forth above. Situations include:

- incidents of student misconduct that do not squarely fit within the University conduct process;
- decisions made regarding incidents of student misconduct that are subject to overlapping University processes and/or jurisdictions;
- appeals that take place when a Conduct Board or Appeal Board or Discipline and Grievance Committee cannot be convened, such as the summer months and J-Term; or
- the Dean of Students or Vice President for Student Affairs determines that a Special Conduct Board/Special Appeal Board is appropriate in a given circumstance.

Special Conduct Boards/Special Appeal Boards generally will operate under the same guidelines and procedures as all other University conduct bodies. They have discretion to change procedures as appropriate to the circumstances. A Special Appeal Board will give the same deference and respect for the credibility of prior decisions rendered by a conduct officer, University official, or other conduct body as is given by an appeal board or Grievance & Discipline Committee to decisions made by a University Conduct Board.

provided it is reasonable and does not result in an undue burden on the student or the conduct process. Time limits are flexible in consideration of the sometimes competing interests of fairness, the nature of the academic calendar, and the realities of the student conduct process.

SECTION V. SANCTIONS

One or more of the following sanctions may be imposed upon any student for any single violation of the Student Conduct Code.

A. Formal Warning

An official written notice that the student has violated one or more University rules or policies. More severe conduct action or sanctions will result if the student is involved in future Student Conduct Code violations.

B. Formal Reprimand

Similar to a warning but more serious in nature. A formal reprimand is a written notice to the student indicating any future violations of University rules or policies will likely result in a minimum sanction of conduct probation.

C. Conduct Probation

An adjustment to a student's status during which a student must conduct them self in an exemplary manner. A student found responsible for violating the Student Conduct Code while on conduct probation may lose their residential student status and may be suspended or expelled from the University. Students on conduct probation may not apply to, hold an active application for, or participate in University approved study abroad programs. Conduct probation could impact participation in other University programs and activities. Conduct probation may also affect a student's ability to apply for some student leadership positions. Students placed on conduct probation are required to complete a behavior contract with their conduct officer.

D. Parent/Guardian Notification

The University may contact the parent(s) or guardian of a student under the age of 21 found responsible for violations involving alcohol and other drugs that are also a violation of Minnesota state law.

E. Loss of Privileges

a30 pe.29s0 o.3 (a)-f T2 8 1 -thd(a)-e.29s1iond[Tc i.2 (iov.29s)e.29(1ior1 3 -TJ

owner at the discretion of the Department of Public Safety.

G. Fines

Fines may be imposed as a sanction for some violations.

H. Community Service

Students may be assigned a designated number of community service hours for some violations.

I. Restitution

Compensation for damage caused to the University or any person's property. Repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

J. Educational Sanctions

Requirement to attend, present, and/or participate in a program related to the violation. It may also

Student Conduct C

S. Other Sanctions

Additional or alternate sanctions may be created and designed as deemed appropriate to the violation with the approval of the lead conduct officer or designee.

T. Sanction Notes

All sanctions become part of a student's conduct file and may be considered in the review and process of future incidents of student misconduct when a student has been found responsible for student conduct code violations.

1. Sanction Guidelines

The University does not provide sanction guidelines due to the vast scenarios involved in student misconduct. The University provides conduct officers, conduct board members, and other conduct officials with informal sanction guidelines. The informal guidelines provide a measure of consistency and flexibility in the application of sanctions. They are not published or available to those p (or)8.3 (m)2.monso

given case. The Dean of Students and or the Vice President for Student Affairs may exercise executive authority at their discretion.

B. Conduct Officer

Conduct officers resolve incidents of student misconduct. They determine whether a student is responsible or not responsible for Student Conduct Code violations and

1. Lead Conduct Officer

The lead conduct officer is the Assistant Dean of Students and/or the Associate Dean of Students of the Dougherty Family College and is the Dean of Student's designee. The lead conduct officer maintains oversight of the University conduct process. The lead conduct officer has broad latitude and discretion.

of Students or Lead Conduct Officer, in their sole discretion, determine that there is reason to keep the audio recording or there is a legal requirement to retain the recording.

2. Privacy

SECTION IX. DEFINITIONS

- a. **Assistant Director of Residence Life** – The designee of the Director of Residence Life to act in the capacity of lead conduct officer for the Department of Residence Life, unless otherwise designated by the Director of Residence Life.
- b. **Recognized Organization** – A group of persons who have complied with the formal University requirements for recognition of their club or organization.
- c. **University Policies** – A term that refers to the University’s mission statement and convictions collectively. They are also expressed in the University’s polices and applicable laws.
- d. **Formal Complaint** – A specific written report of student misconduct. This report becomes the formal complaint that initiates the University conduct process when filed with the appropriate University conduct officer. The University presents the formal written complaint of student misconduct and is considered the reporting party in the University conduct process. Individuals who report incidents of student misconduct to the appropriate University officials may be referred to as a complainant, a charging party, an aggrieved party, a victim, or a witness.
- e. **Conduct Officer** – A member of the University community trained by the lead conduct officer to guide students through the conduct process.
- f. **Conduct Meeting** – An official administrative meeting addressing an incident of student misconduct by a conduct officer. Conduct meetings are generally not conducted on the record.
- g. **Dean of Students** – A University official authorized by the Dean of Students on a case-by-case basis, to resolve incidents of student misconduct, make determinations of responsibility, and to assign appropriate sanctions to any student found to have violated the Student Conduct Code.
- h. **Dean of Student Affairs** – The University officer responsible for oversight and administration of the Student Conduct Code and the University conduct process. The University vests the Dean of Students with executive authority, subject only to the Vice President for Student Affairs, to intervene and take action in matters of student misconduct. The Dean of Stud0.003 Tw -27.639 -1.205 Td(

- l. Conduct Board meetings that result in suspension or expulsion from the residence halls and/or the University. This appeal body is convened at the direction of the Dean of Students.
- m. - The Student Conduct Code applies to all students and student conduct regardless of location.
- n. - T.5 (2 (p)-12.a)-8.2 9e4ipnad Conondue-12 Oa

aa. ~~University premises~~ – All land, buildings, facilities, and other property in the possession or owned, used or controlled by the University of St. Thomas (including adjacent streets and sidewalks). This Student Conduct Code applies at all locations of the University, including the University campus in Rome, Italy. The terms “University premises” and “University campus” may be used interchangeably.

bb. ~~University campus~~ – The highest-ranking 1yo o o1yncn3 Tc -0 6..7 (y)n3 Tc -01.55.6 (t.6 (s)22