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# The Bemidji State University Student Code of Conduct

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The BSU Student Code of Conduct and Student Conduct System are an integral part of Bemidji State University's mission. The student conduct system contributes to the teaching of appropriate individual and group behavior and establishes behavioral expectations to foster a campus community free from disruption and harm. Students are expected to be familiar with the Student Code of Conduct and the Student Conduct System.

The rights and responsibilities of students and the expectations of the University are described in this handbook along with grievance and other procedures. Behavior that is threatening to the safety or welfare of one's self or others, or that is harassing or discriminatory in nature, will be reviewed promptly by the University and appropriate action will be taken.

## Section I: Preamble

Bemidji State University standards of conduct are published here as the Code of Conduct. This Code does not replace or reduce the requirements of civil or criminal laws. Members of the University community also have responsibilities as citizens. The campus is not a sanctuary from the general law. University community members violating civil or criminal law may be subject to University Conduct procedures for the same conduct when the conduct occurs on campus or when it occurs off campus but is directly related to the University community. The University may initiate Student Conduct action at its discretion. The University has obligations to all members of its community to conduct its affairs effectively and efficiently. Therefore, in prescribing a Student Conduct System, it is essential that the rights and responsibilities of the individual be considered concurrently with the rights and responsibilities of the institution and other members of the University community. Thus, the University bases its Code of Conduct and Student Conduct System on the following principles:

1. As citizens, University community members have the right to organize their personal life and behavior so long as they do not violate the law or University regulations and do not interfere with the rights of others or with the educational process.
2. University community members also have the responsibility to identify themselves as such, as well as an obligation not to act or speak on behalf of the University without authorization, the right to redress for negligence, irresponsibility or plagiarism by another member of the University community; and the right to be heard and considered at appropriate levels of the decision-making process about basic policy matters of student concern.
3. Persons who have a continuing association with the University are obligated to maintain an environment conducive to the furthering of the educational mission. The MnSCU Board and the BSU Administration have the particular responsibility to protect the institution and to prevent the exploitation of the University by any individual or group.

4. The institution also has the right and responsibility to protect the members of and visitors to the University community from physical harm, its property from damage or unauthorized use and its processes from interference. Therefore, the institution has a right and responsibility to set reasonable standards of conduct.
5. Students who violate state laws or University or System regulations, who infringe upon the rights of others or who practice academic dishonesty such as cheating or plagiarism, shall, after due process, be subject to University sanctions which may include warning, probation, suspension, eviction and expulsion. Violations of other than University regulations are also subject to sanctions external to the University. Notwithstanding any provision herein, the University may suspend, expel, or evict any student whose presence poses a threat to persons or property (MnSCU Board Policy 3.6, Part 2).

## **Section II: Code of Student Conduct**

The Code of Conduct governing the behavior of students of Bemidji State University:

- Ensures the basic rights of individuals and reflects the practical necessities of the community,
- Prohibits and limits acts which interfere with the basic purposes, necessities or processes of the University or with the rights of its members and
- Reconciles the principles of maximum freedom and necessary order.

## **Statement of Responsible Behavior**

Students will adhere to federal, state, local, State University Board and Bemidji State University laws/regulations that govern individual actions and relationships among university members for the common good.

Students will work as honest and respectful partners with the University in fulfilling its academic and administrative mission and responsibilities, fulfilling their academic endeavors in an honest and forthright manner.

Students will speak and listen to others with care, seeking personal understanding and maintaining respect and civility.

Students will respect and protect the personal privacy, rights and safety of others with regard to physical and sexual boundaries, living space, possessions, electronic accounts and academic endeavors.

Behaviors that violate these responsibilities and may result in Student Conduct action are contained within the following Student Code of Conduct:

A. Violation of written policies or regulations contained in any official publication or administrative announcement of the MnSCU Board or Bemidji State University. This includes, but is not limited to, the State University Internal Rules, BSU Student Handbook, Policies and Procedures Manual, Residential Life Agreement terms, Residence Halls Agreement terms, Catalog, etc.

B. Violation of local, state or federal law on University property or off-campus when such violation of the law is directly related to the University Community.

C. Academic dishonesty, including, but not limited to, cheating and plagiarism. (See [\*\*Academic Integrity Policy and Related Policies and Procedures\*\*](#))

D. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities, including its public service functions on or off campus or other authorized non-university activities when the conduct occurs on University premises.

E. Knowingly furnishing false information to the University or other similar forms of dishonesty in University-related affairs, including knowingly making false oral or written statements to any University Conduct Board or Student Conduct Officer.

F. Forgery, alteration, destruction or misuse of University documents, records, identification cards or papers.

G. Failure to comply with directions of, or to present identification to, University officials or law enforcement officers acting in the performance of their duties. This includes failure to comply with conditions of sanctions resulting from previous University conduct action.

H. Unauthorized entry into or use of University facilities or equipment, or unauthorized possession, duplication or use of keys to any university premises.

I. Use, possession or carrying of firearms (including, but not limited to, pistols, rifles, air guns, shotguns or ammunition), incendiary devices, smoke devices, hand bills, dangerous knives, explosives, bows and arrows or other dangerous weapons while on University owned or controlled property or at University-sponsored or supervised activities, except by authorized law enforcement officers and other persons specifically authorized by the University. (Regarding recent new Minnesota “conceal and carry” gun legislation, it is specifically noted that MnSCU and BSU policy prohibit students from possessing or carrying a firearm while on University property, regardless of whether the student has a permit to carry a firearm, except as otherwise provided by MnSCU or BSU policy. The full [MnSCU policy](#) may be accessed electronically.)

## **Statement about Drugs and Alcohol**

Bemidji State University recognizes its educational responsibility to its members regarding the use of alcohol and other drugs. This responsibility includes providing information regarding the effects of alcohol and other drugs, raising issues regarding responsible versus irresponsible use and establishing written standards and sanctions for illegal use and/or use which results in behavior that violates the University's Code of Student Conduct and civil and state laws. Sanctions for violations of the University policy on alcohol and other drugs may include, but are not limited to:

- Sanctions outlined in Section III of the Student Code of Conduct, including suspension, dismissal or expulsion from the university
- Educational programming on alcohol and other drug use
- Disposal of the alcohol
- Notification of law enforcement including citation or arrest for criminal offenses
- Counseling, medical and/or chemical dependency assessment and referrals
- Loss of privileges, including living in campus housing or participation in intercollegiate athletics

J. Use, possession or distribution of alcoholic beverages, except as permitted by law and University policy. (See [Alcohol and Other Drug Policy](#).)

K. Unauthorized use, possession, manufacture or distribution of any controlled substance or illegal drugs and / or drug paraphernalia. (See [Alcohol and Other Drug Policy](#).)

L. Theft of, damage to or unauthorized use of property of the University or property of any of its members or visitors.

M. Physical abuse, verbal abuse, threats or harassment of a person including but not limited to stalking, defamation, intimidation or harassment through other persons or

use of electronic or other communication devices such as video, computers or telephones.

N. Conduct that threatens or endangers the health or safety of a person, to include oneself.

O. Engaging, individually or in concert with others, in sexual misconduct; i.e. non-consensual physical conduct of a sexual nature including but not limited to **domestic violence, dating violence, stalking**, sexual physical abuse, rape or any other form of sexual assault or threat of sexual violence. (In compliance with MnSCU policy 1B.3 and procedure 1B3.1, a separate investigative and decision-making process has been established at Bemidji State University for review of complaints of sexual violence. See the Student Handbook page on [Sexual Violence](#) ) **Note:** *Consent does not exist when acts are committed by force, intimidation, coercion or through use of authority or the victim's mental or physical incapacity even if that lack of capacity is chemically self-induced. The expectation is that consent is clear and mutual.*

P. Conduct that is disorderly, lewd 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 or members of the academic community.

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

R. 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 or organization. Hazing, whether occurring on or off campus, shall be considered a violation of this code.

S. Discrimination/Harassment. (In compliance with MnSCU policy 1B.1 and procedure 1B1.1, a separate investigative and decision-making process has been established at Bemidji State University for review of complaints of discrimination and/or harassment. (See the page on [Equal Opportunity and Non-Discrimination in Employment and Education](#) .)

## Section III: University Sanctions for Conduct Code Violations

Conduct sanctions shall be commensurate with the seriousness of the offense and may include separation from the University. Repeated violations justify increasingly severe sanctions. The following sanctions shall comprise the range of official action which may be imposed for violation of regulations. One or more sanctions may be imposed.

1. **Conduct Warning:** Conduct warning is a notice to students that their conduct has been questionable and that future breaches of conduct will be treated more severely. The warning is recorded in the private records of the Student Conduct Officer.
2. **Conduct Probation:** Conduct probation is a trial period during which students must behave in a manner acceptable to the University. The status of conduct probation is assigned for a specific period of time. While on conduct probation, students are encouraged to seek advice and counsel from appropriate University offices. A conduct board may recommend terms of probation which restrict the students' participation in extra-curricular activity. The terms of probation may involve a conduct contract including, but not limited to, the following:
  - o A work contract whereby the student is required to perform some type of work function. The work assignment shall be reasonably related to the

violation/s.

- A counseling contract whereby the student is required to attend regular counseling sessions for the purpose of understanding behavioral motivation factors, accepting responsibility for and modifying behavior accordingly.
- A contract restricting privileges. Conduct probation status may affect qualifications for some awards, prizes or aid, particularly those stipulating conduct acceptable to the University. Proof of a major violation of the terms of probation or of a further major incident of misconduct shall result in separation from the University for not less than one full academic semester. Conduct probation is recorded in the private conduct records of the Student Conduct Officer.

3. **Conduct Suspension:** Conduct suspension is an action which excludes students for a specific period of time from registration, class attendance and/or residence on campus. The privilege of the use of University facilities is withdrawn by the action unless specific permission is obtained from the Student Conduct Officer. In unusual circumstances (when the presence of the student on campus is deemed acceptable for the moment), a University suspension action decided after the twelfth week of the semester may be deferred until the end of the semester by the Student Conduct Officer. Conduct suspension is recorded in the private conduct records of the Student Conduct Officer and appropriately noted in the Office of Admissions and the Records Office. Upon termination of the period of suspension, students shall be considered for registration in compliance with academic admission standards then in effect. Proof of a further incident of misconduct, after readmission, will likely result in dismissal or expulsion.
4. **Conduct Dismissal:** Conduct dismissal is the withdrawal by the University of the privilege of registration, class attendance and/or residence on the campus with no promise (implied or otherwise) that the students may return at any future time. The privilege of the use of University facilities is withdrawn by the action

unless specific permission is obtained from the Student Conduct Officer. Conduct dismissal is recorded in the private conduct records of the Student Conduct Officer and appropriately noted in the Office of Admissions and the Records Office. Students on conduct dismissal may be readmitted only by action of the President of the University. Students who have been dismissed are not eligible for readmission sooner than one year from the date of dismissal. If the students are readmitted, proof of a further incident of misconduct shall result in expulsion.

5. **Conduct Expulsion:** Conduct expulsion is the permanent withdrawal by the President of the University of the privilege of registration, class attendance and/or residence on the campus. The privilege of the use of University facilities is withdrawn by this action unless specific permission is obtained from the Student Conduct Officer. Conduct expulsion is recorded in the private records of the University Conduct Officer and appropriately noted in the Office of Admissions and the Records Office.
6. **Loss of Privilege:** Loss of privilege is the withdrawal of a privilege or use of a service, including denial of housing, for a specific period of time consistent with the offense committed and the rehabilitation of the student. Loss of privilege is recorded in the private conduct records of the Student Conduct Officer. Loss of privilege may be imposed separately or in addition to any other sanction/s.
7. **Restitution:** Restitution requires students to pay for damages to or misappropriation of University funds, property or the property of members of or visitors to the University community. Such reimbursements shall be charged to any student who alone, or through group concerted activities, organizes or knowingly participates in the events causing the damage or costs. Restitution is recorded in the private conduct records of the Student Conduct Officer. Restitution may be imposed separately or in addition to any other sanction/s.

8. **Summary Suspension:** A Summary Suspension (suspension imposed prior to a hearing) requires that a student immediately leave the campus. It is imposed when the University has reasonable cause to believe that a student poses a substantial threat to the safety of themselves, other persons or property or to the essential operations of the University. A Summary Suspension is enacted by the Office of the Vice President for Student Development & Enrollment, or his/her designee. A student charged with a Summary Suspension will be required to remain off campus, pending the result of a conduct hearing. The hearing shall be heard by the University Conduct Board, normally within five (5) days of the notice of summary suspension. In cases where the Board is not available, the hearing will be held by the University Conduct Officer. Any student who returns to campus during the period of summary suspension shall be subject to expulsion. Permission to be on campus may be granted for a specific reason, however, it must be granted in advance and in writing by the University Conduct Officer, acting for the Office of the Vice President for Student Development & Enrollment.

## Section IV: The Student Conduct System

The mechanism for adjudicating cases of alleged misconduct on the part of student members of the University is the Student Conduct System. Allegations of academic dishonesty are reviewed through a separate process outlined in this Handbook. The Student Conduct System of Bemidji State University consists of the Student Conduct Policy Committee, the Residence Hall Floor Hearings, Residence Hall Directors, the Residence Hall Hearing Board, the University Student Conduct Officer, the University Conduct Board and the Division of Student Affairs. BSU student conduct policy and procedures conform with [MnSCU Student Conduct Policy and Procedure](#). The Student Code of Conduct applies at all locations of the university and all university

activities wherever located. Student organizations are subject to the University Code of Conduct and Procedures (MnSCU 3.6.1, Part 1)

Review of complaints of sexual violence and discrimination/harassment are reviewed through separate policies and investigative and decision-making processes. Information on these policies and can be found at: [Sexual Violence Policy](#)

## Harassment and Discrimination

See the harassment and discrimination violation review process.

### Definitions: MnSCU 3.6.1, Part 2

1. Expulsion. Permanent denial of the privilege of enrollment at the university.
2. 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.
3. Preponderance of evidence. A standard of responsibility that it is more likely than not that the code has been violated.
4. Student. The term "student" includes all persons who:
  - Are enrolled in one or more courses, either credit or non-credit, through a college or university.
  - Withdraw, transfer or graduate, after an alleged violation of the student conduct code.
  - Are not officially enrolled for a particular term but who have a continuing relationship with the college or university.

- Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.
  - Are living in a college or university residence hall although not enrolled in the institution.
5. Summary suspension. A suspension imposed without a formal hearing to ensure the safety and well-being of members of the college or university community.
6. Suspension: Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.

## Process

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

1. Investigation and informal process. Any member of the college or university community may file a written complaint alleging that a student or organization has violated student conduct proscriptions. Institutional policies may provide for the filing of complaints by others under certain conditions. Persons filing complaints shall be informed of their rights under the Minnesota Statute 13.04, subdivision 2. Following the filing of a complaint against a student, the person responsible for administering the code (in this policy, referred to as the "administrator" [at BSU this person is the student conduct officer]) shall conduct an investigation of the allegations. The institution's process shall include the following:
  - If the complaint seems unwarranted, the administrator may discontinue proceedings.

- If there is sufficient evidence to support the complaint, the administrator (or hearing officer) shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given written notice of the specific complaint against him/her and the nature of the evidence available to support the complaint and provided with a copy of the code of conduct. During the meeting the administrator shall review due process rights, the complaint and the evidence with the student. The administrator will also have a discussion with the student about the charges that would include an opportunity for the student to present a defense against the complaint. If the student accepts responsibility for the charges, the administrator may resolve the case. If the administrator resolves the case, within a reasonable time period following the meeting, the administrator shall inform the accused student in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing. If the student does not accept responsibility for the charges, the administrator will determine, at her/his discretion, whether to adjudicate the case or refer the case to a conduct board for a formal hearing.
- A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine days may agree to accept the sanction or may request a formal hearing prior to implementation of the sanction. Other sanctions shall be accepted or may be appealed in accordance with the institution's appeal procedures.
- If the accused student fails to appear for the informal hearing, the administrator may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.

## 2. Formal hearing and due process rights.

- The formal hearing procedure, including composition of the conduct board, was developed by Bemidji State University. Students serving on the University Conduct Board are appointed by the Student Senate. In the case of Residence Hall Hearing Boards, students are selected through an application process. Faculty and staff representatives are appointed in consultation with the appropriate collective bargaining unit.
- Students referred for a formal hearing shall be given adequate advance notice in writing of the time, place and date of the hearing. A student's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
- Within a reasonable time prior to the hearing, the student must be informed in writing of:
  1. The complaint,
  2. The evidence to be presented against him/her,
  3. A list of witnesses and
  4. The nature of their testimony.
- The student shall be given the opportunity to speak in his/her own defense, to present witnesses and to question any witnesses and to have an advocate present. The advocate may provide advice to the student, but may not participate in any questioning. When there is a likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advocate.
- A written notice of findings and conclusions shall be provided to the student within a reasonable time after the hearing. The notice shall inform the student of any sanction to be imposed. The notice shall also contain information regarding any applicable appeal process.

## Summary Suspensions: MnSCU 3.6.1, Part 5

In certain circumstances, the administrator (at BSU this is the student conduct officer) may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. A summary suspension may be imposed only when, in the judgment of the administrator, the accused student's presence on the college or university campus would constitute a threat to the safety and well-being of members of the campus community. To the greatest extent possible before implementing the summary suspension, the accused student shall be given oral or written notice of the intent to impose summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. However, the refusal of a student to accept or acknowledge this notice shall not prevent the implementation of a summary suspension. Notice of the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, the student shall be provided an opportunity for a formal or informal hearing within the shortest reasonable time period, not to exceed nine (9) school or business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the administrator.

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

## Section V: Appeals

See the appeals process.

## Grounds for Appeal

Appeals must be based on the issue of substantive or procedural errors which were committed during the conduct process. The specifics to be addressed on appeal are:

1. New or newly discovered evidence is of a character which may substantially affect the outcome.
2. There was a procedural error which substantially affected the outcome of the hearing.
3. The sanction is not appropriate for the violation of the Code of Conduct which the student and/or student organization was found to be responsible.
4. The facts appear insufficient to establish responsibility.

The student and/or student organization must demonstrate that one or more of the above grounds for appeal has merit.

## Appeal of Informal Conduct Hearing

When a student and/or student organization has accepted responsibility for violating the Student Code of Conduct as part of an informal conduct meeting, the student and/or student organization may appeal only the sanction(s). In these instances, the appeal shall be in writing to the Division of Student Affairs or his/her designee (as identified in the decision letter) within five (5) business days of the student and/or student organization's receipt of the decision.

## Appeal of Formal Conduct Hearing

Appeals shall be made to the Division of Student Affairs or his/her designee (as identified in the decision letter) within five (5) business days of the Respondent's

receipt of the decision of the formal conduct hearing. The appeal shall be in writing, stating the ground(s) for appeal. The appeal letter will be reviewed by the Dean of Student Success in the Division of Student Affairs, who may schedule an appeal meeting if more information is needed. The Dean of Student Success will notify the student and/or student organization found in violation within five (5) business days of receiving the appeal letter. The appeal decision is final. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

If an appeal meeting is scheduled, a student's adviser may attend. In the event new evidence is relevant to the outcome of the decision, the Dean of Student Success or designee may request a re-hearing.

In cases involving sanctions of suspension for 10 days or longer, students have a right to a contested case hearing under [Minnesota State Statute 14](#) .

## **Appeals for cases Reviewed Under MnSCU 1B.1 or 1B.3**

Appeals for cases reviewed through MnSCU 1B.1 (harassment & discrimination) and 1B.3 (sexual violence) procedures are outlined in those policies:

- [Equal Opportunity and Non-Discrimination in Employment and Education](#)
- [Sexual Violence Policy](#)

## **Off-Campus Conduct**

Bemidji State University may hold students accountable for a violation of the Student Code of Conduct committed off campus when:

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

Further information regarding MnSCU student conduct policy with regard to [off campus conduct](#) .



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