

# Bismarck State College

## Student Rights & Responsibilities

The core values of Bismarck State College are Integrity, Learning, Innovation, Excellence, and People. When students choose to attend Bismarck State College, they accept the rights and responsibilities of membership in the College's academic and social community. Each person has the right and ability to make personal decisions about his or her own conduct; and each person must live with the consequences of his or her decision-making. The purpose of the Student Rights and Responsibilities is to protect individuals, the campus, and the College community as well as create an environment conducive to achieving the mission of the College.

### Definitions

**Administrator or designee:** A College staff member who is authorized to determine the appropriate resolution of an alleged violation of the College's Student Rights & Responsibilities and/or to impose sanctions or affect other remedies as appropriate.

**Administrative officer:** The person dedicated to preside over procedural matters under review.

**Accused student:** The student who is alleged to have violated the College's Student Rights & Responsibilities.

**Allegations:** An assertion made by a party that must be proved or supported with evidence.

**Appeal:** A request for reconsideration of a decision or sanction. This policy does not apply to those College rules/regulations or to board policies or procedures that include a separate appeal process (see Specific Appeal Procedures for Grade Appeal; Financial Aid Appeal; Residence Life Appeal).

**College community:** Consists of any student, faculty member, College official or any other person employed by the College.

**College official:** Includes any person employed by the College performing assigned administrative or professional responsibilities.

**College premises:** Includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by BSC, including adjacent streets and sidewalks. Student Rights and Responsibilities apply to all locations owned or rented by the College.

**Faculty or staff member:** Any person hired by the College to conduct classroom, instructional, administrative or support activities.

**Interim action:** Immediate action (prior to a completed investigation or formal hearing) to ensure the safety and protection of all individuals involved and/or BSC property. Specific actions will be based on circumstances

of the allegations and may include, but not limited to, no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

**Preponderance of evidence:** Means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.

**Reporting party:** Any person who submits an allegation that a student violated the Student Rights & Responsibilities. When a student believes they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under the Student Rights & Responsibilities as provided to the reporting party, even if another member of the College community submitted the charge itself.

**Student:** Includes all persons taking courses at the College, both full-time and part-time, credit and non-credit. Persons who are not officially enrolled for a particular term, but who have a continuing academic relationship with the College are considered students.

**Student organization:** An association or group of persons that has complied with the formal requirements for College recognition.

## Student Rights

Students have the following rights and privileges and also have the responsibility not to deny these rights and privileges to other members of the BSC community.

**Academic evaluation:** Students have a right to have their performance evaluated promptly, conscientiously, and without prejudice or favoritism, consistent with the criteria stated at the beginning of the course in the form of a syllabus. Students have a right to be evaluated in an atmosphere that values academic integrity.

**Classroom rights:** Students have the right, to receive reasonable notice of the general content of the course and notice of what will be required of them at the beginning of the course in the form of a syllabus.

**Due process:** Students have a right to due process in any proceeding involving the possibility of sanctions. This includes the right of notice of alleged violations, the right to be heard relative to the allegations, and the right to impartial decision and review.

**Freedom from discrimination:** Students have a right to be free from discrimination. College policy prohibits discrimination against a student because of their race, color, gender identity, national origin, age, religion, sexual orientation, genetic information, marital status, disability, veterans status or any other status protected by law.

**Learning environment:** Students have a right to an environment and climate conducive to learning and thinking. Students have a right of reasonable access to College facilities, services, and programs, including access to faculty members and to courses as described in the College catalog. College teaching should reflect

consideration for the dignity of students and their rights as individuals. Students have a right to be treated with courtesy and respect.

**Privacy and confidentiality:** Students have a right to privacy and confidentiality subject to BSC rules and other statutory regulations. Students have a right to be free from unreasonable searches and seizures.

**Retaliation:** Students have a right to file grievances without retaliation. BSC prohibits retaliation against students who file reports of possible non-compliance. Any retaliation against an individual for participating in the reporting process will not be tolerated.

**Student records:** Students have a right to educational records that accurately reflect their performance. Students have a right to examine and challenge information in their educational records.

**Student government and organizations:** Students have a right to participate in BSC Student Government Association and to form student organizations for any lawful purpose.

## Student Responsibilities

Students cannot deny any student rights and privileges to other members of the BSC community. In addition, the standards of student conduct apply to students on BSC premises and at BSC sponsored activities. The College's jurisdiction and discipline shall be limited to violations of the BSC Student Rights and Responsibilities.

Students are expected to conduct themselves in a responsible manner at all times, whether on or off campus. If a student or student organization is reported for a violation of the law on or off campus, BSC will cooperate with appropriate law enforcement officials insofar as the law permits.

Individual violations and assisting or encouraging others to violate the college's policies are subject to disciplinary action through the appropriate process. The following behaviors violate BSC's Rights and Responsibilities. This is not an exhaustive list.

- Physical abuse, verbal abuse, stalking, hazing, verbal or physical threats, intimidation, bullying, harassment, coercion, or any other conduct that threatens or endangers the health or safety of any person.
- Refusal to respond to reasonable requests and direction from BSC authorities while in the performance of their duties.
- Sexual Misconduct and Title IX Violations policy ([BSC's Sexual Misconduct and Title IX Compliance](#)).
- Stalking, which is intentionally and repeatedly following, contacting or harassing another person, so that fear is instilled in that individual.
- Hazing, which is abusing or humiliating initiation into a group or affiliation.
- Disorderly conduct that is intended to harass, annoy, or alarm another person.
- Failure to pay financial obligations to the College (library fines, parking fines, tuition, etc.).
- Breaching a contract made with BSC, including those related to BSC housing.

- Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
- Interfering with, obstructing or disrupting police or fire responses. This prohibition includes, but is not limited to: resisting arrest; failing to abide by the directions of a peace officer; tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms; failing to evacuate during a fire alarm; and arson/setting fires.
- Violation of state computer usage policy ([Use of Computer and Network Facilities](#)).
- Acts of dishonesty, including but not limited to making false statements, fraud, providing false information or identification, forgery, or misuse of BSC documents, forms, records, and identification cards.
- Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
- Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
- Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on BSC property or at BSC events; or use of such items, even if legally possessed, in a threatening or irresponsible manner that causes fear or imminent bodily harm ([Firearms and Weapons](#)).
- Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law ([Alcohol and Illegal Drugs](#)).
- Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College or NDUS regulations) and public intoxication ([Alcohol and Illegal Drugs](#)).
- Violating any federal, state, local law or ordinance, violating any College or State Board of Higher Education policy, rule, or regulation published in hard copy or available electronically on the College or North Dakota University System website.

## Academic/Classroom Misconduct

Acts of academic dishonesty include but are not limited to cheating, plagiarism, falsifying research data or results or assisting others to do the same. A student is expected to abide by the [BSC Academic Honor Code](#) .

Disruptive behavior in the classroom that may compromise the learning environment for other students and faculty members is considered academic misconduct. Using cell phones or other electronic devices that disrupt the learning process or teaching environment is not allowed unless specifically permitted by the instructor. The use of personal laptop computers, phones, or other electronic devices may be acceptable in some classes, however they must be used only for note-taking or activities in direct support of the course objectives. Faculty members have the right to ask students to shut down any electronic devices. Entering the classroom late or leaving the classroom prior to the end of class is considered a disruption to the learning process and should be avoided unless exceptional circumstances arise.

## Consequences of Academic Misconduct/Classroom Misconduct

Any of the following sanctions may be imposed by the faculty member for any violation of academic or classroom misconduct:

1. Warning – an oral explanation by a College official of violation and possible consequences if misconduct continues;
2. Dismissal from the remaining class time during which the infraction occurs;
3. Dismissal from the remaining class time during which the infraction occurs, with required meeting with designated College employee (faculty member, Department Chair, or Dean) prior to returning to class;
4. Assignment of a reduced or failing grade on an assignment, paper, project or exam;
5. Reduction in the final grade for the course;
6. Assignment of a failing grade for the course;
7. Required meeting with the faculty member and/or a College official.

## Student Disciplinary Procedures for Resolving Alleged Violations

The North Dakota State Board of Higher Education has delegated the administration of student discipline to the President of the College, who in turn may assign to individuals and/or committees the responsibility for assisting with the enforcement of the rules, regulations, and policies of the College. The Associate Dean of Student Affairs, as delegated by the President, has responsibility for supervision of the process of handling the College's response to student violation of College rules and regulations, including the imposition of sanctions. The Associate Dean of Student Affairs may delegate this responsibility as approved by the President.

The institution's resolution process generally includes the following:

1. Receipt of an incident report,
2. Investigation of incident, if necessary,
3. Implementation of interim actions, if necessary,
4. Notice of alleged violations,
5. Informal meeting,
6. Formal hearing,
7. Notification of decision,
8. Appeal,
9. Notification of appeal decision (if applicable)

A detailed description of the process is provided below. Cases related to Title IX compliance will follow the process as outlined in the [Sexual Misconduct and Title IX Compliance policy](#).

### 1. Incident

The process begins when an incident occurs and a report is generated regarding an alleged violation. Any member of the College community may file a written complaint alleging that a student or student organization has violated policy or conduct as outlined in the Student Rights & Responsibilities document.

Persons filing a complaint should do so as soon as possible after the event takes place using the **General Concern Report** (<https://bismarckstate.edu/forms/GeneralConcernReport/>). An alleged violation should be reported to:

Associate Dean of Student Affairs  
[Jay.Meier@bismarckstate.edu](mailto:Jay.Meier@bismarckstate.edu); 701.224.2701  
Jack Science Center, Room 312

## **2. Investigation of the Incident**

Investigation means to gather the facts, details and circumstances associated with a complaint. The investigation may include interviewing witnesses, review of documents or other steps to assist the Administrator or designee to determine whether the alleged charges are warranted. Dismissal of the complaint, an alternative resolution, or charges may result following an investigation. This determination is made at the discretion of the Administrator or designee.

## **3. Interim Measures**

In the interests of safety and security, interim action may be implemented by the Administrator or designee with consultation from the appropriate Dean prior to a completed investigation or hearing.

## **4. Notice of Alleged Violation**

A written notice will be sent, via authorized College email, to the accused student to arrange an informal meeting. The notice of alleged violation will include when known:

- Nature of the alleged violation;
- Date, time, and place of the alleged violation;
- Source of information;
- Summary of evidence to be presented;
- Maximum sanction applicable if found in violation of the Rights and Responsibilities
- The student's right to an advisor of their choosing.
- Notice that a decision may be made in the student's absence based on the information currently available.

The College will provide the student oral or written notification of the hearing at least three business day prior to the hearing date. Students may consent to a shorter notice period.

## **5. Informal Meeting**

During the informal meeting, the Administrative Officer will discuss the following:

- Nature of the complaint and how the student may have violated the College policies as outlined in the Rights and Responsibilities document and the evidence available to support the complaint.
- Provide a copy of the Student Rights and Responsibilities document.
- Be provided with information about the process and the anticipated timeline.

In some cases an expedited process may be appropriate. The student has the right to proceed directly into the formal hearing at the conclusion of the informal meeting, except in cases which may result in suspension or expulsion.

The College also reserves the right to submit a case to the appropriate Dean initially or at any point in an administrative meeting if it becomes apparent the case may warrant suspension or expulsion, or the Administrator or designee is unable to hear the case due to a conflict of interest or any other reason.

## **6. Formal Hearing**

An administrative hearing involves the accused student, the Administrator or designee (Administrative Officer) and any other individuals necessary to determine whether or not there has been a violation of College policies. The Administrative Officer is the BSC representative assigned to process an alleged violation of College policy. At this hearing, the student has the right to make written and/or oral statement describing the event(s) that led to the charges.

The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. If a student chooses to have an attorney present as his or her hearing advisor, BSC may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. In cases that could result in suspension or expulsion, attorneys or non-attorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing and provide the student with support, guidance and advice throughout the process ([SBHE Policy 514: Due Process Requirements for Student Conduct That May Result in Suspension or Expulsion](#)).

In all cases involving an allegation of sexual misconduct, the accused student and the alleged victim shall have equal procedural rights as detailed in the [BSC Sexual Misconduct and Title IX Compliance policy](#).

The Administrative Officer will provide written notice via BSC student email account or through US postal mail of the findings to the student stating whether or not the student violated a College policy or conduct as outlined in the Rights and Responsibilities document. The standard of proof will be by a preponderance of evidence, or “more likely than not.” A student is found to have violated policies and conduct in the Rights and Responsibility document when the student admits to the violation or information available at the time of the hearing supports the finding of responsibility.

College administrators who have direct responsibility for student organizations will process conduct cases related to student organizations. Individual organization boards will address only violations of those organizational standards, not violations of the Rights and Responsibilities code of conduct and policies.

## 7. Notification of Decision

The Administrative Officer will provide written notice via BSC student email account or through US postal mail of the findings to the student stating whether or not a violation of student policy and/or conduct occurred. The written notice will include sanctions and terms and/or conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 5 business day following the hearing.

## 8. Appeal

If a student is found responsible for violating College policy, the student may make one appeal. An appeal must be made in writing within 5 business days following the date the sanction and/ or decision. Cases resulting in suspension or expulsion are appealed to the appropriate Vice Presidents or designee. All other appeals are submitted to the Associate Dean of Student Affairs who will work with the appropriate administrator depending on who served as the administrative officer in addressing the appeal. The contact information is:

Associate Dean of Student Affairs

[Jay.Meier@bismarckstate.edu](mailto:Jay.Meier@bismarckstate.edu); 701.224.2701

Jack Science Center, Room 312

The written appeal must contain the reason for the appeal. Appeals must meet one of three criteria:

- New evidence exists, which was not presented at the hearing because it was not reasonably known to the accused student at the time, and which is sufficiently relevant such that it could alter the decision.
- The College's failure to follow its own processes and procedures.
- The severity of the sanction was not consistent with the severity of the offense.

## 9. Notification of Appeal Decision

The appropriate Administrator or designee will review the written letter of appeal from the student and materials from the original hearing. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered.

The decision on the appeal will generally be made in 10 business days of receipt of the appeal, but may take longer during College recesses or in the event of complex cases. The decision may be upheld, overturned, or modified. The decision will be final.

## College Disciplinary Sanctions

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

1. The nature of the violation(s)
2. Prior violations and disciplinary history
3. Mitigating circumstances surrounding the violation



4. The student's motive or purpose for engaging in the behavior
5. Sanctions which have been imposed in similar cases in the past
6. The developmental and educational impact on the student

***Definition:** A sanction is a consequence placed upon any student for conflicts with specified College policies. Sanctions help define the student relationship with the College in the context of current and potential future behavior including a notice that further conflicts may lead to more severe behavioral sanctions.*

### **Possible Sanctions**

Individual students who are found in violation of College policy may be subject to one or more of the sanctions below.

1. **Warning** – A verbal or written notice to the student that the student is violating or has violated college regulations.
2. **Probation** – A written notification for violation of College policy. Probation indicates that continued enrollment is conditional upon review and observation in which the student demonstrates the ability to comply with College policies and any terms or conditions that have been imposed during a specified period. It is a matter of temporary record.
3. **Supervised probation** – Generally requires meetings with an appropriate BSC employee regularly to monitor progress to promote overall student success.
4. **Suspension for conduct** – A written notification of denial of the privilege of enrollment in the College for a specific period. Conditions for re-enrollment may be specified. This is a matter of permanent record.
5. **Expulsion from a specific program** – A written notification that the student is removed from a program due to a violation of a program specific policy.
6. **Expulsion from the College** – A written notification that the student is permanently denied the privilege of enrollment at the College. This is a matter of permanent record.
7. **Classroom Privileges** – The immediate revocation of the privilege of attending a class or laboratory based on classroom misconduct.
8. **Loss of privileges** – Denial of specified privileges for a designated period of time. Loss of privileges may include, but are not limited to participating in or attending an event, receiving guests in residence halls, using network services, representing the College, and receiving financial aid.
9. **No contact order** – Students may be prohibited from direct or indirect physical and /or verbal contact with another individual or group.
10. **Discretionary sanctions and/or conditions** – Work assignments, service to the College, confiscation, educational projects, alcohol and drug testing and/or screening, participation in a specific program.
11. **Restitution** – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
12. **Fine** – The imposition of a monetary penalty.
13. **Eviction** – The formal removal of a student from College housing (following the process outlined in the [Residence Hall Handbook](#)).
14. **Revocation of admissions and/or degree** – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

15. **Withholding transcript (grades) or degree** — Refusal by the College to provide transcripts or the degree to the student, to other institutions, to employers, and to other agencies until the completion of the process set forth in student conduct, including the completion of all sanctions imposed, if any.
16. **Failing grade** – Possible penalty that may be used in the case of academic dishonesty. Depending on the circumstances, the failure may apply to a single assignment or exam, a unit of study, or an entire course.
17. **Interim action** – Immediate action (prior to a completed investigation or formal hearing) to ensure the safety and protection of all individuals involved including BSC property. Specific actions will be based on circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

## Student Policies

Below is a complete list of Student Policies and Procedures. Specific student policies can be accessed by going to the Web site at [bismarckstate.edu/staff/humanresources/policiesprocedures/studentpolicies/](http://bismarckstate.edu/staff/humanresources/policiesprocedures/studentpolicies/) or contact appropriate Dept. Chair for specific program policies/handbook information.

### Academic Affairs

[Academic Honor Code](#)

[Academic Warning, Probation, and Suspension](#)

[Admission of Incarcerated Persons Standardized Test Scores](#)

[Auditing](#)

[CLEP - College Level Examination Program](#)

[Communication Proficiency](#)

[Completion Incentive - GEM Students](#)

[Course Substitution](#)

[DSST - DANTES Subject Standardized Tests](#)

[Phi Theta Kappa - International Honor Society](#)

[Portfolio Development](#)

### Campus Life

[Posthumous Degree](#)

[President's Honor Roll](#)

[Readmission from Academic Suspension](#)

[Student Eligibility for Intercollegiate Athletics](#)

[Access to and Security of Campus Facilities](#)

[Animals On Campus - Service/Emotional Support/Pets](#)

[Establishment and Operation of Student Organizations, Societies, and Clubs](#)

[Significant Infectious Diseases](#)

[Tobacco Free Campus](#)

## **Computers/Technology**

[Email](#)

[Use of Computer & Network Facilities](#)

## **Credits/Grades**

[Academic Forgiveness](#)

[Challenge Examinations](#)

[CLEP - College Level Examination Program](#)

[College Credit for Advanced Placement](#)

[Course Drop, Withdrawal to Zero Credits, Drop/Withdrawal Appeals](#)

[DSST - DANTES Subject Standardized Tests](#)

[Final Grade Change](#)

[Grades](#)

[Honor Points and GPA](#)

[Incomplete Course](#)

[Industry Training Credit](#)

[Military Training Credit](#)

[Portfolio Development](#)

[Prescribed Student Credit Load and Petition for Overload](#)

[President's Honor Roll](#)

[Repeating a Course](#)

[Transfer Credit](#)

## **Finance**

[Application Fee Waiver - Active Duty Military](#)

[Bookstore Refund](#)

[Course Drop, Withdrawal to Zero Credits, Drop/Withdrawal Appeals](#)

[Delinquent Accounts and Defaulted Perkins Loans](#)

[Outstanding Payments Due](#)

[Standards of Satisfactory Academic Progress for Financial Aid Eligibility \(SAP\)](#)

[Tuition and Fee Waivers](#)

## **Safety & Security**

[Access to and Security of Campus Facilities](#)

[Accurate and Timely Reporting of Crimes](#)

[Emergency Notification](#)

[Firearms and Weapons](#)

[Missing Student](#)

[Sexual Misconduct and Title IX Compliance](#)

[Timely Warnings](#)

[Weapons on Campus](#)

## **Student Relations**

[Alcohol and Illegal Drugs](#)

[Class Attendance](#)

[Criminal History Background Checks](#)

[Harassment](#)

[Harassment Complaint Procedure](#)

[Nursing Mothers](#)

[Posthumous Degree](#)

[Privacy and Regulation of Student Records](#)

[Sexual Misconduct and Title IX Compliance](#)

[Travel of Student Groups Off-Campus](#)

## **Nondiscrimination Statement**

Bismarck State College is an equal opportunity institution that does not discriminate on the basis of race, color, sex, gender, gender identity, national origin, age, religion, sexual orientation, genetic information, marital status, disability, veteran's status or any other status protected by law in its admissions, student aid, employment practices, education programs or other related activities.

Concerns regarding compliance with Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and the Age Discrimination and Employment Act may be referred to Rita Lindgren, Chief Human Resources Officer, Bismarck State College, BSC Meadowlark Building, 1700 Schafer Street, Bismarck, ND 58501, (701) 224-5427, rita.lindgren@bismarckstate.edu or to the Office for Civil Rights/Chicago, U.S. Department of Education, Citigroup Center, 500 W Madison Street, Suite 1475, Chicago, IL 60661. Telephone: (312) 730-1560, Fax: (312) 730-1576, TDD: (800) 877-8339, email: OCR.Chicago@ed.gov, website: <http://www.ed.gov/ocr/>.

History

New: August 4, 2017