

BISMARCK STATE COLLEGE

STUDENT CODE

OF CONDUCT



BISMARCK
STATE COLLEGE

North Dakota's
Polytechnic Institution

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1. Bismarck State College Code of Conduct Purpose

Bismarck State College (BSC) is a community dedicated to student success. Students live and work together in an atmosphere of mutual respect that is conducive to both personal and academic growth. Students are given considerable responsibility, and at times, intervention and education is necessary to increase the student's awareness of the effect of their actions on others in the community. BSC fosters student growth, learning, and empowers them to solve problems, communicate effectively, and contribute positively to the College and community.

The purpose of the Student Code of Conduct is to support a safe, healthy, and inclusive campus community that is conducive to learning where students act with honesty, integrity, civility, and respect for themselves and others. When students choose to attend BSC, they accept the rights and responsibilities of membership in the College's academic and social community and are expected to accept and adhere to the high standards of personal conduct. Any behavior that interferes with these goals, whether on or off campus, may constitute a violation of the Student Code of Conduct.

2. Scope

The student code of conduct applies to all BSC students; this includes all individuals taking courses at the College, both full-time or part-time, credit and non-credit. Individuals who are not officially enrolled but maintain a continuing academic relationship with the College are also considered students. Conduct proceedings will continue to resolution regardless of a student's enrollment status, as the alleged behavior occurred while the individual was actively enrolled.

3. Students' Rights

Students at BSC have the following rights. They also have the responsibility not to deny these rights 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. The College prohibits discrimination against a student because of their race, color, gender identity, national origin, age, religion, sexual orientation, genetic information, marital status, disability, veteran's status, or any other status protected by law.
- **Grade Appeal:** Students have a right to appeal a final course grade if they believe it does not correctly reflect their performance in the course. Students should discuss the grade with the instructor. If the matter is not resolved with the instructor, the appeal should be discussed with the appropriate Assistant Dean. If the matter is still not resolved, it should be discussed with the appropriate Academic Dean. If the matter remains unresolved, the student may appeal the issue to the Standing Committee on Grade Appeals.
- **Learning environment:** Students have a right to an environment and climate conducive to learning and thinking. Students have a right to 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 state and federal law, including the Family Educational Rights and Privacy Act (FERPA). 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 a BSC Student Government Association and to form student organizations for any lawful purpose.

4. Student Responsibilities

BSC students have responsibilities within the BSC community. BSC students cannot deny any other student their rights. In addition, the standards of student conduct apply to students on BSC premises, at BSC-sponsored activities, and can also apply to off-campus conduct that

adversely affects the College community and/or the pursuit of its objectives. BSC's jurisdiction and discipline shall be limited to violations of the BSC Student Code of Conduct.

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 as the law permits. Proceedings under the BSC Student Code of Conduct may be carried out prior to, simultaneous with, or following civil or criminal proceedings. Proceedings may also be carried out regardless of whether law enforcement chooses to proceed with criminal charges or prosecution.

Campus Conduct:

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 Student Code of Conduct. This is not an exhaustive list.

- **Acts of Dishonesty** - Making a false statement, identification, or act of lying.
- **Alcohol** - Use, possession, manufacturing, or distribution of alcoholic beverages or containers.
- **Complicity in Prohibited Acts** - Aiding, attempting, encouraging, or making plans to commit any prohibited acts is treated the same as committing the act itself.
- **Passive Participation in Prohibited Acts** - Passive participation is defined as being present while a violation(s) (ex: violence, harassment, alcohol, etc.) is occurring, actively encouraging a violation(s) to occur, or failing to report an alleged conduct violation(s).
 - Students are expected to make decisions that align with the Code, those decisions include:
 - leaving the situation immediately,
 - encouraging individuals to cease the behavior,
 - leaving the situation immediately and reporting the alleged violation, or
 - staying and being charged with a violation of the Code.
 - Passive participants may be sanctioned to the same extent as if they had committed the prohibited act. Students are accountable for their guests' conduct and may be sanctioned under this provision as if they had committed the violations themselves.
- **Damage to Property** – Unintentional damage or destruction of property.
- **Disorderly Conduct** - To harass, annoy, or alarm another person.
- **Drug Abuse Violations** -The cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance and the equipment or devices utilized in their preparation and/or use.
- **Failure to Comply with a Collegiate Official** - Refusal to respond to reasonable requests and direction from BSC authorities while in the performance of their duties.
- **Failure to Observe Rules/Regulations** - Not following rules in residence halls or on campus.
- **Fire hazard (Safety) disregard of Fire Alarm Signals** - Failing to evacuate during a fire alarm.
- **Fire Hazard** - Dangerous situations that could lead to a fire.
- **Harassment** - Unwelcome and offensive conduct that persistent, severe, or pervasive as to interfere with or limit the ability of an individual or group to participate in or benefit from

College-sponsored programs or activities, including employment and academic pursuits.

- **Hazing** - Abusing or humiliating initiation into a group or affiliation.
- **Misrepresentation:** the act of providing false, inaccurate, or misleading information about the nature of an object, issue, or situation.
- **Prohibited Solicitation** - The act of asking for or trying to obtain something from someone without prior written permission.
- **Smoking/Tobacco Use** - Use of tobacco or vaping on the BSC campus.
- **Tampering with College Equipment** - Unauthorized alterations to Wi-Fi, key readers, emergency lights, etc.
- **Unauthorized Entry** - Unauthorized entry onto the property of the College, a College facility, and/or any portion thereof that has been reserved, restricted, or placed off limits; unauthorized possession of keys/access card to any College facility.
- **Violation of Law** - The College reserves the right to address any conduct occurring on or off campus that may be construed as potential or alleged violations of local, state, or federal laws, including but not limited to:
 - **Simple Assault** - is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious, severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness
 - **Aggravated Assault** - is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
 - **Stalking** - is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct that would cause a reasonable person to feel fear for the safety to self or the safety of others; or suffer substantial emotional distress.
 - **Lewd Conduct** - is behavior that flagrantly flaunts community standards with respect to sexuality. Lewd behavior includes but is not limited to, sexual acts in public places and indecent exposure.
 - **Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another is prohibited.
 - **Burglary**: The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
- **Weapons on Campus** - Illegal or unauthorized possession or use of a Firearm, ammunition, explosives, weapons, or dangerous chemicals.

Residence Hall Conduct:

- **Animal Waste Clean Up** -It is the responsibility of the handler to clean up waste created by their Emotional Support Animal (ESA) or Service Animal (SA). BSC requires all canine ESA/SA to be DNA tested.
- **Escort** - Not walking a guest or being walked out (anyone that is not an occupant of that hall)

within the residence halls or leaving guests unattended in the residence halls.

- **Hall Sports** - Playing sports within the residence halls is prohibited.
- **Health and Safety** - A state of cleanliness and/or general safety in a living space that could be considered unsafe or hazardous to the well-being of the residents assigned to the room and surrounding area.
- **Improper Checkout** - Failure on the part of the student to properly vacate assigned room at the conclusion of their stay (i.e., physically present with staff member at an assigned check out time to complete Room Condition Report and return assigned keys).
- **Lending Keys**- An individual who is assigned specific keys for residence hall access allows any other individual to use the above-mentioned keys.
- **Lock Out/ Let in** - The need to be let into a room or hall due to forgetting keys.
- **Noise** - Unreasonable or disruptive amounts of noise created by residents and guests during non-quiet hour times.
- **Pets** - Having any type of pet that is not a part of an approved accommodation, with the exception of a fish with a 10-gallon tank, is prohibited.
- **Prohibited Item** - Possessing an item or multiple items that are not allowed in their assigned residence hall. Page 6 of the [Student and Residence Life Handbook](#) outlines all prohibited items.
- **Propping Open Locked Door** - Propping open a door that is locked for security reasons.
- **Quiet Hours** - Hours during a 24-hr. period deemed "Quiet Hrs." (11 PM to 11 AM).
- **Roommate/ Suitemate Issue or Conflict** - A conflict between roommates/ suitemates that results in tension, disrespect, or discomfort.
- **Screen Removal** - Removing a screen from a window without prior approval.
- **Unauthorized Removal of Lounge/ Room Furniture** - Removing lounge/room furniture without prior approval
- **Unauthorized Transfer of a Room** - Moving personal items and self into a room that is not assigned to the individual.
- **Visitation/ Open Hours** - Having a visitor or being a visitor during non-visiting hours without pre-approval. (8 AM -1 AM Sunday through Thursday and 8 AM – 3 AM Friday through Saturday)

5. Academic/Classroom Conduct

Students are expected to engage in behaviors that support a respectful and productive academic environment. 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 Student Code of Conduct. This is not an exhaustive list.

Unacceptable behaviors in the academic/classroom setting include:

- **Academic Dishonesty** – Acts such as cheating, plagiarism, falsifying research data or results, unauthorized collaboration, or assisting others to engage in such behaviors.

- **Disruptive Conduct** – Any behavior that interferes with teaching, learning, or classroom operations, including excessive talking, sleeping in class, or inappropriate outbursts.
- **Unauthorized Use of Technology** – Using cell phones, smartwatches, or other electronic devices without instructor permission. Devices should be used only for class-related purposes when allowed.
- **Repeated Tardiness or Leaving Class Early** – Entering the classroom late or leaving early disrupts the learning environment. Exceptions may be made for documented, exceptional circumstances.
- **Disrespectful or Harassing Language/Behavior** – Inappropriate comments, gestures, or actions toward instructors or classmates that disrupt the learning environment or violate standards of civility.
- **Refusal to Follow Instructor Direction** – Willful disobedience or defiance of reasonable instructions or expectations set forth by the instructor, including classroom safety protocols.
- **Damage to Classroom Property** – Intentional or negligent destruction or misuse of classroom materials, equipment, or furniture.
- **Tampering with Course Materials** – Altering, damaging, or removing shared course materials or laboratory items without authorization.

Students may not engage in these behaviors directly, nor may they assist or encourage others in doing so. Students are also responsible for reporting misconduct they witness in the classroom environment when appropriate.

Consequences of Academic Misconduct/Classroom Misconduct

Violation of academic or classroom conduct expectations may result in any of the following sanctions, as imposed by the faculty member or appropriate College official:

- Verbal Warning – a verbal explanation by a College official of the violation and possible consequences if misconduct continues;
- Written Warning – a written explanation by a College official of the violation and possible consequences if misconduct continues;
- Dismissal from the remaining class time during which the misconduct occurs;
- Dismissal from the remaining class time during which the misconduct occurs, with a required meeting with the designated College official prior to returning to class;
- Assignment of a reduced or failing grade on an assignment, paper, project, or exam;
- Reduction in the final grade for the course;
- Assignment of a failing grade for the course;
- Required meeting with the instructor and/or a College official.
- If there is a potential for suspension or expulsion, an interim measure may be put in place. With consultation of the designated College official, a student may be suspended for up to three days to complete an investigation.
- **Loss of Classroom Privileges** – The immediate revocation of the privilege of attending a class or laboratory based on classroom misconduct. Depending on the nature and duration of the removal, this may result in the student being withdrawn from the course.

- 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. Alleged Violation Resolution Process

As outlined in the [North Dakota State Board of Higher Education Policy 305.1 Institution President Authority and Responsibilities; Contract Terms](#), BSC's President shall assume responsibility for the establishment of guidelines for student conduct which set forth prohibited conduct and provide for appropriate disciplinary procedures and sanctions for violation of institutional rules, consistent with standards of procedural fairness.

All alleged violations of BSC's code of conduct shall use a "preponderance of the evidence" standard, meaning that in order for someone to be held responsible, the evidence must show that it is more likely than not that the violation occurred.

BSC's Vice President for Student Affairs, as delegated by the President, is responsible for supervising the College's process and response to student violations of College rules and regulations, including the imposition of sanctions.

A typical student conduct process generally follows a structured progression, beginning with an initial report and moving through an investigation, a student conduct meeting, and notification of a decision. However, as new issues may emerge during an investigation, adjustments may be necessary to ensure safety. If details suggest an elevated risk to the campus community or the student involved, the process may include additional steps such as a temporary emergency suspension or other protective measures. These modifications are implemented to uphold institutional values while maintaining procedural integrity.

Cases related to Title IX compliance will follow the process as outlined in the [603.1.2 Sexual Harassment and Title IX Compliance Policy](#) and the [603.1.2 Sexual Harassment and Title IX Compliance Policy Procedure](#)

Summary of BSC's resolution process:

1. Receipt of an incident report,
2. Notice of Alleged Violation / Investigation,
3. Investigation
4. Implementation of interim measures, if necessary,
5. Implementation of permissible supportive measures, if necessary,
6. Temporary emergency suspension, if necessary,
7. Student Conduct Meeting,
8. Hearing (only in cases of suspension and expulsion),
9. Notification of decision, including sanctions, and terms and conditions, as assigned, and appeal process,

10. Appeal (if student chooses),
11. Notification of appeal decision (if applicable).

Detailed description of BSC's resolution process:

The resolution process may typically occur in the following order. Depending on the circumstances, some steps may take place simultaneously or in a modified order.

1. Incident

The process begins when an incident occurs. Any member of the College community may file a report alleging that a student or student organization has violated policy as outlined in the BSC Student Code of Conduct. Persons wishing to report an alleged violation of BSC's Student Code of Conduct should do so as soon as information regarding the alleged violation is received.

Reporting an Alleged BSC Student Code of Conduct Violation

- Contact BSC's Community Standards Coordinator at: 701-224-2540 or bsc.conduct@bismarckstate.edu;
- Visit BSC's Community Standards Coordinator at 1425 Schafer Street, Room 225, Office 225B Bismarck, ND 58501;
- Complete the [General Concern Report](#);
- Academic Deans, Assistant Dean and faculty will be notified of situations that occur in the academic environment.

2. Notice of Alleged Violation

The accused student will be contacted through BSC student email, phone call or in person, to arrange an informal meeting. The notice of alleged violation may include when known:

BSC will provide the student written notification of a formal hearing at least three business days prior to the hearing date. Students may consent to a shorter notice period.

3. Investigation of the Incident

Investigation refers to the process of gathering facts, details, and circumstances related to an alleged violation. The investigation may include interviewing witnesses, reviewing documents, or taking other steps necessary for the Community Standards Coordinator or designee to determine whether the allegation is warranted. A Notice of Delay may be issued if circumstances require additional time to complete the investigation or if external factors, such as witness availability or concurrent processes, impact the timeline.

Following an investigation, the matter may result in resolution through the BSC Student Code of Conduct process, referral for criminal proceedings, or dismissal of the allegation. Prior to the

dismissal of any alleged violation, the case will be reviewed by the Conduct Hearing Panel. Alleged violations that may result in criminal charges will be referred to the Campus Police Chief.”

4. Interim Measures

In the interest of safety and security, interim actions may be implemented by the Community Standards Coordinator or designee prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not be limited to, no contact orders, housing/workplace changes, loss of privileges, etc.

5. Permissible Supportive Measures

BSC will coordinate supportive measures with respect to the parties' situations. Questions regarding or requests for supportive measures can be made to BSC's Community Standards Coordinator. Violation of these supportive measures may be considered grounds for additional reports or as retaliation for the ongoing investigation. BSC will treat all students equitably by offering supportive measures. Some possible supportive measures include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in on-campus work or housing locations; leaves of absence; increased security or monitoring of certain areas of campus; law enforcement resource assistance.

6. Temporary Emergency Suspension

A student may be placed on temporary emergency suspension by the Community Standards Coordinator or designee when the student's actions or threats of action present a serious risk to the safety or welfare of individuals or property. Students suspended under these circumstances may be offered the option to fully withdraw from the College with a full refund of tuition and fees. Housing and dining charges will be refunded according to North Dakota State Boards of Higher Education Policy 830.2 and North Dakota University System Procedure 830.2.

Temporary Emergency Suspension may significantly impact academic progress, as investigations can be lengthy and may disrupt normal degree completion timelines.

Temporary emergency suspension is used to:

- To ensure the health, safety or well-being of members of the College community;
- To preserve College property;
- To ensure the suspended student's own physical and emotional safety and well-being, or
- To ensure against disruption of, or interference with, normal operations of the College.

No hearing will be required before a temporary suspension is imposed; however, an Temporary Emergency Suspension Hearing will be convened within five working days following the

temporary suspension. In unique circumstances, any alteration to this timeline will be made at the discretion of the Community Standards Coordinator or designee. The purpose of an Emergency Suspension Review Hearing is to determine if an Emergency Suspension should remain in effect until the Notification of Decision is delivered. If the suspension is upheld following the investigative process, the suspension remains subject to the rules outlined in the above-mentioned Suspension section and remains a matter of permanent record. Refer to section 8 for additional procedures for resolving alleged suspension and expulsion violations.

7. Student Conduct Meeting

During the Student Conduct meeting, the Community Standards Coordinator or designee will discuss all information contained in the Notice of Alleged Violation. Should a student or student organization choose an attorney to act in an advisory role. The role of an attorney shall be to advise his or her client, not to participate in the meeting.

In some cases, an expedited process may be appropriate.

If it becomes apparent that the case may warrant suspension or expulsion during the reporting process, investigation, or at any point during the Student Conduct Review Meeting, the Community Standards Coordinator or designee will refer the case to BSC Conduct Hearing Panel. If the Community Standards Coordinator or designee is unable to decide the case due to a conflict of interest or any other reason, they will contact the BSC Conduct Hearing Panel Chair to identify an alternate decision maker.

Should additional information be provided during the student conduct meeting that necessitates additional investigation, additional time may be needed to investigate the new information.

8. Notice of Delay: The Community Standards Coordinator or designee will provide written notification to the student if a delay occurs in the conduct process. This Notice of Delay will be delivered to the student's official BSC email account or sent via U.S. postal mail.

9. Notification of Decision

The Community Standards Coordinator or designee will provide written notice of findings via BSC student email account or through US postal mail to the student stating whether or not a violation of student policy and/or conduct occurred. The written notice of decision will include sanctions, terms and/or conditions, if any, and appeal procedures. The notice will generally be provided within 5 business days following the conclusion of the investigation and the conduct meeting or hearing. In unique circumstances, any alteration to this timeline will be made at the discretion of the Community Standards Coordinator or designee.

10. 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 of the sanction and/or decision. All appeals are submitted to the Vice President for Student Affairs or designee.

Vice President for Student Affairs
bsc.studentaffairs@bismarckstate.edu
701.224.5638
Jack Science Center, Room 307
Bismarck, ND 58501

The written appeal must contain the reason for the appeal. The process of appeal is not for retrying or rehearing a case. 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, or
- The severity of the sanction was not consistent with the severity of the offense.

BSC's Vice President for Student Affairs or designee will review the written letter of appeal from the student and materials from the original meeting. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered. Upon review of the letter of appeal and materials from the original meeting, BSC's Vice President for Student Affairs or designee may schedule a Student Conduct Appeal Meeting with the student to review the appeal. Should the student decline the meeting or not attend, the Vice President for Student Affairs or designee will close the case using the information provided within 10 business days of attempting to schedule the Student Conduct Appeal Meeting.

The decision may be upheld, overturned, or modified. Determination shall be made based on the grounds for appeal and by a preponderance of the evidence.

11. Notification of Appeal Decision

The decision regarding 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 Vice President for Student Affairs or designee's decision is final and binding upon all involved.

7. Suspension or Expulsion Resolution Process

BSC Conduct Hearing Panel

The BSC Conduct Hearing Panel are the BSC representatives assigned to process an alleged violation of College policy that may result in suspension or expulsion. The Community Standards Coordinator or designee will refer any case that may result in suspension or expulsion to the BSC Conduct Hearing Panel. In accordance with the North Dakota State Board of Higher Education [Policy 514 Due Process Requirements for Student Conduct That May](#)

[Result in Suspension or Expulsion](#), the BSC Conduct Hearing Panel involves the student or student organization who is named in the Notice of Alleged Violation, the BSC Conduct Hearing Panel and any other individuals necessary to determine if a violation of the Code of Conduct occurred. At this hearing, the student has the right to make a written and/or oral statement describing the event(s) that led to the allegations.

1. Notice of Hearing:

The BSC Conduct Hearing Panel Chair shall provide written notice to any student or student organization involved in a disciplinary process regarding an alleged violation of campus policies that may result in suspension or expulsion.

- The notice must identify the specific allegation against the student or student organization.
- The notice must be provided to the parties at least three business days prior to any hearing or deadline for a response from the student.
- The notice must include information about the right to an advisor at any proceeding.
- The notice requirement is waived if the recipient consents to a shorter notice period or for the initiation of interim measures or emergency actions.

The student has the right to have a person present who may act in an advisory capacity. Advisors may not serve as witnesses. If a student chooses to have an attorney present at their hearing, BSC may also request legal representation be present. 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 BSC Conduct Hearing Panel Chair, present witnesses during the hearing, and provide support, guidance, and advice to the student throughout the process.

In all cases involving an allegation of sexual harassment or sexual misconduct, the student named in the Notice of Alleged Violation and the alleged victim shall have equal procedural rights as detailed in the Bismarck State College [603.1.2 Sexual Harassment and Title IX Compliance Policy](#) and [603.1.2 Sexual Harassment and Title IX Compliance Policy Procedure](#).

BSC Conduct Hearing Panel Chair will provide written notice of the hearing findings via BSC student email account or through US postal mail, indicating if the conduct violated College policy as outlined in the BSC Student Code of Conduct. BSC employs the preponderance of evidence, or “more likely than not” standard of proof. A student is found to have violated policies and conduct in the BSC Student Code of Conduct when the student admits to the violation or information available at the time of the hearing supports the finding of responsibility.

2. Notification of Decision

The BSC Conduct Hearing Panel Chair will provide written notice of findings via BSC student email account or through US postal mail to the student stating whether or not a violation of student policy and/or the code of conduct occurred. The written notice will include sanctions, terms and/or conditions, if any, and appeal procedures. The notice will generally be provided

within 10 business days following the hearing.

3. 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 of sanction and/or decision. All appeals are submitted to the BSC Decision Maker, whose contact information will be provided in the Notification of Decision.

The written appeal must contain the reason for the appeal. The process of appeal is not for retrying or rehearing a case. Appeals must meet one of three criteria:

- a. 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,
- b. The College's failure to follow its own processes and procedures, or
- c. The severity of the sanction was not consistent with the severity of the offense.

BSC's Decision Maker 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 may be upheld, overturned, or modified.

The determination shall be made based on the grounds for appeal and by a preponderance of the evidence.

4. Notification of Appeal Decision

The decision regarding the appeal will generally be issued within 10 business days of receipt of the appeal; however, additional time may be required during College recesses or in complex cases. The BSC's appeal decision is final and binding upon all parties.

8. College Disciplinary Sanctions

BSC's Sanction Philosophy (Appendix 1) outlines factors that may be considered in determining appropriate sanctions.

A sanction is a consequence placed upon any student for violations of specific 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. This is not an exhaustive list.

Possible Sanctions

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

- **Behavior Contract**- The intent of the Behavior Contract is an individualized written agreement that is used to change and detail expectations for student behavior(s).
- **Community Service** - A sanction that actively engages students in the student conduct process by positively impacting and giving back to the BSC community. Students may also develop and foster positive relationships with other individuals throughout the campus community.
- **Conduct Probation** - Conduct probation is a written notification that a student is not in good conduct standing for a specified period of time. The specific conditions of the probation will be determined on a case-by-case basis.
- **Confiscation** - In addition to items seized as evidence, goods used or possessed in violation of College policies and/or local, state or federal laws, may be confiscated and not be returned to the student. This includes, but not limited to, falsified information or identification.
- **Consultation** - A student may be required to attend a formal meeting with the Community Standards Coordinator or designee in which the actions that warranted the complaint are examined. A typical goal of the consultation is to discuss the competencies of a successful College experience, career, and life and to maximize the student's opportunities for growth.
- **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.
- **Eviction** – The formal removal of a student from College housing (following the process outlined in the [Residence Hall Handbook](#) located under Additional Resources).
- **Expulsion** – A written notification that the student is permanently denied the privilege of enrollment at the College. This is a matter of permanent record.
- **Fine** – The imposition of a monetary penalty.
- **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 the circumstances of the allegations and may include, but are not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.
- **Letter of Apology/or Reflection** - A reflective letter describing the misconduct and acknowledging wrong-doing. This letter may be addressed to a specific person reflecting on the incident and how your actions impacted your community as well as the individual(s) you are apologizing to. It is not meant to justify your actions; defensiveness or inappropriate language will not be accepted.
- **Loss of privileges** – 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.
- **Mediation** - A way of resolving disputes between two or more parties wherein the parties meet with a mutually selected impartial and neutral person who assists them in the negotiation of their differences.
- **No contact order** – Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group.
- **Parental Notification** - The Family Educational Rights and Privacy Act (FERPA) permits an institution of higher education to make disclosures to parents or legal guardians regarding

determined sanctions with respect to the illegal use of alcohol and/or other drugs if the student is less than 21 years of age and has been found responsible for violating the Code of Conduct. The institution's primary relationship is with the student, and BSC's goal is to encourage individual personal growth and development. When such growth and development seems unlikely to occur without parental involvement, the College reserves the right to engage parents or guardians in that process.

BSC may choose not to notify parents or guardians of violations of the Student Code of Conduct in an effort to support and encourage students to engage in voluntary conversations about such incidents with their parents or guardians as well as to encourage personal development. Parents or guardians of students under 21 may be contacted by BSC personnel following alcohol and/or other drug related incidents:

- If a student is found responsible for violating the College's alcohol/drug policy that results in a College referral for assessments or evaluations for chemical dependency, and/or when College sanctions of Conduct Probation or greater are assigned.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol and/or other drugs.

- **Participation in a Specific Activity or Project** - A student may be required to participate in a specific activity or project, such as public service; an educational class; and/or meeting with a designated College official or other assignment.
- **Presentation** - The assignment of giving a presentation to a specific audience on a specific topic as a consequence for actions.
- **Referral to Special Classes** - A student may be required to participate in alcohol, drug, and/or other programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs. The College reserves the right to require alcohol/drug evaluation as a condition of enrollment or continued enrollment when:
 - A student's conduct endangers or may endanger the safety of themselves, others, or property, and/or;
 - A pattern of conduct has been demonstrated by a student.
- **Registration/Graduation Hold** - If a student (new, current, or returning) fails to respond to a request to meet to discuss an alleged violation of this code or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the College's withdrawal policy.
- **Restitution** – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Restricted Access** - Students may have access to College facilities and grounds restricted for a specified period of time. Restricted access may include, but is not limited to, entry into College or athletic facilities, access to specific College offices, and visiting and/or living in any

College housing facility. Students found in violation of restricted access directives may be issued a trespass citation and may be subject to further conduct action.

- **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.
Students may not be permitted to graduate or officially withdraw from BSC while disciplinary action is pending. If the student withdraws before BSC becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.
- **Suspension** – 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.
- **Trespass from All, or Portions of, Campus** - Trespass is defined as the restriction, withholding, or removal of access to College property from persons who violate College policies, regulations, or rules or who pose a risk to campus safety or security.
- **Verbal Warning** – A verbal explanation by a College official of violation and possible consequences if misconduct continues.
- **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 student conduct process, including the completion of all sanctions imposed, if any.
- **Written Warning** – A written explanation by a College official of violation and possible consequences if misconduct continues

9. Amnesty Clause

- Students are strongly encouraged to prioritize the well-being and safety of others. If someone requires emergency medical attention, particularly due to alcohol or drug use, it is critical to take action by calling 911, remaining with the individual until help arrives, and cooperating with responding staff and emergency personnel.
- Students who seek help for another student will not face Student Code of Conduct charges for their own alcohol or drug use related to the incident. However, all involved students (including the individual needing assistance and reporting student) may be required to meet with the Community Standards Coordinator or designee for educational and resource purposes.

10. Student Policies

Student Policies and Procedures are listed below and can be accessed [online](#).

1. To find them visit <https://bismarckstate.edu>
2. Click on Student Life
3. Scroll down to Student Policies
4. Click on Student Policies
5. The page will open to all the Student Policies and Procedures.

11. Notice of 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, information protected by the Genetic Information Nondiscrimination Act (GINA), 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.

Inquiries regarding student non-discrimination policies and 504/ADA policies at BSC should be directed to:

Dr. Kaylyn Bondy, Vice President for Student Affairs/Title IX Coordinator
Jack Science Center, Room 307
1420 Schafer Street
Bismarck, ND 58501
Phone: 701-224-5638
kaylyn.bondy@bismarckstate.edu

Office for Civil Rights
Chicago Office (Local OCR office for North Dakota)
U.S. Department of Education
C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov
Website: <http://www.ed.gov/ocr/>

Inquiries regarding employee non-discrimination policies and 504/ADA policies at BSC should be directed to:

Nicole Mikkelsen, Chief Human Resources Officer
Meadowlark Building
1700 Schafer Street
Bismarck, ND 58501
Phone: 701-224-5427
nicole.mikkelsen@bismarckstate.edu

12. Appendix 1

BSG STUDENT SANCTION PHILOSOPHY

Purpose: This philosophy provides recommendations for violations of the BSC Code of Conduct and to ensure consistency among campus conduct managers and hearing panels when issuing sanctions. It is sound practice for conduct managers and hearing panels to sanction within the established guidelines: however, the following recommendations are not prescriptive. Conduct managers and hearing panels are empowered by the BSC Code of Conduct to utilize their professional judgement when weighing the aggravating and mitigating factors that may exist in each incident to determine the most appropriate sanctioning for the development of the individual student and the common good of the campus community.

Goals: Sanctions are designed to achieve the following goals:

- To reestablish order while considering the common good, which sometimes necessitates the temporary or permanent removal of a student from the college community;
- To repair the harm for those impacted;
- To restore a student to good standing within the college community, provided the safety of the community is jeopardized by the individual's presence;
- To address the cause of the violation and to allow students to reflect upon their actions and their impact on themselves, others, and the college community.

Sanctioning Considerations:

The following factors may be considered to guide the range and variation of sanctions.

- The BSC Sanction Philosophy;
- The nature and severity of the incident;
- The development needs of the student;
- Any prior conduct history of the student;
- The need to remedy the effects of the incident on others;
- The level of accountability and cooperation taken by the student;
- The level of risk and/or harm of the student to the campus community;
- Any other aggravating, mitigating, or relevant factors.

Aggravating factors:

An aggravating factor is a circumstance, or a set of circumstances, that may result in more significant sanctions for a violation of the BSC Code of Conduct. Examples of an aggravating factor may include, but are not limited to:

- Nature and Severity of the Incident
 - Committing multiple violations of the Code during a single incident
 - Committing a violation of the Code that results in significant injury, trauma, and/or harm to another person, property, and/or the college community

- Alcohol and Other Drugs
 - Committing a violation of the Code while under the influence of alcohol and/or other drugs
 - Committing a violation of the Code in connection with participating in a high-risk drinking activity, such as binge drinking, drinking games, and/or using alcohol-related items
- Prior Student Conduct History
 - Committing multiple violations of the Code throughout the student's tenure at the College
 - Committing a violation of the Code while an active sanction (until any sanction is completed, it is still considered "active")
- Bias-Related and Retaliatory Conduct
 - Committing a violation of the Code with bias or retaliation against another individual
 - Committing a violation of the Code against another individual that is motivated by that individual's involvement in the filing or investigation of a student conduct complaint

Mitigating Factors:

A mitigating factor is a circumstance or circumstances, that may merit consideration of a lesser sanction. Examples of a mitigating factor(s) may include, but are not limited to:

- Nature and the Severity of the Incident
 - Total number and severity of Code violations
 - Committing a violation of the Code that was in self-defense and/or defense of others
- Accountability and Responsibility
 - Committing a violation of the Code but exhibiting a significant amount of cooperation with the College and public officials responding to the incident

Bias-Related and Retaliatory Conduct:

Bias-Related Conduct

The College's commitment to respect for all members of the community and bias related conduct may be considered an aggravating factor for any violation of the Code, regardless of the seriousness of the violation.

Bias-related conduct refers to language and/or behaviors which demonstrate bias against an individual (or group of individuals) because of, but not limited to, and individual's actual or perceived: age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or status as law enforcement.

Retaliatory Conduct

Retaliatory conduct refers to conduct that adversely and unjustifiably affects another's terms and conditions of employment, educational experience, or quality of life and that is motivated by an intent to cause harm because of the targeted individual's involvement in the filing or investigation of a student conduct complaint.

It is contrary to College policy for any individual to engage, whether directly or indirectly, in retaliatory conduct directed against a person who files a complaint or participates during an investigation of such a complaint. Retaliatory conduct may be considered an aggravating factor.

Types of Sanctions:

Reestablish and Repair

Students may receive sanctions focused on reestablishing order within the community and repairing caused harm. The sanctions follow different tracts related to a student's enrollment and housing status at the College.

Specifically, these types of sanctions may include:

- Written Warning
- Community Service
- Mediation
- Behavior Contract
- Trespass from all or portions of Campus
- Eviction from College-owned Housing
- Suspension
- Temporary Emergency Suspension
- Expulsion
- Participation in a Specific Activity or Project
- Restricted Access
- Loss of Privileges
- No Contact Order
- Confiscation
- Registration/Graduation Hold
- Recommendation to the Vice President for Academic Affairs to Withhold or Rescind Degree

Restore

Fines and restitution may be used to restore a student to good standing within the college community and compensate those impacted by a student's behavior.

- Restitution
- Fines

- Community Service
- Apology Letter

Reflect

Consistent with BSC's mission to promote community and individual student well-being, reflection and developmental sanctions can be used alone or in conjunction with other sanctions to balance individual accountability with educational opportunities for a student. Reflection and developmental sanctions cannot be assigned via a "one size fits all" standard since each student possesses a unique set of characteristics that may contribute to his/her behavior. These sanctions are structured by the conduct officer or hearing board to allow each student the best opportunity to reflect, gain new information, and consider more deeply how his/her behavior impacts him/herself and the community. As a result, these sanctions include educational projects, may include, but are not limited to:

- Consultation
- Referral to Special Classes or Counseling Sessions
- Parental/Guardian Notification
- Reflection Paper
- Agreement

13. Appendix 2

Definitions:

- **Alleged student:** The student who is alleged to have violated the College's Student Code of Conduct.
- **Advisor:** is either an attorney or a non-attorney advocate who advises a student or student organization during the conduct proceedings. Each party has the right to one advisor.
- **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).
- **Business Day:** A business day refers to any weekday (Monday through Friday) when the College is officially open for operations, excluding weekends, state or federal holidays, and days when the institution is closed.
- **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. BSC's Student Code of Conduct applies to all locations owned or rented by the College.
- **College-sanctioned event:** an event that has been formally authorized, approved, or endorsed by the college or university. This typically involves events where the student is officially representing the institution. Examples include intercollegiate sports, scholarship presentations, and events for which students are obligated to participate due to their financial aid.
- **Faculty or staff member:** Any person hired by the College to conduct classroom, instructional, administrative or support activities.
- **Preponderance of evidence:** The standard by which a determination will be made regarding violations of this policy. It means the decision will be based on whether it is more likely than not to have occurred.
- **Reporting party:** Any person who submits an allegation that a student violated the Student Code of Conduct. 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 Code of Conduct 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 and have a continuing academic relationship with the College are considered students.
- **Witness-** a person who has observed, has knowledge, or has evidence of an event.

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