



BOARD OF REGENTS POLICY: *Student Conduct Code*

SECTION I. SCOPE AND PURPOSE.

This policy applies to all students and student groups at the University of Minnesota (University), whether or not the University is in session. The purpose of the *Student Conduct Code* is to convey behavioral expectations that embody the University's learning mission while supporting students' individual career and life goals. The student conduct process is primarily educational, while also serving to protect the University's unique learning environment and the safety and success of the larger campus communities.

SECTION II. GUIDING PRINCIPLES.

- (a) The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University.
- (b) As stated in Board of Regents Policy: *Diversity, Equity, Inclusion, and Equal Opportunity*, the University shall establish and nurture an environment for faculty, staff, students, and visitors that actively acknowledges and values equity and diversity and is free from racism, sexism, ageism, homophobia, and other forms of prejudice, intolerance, or harassment.
- (c) The University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the health or safety of members of the University community.
- (d) The University is dedicated to responsible stewardship of its resources and to protecting its property and resources from theft, damage, destruction, or misuse.
- (e) The University supports and is guided by state and federal law while also setting its own standards of conduct for its academic community.
- (f) The University is dedicated to the fair and equitable resolution of conflict at the lowest level possible.
- (g) The University is committed to safeguarding the free expression rights of all University community members and will strive to engage in student development conversations when messages are contrary to the University values of equity, diversity, and inclusion. Students are entitled to the rights and responsibilities of other citizens with regard to freedom of speech, peaceable assembly, and the right to petition. Students are entitled to exercise their rights to inquire and dissent, speak freely, and peaceably assemble and protest to the extent permissible under both the First Amendment of the United States Constitution and the *Student Conduct Code*.

- (h) Students are entitled to due process and procedural fairness protections, including the prompt notification of charges, the opportunity to respond, the right to an advocate of choice, and the right to the resolution of a case within a reasonable period of time.

SECTION III. DEFINITIONS.

Subd. 1. Academic Environment.

Academic environment shall mean any setting where a student is engaged in work toward academic credit, satisfaction of program-based requirements, or related activities, including but not limited to classrooms, laboratories, online courses, learning support and testing platforms, learning abroad, and field work.

Subd. 2. Assists or Abets.

A student or student group *assists or abets* prohibited conduct when the student or student group: (a) helps any other person engage in prohibited behaviors as defined by the *Student Conduct Code*; and (b) intends the prohibited behavior to occur or knows that their actions are significantly likely to help the other person to engage in the prohibited behavior.

Subd. 3. Campus.

Campus shall mean all University premises, including all land, buildings, facilities, and other property owned, possessed, leased, used, or controlled by the University, and adjacent streets and sidewalks.

Subd. 4. Learning Support and Testing Platforms.

Learning support and testing platforms shall mean tools including online tools identified by the instructor for use in a course or learning activity.

Subd. 5. Plagiarism.

Plagiarism shall mean representing the words, creative work, or ideas of another person as one's own without providing proper documentation of source. Examples include, but are not limited to, the following:

- copying information word for word from a source without using quotation marks and giving proper acknowledgement by way of footnote, endnote, or in-text citation;
- representing the words, ideas, or data of another person as one's own without providing proper attribution to the author through quotation, reference, in-text citation, or footnote;
- producing, without proper attribution, any form of work originated by another person such as a musical phrase, a proof, a speech, an image, experimental data, laboratory report, graphic design, or computer code;
- paraphrasing, without sufficient acknowledgment, ideas taken from another person that the reader might reasonably mistake as the author's; and
- borrowing various words, ideas, phrases, or data from original sources and blending them with one's own without acknowledging the sources.

Instructors are expected to provide clear standards regarding academic work expectations in the course syllabus. It is the responsibility of all students to understand the standards and methods of proper attribution and to clarify with each instructor the standards, expectations, and reference techniques appropriate to the subject area and class requirements, including group work and internet use. Students

are encouraged to seek out information about these methods from instructors and other resources and to apply this information in all submissions of academic work.¹

Subd. 6. Protected Characteristics.

As defined by Board of Regents Policy: *Diversity, Equity, Inclusion, and Equal Opportunity*, *protected characteristics* shall mean race, color, creed, religion, national origin, gender, age, marital status, familial status, disability, public assistance status, membership or activity in a local commission created for the purpose of dealing with discrimination, veteran status, sexual orientation, gender identity, or gender expression.

Subd. 7. Student.

Student shall mean any person taking courses at the University or enrolled in a University academic program; any person who has taken courses or enrolled in a University academic program within the past three terms (including summer) and who has not withdrawn, transferred, or graduated; any individual who has registered for classes or has been approved for readmission to the University; any person participating as a student in University activities, even if prior to the start of classes; any person previously enrolled within the last three terms (including summer) and who has a continuing relationship with the University through active participation in student groups or University-sponsored activities; any person on an official leave of absence with an intent to return; any person who withdraws, transfers, or graduates after an alleged violation of the *Student Conduct Code* and before the allegation is resolved; and any already graduated person when the conduct at issue implicates the validity of the person's earned University degree.

Subd. 8. Student Group.

Student group shall mean any group of students that is or has been registered as a University student group under applicable University policies or procedures.

Subd. 9. Unauthorized Collaboration.

Unauthorized collaboration shall mean working with others, either in person or via electronic means, when the student is not given express permission by an instructor to do so.

Subd. 10. University-Sponsored Activities.

University-sponsored activities shall mean any program or event sponsored by the University, including but not limited to academic, athletic, extracurricular, study abroad, research, online, or internship programs or activities. Activities hosted by student groups that are not sponsored by a University department, unit, or program shall not be considered University-sponsored activities.

SECTION IV. PROHIBITED BEHAVIORS.

Any student or student group who accepts an informal resolution or is found to have committed, attempted to commit, or assisted or abetted another person or group in committing the following misconduct is subject to appropriate student conduct action under this policy.

¹ Portions used with permission from New York Institute of Technology and University of Texas, San Antonio.

General Behavior Prohibitions:

Subd. 1. Scholastic Dishonesty.

Scholastic dishonesty means plagiarism; cheating on assignments or examinations, including the unauthorized use of online learning support and testing platforms; engaging in unauthorized collaboration on academic work, including the posting of student-generated coursework on online learning support and testing platforms not approved for the specific course in question; taking, acquiring, or using course materials without faculty permission, including the posting of faculty-provided course materials on online learning support and testing platforms; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, misrepresenting, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis.

Subd. 2. Violation of University Rules.

Violation of University rules means engaging in conduct that violates University, collegiate, or departmental regulations that have been posted or publicized, including provisions contained in University contracts with students.

Subd. 3. Violation of Local, State, or Federal Laws or Ordinances.

Violation of local, state, or federal laws or ordinances means engaging in conduct that violates a local, state, or federal law, or ordinance, including, but not limited to, laws governing alcoholic beverages, drugs, gambling, sex offenses, indecent conduct, or arson.

Subd. 4. Persistent Violations.

Persistent violations means engaging in repeated conduct or action in violation of the *Student Conduct Code*.

Subd. 5. Retaliation.

Retaliation occurs when a student or student group takes adverse action against an individual for that individual's good-faith participation in reporting or otherwise expressing opposition to, suspected or alleged prohibited behavior; or participating in any process designed to review or investigate suspected or alleged prohibited behavior or non-compliance with applicable policies, rules, and laws.

Prohibited Behaviors Implicating Health, Safety or Property:

Subd. 6. Harm to Others.

Harm to others means engaging in conduct that endangers or threatens to endanger the health, safety, or welfare of another person, including, but not limited to, threatening, harassing, intimidating, and stalking or assaulting behavior that does not fall within the scope of Subd. 9 of this section.

Subd. 7. Discriminatory Harassment.

Discriminatory harassment means conduct that occurs under either of the following conditions:

- When it is stated or implied that a person needs to submit to, or participate in, unwelcome conduct based on a protected characteristic to maintain or advance in their employment, education, or participation in a University program or activity.
- When unwelcome conduct based on a protected characteristic is severe, persistent, or pervasive and (1) unreasonably interferes with an individual's employment, education, or participation in a University program or activity; (2) creates a work, employment, or other University environment

that a reasonable person would find to be intimidating, hostile, or offensive; or (3) effectively denies an individual equal access to a University program or activity.

Subd. 8. Bullying.

Bullying means aggressive behavior directed at another person that causes stress or harm and that is repeated over time, including but not limited to assaulting, defaming, terrorizing, making obscene gestures, or invading privacy.

Subd. 9. Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence.

These prohibited behaviors are defined in Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence* and the related administrative policy.

Subd. 10. Illegal or Unauthorized Possession or Use of Weapons.

Illegal or unauthorized possession or use of weapons means possessing or using weapons or articles or substances usable as weapons, including, but not limited to, firearms, incendiary devices, explosives, and dangerous biological or chemical agents, except in those instances when authorized by law and, where applicable, by University policy.

Subd. 11. Illegal or Unauthorized Possession or Use of Drugs or Alcohol.

Illegal or unauthorized possession or use of drugs or alcohol means possessing or using drugs or alcohol illegally or, where applicable, without proper University authorization.

Subd. 12. Providing Alcohol to Minors.

Providing alcohol to minors means directly or indirectly providing alcohol to anyone under the legal drinking age.

Subd. 13. Theft, Property Damage, or Vandalism.

Theft, property damage, or vandalism means theft or embezzlement of, damage to, destruction of, unauthorized possession of, or wrongful sale or gift of property.

Subd. 14. Hazing.

Hazing means any behavior or activity that endangers the health or safety of an individual (including, without limitation, an act intended to cause personal degradation or humiliation), for the purpose of initiation in, admission to, affiliation with, or as a condition for continued membership in a student group or University athletic team, regardless of the individual's willingness to participate.

Prohibited Behaviors Interfering with University and Community Operations:

Subd. 15. Disruption of Academic Environment.

Disruption of the academic environment means engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach and/or a student's ability to learn.

Subd. 16. Falsification.

Falsification means willfully providing University offices or officials with false, misleading, or incomplete information; forging or altering without proper authorization official University records or documents or conspiring with or inducing others to forge or alter without proper authorization University records or documents; misusing, altering, forging, falsifying, or transferring to another person University-issued identification; or intentionally making a false report of a bomb, fire, natural disaster, or other emergency to a University official or an emergency service agency.

Subd. 17. Refusal to Identify and Comply.

Refusal to identify and comply means willfully refusing to or falsely identifying one's self or willfully failing to comply with a proper order or summons when requested by law enforcement personnel, by emergency medical staff responding to an emergency, or by a University officials acting within the purview of their job responsibilities.

Subd. 18. Unauthorized Use of and/or Access to University Facilities or Services.

Unauthorized use of and/or access to University facilities or services means wrongfully using University properties or facilities, services, or information systems, or obtaining or providing to another person the means of such unauthorized access, including but not limited to using or providing keys, access cards, passwords, or access codes without authorization; misusing, altering, or damaging fire-fighting equipment, safety devices, or other emergency equipment or interfering with the performance of those specifically charged to carry out emergency services; or acting to fraudulently obtain or represent goods, facilities, services, or funds from University departments or student groups or individuals acting on their behalf.

Subd. 19. Disruptive Behavior.

Disruptive behavior means obstructing or disrupting teaching, research, administrative, or public service functions; participating in a campus demonstration that disrupts the normal operations of the University and infringes on the rights of other individuals; leading or inciting others to disrupt scheduled or normal activities of the University; engaging in intentional obstruction that interferes with freedom of movement, either pedestrian or vehicular, on campus; using sound amplification equipment on campus without authorization; making or causing noise, regardless of the means, that disturbs authorized University activities or functions; or breaching the peace.

SECTION V. AMNESTY.**Subd. 1. Medical Amnesty.**

Medical amnesty shall align with Minnesota Statutes § 340A.503, Subd. 8, and it shall mean that a student is not subject to *Student Conduct Code* student conduct outcomes for underage possession and consumption of alcohol if the student contacts a 911 operator to report that the student or another student is in need of medical assistance for an immediate health or safety concern. To be eligible for medical amnesty, the student who initiates contact must be the first person to make such a report, must provide a name and contact information, must remain on the scene until assistance arrives, and must cooperate with the authorities at the scene. The student who receives medical assistance and up to two students acting in concert with the student initiating contact with a 911 operator shall also be immune from student conduct outcomes. This does not include a University response that may include required education. Medical amnesty is granted only for alcohol-related violations of Section IV, Subd. 11 of this policy, and it does not apply to other possible violations of the *Student Conduct Code* (e.g., property damage or assault) that may have occurred during the time of intoxication. In circumstances involving a student group, the willingness of the student group's members to seek medical assistance for a member or a guest will be viewed as a mitigating factor in the review process for any possible violations.

Subd. 2. Sexual Misconduct-related Amnesty.

To facilitate reporting and thorough investigations of sexual harassment, sexual assault, stalking, and relationship violence, individuals who provide information about possible violations to the University, and individuals who participate in an informal problem-solving or grievance process, will not be disciplined by the University for violations of the University's prohibition on the personal use of drugs or alcohol, when such a violation occurred in connection with a possible sexual harassment, sexual assault, stalking, or

relationship violence violation and was discovered as a result of a sexual harassment, sexual assault, stalking, or relationship violence report.

Moreover, the University may offer leniency with respect to other violations by informal problem-solving or grievance process participants that emerge as a result of a sexual harassment, sexual assault, stalking, or relationship violence report, depending on the circumstances involved.

SECTION VI. OUTCOMES.

Students and student groups found responsible for prohibited behaviors under the *Student Conduct Code* are subject to appropriate outcomes. Factors to consider in determining appropriate outcomes include: the nature of the offense, the severity of the offense, the culpability of the student or student group, the impact on other students or members of the University community, and the opportunity for student development. Separation from the University through suspension or expulsion is a serious outcome that may be appropriate for: repeated violations of the *Student Conduct Code*, for serious scholastic dishonesty, and for misconduct that constitutes a threat to community safety or well-being (including, but not limited to harm to others and sexual harassment, sexual assault, stalking, or relationship violence), or significantly disrupts the rights of others or the operations of the University.

In certain cases, students can agree to accept outcomes informally, as well as propose alternative resolution options outside of the conduct process. It may also be appropriate for restorative justice and/or alternative resolutions to be utilized. Restorative actions may include, but are not limited to, educational interventions/experiences, academic/co-curricular success plans, etc. In cases involving medical amnesty, a student requiring emergency evaluation or treatment at a medical facility may be required to complete an alcohol assessment or education program, which is not considered a student conduct response.

The following outcomes may be imposed upon students or student groups found to have violated the *Student Conduct Code*:

Subd. 1. Academic Outcome.

An academic outcome means an outcome affecting the course or academic work of the student for violation of Section IV, Subd. 1.

Subd. 2. Warning.

A warning means the issuance of an oral or written warning or reprimand.

Subd. 3. Probation.

Probation means special status with conditions imposed for a defined period of time and includes the probability of more serious outcomes if the student or student group is found to violate any institutional regulation during the probationary period.

Subd. 4. Required Compliance.

Required compliance means satisfying University requirements, work assignments, community service, participating in a restorative justice process, or other discretionary assignments.

Subd. 5. Confiscation.

Confiscation means confiscation of goods used or possessed in violation of University regulations or confiscation of falsified identification or identification wrongly used.

Subd. 6. Restitution.

Restitution means making compensation for loss, injury, or damage.

Subd. 7. Restriction of Privileges.

Restriction of privileges means the denial or restriction of specified privileges, including, but not limited to, building access or service access.

Subd. 8. University Housing Suspension.

University housing suspension means separation of the student from University Housing on a single campus.

Subd. 9. University Housing Expulsion.

University housing expulsion means permanent separation of the student from University Housing on a single campus.

Subd. 10. Suspension.

Suspension means separation of the student or student group from the University for a defined period of time, after which the student is eligible to return to the University. Suspension may include conditions for readmission. Any violations of the *Student Conduct Code* while on suspension may be cause for additional charges and findings that may result in extended suspension or expulsion. A suspension may be deferred when an offense is serious enough to warrant separation from the University, but where the specific circumstances of the case justify special consideration.

Subd. 11. Expulsion.

Expulsion means the permanent separation of the student from the University.

Subd. 12. Withholding of Diploma or Degree.

Withholding of diploma or degree means the withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned outcomes for a violation that implicates the academic validity of a diploma or degree.

Subd. 13. Revocation of Admission or Degree.

Revocation of admission or degree means revoking a student's admission to the University or revoking a degree already awarded by the University for a violation that implicates the academic validity of an admission or earned degree.

SECTION VII. HEARING AND APPEALS OF STUDENT CONDUCT.

Subd. 1. Hearing Process.

Any student or student group charged with violation of the *Student Conduct Code* shall have the opportunity to receive a fair hearing. A finding of responsibility for violation of the *Student Conduct Code* must be based on a preponderance of the evidence. The president or delegate shall ensure that each campus has a hearing process that includes the following:

- (a) notification of the report and a request to meet;
- (b) meeting to learn more about the steps of the student conduct process and to share information related to the incident;

- (c) if the student or student group is found responsible, a proposal of an informal resolution that includes the findings and outcomes being offered to resolve the incident, except in exceptional circumstances where the University determines that an informal resolution is not appropriate;
- (d) if the informal resolution is not accepted, a request for a formal hearing in which a panel will determine responsibility and potential outcomes; and
- (e) if the formal resolution is not accepted, a request for an appeal.

In exceptional circumstances where the University determines that an informal resolution is not appropriate, a student's responsibility will be decided through a formal hearing in which a panel will determine responsibility and possible outcomes.

Subd. 2. Appeals Process.

To safeguard the rights of students and student groups, the president or delegate shall ensure that each campus has a campus-wide appeals procedure to govern alleged violations of this policy. The appeals procedure shall provide both substantive and procedural fairness for the student or student group alleged to have violated the *Student Conduct Code* and shall provide for resolution of cases within a reasonable period of time.

The appeals procedure must describe the following:

- (a) grounds for an appeal;
- (b) procedures for filing an appeal; and
- (c) the nature of an appellate review.

SECTION VIII. INTERIM SUSPENSION.

In rare circumstances, the president or delegate may impose an immediate suspension on a student or student group pending a hearing (1) to ensure the safety and well-being of members of the University community or to preserve University property, (2) to ensure the student's own physical or emotional safety and well-being, or (3) if the student or student group poses an ongoing threat of disrupting or interfering with the operations of the University. During the interim suspension, the student or student group may be denied access to all University activities or privileges for which the student or student group might otherwise be eligible, including access to University housing, property, or services. The student or student group has a right to a prompt hearing before the president or delegate on the question of whether the interim suspension should remain in effect until the full hearing is completed. An interim suspension will not be considered when determining responsibility during the hearing or appeals processes.

SECTION IX. JURISDICTION.

Subd. 1.

The *Student Conduct Code* shall apply to student and student group conduct that occurs on campus or at University-sponsored activities.

Subd. 2.

The *Student Conduct Code* shall apply to student and student group conduct that directly relates to the University's education, services, programs, or rules, including but not limited to scholastic dishonesty, hazing, violation of University rules, and falsification, whether the conduct occurs on campus or off campus.

Subd. 3.

At the discretion of the president or delegate, the Student Conduct Code also shall apply to off-campus or online student and student group conduct when the conduct, as alleged, adversely affects a substantial University interest and either:

- (a) constitutes a criminal offense as defined by local, state, or federal law or ordinance, regardless of the existence or outcome of any criminal proceeding; or
- (b) indicates that the student or student group may present a danger or threat to the health or safety of the student or others.

Subd. 4.

In the case of an allegation of sexual harassment, sexual assault, stalking, or relationship violence, the *Student Conduct Code* shall apply when the conduct occurs off University property and outside the context of a University employment or education program or activity, but (1) has a continuing adverse effect on a University education program or activity; or (2) creates a hostile environment for one or more students, employees, or third parties while on University property or in any University employment or education program or activity.

Subd. 5.

Conduct of a student who is a member of a student group will not be considered to be conduct of the student group unless the facts and circumstances surrounding the conduct suggest that the student group sponsored, organized, or otherwise endorsed the conduct.

SECTION X. THE RESPONSIBILITIES OF DUAL MEMBERSHIP.

Students are members of both the University community and the state. Students are responsible to the community of which they are a part, and they are responsible to the academic community of the University. By enforcing the *Student Conduct Code*, the University neither substitutes for nor interferes with other civil or criminal legal processes. When a student is charged in both jurisdictions, the University will decide on the basis of its interests, the interests of affected students, and the interests of the community whether to proceed with its student conduct process or to defer action. Determinations made or outcomes imposed under the *Student Conduct Code* will not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of the criminal law defendant.

SECTION XI. DELEGATION OF AUTHORITY.

The president or delegate shall implement this policy, including publishing and distributing the *Student Conduct Code* and the procedures governing the student conduct process at the University.

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