SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Student Conduct Code
NUMBER: 3:1

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1. Purpose

   The University is committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural, and ethical development of its Students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship. The purpose of this policy is to educate a Student about their civic and social responsibilities as members of the University community. The primary focus of the Student conduct process is on educational and corrective outcomes; however, conduct sanctions such as suspension or expulsion from a University may be necessary to uphold community standards and to protect the campus community. Extensive, organized, serious, or repeated violations of this policy are taken into account when determining conduct sanctions. This policy (hereinafter referred to as "Student Code") implements and is governed by and subject to SDBOR Policy 3:4.

2. Definitions

   a. Advisor: a person of the Student's choosing who has agreed to advise a Student throughout the Student conduct process. The Advisor may be a Faculty Member, staff member, Student, attorney, family member, or anyone else. The Advisor is limited to advising the Student directly and is not permitted to speak to anyone else, or participate directly in any hearing. Students should choose an Advisor who is available to attend any scheduled meetings or hearings because Advisor availability is not considered in scheduling meetings or hearings.

   b. Appellate Board: any person or persons authorized by the University President to consider an appeal from the Chair's determination that a Respondent has or has not violated or2-1.141 Tsat8.3 (2a)-4.6 (he)9.2 (C)1c.2.3 (o) C ron ara31tmiar m9 (e)-1.poar (ho)10

   c. Chair: the Student Conduct Officer or the Senior Student Affairs Officer who:

      i. Is a member of the Student Conduct Panel;

      ii. Is responsible for proper operation of the hearing; and

iii. Has sole discretion to determine whether a Respondent has violated the Student Code, and if so, to impose appropriate sanctions.

d. Complainant: an individual who was allegedly injured by an alleged violation of the Student Code by a Respondent.

e. Day: includes Monday through Friday, except for holidays and other times when the University's administrative offices are closed.

f. Faculty Member: any person hired by the University to conduct classroom or other academic activities.

i. Student conduct proceedings may be initiated in response to conduct prohibited by the Student Code:

    1. That occurs on University premises;

    2. That occurs at events officially sponsored by the University;

    3. That arises out of membership in the University community; or

    4. That occurs elsewhere and that adversely affects the University, any Organizations, members of the University community, or the pursuit of their lawful objectives.

ii. Notwithstanding this Student Code, the University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The University also reserves the right to extend any deadline contained in this Student Code for good cause with written notice to the parties of the delay and the reason for the delay.

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be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to that incident, as long as the Student completes the following requirements:

1. Participates in an initial meeting with the Senior Student Affairs Officer, or designee; and

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civil process or their outcomes.

ii. When the alleged misconduct includes allegations of Human Rights Violations, the disciplinary process will not be delayed except when law enforcement requests a delay to conduct the fact-finding portion of its investigation.

iii. Determinations made or conduct sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of this Student Code were dismissed, reduced, or resolved in favor of, or against, the criminal law defendant.

iv. When a Student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that Student because of his or her status as a Student.

v. If the alleged violation of law also gives rise to Student disciplinary action under this Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled under the Student Code.

vi. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal court9qa2 (t)- 0 Td [(c-cf6l(t)-4. (n t)-4.69 (c)-(n t)-4.bTw [(C)-7 5 (c)-(n o-4.nc c)
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iv. The Student Code should be reviewed periodically under the direction of the Senior Student Affairs Officer, or designee.

f. Prohibited Conduct

i. The following sections describe actions that detract from the effectiveness of the University's productive living-and-learning community. Any Student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the Student conduct process and conduct sanctions outlined in this Student Code. In instances where prohibited conduct contained in this policy is defined differently in another SDBOR or University Policy, the definition contained in this policy shall be used to address prohibited conduct by a Student.

ii. Acts of Academic Misconduct or Dishonesty

Honesty and integrity are core values at the University. Faculty Members and Students are jointly responsible for maintaining academic standards and integrity in University courses. In addition to any conduct sanctions imposed under this Student Code, academic consequences for academic misconduct may be imposed by the Faculty Member, including issuing a failing grade in the course. Any grade issued by the Faculty Member, whether as a result of academic misconduct or not, constitutes an academic evaluation and is not a conduct sanction imposed under this Student Code. All Faculty Members should report incidents of academic misconduct to the Student Conduct Officer in accordance with University Policy 2:4.

1. [3.f.ii.1.] Engaging in acts of academic misconduct, which means cheating or plagiarism.

a. [3.f.ii.1.a.] Cheating includes, but is not limited to the following:
i. Using any unauthorized assistance in, or having unauthorized materials while taking quizzes, tests, examinations or other assignments, including copying from another's quiz, test, examination, or other assignment or allowing another to copy from one's own quiz, test, examination, or other assignment;
ii. Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
iii. Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the University faculty or staff;
iv. Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;
v. Falsifying or misrepresenting data or results from a laboratory or experiment; or
vi. Engaging in other behavior that a Reasonable Person would consider to be cheating.

b. [3.f.ii.1.b.] Plagiarism includes, but is not limited to the following:
    i. Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgement;
    ii. Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
    iii. Engaging in other behavior that a Reasonable Person would consider plagiarism.

2. [3.f.ii.2.] Engaging in other conduct that a Reasonable Person would consider dishonesty relating to academic achievement, research results, or academically related public service.

3. [3.f.ii.3.] Furnishing false information or false representations to any University Official, instructor, or office. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, the University.

4. [3.f.ii.4.] Forging, fabricating, altering, misrepresenting, or misusing any document, record, or identification, includingrudig .9 (i)-4.6 (ng)cR[dy <<-1.6 (po (

a. Falsifying, distorting, or misrepresenting information provided;

b. Making false allegations;

c.

a. Conduct toward another person that is severe and

c. Involves the consumption of alcohol or other substances to excess; or

d. Violates any SDBOR or University Policy.

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medical purposes), or controlled substances;

d. Prohibit the informal collection of monies from members, associates, or invitees to be spent on alcoholic beverages, marijuana (including cannabis used or possessed for medical purposes), or controlled substances;

e. Prohibit possession, use, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances on University Premises, except as explicitly permitted by this Student Code;

f. Establish conduct policies and sanctions regarding violations by individual members no less stringent than those set forth under SDBOR or University Policies, except that limited use of alcoholic beverages is permissible as set out above; and

g. Require that a report be filed with the Senior Student Affairs Officer each semester identifying all actions taken pursuant to the Student conduct policies required in this Student Code.

3. The University may impose additional or more restrictive conditions on official recognition.

4. Organizations are also subject to the SDBOR and University antidiscrimination policies, as set forth in SDBOR Policy 1:18 and University Policy 4:3. However, social fraternities and sororities that are exempt from taxation under federal law may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6).

4. Student Conduct Process

a. Allegations of Sexual Harassment

i. Allegations of sexual harassment against a student shall be addressed exclusively through SDBOR Policy 1:17 and University Policy 4:4.

b. Allegations other than Sexual Harassment

i. All allegations other than sexual harassment against a student shall be addressed as set forth herein.

ii. Allegations of misconduct may be reported against any Student by anyone. Allegations shall be directed to the Student Conduct Officer in the Office of the Vice President for Student Affairs. The reporting party will disclose the facts that form the basis for the allegation, the identities of any other witnesses, and any other relevant information regarding the alleged misconduct.

1. Allegations of academic misconduct will be reported to the Student Conduct Officer but are initially addressed through SDBOR Policy 2:33

and University Policy 2:4.

2. Allegations of Human Rights Violations shall follow the process outlined in SDBOR Policy 1:18 and University Policy 4:6.

    a. The investigator assigned must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the University determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the University.

    b. The investigator assigned must be trained to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, including both evidence that tends to suggest a violation and evidence that tends to suggest no violation, and take into account the unique and complex circumstances of each case.

    c. The investigator assigned should avoid using any investigative techniques or approaches that apply sex stereotypes or generalizations.

    d. Each party should be provided written Notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation.

    e. The investigation should result in a written report summarizing the relevant evidence that tends to suggest a violation and evidence that tends to suggest no violation.

    f. The investigator assigned must make findings of fact and conclusions as to whether the facts support a Human Rights Violation.

iii. The Student Conduct Officer shall make an initial determination whether the allegations, if true, would violate the Student Code. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code, the Student Conduct Officer shall conduct a p2 Tw 1.05iTw 17-1.6 (nt)d ( )Tj /TT0 1 Tf-0.62 -

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party over another, nor make such measures available only to one party.

c. Interim measures should be individualized and appropriate based on the information gathered by the University, making every effort to avoid depriving any Student of their education.

d. The interim measures needed by each Student may change over time, and the Senior Student Affairs Officer, or des

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Conduct Officer's ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.

6. Informal resolution may be reached at any time before the Chair issues any findings, conclusions, and, when a violation is found, conduct sanctions it determines to be appropriate through the formal resolution process.

    a. If an informal resolution is reached, the Student Conduct Officer shall prepare written findings and conclusions, and any sanctions resulting from a violation during the informal resolution process. If the complaint included more than one allegation of misconduct, each allegation must have a separate decision.

e. Formal Resolution

    i. If the alleged misconduct is not fully resolved through informal resolution, any unresolved matter proceeds to a hearing.

    ii. The composition of the Student Conduct Panel shall be determined as follows:

        1. For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:

            a. Option 1: only the Student Conduct Officer; or

            b. Option 2: the Student Conduct Officer and any University employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a Student has violated the Student Code and to recommend impositio

vii. The Complainant and the Respondent have the right to be assisted by an Advisor of their choice, at their own expense. Ordinarily, no more than two Advisors for each Student shall be permitted. The Advisor is limited to advising the Student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.

viii. The Student Conduct Officer shall record the audio of the hearing.

ix. Generally, the hearing will be conducted in the following order:

1.

generalizations should be avoided so that the hearing process proceeds objectively and impartially.

xiii. The Student Conduct Panel shall prepare written findings to support its determination. If multiple allegations of misconduct exist, a decision should be