

*The Northcentral Technical College Code of Student Conduct is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.*

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## PREFACE

### Success Skills Reflected By Student Conduct at Northcentral Technical College

- ***Communicate Effectively***: NTC students achieve understanding through two-way communication.
- ***Think Critically***: Northcentral Technical College students solve problems and seek understanding logically and creatively.
- ***Model Integrity***: Northcentral Technical College students act in a responsible and ethical manner.
- ***Respect Diversity***: Northcentral Technical College students demonstrate awareness that contributes to the understanding of differences.

Northcentral Technical College students are responsible for knowing the information, policies and procedures outlined in this document. Northcentral Technical College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online <https://www.ntc.edu/policies/student-code-conduct> for the updated versions of all policies and procedures.

Northcentral Technical College: Code of Student Conduct

**SECTION 1: MISSION/VISION/PHILOSOPHY**

The Northcentral Technical College community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the Northcentral Technical College community.

A community exists on the basis of shared values and principles. At Northcentral Technical College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Each member of the Northcentral Technical College community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

The student conduct process at the Northcentral Technical College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of Northcentral Technical College policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

**SECTION 2: JURISDICTION**

Students at Northcentral Technical College are provided a copy of the *Code of Student Conduct* annually in the form of a link on the Northcentral Technical College website. Hard copies are available upon request from the Student Leadership Center, D112 or by e-mailing studentlife@ntc.edu. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and all Northcentral Technical College-affiliated student organizations. For the purposes of student conduct, Northcentral Technical College considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the Northcentral Technical College.

Northcentral Technical College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, Northcentral Technical College may invoke these procedures and should the former student be found responsible, the Northcentral Technical College may revoke that student's degree.

The *Code of Student Conduct* applies to behaviors that take place on the campus, at Northcentral Technical College-sponsored events and may also apply off-campus when the Director of Student Development or designee determines that the off-campus conduct affects a substantial Northcentral Technical College interest.<sup>1</sup> A substantial Northcentral Technical College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the Northcentral Technical College;

The *Code of Student Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are

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<sup>1</sup> Adapted, with gratitude, from Penn State College.

not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Northcentral Technical College does not regularly search for this information but may take action if and when such information is brought to the attention of Northcentral Technical College officials. However, most online speech by students not involving College/College networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the Northcentral Technical College or its community members that causes a significant on-campus disruption.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of Northcentral Technical College may seek resolution of violations of the *Code of Student Conduct* committed against them by members of Northcentral Technical College community.

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for Northcentral Technical College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the Northcentral Technical College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Security Office.

**[A responding student facing an alleged violation of the *Code of Student Conduct* is not permitted to withdraw from the College/College until all allegations are resolved<sup>2</sup>.]**

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<sup>2</sup> Many students are simply electing to withdraw once notified that they are facing an accusation. Withdrawal, like admission, should require an administrative action. A student can request a withdrawal for any number of reasons, which can then be administratively approved or denied. In this approach, a request would be denied until the conduct complaint is resolved, if a complaint is pending at the time of the withdrawal request. Yes, a student may effectively withdraw themselves by dropping out, but must go through the process to change their status officially. This approach resolves the challenge of proceeding with the conduct process after a student withdraws themselves, because technically, an institution cannot sanction a non-student (which is what a student is after they withdraw). Once the process is complete, if the student is sanctioned, the student must complete the sanctions before becoming eligible to re-enroll, if at all. A hold on withdrawal can be placed accordingly until then.

Northcentral Technical College email is Northcentral Technical College's primary means of communication with students. Students are responsible for all communication delivered to their Northcentral Technical College email address.

### SECTION 3: VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which Northcentral Technical College has jurisdiction, the Northcentral Technical College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

Northcentral Technical College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined below, on p. 16). Interim suspensions are imposed until a hearing can be held, typically within two weeks. Within that time, the suspended student may request an immediate hearing from the Director of Student Development or designee to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and Northcentral Technical College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the complaining victim to allow the criminal investigation to proceed before the College process.

Students accused of crimes may request to take a leave from Northcentral Technical College until the criminal charges are resolved. In such situations, the Northcentral Technical College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

## SECTION 4: STANDARDS OF CONDUCT

### A. Core Values and Behavioral Expectations

Northcentral Technical College considers the behavior described in the following subsections as inappropriate for the Northcentral Technical College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. Northcentral Technical College encourages community members to report to Northcentral Technical College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

- 1) **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
- 2) **Academic Dishonesty.** Acts of academic dishonesty as outlined by the College;
- 3) **Unauthorized Access.** Unauthorized access to any Northcentral Technical College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any college building or failing to timely report a lost Northcentral Technical College identification card or key;
- 4) **Collusion.** Action or inaction with another or others to violate the *Code of Student Conduct*;
- 5) **Trust.** Violations of positions of trust within the community;
- 6) **Election Tampering.** Tampering with the election of any Northcentral Technical College-recognized student organization (minor election code violations are addressed by Student Life);
- 7) **Taking of Property.** Intentional and unauthorized taking of Northcentral Technical College property or the personal property of another, including goods, services and other valuables;
- 8) **Stolen Property.** Knowingly taking or maintaining possession of stolen property;
- 9) **Disruptive Behavior.** Substantial disruption of Northcentral Technical College operations including obstruction of teaching, research, administration, other Northcentral Technical College activities, and/or other authorized non-Northcentral Technical College activities which occur on campus;

- 10) Abuse of College Staff/Resources.** Continued, willful disobedience, persistent defiance and abuse of College personnel requiring inordinate drains on staff time, resources, and supervision.
- 11) Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
- 12) Unauthorized Entry.** Misuse of access privileges to Northcentral Technical College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a Northcentral Technical College building;
- 13) Trademark.** Unauthorized use (including misuse) of Northcentral Technical College or organizational names and images;
- 14) Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of Northcentral Technical College property or the personal property of another;
- 15) IT and Acceptable Use.** Violating the Northcentral Technical College Acceptable Use and Computing Policy, found online at:  
<https://www.ntc.edu/policies/computer-use>
- 16) Gambling.** Gambling as prohibited by the laws of the State of Wisconsin. Gambling may include raffles, lotteries, sports pools and online betting activities;
- 17) Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 2.5 inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on Northcentral Technical College property<sup>3</sup>;
- 18) Tobacco.** Smoking, vaping, or tobacco use in any area of campus where such use is prohibited;
- 19) Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:

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<sup>3</sup> Subject, of course, to statutorily conveyed rights to carry/possess weapons on campus and/or in locked vehicles on campus.



- a) Intentionally or recklessly causing a fire which damages Northcentral Technical College or personal property or which causes injury.
- b) Failure to evacuate a Northcentral Technical College-controlled building during a fire alarm;
- c) Improper use of Northcentral Technical College fire safety equipment; or
- d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on Northcentral Technical College property. Such action may result in a local fine in addition to Northcentral Technical College sanctions;

**20) Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the College;

**21) Animals.** Animals, with the exception of animals that fall under NTC's Service Animal Guideline are not permitted on campus;

**22) Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside College buildings. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to Northcentral Technical College property caused by these activities.

**22) Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the Northcentral Technical College's educational program or activities.

**23) [Unwelcome] Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

- a) Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the Northcentral Technical College's educational or employment program or activities<sup>4</sup>.

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<sup>4</sup> This policy attempts to balance the need of the community to create a civil climate while also embracing the 1<sup>st</sup> Amendment protection that attaches to most harassing speech that is simply offensive.

**24) Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

**25) Bystanding.**

- a) Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Conduct* or law;
- b) Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Conduct* or law by its members.

**26) Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, Northcentral Technical College processes including conduct and academic integrity hearings including, but not limited to:

- a) Falsification, distortion, or misrepresentation of information;
- b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- e) Failure to comply with the sanction(s) imposed by the campus conduct system;
- f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

**27) Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

**28) Threatening Behaviors:**

- a) **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b) **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

**29) Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

- 30) Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy;
- 31) Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another;
- 32) Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;
- 33) Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation;
- 34) Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts;
- 35) Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the Northcentral Technical College's Alcohol Policy;
- 36) Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the Northcentral Technical College's Drug Policy;
- 37) Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- 38) Failure to Comply.** Failure to comply with the reasonable directives of Northcentral Technical College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
- 39) Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity;
- 40) Other Policies.** Violating other published Northcentral Technical College policies or rules;

**41) Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.);

**42) Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the Northcentral Technical College's conduct process;

## SECTION 5: STUDENT CONDUCT AUTHORITY

### A. Authority

The Director of Student Development is vested with the authority over student conduct by the Board of Trustees. The Director of Security will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

### B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

### C. Interpretation and Revision

The Director of Student Development or designee will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Director of Student Development or designee may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Director of Student Development or designee may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Director of Student Development, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Director of Student Development or designee with a comprehensive revision process being conducted every 5 years.

## SECTION 6: OVERVIEW OF THE CONDUCT PROCESS

This overview gives a general idea of how Northcentral Technical College's campus conduct proceedings work, but it should be noted that not all situations are of the same

severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of Northcentral Technical College rules.<sup>5</sup>

Please note that many instances of disruptive behavior can be managed by an instructor or staff member, and no reporting is necessary. Many programs have specific protocols for dealing with student behavior. If you observe troubling behavior, please call NTC Student Security at Ext. 1111.

NOTICE. Once notice is received from any source (victim, 3<sup>rd</sup> party, online, etc.), Northcentral Technical College may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the conduct process to the responding student and gather information.

#### **A. STEP 1: Preliminary Investigation and/or Educational Conference**

The College conducts a preliminary investigation into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

- 1) A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
- 2) A more comprehensive investigation, when it is clear more information must be gathered (see detailed procedures on p. 14, below);
- 3) An educational conference with the responding student occurs where they are counseled regarding their behavior by the Director of Security or designee and the matter is closed.

#### **B. STEP 2: Formal Hearing**

If a more comprehensive investigation is completed, the Director of Security or designee will refer the case to the Director of Student Development or designee for a formal hearing. A formal notice of the complaint will be issued, and a hearing will be held with the Director of Student Development or designee. A finding will be determined and is appealable as described in Section P. below. In cases that involve Title IX or other discrimination allegations, the hearing results serve as a recommendation to the Director of Student Development or designee and, where appropriate, the Title IX

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<sup>5</sup> In Title IX related issues, the “administrator” is any “responsible employee” as defined under Title IX and/or campus policy.

Coordinator, who review and finalize the finding.<sup>6</sup> If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

### **C. STEP 3: Review and Finalize Sanction(s).**

If the student is found in violation(s), sanctions will be decided upon by the Director of Student Development or designee and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to Northcentral Technical College appeals process by any party to the complaint.

## **SECTION 7: FORMAL CONDUCT PROCEDURES**

### **A. Northcentral Technical College as Convener**

Northcentral Technical College is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that Northcentral Technical College has obtained regarding the allegations.

### **B. Group Violations**

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

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<sup>6</sup> The findings of the hearing should only be overturned or modified when necessary to conform to Title IX and/or to repair error that would result in appeal.

## **C. Amnesty:**

### **1) For Victims**

Northcentral Technical College provides amnesty to victims who may be hesitant to report to Northcentral Technical College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result<sup>7</sup>.

### **2) For Those Who Offer Assistance**

To encourage students to offer help and assistance to others, Northcentral Technical College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Development or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

### **3) For Those Who Report Serious Violations**

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of Northcentral Technical College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Director of Student Development or designee not to extend amnesty to the same person repeatedly.

### **4) Safe Harbor**

Northcentral Technical College has a Safe Harbor rule for students. Northcentral Technical College believes that students who have a drug and/or addiction problem deserve help. If any Northcentral Technical College student brings their own use, addiction, or dependency to the attention of Northcentral Technical College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

## **D. Notice of Alleged Violation**

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<sup>7</sup> Records regarding the provision of amnesty, however, should be maintained.

Any member of the Northcentral Technical College community, visitor or guest may allege a policy violation(s) by any student for misconduct under this *Code* by submitting a report via Maxient, via College link here:

<https://cm.maxient.com/reportingform.php?NorthcentralTC>

Notice may also be given to the Director of Security, the Director of Student Development and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. Northcentral Technical College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Director of Security or designee will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

### **E. Investigation**

Investigation is referenced above, with detailed investigation procedures described in this sub-section. The Director of Security or designee will assume the responsibility for investigating allegations under this *Code*.<sup>8</sup> The investigator(s) will take the following steps, if not already completed by the Director of Student Development or designee:

- 1) Initiate any necessary remedial actions on behalf of the victim (if any);
- 2) Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a Northcentral Technical College proxy or representative;
- 3) Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
  - a) If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
  - b) Notify the victim of whether Northcentral Technical College intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
  - c) Preliminary investigation usually takes between 1-7 business days to complete;

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<sup>8</sup> For any complaint that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the Director of Student Conduct will work under the direction of the Title IX Coordinator.



- 4) If indicated by the preliminary investigation conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated College policy, and to determine what specific policy violations should serve as the basis for the complaint;
  - a) If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
  - b) A comprehensive investigation usually takes between one day and two weeks;
- 5) Meet with the party bringing the complaint to finalize the Party bringing the complaint's Statement, which will be drawn up by the investigator or designee as a result of this meeting;
- 6) Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;
  - a) Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);
- 7) Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
- 8) Obtain all documentary evidence and information that is available;
- 9) Obtain all physical evidence that is available;
- 10) Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- 11) Protect the confidentiality rights of students under the Family Educational Rights and Privacy Act (FERPA) and other applicable laws.
- 12) Refer all materials to Director of Student Development or designee for determination of a formal conduct hearing.

#### **G. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature**

All hearings under this sub-section will be conducted by the Title IX Investigator. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the responding student.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the panel Chair. All such information sought to be admitted by a party or Northcentral Technical College will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Title IX Investigator. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling with the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

#### **H. Interim Action**

Under the *Code of Student Conduct*, the Director of Security or designee, the Director of Student Development or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve Northcentral Technical College property and/or to prevent disruption of, or interference with, the normal operations of the Northcentral Technical College. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Director of Student Development or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, Northcentral Technical College may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student may be denied access to Northcentral Technical College campus/facilities/events. As determined appropriate by the Director of Security or designee, or the Director of Student Development or designee, this restriction may include classes and/or all other Northcentral Technical College activities or privileges for which the student might otherwise be eligible. At the discretion of the Director of Student Development or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

#### **I. Hearing Options & Preparation**

The following sub-sections describe Northcentral Technical College's conduct hearing processes.

Once a determination is made that reasonable cause exists for the Director of Student Development or designee (or designee) to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods:

- The primary mode of notification will be to the student's Northcentral Technical College-issued email account.
- The notice may also be delivered in person by the Director of Security or designee, Director of Student Development or designee, or mailed to the local or permanent address of the student as indicated in official Northcentral Technical College records.

Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- 1) Include notice of the time, date and location of the hearing.
- 2) Include the alleged violation and notification of where to locate the *Code of Student Conduct* and Northcentral Technical College procedures for resolution of the complaint; and
- 3) Outline the specific behavior alleged that, if true, violate the Code of Conduct;

If a responding student fails to respond to notice from the Director of Student Development or designee (or designee) of the conduct hearing or attend the scheduled hearing, the Director of Student Development or designee (or designee) may initiate a complaint against the student for failure to comply with the directives of a Northcentral Technical College official and give notice of this offense.

Unless the student responds to this notice within two business days by answering the original notice, an administrative conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their Northcentral Technical College account, deeming them ineligible to register for courses or Northcentral Technical College housing until such time as the student responds to the initial complaint.

Except in a complaint involving failure to comply with the summons of the Director of Student Development or designee (or designee), no student may be found to have violated the *Code of Student Conduct* **solely** as a result of the student's failure to appear

for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Director of Student Development or designee. A decision regarding student's responsibility for violating the Code of Conduct may be made in absentia by the Director of Student Development or designee and in consideration of the investigatory materials available.

#### **J. Conduct Hearing Procedures**

If a student cannot attend the scheduled hearing, it is that student's responsibility to notify the Director of Student Development or designee no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled.

The Director of Student Development or designee (or designee), will conduct hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved will be at the discretion of the Director of Student Development or designee.
- 3) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Director of Student Development or designee may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
- 4) The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.
- 5) The parties have the right to request reasonable accommodations during the conduct process. If one party requests an accommodation, it will be offered to all involved parties. Law These accommodations may include, but are not limited to:
  - a. Additional time to review the documentation

- b. Providing documentation in an accessible format
  - c. Allowing additional break times during interviews/hearings
  - d. Making available interpreters/assistive technology
  - e. Including Disability Services staff in the process
- 6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Director of Student Development or designee. Formal rules of evidence are not observed. The Director of Student Development or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
- 7) The parties will have the opportunity to review all relevant documents/exhibits and can request copies through the Director of Student Development or designee. NTC reserves the right to redact student names as required under FERPA.
- 8) All procedural questions are subject to the final decision of the Director of Student Development or designee.
- 9) After a conduct hearing, the Director of Student Development or designee will determine by preponderance of evidence standard, if the student committed a policy violation and will determine an appropriate sanction(s).
- 10) The Director of Student Development or designee inform the responding student and party bringing the complaint (if applicable by law or Northcentral Technical College policy) of the final determination within 7 business days of the hearing.
- 11) Notification will be made in writing and may be delivered by one or more of the following methods:
- The primary mode of notification will be to the student's Northcentral Technical College-issued email account.
  - The notice may also be delivered in person by the Director of Security or designee, Director of Student Development or designee, or mailed to the local or permanent address of the student as indicated in official Northcentral Technical College records.

Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

## L. Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

- 1) *Warning*: An official written notice that the student has violated Northcentral Technical College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the Northcentral Technical College.
- 2) *Restitution*: Compensation for damage caused to the Northcentral Technical College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 3) *Community/Northcentral Technical College Service Requirements*: For a student or organization to complete a specific supervised Northcentral Technical College service.
- 4) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- 5) *Confiscation of Prohibited Property*: Items whose presence is in violation of Northcentral Technical College policy will be confiscated and will become the property of Northcentral Technical College. Prohibited items may be returned to the owner at the discretion of the Director of Student Development or designee and/or Police.
- 6) *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, mental health evaluation, writing a letter of apology, etc.
- 7) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 8) *Northcentral Technical College Probation*: The student is put on official notice that, should further violations of Northcentral Technical College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

- 9) *Eligibility Restriction*: The student is deemed “not in good standing” with Northcentral Technical College for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Development or designee and terms of this conduct sanction may include, but are not limited to, the following:
- a) Ineligibility to hold any office in any student organization recognized by Northcentral Technical College or hold an elected or appointed office at Northcentral Technical College; or
  - b) Ineligibility to represent Northcentral Technical College to anyone outside the Northcentral Technical College community in any way including: participating in the study abroad program, attending conferences, or representing Northcentral Technical College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 10) *Northcentral Technical College Suspension*: Separation from Northcentral Technical College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Development or designee. During the suspension period, the student is banned from College property, functions, events and activities without prior written approval from the Director of Student Development or designee. This sanction may be enforced with a trespass action as necessary. This sanction will be noted as a Conduct Suspension on the student’s official academic transcript.
- 11) *Northcentral Technical College Expulsion*: Permanent separation from Northcentral Technical College. The student is banned from College property and the student’s presence at any Northcentral Technical College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction will be noted as a Conduct Expulsion on the student’s official academic transcript.
- 12) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Development or designee or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- 1) One or more of the sanctions listed above and/or

- 2) Deactivation, de-recognition, loss of all privileges (including status as a Northcentral Technical College registered group/organization), for a specified period of time.

#### **M. Parental Notification**

Northcentral Technical College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. Northcentral Technical College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

#### **N. Notification of Outcomes**

The outcome of a conduct hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, Northcentral Technical College will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether Northcentral Technical College concludes that a violation was committed. Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where Northcentral Technical College determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, Northcentral Technical College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- 1) Arson
- 2) Assault offenses (includes stalking)
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offences
- 10) Non-forcible sex offences



## **O. Failure to Complete Conduct Sanctions**

All students, as members of the Northcentral Technical College community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Student Development or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from Northcentral Technical College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Development or designee.

## **P. Appeal Review Procedures**

Any party may request an appeal of the decision of the Director of Student Development or designee by filing a Behavior (Sanction) Appeal Form, found here: <https://www.ntc.edu/sites/default/files/2018-07/behavior-sanction-appeal-form.pdf>.

All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

## **GROUNDINGS FOR APPEAL REQUESTS**

Appeals requests are limited to the following grounds:

- 1) A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- 3) The sanctions imposed are substantially outside the parameters or guidelines set by the College/College for this type of offense or the cumulative conduct record of the responding student.

Appeals will follow the below processes/levels:

### **Level 1 Appeal: Vice President of Student Services**

**It is the student's responsibility to retain the original Behavior (Sanction) Appeal form and complete all information relevant to their appeal.**

If the student wishes to appeal the decision or sanction of the behavior meeting, the student may request a meeting with the Vice President of Student Services or their designee. The student must submit the Behavior (Sanction) Appeal form within

seven business days after receiving the decision letter outlining the decision or sanction resulting from the behavior meeting. Once submitted to the Vice President of Student Services, or their designee, a written decision and meeting, if granted, should occur within seven business days. If the documentation submitted is not timely or substantively eligible, the original finding and sanction will stand and no meeting will be granted.

The Vice President of Student Services will issue a written response, to the student and Director of Student Development, outlining their decision. This form will be signed by the Vice President of Student Services, and returned to the student within seven business days after the Level 1 meeting.

If an official NTC school shutdown occurs during the Level 1 period, the seven day clock will be suspended. The Vice President of Student Services will provide their written response as soon as practical after the school reopens and within the continuation of the seven day period.

If due to unforeseen circumstances, the Vice President of Student Services is unable to complete their review within the designated seven business days, they will notify the student and Director of Student Development by the seventh day and document the reason for the delay. The Vice President of Student Services must then complete their review and documentation in no less than an additional seven business days.

### **Level 2 Appeal: Board of Review**

If the student is dissatisfied with the result at Level 1 **and** they have additional evidence that was not previously presented at Level 1 they may request a Board of Review. The additional information regarding their appeal must be submitted within seven business days after the written result from Level 1 was issued.

This form, additional evidence, and all documentation must be submitted to the Vice President for Learning. Students will be notified of whether the board of review will consider their appeal within seven business days of the appeal form and documentation receipt. If a Board of Review is not granted, the case is closed and the decision and sanction is final. If granted, the decision of the Board of Review is final.

### **THE BOARD OF REVIEW**

When the Vice President for Learning (student behavior appeals) or the Vice President for Student Services (academic appeals) deems that a student will receive a Board of Review hearing, the following process will be used to convene the Board of Review:

- The appropriate Vice President will assemble a cross-functional group of individuals to hear the student's case. The Board of Review will not have any members from the division of the student's current academic program. The Board of Review will be made up of 5 individuals (not counting the Vice President) representing the following groups:
  - a. Deans/Associate Deans
  - b. Faculty
  - c. Middle Leaders

The Vice President will be the Chairperson of the Board of Review committee, but will not vote in the decision-making process.

- The Board of Review time and date will be determined by the appropriate Vice President.
- The primary mode of notification will be to the student's Northcentral Technical College-issued email account.
- The notice may also be delivered in person by the Director of Security or designee, or mailed via certified mail to the local or permanent address of the student as indicated in official Northcentral Technical College records.
- Those invited to appear before the Board of Review will be:
  - a. The student, who may also bring any witnesses directly involved in their case
  - b. If an academic appeal, the faculty member issuing the grade and the Dean of the division
  - c. If a behavioral appeal, the Director of Student Development/designee and if applicable, the Director of Security

The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee. Copies of all relevant documentation will be made and distributed to the Board of Review committee members at least 3 business days prior to the hearing for review.

The format of a Board of Review hearing will be:

1. The Vice President will outline the format of the hearing for the student and others at the meeting;
2. NTC staff initially involved in the academic or behavioral situation will have up to 5 minutes to present information relevant to the hearing. The Vice President will have the discretion to add additional time if deemed necessary;
3. The Board of Review committee will have 5 minutes to ask any clarifying questions regarding the staff's presentation. The Vice President will have the discretion to add additional time if deemed necessary;
4. The student will have 5 minutes to present information regarding their appeal, including any new information or presentation of witnesses. The Vice President will have the discretion to add additional time if deemed necessary;
5. The Board of Review committee will have 5 minutes to ask any clarifying questions regarding the student's presentation. The Vice President will have the discretion to add additional time if deemed necessary;
6. The student and staff will be dismissed and the Board of Review committee will discuss the case and make a decision. The Board of Review may:
  - a. Request additional information to assist in issuing a decision;
  - b. Uphold the original grade/sanction.
  - c. For behavioral appeals, issue a lesser sanction.
  - d. For an academic appeal, send the case back to the dean/faculty member to consider a different grade.
7. The appropriate Vice President will issue a decision to the student primarily through the student's Northcentral Technical College-issued email account.
8. The notice may also be delivered in person by the Director of Security or designee, or mailed via certified mail to the local or permanent address of the student as indicated in official Northcentral Technical College records.

The decision of the Board of Review is final.

The presumptive stance of the College/College is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Director of Student Development or designee, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Director of Student Development or designee, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

#### **OTHER GUIDELINES FOR APPEALS**

- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

#### **Q. Disciplinary Records**

All conduct records are maintained by Northcentral Technical College for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

#### **R. Approval and Implementation**

This *Code of Student Conduct* was approved on 4/8/2020 and implemented on 4/8/2020.