

 MINNESOTA STATE UNIVERSITY MANKATO

A Guide to Understanding
The University's Student Conduct Process
2023-2024



STATEMENT OF
STUDENT RESPONSIBILITIES

Mission

In holding students accountable for their actions, Student Conduct promotes and enforces the responsibilities students agree to when they enroll at Minnesota State University, Mankato. Our goals in working with students include helping them find a renewed sense of integrity and civility and maintaining a safe and supportive environment for everyone's education and growth.

The Office of Student Conduct assists with student concerns, including but not limited to:

- Consult, collaborate, and refer: work with faculty and staff partners to support student success
- Oversee the student disciplinary process
- Provide support to students and parents in challenging situations
- Lead the [Behavioral Consultation Team](#)
- Provide educational presentations and campus outreach

Faculty and staff in every position on campus play an important role in mentoring students and supporting retention. Early intervention is key if a concern arises. Through teamwork, we enhance student success.

Introduction

The Statement of Student Responsibilities is influenced by the Minnesota State Mankato's statement of Core Values:

Minnesota State Mankato is an innovative, student-centered learning community that values:

- Integrity and respect in the way we conduct ourselves;
- Diversity in who we are and what we do;
- Access to our programs and services that create opportunities for all to pursue their dreams;
- Responsibility to those we serve by providing an education that inspires solutions to society's challenges; and
- Excellence in our academic and non-academic pursuits.

Minnesota State Mankato encourages scholarship and is committed to the acquisition of knowledge. A student's first responsibility is to study. To allow individuals to pursue successfully their educational, professional and personal objectives, the University identifies responsibilities expected of students as members of this learning community.

- Each student is responsible for knowing and adhering to the prescribed community standards. A student found to have violated the "Statement of Student Responsibilities" policy will receive a maximum disciplinary sanction of expulsion, or any sanction not less than a warning.
- Disciplinary action is cumulative resulting in more serious consequences if the student engages in repeat violations or fails to follow through with sanctions from a previous hearing.
- Being under the influence of alcohol and/or other drugs does not in any way excuse or mitigate responsibility for a student's actions. The excessive, illegal, unprescribed or otherwise socially irresponsible use of alcohol or other drugs infringes upon one's ability to preserve personal integrity and civility.

Policy Statement

Students are dual members of the Minnesota State University, Mankato community and society. Good citizenship is expected of all students regardless of location. Students who engage in alleged violations of the "Statement of Student Responsibilities" policy may also face civil or criminal penalties. This Statement is not intended to replace federal, state or local legal processes.

The Statement of Student Responsibilities was established by students, faculty, and staff to clarify behavioral expectations of students. The following responsibilities promote a sense of community where maturity, personal accountability, and positive regard for the well-being of others frame choices and decision-making:

Student Responsibilities

1. Individuals will fulfill their academic responsibilities in an honest and forthright manner.

All students have a responsibility to maintain the academic integrity of the University and each student must at all times keep in mind that his or her behavior reflects not only upon him/herself, but upon other students, the faculty, and the University as a whole. Each and every student is responsible for becoming familiar with and abiding by the University policy on plagiarism and academic honesty as well as the guidelines and policies established by their instructors and programs of study.

Examples of violations include but are not limited to: plagiarism (such as using another's phrasing, concepts, or line of reasoning as your own); submitting course assignments that are not your own; submitting the same paper in different classes without prior approval from both instructors; cheating on assignments, laboratory reports or examinations; acquiring or using test materials without faculty knowledge; failure to follow class policy; obtaining academic benefits through inappropriate application of technology; computer fraud or unauthorized access; engaging in academic fraud alone or with others; downloading material off the Internet without proper citation; illicit attempts to influence grading; failing to abide by test-taking procedures; signing the class attendance roster for an absent student.

2. Individuals will respect and foster the academic endeavors of others.

Minnesota State Mankato exists to promote learning, and as such, students must behave in such a way so as to allow the process of learning to take place by group or individual.

Examples of violations include but are not limited to: harassment of a faculty member; disrupting teaching or learning; excessive noise that disrupts classes, studying or University activities; other activities that seriously disrupt the educational process; intentionally altering, inhibiting or stealing another person's research.

3. Individuals will respect the integrity of the University's academic and administrative records.

Those records are the property of the University and must be treated as such.

Examples of violations include but are not limited to: acting alone or with others to misrepresent academic status, performance, awards or graduation material; omitting material from or manipulating records; falsifying, altering, stealing or destroying University documents; altering, forging or misusing University academic records; obtaining grades, course access, awards or endorsements dishonestly; computer fraud.

4. Individuals will adhere to all policies and regulations of Minnesota State Mankato and the Minnesota State system along with federal, state and local laws that govern individual actions and relationships among community members.

When students accept admission to Minnesota State Mankato, they accept the responsibilities that go along with membership in the University community. The University complies with federal, state, and local laws, and expects students to act in accordance with the law. The University holds students to high standards of conduct and ethical behavior, which may exceed legal obligations.

Examples of violations include but are not limited to: unauthorized or illegal consumption or possession of alcohol; public drunkenness; possession, sale or distribution of illegal material or substances, including medical marijuana on campus; violation of University or departmental policies, violation of law; violation of University e-mail or computer usage policy; possession of false identification; engaging in riotous behavior or encouraging others to do so; illegal gambling; inappropriate use of electronic devices, e.g. cell phones.

5. Individuals will protect and support the personal safety of self and others.

Living in a community requires that students respect another's personal space. Students have the right to pursue their academic and personal goals free from the threat of injury, threats or unwanted contact. Intentionally injurious behavior has the potential to adversely disrupt the academic and personal success of both the student involved and other Minnesota State Mankato students. Physical safety is a prerequisite for maintaining an educational environment. Violations of these expectations need to be addressed in order to maintain the boundaries of all students.

Examples of violations include but are not limited to: threatening with a weapon or simulated weapon; fighting; physical violence; endangering the health or safety of self or others; reckless actions taken with disregard for the harm that may ensue to self or others; participation in a disturbance which may endanger self or others.

6. Individuals will demonstrate civility for others in all their interactions.

As a member of the Minnesota State Mankato community, all students owe to their fellow students, as well as to the faculty, staff, and other members of the community, a basic level of respect; and students have a right to be treated with respect as well. Minnesota State Mankato respects and protects the right of students, faculty, staff and visitors to engage in free speech argument, to advance their opinions and beliefs without fear of reprisal or punishment, and to disagree with one another provided that the exercise of those rights takes place within a legally permissible context.

Examples of violations include but are not limited to: disruptive noise; terroristic threats; harassment; verbal, written or electronic intimidation; severe or persistent harassment through verbal, written, electronic or graphic expression; hazing (defined as mandating undesirable activities, a pattern of banter/ridicule/criticism and/or the use of humiliation, as a form of initiation); actions that substantially interfere with another person's right to learn and participate.

7. Individuals will show respect for personal and University property.

As a member of the Minnesota State Mankato community, all students will recognize, value, and appropriately regard personal and University property.

Examples of violations include but are not limited to: identity theft; vandalism; theft; actual or threatened damage to property; acting fraudulently to obtain goods, services, or funds from University departments, student organizations or individuals; misuse and/or wrongful use of University facilities, equipment or services; failure to return University equipment; wrongful sale or use of another's property; knowingly possessing or using stolen property; littering; public urination; trespassing; unauthorized possession, distribution or duplication of a University key(s); providing a key or ID to another person without proper authorization; providing another person with unauthorized access to a secured area; intentional harm to computer equipment and programs.

8. Individuals will contribute to a safe environment within the University community.

The University is a community and requires the active participation of all members in keeping the community peaceable and safe. Students are encouraged to respect and be proactive about their own safety and the safety of others.

Examples of violations include but are not limited to: possession of weapons, incendiary devices or explosives; possession of articles or substances that are used as weapons or simulated weapons; misuse of University keys; willful failure to identify or false identification of oneself or one's guest(s); failure to assume responsibility for the actions of one's guest(s); misuse or damage of fire fighting, safety or other emergency equipment; failure to comply with appropriate requests from University Security or other University staff members; intoxication that disrupts other individuals or the University's activities; self-injurious substance abuse; or interference with law enforcement or University staff performing their duties.

9. Individuals will comply with the University in enforcing its administrative responsibilities.

Successful operation of the University requires adherence to policies and procedures by its members. It is the responsibility of all University students, staff, and guests to cooperate at all times with the University in order to maintain a safe environment.

Examples of violations include but are not limited to: retaliation toward an individual for involvement in a University activity; disruption of activities of the University; harassment of University staff (including student staff); submission of a false or purposely incomplete statement/report; misuse, alteration, or transference to another person of the MavCARD; failure to appear in response to a proper summons, when requested to do so by a University official; disruption of disciplinary activities; dishonesty as part of a University hearing; misuse of one's position within the University; failure to comply with sanctions from a disciplinary hearing; failure to comply with restriction from areas on campus; or demanding inordinate amounts of attention from faculty or staff.

Student Rights to Due Process

You have the right to receive:

- Written notice of University Policies in addition to alleged misconduct.
- An explanation of the complaint against you.
- A chance to share your side of the story and present witnesses, if desired.
- The option of being accompanied by a support person who can advise you, but not participate directly.
- Written notice of the decision.
- A timeframe and instructions for appealing in accordance with applicable grounds, if you are found responsible for some or all of the allegations.

You have the responsibility to:

- Be truthful. Information disclosed is voluntary. You are encouraged to share information to help the conduct officer fully understand your perspective. Providing false or misleading information is grounds for more severe disciplinary action.
- Understand and follow the Statement of Student Responsibilities.
- Read and ask questions about all correspondence from the Office of Student Conduct.
- Fulfill sanctions in a timely manner.

Procedures

The following procedures are applicable and specific to matters addressed under the Minnesota State system's 3.6. Student Conduct policy.

Initiation of Complaint

Any member of the University community may submit a complaint by going to the University's referral and reporting landing page located at

<https://www.mnsu.edu/university-life/campus-services/student-affairs/refer-or-report-a-concern-about-a-person/>.

Retaliation Prohibited

Retaliation against an individual for making a complaint or participating in a disciplinary proceeding is prohibited and subject to disciplinary action.

Notification of the Student

A student alleged to have violated a Responsibility will be notified in writing of the nature of the evidence, the Responsibility(ies) allegedly violated, and the possible sanctions. The official means of University communication with students is their University email account, MavMAIL. Students are responsible for regularly checking their MavMail for important University messages to avoid missing meetings and deadlines.

What happens if I am alleged to have violated the student conduct code?

You will receive a letter from a hearing officer regarding an upcoming disciplinary meeting that will include an explanation of the allegations. Students then have an opportunity to share their side of the story before a decision is reached and sanctions are shared. However, if the student doesn't respond to the notification letter in a timely manner, it will be necessary for the hearing officer to make a decision without benefit of the student's input.

What accommodations are available during the conduct process?

Minnesota State Mankato is committed to providing an accessible conduct process to all students. Students requiring an interpreter or other individual accommodations based on medical documentation of a physical or mental disability may contact the Office of Student Affairs at (507) 389-2121 and/or Accessibility Resources: Support for Students with Disabilities at (507) 389-2825 prior to your hearing, and we will work together to support your participation in the student conduct process. All materials are available in alternative format to individuals with disabilities by calling the Office of Student Affairs at (507) 389-2121 (V), 1-800-627-3529, or 711 (TTY).

Official Communication

The official means of University communication with students is mnsu.edu email. **Students are responsible for regularly checking their MavMail for important University messages to avoid missing meetings and deadlines.** Conduct letters are sent via email using confidential Maxient software. **Conduct cases will be decided in a student's absence if the student fails to show after being sent email notification.** Choosing not to read Conduct letters is not allowable grounds for appeal. Sanctions and restrictions noted in letters will go into effect even if the student does not read the letter in a timely manner.

Informal Conduct Meeting

The accused student will be offered an opportunity to meet with a conduct officer to resolve the violation at an informal meeting. The conduct officer may invite a note taker. During the meeting the conduct officer will review the complaint with the student and allow the student to refute or acknowledge the complaint. Within a reasonable time period following the meeting, the conduct officer shall inform the student in writing of the decision and whether a violation of the "Statement of Student Responsibilities" was established by a preponderance of evidence. The outcome letter will also identify any applicable sanctions as well as options available for an appeal.

If the accused student fails to appear, or refuses to read the letter, the conduct officer may proceed to review and act upon the complaint and shall notify the student in writing of the decision and sanctions, if applicable. A "hold" may also be placed on the student's future course registration pending resolution of the matter and completion of sanctions.

Role of Advisor

A support person serving as an advisor cannot participate in questioning or presentation of information. Any advisor, including an attorney or parent, who attempts to participate directly can be dismissed for the remainder of the meeting. It is up to the student to pick an advisor available at the designated date and time. Attorney schedules are not taken into consideration when scheduling conduct meetings since it is an educational process, not a criminal proceeding. **An advisor cannot serve as a witness. Only one advisor is allowed to sit in with a student during informal conduct meetings or formal disciplinary hearings.**

Formal Hearing

A student who is subject to a sanction of expulsion or suspension (except summary suspension) for more than nine days may accept the outcome of the informal meeting or request a formal hearing prior to the imposition of sanctions.

Disciplinary Actions

When a student is found responsible for a violation of the "Statement of Student Responsibilities," based on preponderance of evidence, one or more of the following actions may be taken:

- a. University disciplinary warning: the issuance of a written warning that indicates the alleged action constitutes inappropriate behavior for a member of the University community.
- b. University disciplinary probation: continuance at the University but under specific conditions or required activities imposed for a specified period of time resulting from a policy violation. This is a period of observation during which time the student is expected to demonstrate a willingness and ability to strictly comply with University standards. Progressive disciplinary action will result, including suspension or expulsion, if repeat violations occur, especially during the probationary period.
- c. Required compliance: includes such activities as carrying out a University mandate as a condition for being admitted, continuing enrollment, or graduating from the University.
- d. Reassignment within the residence communities; termination of a Residential Life contract.
- e. Denial of the privileges of representing the University in co-curricular activities.
- f. Loss of computer access privileges through the University.
- g. Education: mandatory educational activities such as online assessment, alcohol education workshops and writing assignments that may include program fees. A HOLD can be placed on course registration to ensure timely completion of sanctions. Educational sanctions include, but are not limited to, D2L alcohol and drug education programs, Under the Influence, Marijuana 101, CHOICES, chemical use interviews, etc. Conduct cases are reviewed on a case-by-case basis and are intended to educate students on campus policies and deter students from engaging in future misconduct.
- h. Students may be suspended at any point in the academic year with suspension retroactive to the first day of the term in which the incident or discipline occurs. Under certain conditions, a suspension may be "stayed."
- i. University disciplinary expulsion: permanent separation from the University. Notation of the expulsion is made on the student's academic transcript.
- j. A degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards, or for other serious violations committed by a student prior to graduation.
- k. The University may withhold awarding a degree otherwise earned until the completion of the disciplinary process, including the completion of all sanctions imposed.
- l. An offer of admission to the University may be rescinded for misconduct occurring prior to enrollment.

Summary Suspension

In certain circumstances, a summary suspension may be imposed prior to student conduct proceedings. A summary suspension may be imposed only when, in the judgment of the administrator, the student's presence on campus would constitute a threat to the safety and well-being of members of the campus community. To the greatest extent possible before implementing the summary suspension, the accused student must be given oral or written notice of the intent to impose summary suspension and must be given an opportunity to present oral or written arguments against the imposition of the suspension. However, the refusal of a student to accept or acknowledge this notice must not prevent the implementation of a summary suspension. Notice of the summary suspension must be provided in writing to the

student. After the student has been summarily suspended, the student must be provided an opportunity for a conduct hearing within the shortest reasonable time period, not to exceed nine (9) school or business days. During the summary suspension, the student may not enter the campus or participate in any university activities without obtaining prior permission from the conduct administrator.

Impositions of Sanctions

When a student is found responsible for a violation of the Statement of Student Responsibilities, based on a preponderance of evidence, students may be given a disciplinary action or placed on a disciplinary warning or probation that can be found in the Statement of Student Responsibilities.

The accused student shall be notified of the date that sanctions go into effect. A student facing disciplinary suspension or expulsion under Minnesota State system policy 3.6 Student Conduct may be permitted to remain on campus pending the outcome of a campus level appeal under specified terms and conditions, e.g., restricted access to certain facilities, limited amount of time on campus, etc. Sanctions and restrictions imposed by the Office of Student Conduct or the Department of Residential Life that are upheld on appeal go into effect regardless of a pending Chapter 14 hearing.

When investigations into alleged violations of Minnesota State system 1B.1 Equal Opportunity/Nondiscrimination and/or 1B.3 Sexual Violence policies include alleged violations of Minnesota State system policy 3.6 Student Conduct, the process shall follow the respective procedures of 1B.1 and 1B.3, not 3.6. Disciplinary or corrective action taken as the result of the decision, such as a campus restriction or other sanctions, shall be enforced during the pendency of a campus appeal and Chapter 14 hearing.

Grounds for Appeal

An appeal opportunity is afforded to students disciplined for an alleged violation of the "Statement of Student Responsibilities." The student must submit an appeal by the deadline noted in the hearing outcome letter. An appeal is not a rehearing of a case. An appeal hearing will be scheduled only if there is sufficient reason to believe that one or more of the grounds articulated in the student's appeal letter may have merit.

The following will be allowed as grounds for appeal:

1. New relevant information not reasonably available at the time of the hearing.
2. Evidence of a procedural error in the student disciplinary process that *substantially* impacted the outcome.
3. Relevant information that the sanction is excessively severe.

Grounds for appeal do not include refusal to read conduct letters; the stress, expense and inconvenience of relocation, contract termination or suspension; the cost of educational sanctions, such as Under the Influence or CHOICES; disruption to studies; separation from friends; lack of familiarity with rules; good character; or a personal commitment to behaving better in the future. Sanctions are intended to have significant impact in order to effectively deter students from engaging in future misconduct. A student who fails to appear for a conduct meeting may appeal but not on the grounds of "new evidence not reasonably available at the time of the hearing."

For cases involving expulsion or suspension of 10 days or longer, an appeal hearing is a student right if an appeal letter identifying permitted grounds is submitted by the deadline noted in the hearing outcome letter.

Appeal letters will be reviewed promptly, and the appeal officer will determine if an appeal will be scheduled based on the reasons cited in the letter and the quality of the materials submitted. Possible appeal outcomes include:

- Upholding or overturning the previous decision.
- Decreasing or increasing the sanction.
- Referring the case for a new conduct meeting.

Rehearing of a Violation

If a student is found not responsible for an alleged violation, the University may later schedule another conduct meeting if new information is subsequently discovered that may have impacted the outcome. Such a rehearing may only occur if the new information could not have been found or produced, with reasonable diligence, at the original conduct meeting.

Definitions

For purposes of student conduct the following definitions apply:

Hazing. An act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which 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 student group, organization, or athletic team.

Preponderance of evidence. A standard of responsibility that it is more likely than not that the code has been violated.

Student. The term "student" includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term, but who have a continuing academic relationship with the college or university;
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; and/or
5. Are living in a university residence community although not enrolled at the university.

Summary suspension. A temporary suspension imposed without a formal hearing to ensure the safety and well-being of members of the university community.

Stayed suspension. Student can avoid suspension by agreeing to and following conditional stipulations.

Suspension. Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.

Expulsion. Permanent denial of the privilege of enrollment at the University.

What is disciplinary probation?

Disciplinary probation is a period of observation during which time a student is expected to demonstrate a willingness and ability to comply with University standards. A student on disciplinary probation is not in good standing with the University. If a student is alleged to have violated the student conduct code while on probation, more severe disciplinary consequences will be assigned. The conduct process is cumulative and progressive. Disciplinary probation and academic probation are two separate probationary consequences.

How is the conduct process different from a criminal investigation?

There are significant differences between the campus conduct process and the criminal justice process. The rules associated with institutions of higher education are NOT legal statutes and there are many university violations that are not violations of the law including, but not limited to, academic dishonesty, disruptive classroom behavior, using or having tobacco products on campus, etc. The conduct process is confidential whereas a criminal prosecution creates public records.

Off-Campus Conduct

All students, regardless of the location of their actions, must demonstrate good character as members of the University community. The University will address all violations of the Statement of Student Responsibilities that occur on-campus, as well as certain off-campus incidents. The University exercises the right to discipline a student before, after or simultaneously with a legal proceeding. Campus disciplinary outcomes are not subject to change because criminal charges related to the incident were reduced or dismissed. The University may initiate conduct proceedings for off-campus incidents including, but not limited to, hazing, alcohol and drug violations, social host ordinance violations, etc., according to the Alcohol and Other Drugs university policy.

The University may initiate conduct proceedings for off-campus incidents when:

- (1) Hazing is involved; or
- (2) The violation is committed while participating in a University sanctioned event or sponsored activity; or
- (3) The victim of the violation is a member of the University community; or
- (4) The violation constitutes a felony under state or federal law; or
- (5) The violation adversely affects the educational, research or service functions of the University, e.g. riotous behavior.

Administration has sole discretion to decide whether the student conduct code will be applied to conduct occurring off-campus. Factors considered include severity of the allegations, impact on the University, staffing capacity, and the ability to obtain evidence in a timely manner.

Off-campus jurisdiction for alcohol and drug violations extends to:

- Significant first time alcohol or drug-related violations such as providing alcohol to minors, social host violations, distribution of illicit drugs;
- Repeated alcohol or drug-related legal violations;
- Substance use necessitating medical assistance; or
- Situations in which alcohol or drug use prevented the student from being able to fulfill essential functions or created a direct threat to the safety of others.

Residence Communities

Residential Life conduct procedures are articulated in the Residential Life Student Guide. Minnesota State University, Mankato reserves the right to deny or cancel a residence community contract to an individual whose conduct and/or criminal record indicates an actual or perceived threat or danger to the Minnesota State Mankato community, including students, faculty and staff.

Minnesota State Mankato may relocate any resident without cause or prior notice for health or safety reasons to protect Minnesota State Mankato property, restore operations, or meet the needs of the Minnesota State Mankato community or its individual members.

Investigations under the Minnesota State system's

1B.1 Equal Opportunity/Nondiscrimination and 1B.3 Sexual Violence policies

Allegations of Title IX discrimination, bias harassment and sexual violence shall be investigated and resolved according to Minnesota State system's 1B.1 Equal Opportunity/Nondiscrimination and 1B.3 Sexual Violence policies and their respective procedures. The Sexual Violence policy states, "Sexual violence is a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence."

The investigation may include alleged violations of the Statement of Student Responsibilities, such as reported drug use during the incident, for review and action by the decision maker. Sanctions and restrictions issued as the result of an investigation conducted under the Minnesota State system's 1B.1 Equal Opportunity/Nondiscrimination and 1B.3 policies and their respective procedures go into effect immediately as noted in the decision maker's outcome letter regardless of a pending campus appeal or Chapter 14 hearing.

Social Media Websites

Students are encouraged to become actively engaged in the University community. Social networking, e.g. Instagram or Twitter and other platforms, provide additional means for students to connect with one another. Communication on these sites is considered a public forum and can be viewed by anyone. To support personal safety and guard against identity theft, students are cautioned against including class schedules, birthdates, cell phone numbers and addresses on their profiles. **Suspected violations of law or University policy posted online may be submitted to campus officials and police for investigation and used in a disciplinary proceeding.**

Interpersonal/Student Organization Conflicts

Interpersonal conflicts between acquaintances or members of a student organization are typically referred to mediation or to applicable student organization review processes as an alternative to discipline. Mediation involves voluntary participation in a structured problem solving process where a neutral third party assists disputing individuals in resolving their differences. Violation of the mediation agreement permits the case to return to the student conduct system if the dispute constitutes a possible violation of the "Statement of Student Responsibilities." Mediation often resolves roommate disputes, property/financial disagreements, incivility and conflicts between members of a student organization.

Confidentiality

The Office of Student Conduct maintains student disciplinary records. These files are considered "education records" protected by federal and state data privacy laws. Education records cannot be released to a third party, including parents, without the student's signed release of information or a court issued subpoena. Exceptions under the Family Education Rights and Privacy Act (FERPA) include University officials with a "need to know" as part of their job duties. Under current state and federal data privacy statutes, disciplinary records are private and may be released to non-University agencies or individuals only with the written permission of the student or pursuant to a court order. Upon receipt of written permission from the student, information authorized for disclosure will be released to a third party in accordance with the signed release form.

Further information can be found in the Minnesota State University, Mankato Student Education Records policy.

How does the conduct process affect my future?

The conduct process is progressive and cumulative. Dismissal from the university may occur if a case is severe enough. Additionally, conduct records may be requested from future employers, with signed consent of the student. Not every employer will request these records. Student conduct outcomes of suspension or expulsion appear on the academic transcript. Lesser disciplinary outcomes do not appear on the academic transcript.

Jurisdiction and Scope

All students, regardless of the location of their actions, must demonstrate good character as members of the University community. The University will address all violations of the "Statement of Student Responsibilities" that occur on-campus, as well as certain off-campus incidents.

The University exercises the right to discipline a student before, after, or simultaneously with a legal proceeding. Campus disciplinary outcomes are not subject to change because criminal charges related to the incident were reduced or dismissed.

Any student who attempts or assists others in the commission of prohibited conduct can be held accountable as committing the policy violation.

Academic Dishonesty and Classroom Disruptions

Incidents of academic dishonesty, e.g. cheating or plagiarism, and classroom disruptions are first addressed by the instructor. The student may be directed to leave the class or activity for the remainder of the period. Academic sanctions, such as a failing grade or dismissal from the program, will be determined by the instructor and academic program.

After attempting to talk with the student and consulting with the department chair or dean of the college, the instructor may choose to refer the matter to the Office of Student Conduct for consideration of disciplinary action above and beyond the academic sanctions imposed. The Office of Student Conduct may elect to defer a decision on disciplinary consequences until grade appeal issues are resolved, if a case is being contested.

Graduate students are also subject to academic integrity expectations and review procedures established by the College of Graduate Studies and Research.

Students should be afforded the following due process considerations:

1. Oral or written notice of the allegations.
2. An explanation of the evidence supporting the complaint.
3. An opportunity to present their side of the story.
4. A written notice of the decision and any applicable sanction(s).
5. An opportunity to appeal the decision and sanction(s).

Disciplinary referrals to the Office of Student Conduct entitle students to the following due process considerations:

1. Written notice of the allegations and the Student Responsibility allegedly violated.
2. An explanation of the complaint.
3. An opportunity to tell their side of the story.
4. An opportunity to be accompanied by a support person who can advise, but not participate directly.
5. Written notice of the decision and any applicable sanctions.
6. An opportunity to appeal in accordance with the applicable grounds and timeline for appeal.

Student conduct proceedings are not analogous to courtroom proceedings; the technical procedures and rules of evidence applicable to civil and criminal cases shall not apply.

Data Privacy Notice

When investigating alleged student misconduct, Minnesota State University, Mankato asks students to provide data and information which may be private under State and Federal Law. The information will be used by the conduct officer and others whose jobs reasonably require access to the information in order to determine the facts and if any action should be taken. It may also be used in subsequent proceedings related to this matter.

Students are not required to disclose information during an interview or conduct meeting. If the student agrees to provide requested information, it will be used to assist in the investigation. A student's failure to provide the information requested will require a decision to be made without benefit of hearing the information that the student could provide.

The University expects that any information volunteered will be truthful. Dishonesty as part of the conduct process is grounds for subsequent disciplinary action and more severe consequences.

The following individuals/entities may have a legal right to access the information provided by students during the investigative process:

1. To school officials who have a legitimate educational interest in the records;
2. To authorized representatives of the U.S. Department of Education, the Comptroller General, Attorney General, and State and local educational authorities, in connection with audit of state or federally supported education programs;

3. In connection with a student's request for or a receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid;
4. To State and local officials or authorities if specifically required by a State law that was adopted before November 19, 1974 if the disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released;
5. To organizations conducting certain studies for or on behalf of the University;
6. To accrediting organizations to carry out their functions;
7. To comply with a judicial order or a lawfully issued subpoena;
8. To appropriate parties (parents/guardians, law enforcement and others) when an articulable and significant health or safety emergency arises. A record must be created promptly and maintained that includes the threat, description of the records disclosed and to whom the records were disclosed;
9. To individuals requesting directory information so designated by the University;
10. To the victim of a crime of violence or non-forcible sex offense, in which case, the University may release the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of that crime;
11. To other educational institutions where the student intends to enroll or has enrolled at any time. This includes returning educational records to the original source of the record for appropriate purposes, such as verification of the document's authenticity;
12. In connection with information provided to the University from law enforcement about a student required to register as a sex offender;
13. In response to an ex parte court order from the U.S. Attorney General and/or the Justice Department under the USA Patriot Act.

If any disciplinary action is taken and becomes final, the nature of the final disposition of the disciplinary action, together with the specific reasons for the action and information documenting the basis of the action, excluding information that would identify confidential sources, will be disclosed to University officials with a "need to know" as defined under the Family Educational Rights and Privacy Act.

Additional Information

For additional information regarding this "Statement of Student Responsibilities," including procedures used, contact the Office of Student Conduct, Minnesota State University, Mankato, 507-389-2121, or 507-389-2246 (fax). Information can also be found on the Student Conduct website at

<https://mankato.mnsu.edu/student-conduct/>.

Adopted as official University policy November 1980.

Policy formally revised 1992, 2000, 2005, 2012, 2019.

MINNESOTA STATE UNIVERSITY MANKATO



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