

STUDENT CODE of CONDUCT

NONACADEMIC MISCONDUCT

Nonacademic Conduct subject to disciplinary action. Lakeshore Technical College may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:

- (1) Dangerous Conduct.** Conduct that endangers or threatens the health or safety of oneself or another person.
- (2) Sexual Assault.** Conduct defined in s. 940.225, Stats.
- (3) Stalking.** Conduct defined in s. 940.32, Stats.
- (4) Harassment.** Conduct defined in s. 947.013, Stats.
- (5) Hazing.** Conduct defined in s. 948.51, Stats.
- (6) Illegal use, Possession, Manufacture, or Distribution of Alcohol or Controlled Substances.** Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or college policy.
- (7) Unauthorized use of or Damage to Property.** Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of college property or the property of others.
- (8) Disruption of College-Authorized Activities.** Conduct that obstructs or impairs college-run or college-authorized activities, or that interferes with or impedes the ability of a person to participate in college-run or college-authorized activities.
- (9) Disorderly Conduct.** No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, in college buildings or on college lands.
- (10) Forgery or Falsification.** Unauthorized possession of or fraudulent creation, alteration, or misuse of any college or other governmental document, record, key, electronic device, or identification.
- (11) Misuse of Computing Resources.** Conduct that involves any of the following:
 - (a)** Failure to comply with laws, license agreements, and contracts governing college computer network, software, and hardware use.
 - (b)** Use of college computing resources for unauthorized commercial purposes or personal gain.
 - (c)** Failure to protect a personal password or college-authorized account.
 - (d)** Breach of computer security, invasion of privacy, or unauthorized access to college computing resources.
 - (e)** Other violations of LTC's Computer Use Policy for College Students

(12) False Statement or Refusal to Comply Regarding a College Matter. Making a knowingly false oral or written statement to any college employee or agent of the college regarding a college matter, or refusal to comply with a reasonable request on a college matter.

(13) Violation of Criminal Law. Conduct that constitutes a criminal offense as defined by state or federal law.

(14) Serious and Repeated Violations of Municipal Law. Serious and repeated off-campus violations of municipal law.

(15) Violation of College Rules. Conduct that violates any published college rules, regulations, or policies, including provisions contained in college contracts with students including program handbooks.

(16) Noncompliance with Disciplinary Sanctions. Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.

Disciplinary sanctions.

(1) The disciplinary sanctions that may be imposed for nonacademic misconduct, upon conclusion of the disciplinary process, are any of the following:

- (a)** A written reprimand.
- (b)** Denial of specified college privileges.
- (c)** Payment of restitution.
- (d)** Educational or service sanctions, including community service.
- (e)** Disciplinary probation.
- (f)** Imposition of reasonable terms and conditions on continued student status.
- (g)** Removal from a course in progress.
- (h)** Enrollment restrictions on a course or program.
- (i)** Suspension from the college.
- (j)** Expulsion from the college.

(2) One or more of the aforementioned disciplinary sanctions may be imposed for an incident of nonacademic misconduct.

(3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of a student for financial aid.

Disciplinary procedure.

(1) Process. The Enrollment Services Manager may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed under “disciplinary sanctions”.

(2) Conference with Student. When the Enrollment Services Manager concludes that proceedings under this section are warranted, the Enrollment Services Manager shall promptly contact the student in person, by telephone, or by electronic mail to offer to discuss the matter with the student. The purpose of this discussion is to permit the Enrollment Services Manager to review with the student the basis for his or her belief that the student engaged in nonacademic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the Enrollment Services Manager's offer to discuss the matter, the Enrollment Services Manager may proceed to make a determination on the basis of the available information.

(3) Determination by the Investigating Officer that no Disciplinary Sanction is Warranted. If, as a result of a discussion or review of available information, the Enrollment Services Manager determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action.

(4) Process Following Determination by the Enrollment Services Manager that Nonacademic Misconduct Occurred.

(a) If, as a result of a discussion or review of available information, the Enrollment Services Manager determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions listed under should be recommended, the Enrollment Services Manager shall prepare a written report which shall contain all of the following:

1. A description of the alleged misconduct.
2. A description of all information available to the college regarding the alleged misconduct. Such information shall be available to the student upon request, except as may be precluded by applicable state or federal law.
3. Specification of the sanction to be imposed.
4. Notice of the student's right to an appeal.
5. A copy of this code of conduct and of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered to the student.

(c) A student who receives a written report under this section has the right to appeal, as described in the following section, to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanctions, or both.

1. Where the disciplinary sanction sought is one of those listed (a) to (h), and if the student desires a hearing, the student shall file a written request with the Enrollment Services Manager within 10 days of the date the written report is delivered to the student. If the student does not request a hearing within this period, the determination of nonacademic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed.
2. Where the disciplinary sanction sought is one of those listed (i) to (j), the Enrollment Services Manager shall forward a copy of the written report under to the Vice-President of Student Success. The Vice-President for Student Success shall, upon receipt of the written report, proceed to schedule a hearing on the matter. A hearing shall be conducted unless the student waives, in writing, the right to such a hearing.

Hearing.

(1) A student who requests an appeal hearing, or for whom a hearing is required, shall have the right to decide whether the matter will be heard by the Vice-President of Student Success or a hearing committee. If the student does not request a hearing, the matter will be heard by the Vice-President of Student Success.

(2) If a student requests a hearing, or a hearing is required to be scheduled due to the sanction being sought, the Vice-President of Student Success shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period has been mutually agreed upon by the student and Enrollment Services Manager.

(3) No less than 5 days in advance of the hearing, the Vice-President of Student Success or hearing committee shall obtain from the Enrollment Services Manager, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the student with access to or copies of the Enrollment Services Manager's explanation, together with any other materials provided to the Vice-President of Student Success or hearing committee by the Enrollment Services Manager.

(4) The hearing shall be conducted in accordance with the following guidance and requirements:

(a) The hearing process shall further the educational purposes and be reflective of the college's commitment to student dignity, equity and non-discrimination. The process need not conform to state or federal rules of criminal or civil procedure.

(b) The student shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the student's choice. The advisor may be a lawyer. The advisor may counsel the student, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the student except at the discretion of the hearing examiner or committee. In accordance with the educational purposes of the hearing, the student is expected to respond on his or her own behalf to questions asked of him or her during the hearing.

(c) The Vice-President of Student Success or hearing committee:

1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.

2. Shall observe recognized legal privileges (confidentiality).

3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the student is allowed to effectively question the witness.

(d) The Vice-President of Student Success or hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The student charged with misconduct may access the record, upon the student's request.

(e) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(f) A Vice-President of Student Success's or hearing committee's finding of nonacademic misconduct shall be based on one of the following standards of evidence:

1. Clear and convincing evidence, when the sanction to be imposed is listed in Disciplinary Sanctions (1) (i) to (j).
2. A preponderance of the evidence, when the sanction to be imposed is listed in Disciplinary Sanctions (1) (a) to (h).
3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment and sexual assault.

(g) The Vice-President of Student Success or hearing committee may impose one or more of the disciplinary sanctions listed (a) to (h) that differs from the recommendation of the Enrollment Services Manager. Disciplinary sanctions listed (i) to (j) may not be imposed unless previously recommended by the Enrollment Services Manager.

(h) The hearing shall be conducted by the Vice-President of Student Success or hearing committee, and the college's case against the student shall be presented by the Enrollment Services Manager or his or her designee.

(i) The decision of the Vice-President of Student Success or hearing committee shall be prepared within 14 days of the hearing, and delivered to the student. The decision shall become final within 14 days of the date on the written decision, unless an appeal to the College President is taken.

(j) If a party fails to appear at a scheduled hearing and to proceed, the Vice-President of Student Success or hearing committee may either dismiss the case or, based upon the information provided, find that the student committed the misconduct alleged and assign sanction.

(k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the student whose case is being heard requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed.

Appeal to the College President.

(1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in Disciplinary Sanctions (i) to (j), the student may appeal to the College President within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In such a case, the College President has 30 days from receipt of the student's appeal to respond and shall sustain the decision of the nonacademic misconduct hearing examiner or committee unless the College President finds any of the following:

(a) The information in the record does not support the findings or decision of the hearing examiner or committee.

(b) Appropriate procedures were not followed by the nonacademic misconduct hearing examiner or committee and material prejudice to the student resulted.

(c) The decision was based on factors proscribed by state or federal law.

(2) If the President makes a finding, the President may return the matter for consideration by a different hearing examiner or hearing committee, or may invoke an appropriate remedy of his or her own.

Discretionary appeal to the Wisconsin Technical College System Board. The decision of the college shall be final, except that the WTCS board may, at its discretion, grant a review upon the record.

Settlement. The procedures set forth in this chapter allow the college and a student to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the student and the Enrollment Services Manager or Vice-President of Student Success. The case is concluded when a copy of the signed agreement is delivered to the student.

Effect of discipline within the institution. A student who, at the time of commencement, is subject to a continuing disciplinary sanction or unresolved disciplinary charges as a result of a report, shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

Petition for restoration of rights after suspension or expulsion. A student who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms. A student who has been expelled may petition for the right to apply for readmission. The petition shall be in writing and directed to the College President. The College President shall make the readmission decision.

Emergency suspension.

(1) The College President may impose an emergency suspension on a student, pending final institutional action on a report of nonacademic misconduct, in accordance with the procedures of this section.

(2) The College President may impose an emergency suspension on a student when all of the following conditions are met:

(a) The Enrollment Services Manager has made a reasonable attempt to offer the student the opportunity for discussion, either in person or by telephone.

(b) The Enrollment Services Manager recommends a sanction of suspension or expulsion.

(c) The College President concludes, based on the available information, that the misconduct likely occurred and that the student's continued presence on campus meets one or more of the following conditions:

1. Would constitute a potential for serious harm to the student.

2. Would constitute a potential for serious harm to others.

3. Would pose a threat of serious disruption of college-run or college-authorized activities.

4. Would constitute a potential for serious damage to college facilities or property.

(3) If the College President determines that an emergency suspension is warranted under sub. (2), he or she shall promptly have written notification of the emergency suspension delivered to the student. The College President's decision to impose an emergency suspension shall be effective immediately when delivered to the student and is final.

(4) Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of college lands, within 21 days of the imposition of the emergency suspension, unless the student agrees to a later date.

(5) An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to is rendered or the College President rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the student agrees to a longer period.

(6) If the College President determines that none of the conditions specified above are present, but that misconduct may have occurred, the case shall proceed in accordance with published disciplinary procedure.

ACADEMIC MISCONDUCT

Academic misconduct subject to disciplinary action.

(1) The definition of academic misconduct is an act in which a student:

- (a)** Seeks to claim credit for the work or efforts of another without authorization or citation;
- (b)** Uses unauthorized materials or fabricated data in any academic exercise;
- (c)** Forges or falsifies academic documents or records;
- (d)** Intentionally impedes or damages the academic work of others;
- (e)** Engages in conduct aimed at making false representation of a student's academic performance; or
- (f)** Assists other students in any of these acts.

(2) Examples of academic misconduct include, but are not limited to: cheating on an examination; collaborating with others in work to be presented, contrary to the stated rules of the course; submitting a paper or assignment as one's own work when a part or all of the paper or assignment is the work of another; submitting a paper or assignment that contains ideas or research of others without appropriately identifying the sources of those ideas; stealing examinations or course materials; submitting, if contrary to the rules of a course, work previously presented in another course; tampering with the laboratory experiment or computer program of another student; knowingly and intentionally assisting another student in any of the above, including assistance in an arrangement whereby any work, classroom performance, examination or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed.

Disciplinary sanctions.

(1) The following are the disciplinary sanctions that may be imposed for academic misconduct.

- (a)** An oral reprimand;
- (b)** A written reprimand presented only to the student;
- (c)** An assignment to repeat the work, to be graded on its merits;

- (d) A lower or failing grade on the particular assignment or test;
- (e) A lower grade in the course;
- (f) A failing grade in the course;
- (g) Removal of the student from the course in progress;
- (h) A written reprimand to be included in the student's disciplinary file;
- (i) Removal from their academic program of study;
- (j) Disciplinary probation; or
- (k) Suspension or expulsion from the college.

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of academic misconduct.

Disciplinary sanction imposed at the discretion of the instructor.

(1) Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, the instructor will follow the following procedure to impose a sanction listed in (1) (a) through (f).

(a) CONFERENCE WITH STUDENT. When an instructor concludes that proceedings under this section are warranted, the instructor shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the basis for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(b) DETERMINATION BY THE INSTRUCTOR THAT NO ACADEMIC MISCONDUCT OCCURRED. If, as a result of the discussion, the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(c) PROCESS FOLLOWING DETERMINATION BY THE INSTRUCTOR THAT ACADEMIC MISCONDUCT OCCURRED

(i) If, as a result of the discussion, the instructor determines that academic misconduct did occur, the instructor shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to appeal the decision to the Division Dean; and
4. A copy of the institutional procedures adopted to implement this section.

(ii) The written report shall be delivered personally to the student, emailed to the student via their campus email account or be mailed to the student by regular first class United States mail at his or her current address, as maintained by the college.

(iii) A student who receives a disciplinary sanction under this section has the right to appeal the decision of the instructor to the Division Dean to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both. If the student desires to appeal, the student must file a written request with the Division Dean within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

(2) Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, the instructor will follow the following procedure to impose a sanction listed in (1) (g) through (h):

(a) The instructor will proceed as above but will also send a copy of the report to the Division Dean.

(b) The instructor will inform the student that, because of the recommended sanction, the case will be heard and a decision rendered by the Dean.

(c) The Dean will review the information provided by the instructor and will meet with the student to discuss the case.

(d) If, as a result of the discussion, the Dean determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action.

(e) If the Dean determines that misconduct has occurred, the Dean will:

(i) Determine the appropriate sanction(s) for the offense. The sanction can be any listed in (1) (a) through (h). If the Dean determines that the appropriate sanction is one listed in (1) (i) through (j), they will refer the matter to the Vice-President for Instruction as outlined below.

(ii) Inform the student of their decision via a written report that shall be delivered personally to the student, emailed to the student via their campus email account or be mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution.

(f) A student who receives a disciplinary sanction under this section has the right to appeal the decision of the Dean to the Vice President of Instruction to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both. If the student desires to appeal, the student must file a written request with the Vice President of Instruction within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

(3) Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, and the instructor or the Division Dean has determined that a sanction listed in (1) (i) through (j) is warranted, the following procedure will be followed:

(a) The instructor/Dean will proceed as above but will also send a copy of the report to the Vice-President of Instruction.

(b) The instructor/Dean will inform the student that, because of the recommended sanction, the case will be heard and a decision rendered by the Vice-President of Instruction.

(c) The Vice-President of Instruction will review the information provided by the instructor/Dean and will meet with the student to discuss the case.

(d) If, as a result of the discussion, the Vice-President of Instruction determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action.

(e) If the Vice-President of Instruction determines that misconduct has occurred, the Vice-President will:

(i) Determine the appropriate sanction(s) for the offense. The sanction can be any listed in (1) (a) through (j). If the Vice-President determines that the appropriate sanction is (1) (k), suspension or expulsion from the college, the Vice-President will present the case to the College President who will review the case and either confirm the recommended sanction or remand the case back to the Vice-President for further review.

(ii) Inform the student of their decision via a written report that shall be delivered personally to the student, emailed to the student via their campus email account or be mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution.

(f) A student who receives a disciplinary sanction listed in (1) (i) through (k) under this section has the right to appeal the decision of the Vice President of Instruction to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both, to the academic misconduct hearing committee. The request for a hearing must be submitted to the Vice-President of Student Success within 10 days of personal delivery or mailing of the written report. The Vice-President of Student Success shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request. The hearing shall be conducted within 45 days of receipt of the request, unless a different time period has been mutually agreed upon by the student and the College. If the student does not request an appeal hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

Hearing.

(1) If a student requests a hearing, the Vice-President for Student Success will take the necessary steps to convene the academic misconduct hearing committee and shall schedule the hearing within 10 days of receipt of the request or written report, unless a different time period is mutually agreed upon between the college and the student.

(2) Reasonably in advance of the hearing, the committee shall obtain from the instructor or investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide a copy of the Academic Misconduct section of the Student Code of Conduct to the student.

(3) The hearing before the academic misconduct hearing committee shall be conducted in accordance with the following requirements:

(a) The student shall have the right to question adverse witnesses, the right to present evidence and witnesses, and to be heard in his or her own behalf, and the right to be accompanied by a representative of his or her choice.

(b) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.

(c) The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of indigency and legal need, a party may be provided a copy of the verbatim record of the testimony without charge.

(d) The hearing committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(e) The hearing committee may find academic misconduct and impose a sanction of suspension or expulsion only if the proof of such misconduct is clear and convincing. In other cases, a finding of misconduct must be based on a preponderance of the credible evidence.

(f) The hearing committee may impose a disciplinary sanction that differs from the recommendation of the instructor or investigating officer.

(g) The instructor or the investigating officer or both may be witnesses at the hearing conducted by the committee, but do not have responsibility for conducting the hearing.

(h) The decision of the hearing committee shall be served upon the student either by personal delivery or by first class United States mail and shall become final within 10 days of service.

Discretionary appeal to the board of regents. The decision of the college shall be final, except that the WTCS board may, at its discretion, grant a review upon the record.

Settlement. The procedures set forth in this chapter do not preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, after proper notice has been given.

Right to petition for readmission. A student who has been expelled may petition for readmission, and a student who has been suspended may petition for readmission prior to the expiration of the suspension period. The petition for readmission must be in writing and directed to the president of the institution from which the student was suspended or expelled. The petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases.