

University Policy 4.02.02

Student Code of Conduct

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POLICY STATEMENT

Capella University students are expected to conduct themselves in a manner guided by respect, collegiality, honesty, and ethical behavior as part of their academic development. Student conduct that infringes on the quality of such an educational experience is not acceptable. This policy describes the types of conduct that are deemed prohibited and unacceptable. This policy also serves as Capella's tool to combat impersonation, identity theft, text mining, and/or creation of fictitious identities in an effort to secure access to federal funds.

Prohibited student conduct includes but is not limited to the following: complicity, dishonesty, disruptive conduct, disrespect, document forgery, illegal activity, impersonation, text mining, and theft, as described in the definitions section of this policy.

Separate university policies address academic honesty, research misconduct, and discrimination, harassment, and assault. For further details, see university policies *3.01.01 Academic Integrity and Honesty*, *3.03.06 Research Misconduct*, and *4.02.04 Discrimination, Harassment, and Assault*.

RATIONALE

This policy sets a high standard of conduct for members of the university community that reflects Capella University's values of human potential, achievement, decisive collaboration, innovation, and integrity. This policy also reflects Capella's philosophy of resolving issues at the most direct level and in the most equitable way possible, and defines the appropriate terms and procedures required to meet these standards.

DEFINITIONS

Complicity

Complicity is helping, procuring, encouraging, and/or cooperating with another person in the commission of a violation of the student code of conduct.

Dishonesty

Dishonesty is intentionally providing false information or forging, altering, or falsifying university documents. Students may not misrepresent their academic record or status (which includes referring to oneself publicly as "doctor" prior to the conferral of an earned doctoral degree).

Dismissal

Dismissal is a university-initiated permanent separation of a student from the university and is noted on the student's official academic transcript.

Disrespect

Disrespect is harassing, threatening, or embarrassing others. Students may not post, transmit, communicate, promote, or distribute content that is racially, religiously, or ethnically offensive or is harmful, abusive, vulgar, sexually explicit, or otherwise offensive or discriminatory. Students are expected to behave in an appropriate manner and treat other students and university faculty, staff, and administrators with respect at all times.

Disruptive Conduct

Disruptive conduct is engaging or participating in an activity that interferes with teaching, administration, and other university functions, whether in the online course environment or at a university-sponsored event (e.g., residency and commencement). Examples of disruptive conduct include, but are not limited to the following:

1. Threatening or belligerent language, posturing, physical acts, or gestures
2. Vulgar or offensive language or gestures
3. Bullying or cyber-bullying
4. Disturbance of public peace
5. Lewd or indecent language or behavior
6. Inciting others to engage in disruptive conduct
7. Any violation of Capella University's website Terms of Use as published on University websites, including but not limited to the sharing of login credentials.

This list of examples of disruptive conduct is not exhaustive, and Capella reserves the right to determine whether behavior constitutes disruptive conduct on a case-by-case basis.

Document Forgery

Document forgery is falsifying any document or evidence required for admission to the university, completion of a course or examination, or receipt of any other university-related privilege or benefit, whether in print or electronic form.

Illegal Activity

Illegal activity is any behavior that results in a criminal conviction.

Impersonation

Impersonation is assuming the identity of another.

Operations Owner

The operations owner is the team that executes policy. See the Policy Owners section below.

Prohibited Conduct

Prohibited conduct includes but is not limited to complicity, dishonesty, disruptive conduct, disrespect, document forgery, illegal activity, impersonation, text mining, or theft.

Sanction

A sanction is disciplinary action that may result from prohibited conduct. Disciplinary action may include one or more of the following: non-acceptance of work submitted; failing grade on an assignment; lowered grade for a course; failing grade in a course; formal, written warning; suspension from the university; dismissal from the university; and cancellation of a previously-awarded academic credit or degree. This list of possible sanctions is not exhaustive, and Capella University reserves the right to assign sanctions on a case-by-case basis.

Summary Suspension

Summary suspension is the immediate suspension of a student. Summary suspension is a temporary status during which a student is denied access to the courseroom and prohibited from engaging in identified university activities while an evaluation of alleged prohibited conduct is being completed.

Suspension

Suspension is a university-initiated temporary status during which a student is denied access to the courseroom and prohibited from engaging in university activities until stated conditions have been met.

Text Mining

Text mining is analyzing and then synthesizing information from electronic documents, email messages, and other free-form text written by others as a way to create summary content of written work that is presented as one's own for the express purpose of seeking an advantage in completing one's academic assignment and/or work.

Theft

Theft is taking property that is not one's own or posting, transmitting, promoting, or distributing content that violates copyright or other protected intellectual property rights. Unauthorized use of university property is prohibited. Theft and abuse of computer resources is prohibited.

Written Warning

A written warning may result from engaging in prohibited conduct; it describes certain conditions students must meet to continue to have access to the courseroom.

PROCEDURES

- I. Reporting and Initial Review of Suspected Prohibited Conduct
Whenever possible, instances of alleged prohibited conduct should be resolved at the discretion of the Capella employee directly associated with the activity or event during which the alleged prohibited conduct occurred.
 - A. Anyone may report an instance of alleged prohibited conduct.
 - B. Non-Capella employees may report alleged prohibited conduct verbally or in writing to any member of the university's faculty, staff, or administration.
 - C. Capella employees should attempt to notify the student of prohibitive conduct with the objective of remedying the policy infraction informally prior to taking next steps.

- D. Capella employees either receiving a report or the object of the infraction should report the alleged prohibited conduct verbally or in writing to a direct leader.
- E. The Capella employee or direct leader receiving the report of the alleged prohibited conduct should notify the operations owner via referral form.

II. Leadership Level Resolution Process

If informal resolution pathways under section I are not successful or the behavior is determined to be egregious, a leadership level resolution process will be conducted based on the referral form submitted in section I.E.

- A. The operations owner will contact the student to notify them of the alleged prohibited conduct and provide access to any relevant university policies.
- B. The student will be given the opportunity to explain or refute the alleged prohibited conduct.
- C. The operations owner will initiate the review of the referral by the leader, who will then issue a decision regarding the referral.
- D. The operations owner will notify the student of the decision.
 - 1. If no further action is required, the operations owner will notify the student via email of the decision and indicate that the matter is resolved.
 - 2. If further action is required, the operations owner will notify the student of the next steps in the process.
- E. A copy of the decision notification and any evidence of the prohibited conduct will be filed in the student's official academic record.
- F. The student has the right to appeal the decision, as described in section IV.

III. Code of Conduct Review

A. Review by Independent Panel

- 1. The university convenes independent panels for three distinct purposes under this policy:
 - a. Of its own accord and without prompting from faculty or a student, the university may elect to review reports of prohibited conduct through an independent university panel that will convene to review evidence related to the report of prohibited conduct beyond a single course; and
 - b. Upon a thorough review of the referral form by school official or university leadership, the student's alleged prohibited conduct may be referred to the panel for further review; and
 - c. Upon a student's appeal from a decision described in sections II.F or V.C of this policy, a university panel will convene to consider the appeal. The procedures for this appeal are described in section III.B of this policy.
- 2. Regardless of whether the panel is convened under section III.A.1.a, III.A.1.b, or III.A.1.c of this policy, the panel will do the following:
 - a. Undertake a full investigation and review of the student's alleged prohibited conduct, which may include their history and prior conduct. In all cases, and even in the event of a proceeding under section III.A.1.c of this policy, the panel shall not be limited to the specific conduct at issue in any decision to sanction; and

- b. Maintain the right to determine the appropriate sanction, if any. In all cases, and even in the event of a proceeding under section III.A.1.c of this policy, a panel's sanction may be more or less severe than any prior sanction assessed to the student, at the panel's discretion.
 3. Upon initiation of the code of conduct review described in section III.A.1.a, III.A.1.b, or III.A.1.c of this policy, the operations owner will acknowledge receipt of the request and inform all involved parties that a review by an independent panel has been initiated.
- B. Within 10 calendar days of being sent notification that a formal resolution process has been initiated, all involved parties must submit information regarding the matter to the operations owner. This information must include the following:
 1. The individual(s) against whom the alleged prohibited conduct is directed.
 2. A brief description of the alleged prohibited conduct, including the date(s), time(s), and place(s).
 3. Any efforts to resolve the matter during the initial resolution process.
 4. The corrective action that the referring party is seeking, or the student is appealing.
- C. Following referral of the matter, the panel will convene to review the materials and issue a decision as soon as practicable.
 1. The panel will investigate all evidence supporting and/or refuting the alleged prohibited conduct, the student's complete academic record, any further issues surrounding the alleged prohibited conduct, and the school or university's response.
 2. The panel will provide adequate opportunity to hear from all involved parties and for each party to state their respective case in writing. Upon request, involved parties will be provided the opportunity to respond to the panel.
 3. Upon evaluation of the evidence and hearing from all involved parties, the panel will issue a decision and deliver the resolution for implementation.
 4. In cases of policy violation, the panel will determine the appropriate sanction, which may include but is not limited to a written warning, suspension, or dismissal from the university.
 5. The panel designee will report the panel's decision to all involved parties as soon as practicable. A record of the panel's decision and sanction will become part of the student's official academic record.
 6. All involved parties have the right to appeal the panel's decision, as described in section IV.

IV. Formal Appeal Process

If any party impacted by the decision chooses to appeal the panel's decision, they must submit a formal, written appeal request to the president's designee. The appeal request must be submitted via email and within 10 calendar days of being sent notification of the panel's decision.

- A. Upon receiving the appeal request, the operations owner will acknowledge receipt of the request and inform all involved parties that a formal appeal process has been initiated.

- B. The president's designee will receive and review the record developed during the formal resolution process. In addition, at their sole discretion, the president's designee may accept or reject any evidence not presented at the formal resolution process stage.
- C. Following the review, the president's designee will issue a decision and report it to all involved parties as soon as practicable. The decision will do one of the following: a) uphold the findings of the panel, b) reverse the findings of the panel, c) direct the panel to provide additional information, or d) the president's designee will determine their own findings. In the event the president's designee requests additional information from the panel, the involved parties will be notified of a revised time frame for the determination of the grievance.
- D. In the event the president's designee reverses the findings of the panel:
 - 1. The student will have an opportunity to complete the missed coursework within 10 calendar days of returning to the classroom, without penalty.
 - 2. If the student was in the last two weeks of the course, they have the option of receiving an Incomplete ("I") grade and must complete and submit the coursework no later than two weeks after the course ends; or
 - 3. The student may choose to withdraw from the course and retake the course without financial penalty or any penalty for reusing work previously submitted to fulfill assignments for that specific course.
- E. The decision of the president's designee is final. Matters that have been reviewed and have received a final decision under this policy are not eligible for further review under another policy.
- F. A record of the final decision and all related materials will become part of the student's official academic record and, upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.

V. Summary Suspension

- A. In cases of an allegation of an egregious act of prohibited conduct; or in the case of prohibited conduct that suggests a threat of danger to any Capella faculty, staff, employee, contractor, or student; a student may be immediately suspended through this summary suspension process if it appears that the allegation of prohibited conduct is substantiated. The Capella employee or their direct leader has the discretion to determine, consistent with this section, when summary suspension is appropriate.
- B. If a summary suspension is issued, the Capella employee or their direct leader should promptly notify the student of their summary suspension and their right to be heard by submitting a written response via email within seven calendar days from the date said notification is issued.
- C. The Capella employee or their direct leader will complete the procedures described in section II of this policy within 10 calendar days of issuing the notification of summary suspension.
- D. The student may submit a written request via email for extension of time beyond the seven calendar day deadline described in section V.B of this policy. These extensions will automatically be granted for up to a maximum of 30 calendar days. However, in the event the student exercises their right to an extension, the deadline for the Capella

employee or their direct leader decision described in section V.C of this policy will be extended for the same duration as the student's extension, with the summary suspension remaining in effect the entire time.

E. Outcome

1. In the event that the Capella employee or their direct leader determines that prohibited conduct occurred, the process continues as described in section II of this policy, with the suspension remaining in place unless a review panel or the president's designee overturns the suspension as described in sections III and IV of this policy.
2. In the event that the Capella employee or their direct leader finds no prohibited conduct the summary suspension will expire and the student will return to their status previous to the summary suspension.
 - a. In this instance, the student will have an opportunity to complete the missed coursework within 10 calendar days of returning to the classroom without penalty.
 - b. If the student was in the last two weeks of the course, they have the option of receiving an Incomplete ("I") grade; in that case, the coursework must be completed and submitted no later than two weeks after the course ends; or
 - c. The student may choose to withdraw from the course and retake the course without financial penalty or any penalty for reusing work previously submitted to fulfill assignments for that specific course.

VI. All procedures in this policy apply to students in programs in GuidedPath and FlexPath formats.

POLICY OWNERS

Academic Owner: President

Operations Owner: Office of Academic and Community Standards

RELATED DOCUMENTS

University policy 2.02.10 Separation from the University

University policy 3.01.01 Academic Integrity and Honesty

University policy 3.03.01 Human Research Protections

University policy 3.03.06 Research Misconduct

University policy 4.02.03 Student Grievance

University policy 4.02.04 Discrimination, Harassment, and Assault

University policy 4.02.05 Drugs and Alcohol

University policy 4.02.09 Sexual Harassment

REVISION HISTORY

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