

Policy Revision Approval Date: September 23, 2011**Policy Revision Effective Date: October 1, 2011****Procedure Approval Date: July 25, 2017****Procedure Effective Date: August 1, 2017****POLICY STATEMENT**

Capella University learners are expected to conduct themselves in a manner guided by respect, collegiality, honesty, and ethical behavior as part of their academic development. Learner 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. (Separate university policies address academic honesty and discrimination, harassment, and assault. For further details, see university policies *3.01.01 Academic Integrity and Honesty* and *4.02.04 Discrimination, Harassment, and Assault*.) 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 learner 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.

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 learner code of conduct.

Dishonesty

Dishonesty is intentionally providing false information or forging, altering, or falsifying university documents. Learners 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 learner from the university and is noted on the learner's official academic transcript.

Disrespect

Disrespect is harassing, threatening, or embarrassing others. Learners 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. Learners are expected to behave in an appropriate manner and treat other learners 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

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

Forging documents 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.

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 learner in cases involving egregious violation of the learner code of conduct. Summary suspension is a temporary status during which a learner is denied access to the courseroom and prohibited from engaging in university activities while an evaluation of the prohibited conduct is being completed.

Suspension

Suspension is a university-initiated temporary status during which a learner 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 learners must meet to continue to have access to the courseroom.

PROCEDURES

- I. Reporting Suspected Prohibited Conduct
 - A. Anyone may report an instance of alleged prohibited conduct.
 - B. The alleged prohibited conduct should be reported verbally or in writing to any member of the university's faculty, staff, or administration.
 - C. The university faculty, staff, or administration member will report the alleged prohibited conduct verbally or in writing to his or her supervisor. Should the alleged prohibited conduct occur during a university-sponsored activity or event (e.g., residency), the faculty, staff, or administration member will have the authority to report it to the event manager directly associated with the activity or event.
 - D. The individual receiving the report of the alleged prohibited conduct will bring it to the attention of the university official directly associated with the activity or event.

- II. Initial Resolution Process

Whenever possible, instances of alleged prohibited conduct should be resolved at the discretion of the university official directly associated with the activity or event during which the alleged prohibited conduct occurred.

 - A. The university official responsible for the activity or event during which the alleged prohibited conduct occurred will review the circumstances surrounding the alleged prohibited conduct to determine the appropriate action for the situation.

1. The university official will contact the learner to notify him or her of the alleged prohibited conduct.
2. The learner will be given the opportunity to explain or refute the alleged prohibited conduct.
3. The university official will issue a decision.
 - a. If no further action is required, the university official will notify the learner via email of his or her decision and indicate that the matter is resolved.
 - b. If further action is required, the university official will notify the learner of the next steps in the process and include copies of any relevant university policies.
- B. The university official will forward a copy of the decision notification and any evidence of the prohibited conduct to the appropriate school designee to be filed in the learner's official academic record.
- C. The learner has the right to appeal the university official's decision, as described in section V.

III. 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 learner; a learner may be immediately suspended through this summary suspension process if it appears that the allegation of prohibited conduct is substantiated. The university official directly associated with the course, activity, or event in which the prohibited conduct occurs, has the discretion to determine, consistent with this section, when summary suspension is appropriate.
- B. If a summary suspension is issued, the university official directly associated with the activity or event during which the alleged prohibited conduct occurred should promptly notify the learner of his or her summary suspension and his or her right to be heard by submitting a written response and/or responding by telephone within seven calendar days from the date said notification is issued.
- C. The university official directly associated with the activity or event during which the prohibited conduct occurred will complete the procedures described in sections II.A and II.B of this policy within 10 calendar days of issuing the notification of summary suspension.
- D. The learner may submit a written request for extension of time for his or her written or telephone response beyond the seven calendar day deadline described in section III.B of this policy. These extensions will automatically be granted for up to a maximum of 30 calendar days. However, in the event the learner exercises his or her right to an extension, the deadline for the university official's decision described in section III.C of this policy will be extended for the same duration as the learner's extension, with the summary suspension remaining in effect the entire time.
- E. Outcome
 1. In the event that the university official determines that prohibited conduct occurred, the process continues as described in section II of this policy, with the suspension remaining in place unless and until a review panel or the president's designee overturns the suspension as described in sections IV and V of this policy.

2. In the event that the university official finds no prohibited conduct, or in the event that no decision is issued by the university official within the time constraints described in sections III.C and III.D of this policy, the summary suspension will expire and the learner will return to his or her status previous to the summary suspension.
 - a. In this instance, the learner will have an opportunity to complete the missed coursework within 10 calendar days of returning to the courseroom without penalty.
 - b. If the learner was in the last two weeks of the course, he or she has 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 learner 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.

IV. Code of Conduct Review

A. Review by Independent Panel

1. The university convenes independent panels for two distinct purposes under this policy:
 - a. Of its own accord and without prompting from faculty or a learner, 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 learner’s appeal from a decision described in sections II.B or III.C of this policy, a university panel will convene to consider the appeal. The procedures for this appeal are described in section IV.B of this policy.
 2. Regardless of whether the panel is convened under section IV.A.1.a or IV.A.1.b of this policy, the panel will do the following:
 - a. Undertake a full investigation and review of the learner, including his or her history and prior conduct. In all cases, and even in the event of a proceeding under section IV.A.1.b of this policy, the panel shall not be limited to the specific conduct at issue in any faculty’s 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 IV.A.1.b of this policy, a panel’s sanction may be more or less severe than any prior sanction assessed to the learner, at the panel’s discretion.
 3. Upon initiation of the code of conduct review described in section IV.A.1.a or IV.A.1.b of this policy, the panel designee 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 panel designee. 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 the learner is seeking.
- 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 learner's complete academic record, any further issues surrounding the alleged prohibited conduct, and the school's response.
 2. The panel will provide adequate opportunity to hear from all involved parties and for each party to state his or her respective case in writing. Upon request, either party will be provided the opportunity to appear before the panel, either in person or via telephone.
 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 a written warning, suspension, or in cases of serious and/or repeated prohibited conduct, 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 learner's official academic record.
 6. Both parties have the right to appeal the panel's decision, as described in section V.

V. Formal Appeal Process

If either party chooses to appeal the panel's decision, he or she must submit a formal, written appeal request to the president's designee. The appeal request must be submitted via mail or email and within 10 calendar days of being sent notification of the panel's decision.

- A. Upon receiving the appeal request, the president's designee 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 his or her 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 his or her 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 learner will have an opportunity to complete the missed coursework within 10 calendar days of returning to the classroom, without penalty.
 2. If the learner was in the last two weeks of the course, he or she has 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 learner 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 learner's official academic record and, upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.
- VI. All procedures in this policy apply to learners in credit-based (GuidedPath) and FlexPath programs.

POLICY OWNERS

Academic Owner: President

Operations Owner: Learner Affairs

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 4.02.03 Learner Grievance

University policy 4.02.04 Discrimination, Harassment, and Assault

University policy 4.02.05 Drugs and Alcohol

REVISION HISTORY

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