

STUDENT CODE OF CONDUCT



Approved and Adopted
by the
Board of Regents

August 16, 2008



Student Code of Conduct

Binahj8' 0[ta'7y1'1t'4ehgo aj0[ta' bee haz'1anii

Diné College was established in 1968 as the first tribally controlled community College in the United States. In creating an institution of higher education, the Navajo Nation sought to **encourage Navajo youth to become contributing members of the Navajo Nation and the world society.**

In order to provide all Diné College students with the best educational opportunities possible, the Diné College Board of Regents has established the Student Code of Conduct (hereinafter "Code"), which serves as the official College standard of conduct and behavior to safeguard the educational process, protect individual and institutional rights and property and ensure the safety of all members of the community.

Nits1h1kees

Nits1h1kees Óhoo['aahii b1 boh0n4edz32go b1 hasht'e' 0h0lzin

My grandchild, think, remember, and know the rules, standards of conduct, and laws which guide and protect you.

Educational Philosophy

Bi'0hoo'aah Bits4sil47

Diné College bi'óhoo'aah bitsésiléí éí Sa'2h Naaghái Bik'eh Hózhóón. Nitsáhákees, Nahat'á, liná dóó Siih hasin t'áá shá bik'ehgo bee hahodít'é. Naayée'ee k'ehgo na'nitin bine' ood11[d00 H0zh==j7 k'ehgo na'nitin bee h0zh=-go ood11[. D77 bee óhoo'aah dóó naanish silá.

The educational philosophy of Diné College is Sa'2h Naaghái Bik'eh Hózhóón, the Diné traditional living system, which places human life in harmony with the natural world and the universe. The philosophy provides principles for both protection from the imperfections in life and for the development of well-being.

K'é is an integral part of Diné culture. K'é means kinship and community. It plays a very important part in maintaining social, cultural, and political control within Diné. K'é requires us to respect one another. You cooperate, communicate, assist, and look out for one another. This value requires each individual to practice self discipline, t'áá hó ájít'éego.

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PURPOSE

The purpose of the Student Code of Conduct is to promote and foster positive, respectful, and ethical student conduct and behavior, and to ensure the student's right to a fair and equitable due process in the event they are charged with a violation of the Student Code of Conduct.

The Student Code of Conduct is within the framework of applicable Tribal, State and Federal statutes and laws. It also embodies the educational philosophy of Diné College, which is based on the Navajo Culture and tradition.

The Student Code of Conduct reflects the *Sa'2h Naaghái Bik'eh Hózhón* and is organized around the four domains and respective principles: *Nitsáhákees* (Thinking), *Nahat'á* (Planning), *Iiná* (Living), and *Siih hasin* (assuring).

Jurisdiction and Authority

Diné College shall have jurisdiction of all matters and proceedings involving alleged violation(s) of the Student Code of Conduct. If the student is also an employee of the College, he/she shall be treated as a student for the purpose of the Student Code of Conduct violation and he/she shall be treated as an employee and subject to personnel action pursuant to the Diné College Personnel Policies and Procedures.

Diné College President or his designee(s) are authorized to enforce the Student Code of Conduct. The designee(s) include(s) but are not limited to the Dean of Enrollment & Student Services, Academic Deans, Regional Directors, and Vice President of Academic and Student Affairs.

Violation(s) of the tribal, state or federal laws which are criminal shall be treated as major violation(s). In addition to disciplinary action under the Student Code of Conduct, the student will be referred to the appropriate tribal, state or federal authorities for appropriate actions determined by those entities.

Diné College disciplinary action shall proceed during the criminal proceedings, if any, and will not be subject to challenge for the reasons that a criminal violation(s) involving the same incident has been dismissed or reduced.

The Diné College and the Board of Regents reserve the right to amend and/or change the contents of this Student Code of Conduct at any time for the best interest and well-being of the Diné College community.

Center of Learning: Diné College has the responsibility for providing instruction in higher education for the Navajo Nation and for advancing knowledge and related services to the community. Diné College is a center of learning, therefore, has the duty to maintain conditions that both encourage the maximum freedom of inquiry and expression and permit orderly operation of its functions.

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INSTITUTIONAL POLICIES AND PROCEDURES

All students of Diné College, Associated Students of Diné College (ASDC), student organization(s) and student interns from other institutions are subject to the following rules and policies.

Classroom Management Policy: All students are to abide by the instructors classroom management policies as stated in the course syllabus. This includes attendance and tardiness, electronic equipment, assignments, class disruption, safety, and other departmental policies.

Computer Use Policy: All user agreement, rules and regulations governing use of facilities and equipment shall be strictly adhered to.

Critical Incident Manual: All students must adhere to this manual and follow the emergency procedures and guidelines.

Family Educational Rights and Privacy Act (FERPA): The Registrar's Office and other authorized personnel have access to student files. The FERPA of 1974 protect the privacy of such information.

Office of Finance & Accounting Policy: All students must abide by all guidelines and procedures pertaining to student travel.

Student Identification Card: The purpose of having an identification card is to afford Diné College students equal access to all applicable Diné College services, and in addition, to validate student identity that will help ensure the health, safety, and welfare of the student. All enrolled Diné College students are required to obtain a current Diné College student identification card; keep their Diné College student identification card on their person; and present their student identification card at the point-of-sale for the meal plan. (Identification cards can be obtained from the Student Programs office.)

Vehicle Registration Policy: The operation of a vehicle on Diné College campus is subject to all applicable rules, policies, and laws. Student who will park their vehicle on campus during the semester must register their vehicle with the Campus Police Department.

Visitation Policy: All visitors and guests of the Diné College are welcomed. Guests of Diné College students are expected to abide by the Student Code of Conduct. Overnight guests must acquire prior approval from the Residence Life Manager.

Student Employment Program Agreement:

1. Student employees must adhere to the personnel policies governing Diné College employees.
2. Students must maintain Satisfactory Academic Progress outlined in the current college catalog during duration of employment.
3. Per FERPA, student employees shall not disclose privileged and confidential information obtained through the Student Employment Program or use any such information for personal gain.

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4. Student employees shall complete all required forms associated with employment at Diné College.

Safe Environment: Diné College is committed to personal safety, loss prevention and violence free workplace. It is the intention Diné College that all student employees work under the safest conditions possible, that we maintain a workplace free from recognized hazards, and that we provide timely information, training and supervision to enable student employees to perform their jobs safely.

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D77 bee nahat'1 bee 1d1hozhdoot'11[0lta' [a' jidool77].*

My grandchild, careful planning and adherence to Diné College policies will help you realize your educational goal.

STANDARDS OF CONDUCT

Diné College admits students with the assumption that students agree to conduct themselves as responsible members of the academic community. When students enroll at Diné College they assume the responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the academic community.

Constitutional Rights: Nothing in this Student Code of Conduct shall be construed to deny students their legally and constitutionally protected rights.

Compliance with Federal, State and Tribal Laws: The Student Code of Conduct will remain in compliance with laws that apply to Diné College, its employees, and students.

Non-Discrimination Policy: Diné College does not discriminate on the basis of ethnicity, color, religion, national origin, gender, age or disability. The Diné College complies with the Civil Rights Act of 1964, the Title IX of the Education Amendment Act of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, Section 402 of Vietnam Era Veterans Readjustment Act of 1975, the Age Discrimination in Employment Act of 1967, as amended, and the Navajo Preference in Employment Act. Equal opportunity for employment and admission is extended to all persons.

Drug Free Compliance – Zero Tolerance Policy: A drug-free school policy has been adopted by the Diné College and the Navajo Nation in compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (P.L.101-226). Diné College is committed to preventing the abuse of alcohol and the illegal use of drugs and alcohol by students and employees. An

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annual statement of commitment to the Federal Drug-Free Schools and Communities Act Amendments of 1989, as amended, is distributed on an annual basis.

All Diné College students and their visitors are prohibited from possession, use, and/or distribution of illegal drugs and alcohol while on College property and/or while participating in a Diné College- sponsored activity held either on or off Diné College property in accordance with the Diné College Drug Free policy and enforcement of the zero tolerance policy.

The Diné College will foster a safe and productive study environment and provide drug awareness, prevention, and intervention education for all students.

Reporting – Incident Report Forms are used by students/staff and faculty to formally communicate a problem on Diné College property as well as student travel. While most incident reports are used to document a disciplinary situation, they are also used to communicate a student injury, damage, vandalism or theft on campus.

1. Student is informed that an incident report will be written and filed.
2. Incident Report is written within 24 hours of incident.
3. Academic related report is submitted to the appropriate Academic Dean. Student Life related report is submitted to the Dean of Enrollment and Student Services or Designee, if it involves a resident student, then it is also referred to the Residence Life Manager.

Search and Seizure: All students have a right to have their persons and property secured against unreasonable searches and seizure. A warrant for search and seizure may be obtained through appropriate law enforcement agencies, pursuant to their rules, if deemed necessary by Diné College.

Diné College reserves the right to enter a student's room for the purpose of inspecting the premises when a Diné College authorized agent reasonably believes that one of the following exists: (a) an occupant of the room is physically harmed or endangered; (b) Diné College property is being damaged; (c) Diné College Student Code of Conduct is being violated; (d) in the interest of health and safety of others; (e) Maintenance and/or necessary repairs of the facilities.

STUDENT ORGANIZATIONS

All Diné College student organizations must be registered and chartered by the Associated Students of Diné College ("ASDC").

All ASDC officially recognized clubs and student organizations have the following privileges upon prior written approval:

1. To use the Diné College name;
2. To recruit members;
3. To sponsor social functions;

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4. To utilize Diné College facilities, equipment and grounds;
5. To advertise all club and organization activities through the available media; and
6. To raise funds for their club or organization.

All ASDC officially recognized clubs and organizations shall:

1. Comply with the Student Code of Conduct during all Diné College sponsored events, both on and off campus (travel or internship at other institutions);
2. be limited to the students and alumni;
3. have at least two sponsors or advisors who may be Diné College faculty or staff and
4. obtain proper prior approval for all Diné College sponsored activities.

All officers and members of ASDC officially recognized clubs and organization's officers and members are obligated to adhere to the following:

1. To abide by all Diné College policies, rules and the Student Code of Conduct while participating in all student organization-sponsored activities.
2. To protect Diné College property during student organization-sponsored activities.
3. To maintain Satisfactory Academic Progress (SAP) guidelines stated in the Diné College catalog during the academic semester.
4. To be responsible for all security, janitorial and housekeeping concerns during all organization-sponsored activities.
5. To maintain accounting and to seek club/organization approval on all financial expenditures.
6. To plan activities throughout the year
7. To reserve the last fourteen calendar days of each semester for final examinations and to prohibit sponsorship of any social Diné College sponsored activities during this time period.

STUDENT RESPONSIBILITIES

All Diné College enrolled students while on Diné College campus, on Diné College related travel, off-campus Diné College activities have the following responsibilities:

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1. Students are required to do all things necessary to acquire an education, including class attendance, timely completion of assignment(s) and experiment(s). The student can meet with their instructor(s) and/or academic advisor(s) when difficulties arise. Students must preserve the principle of academic integrity by not engaging in academic dishonesty.
2. Students are required to observe classroom management and Policies as stated in the Course Syllabi, which may include the use of any portable devices.
3. An instructor has the authority to exclude a student from any class meeting in which the student is disorderly or disruptive and should file an Incident Report Form to the appropriate Academic Dean or designee of the Diné College.
4. Students shall respect other persons' right to a reasonable degree of privacy and not to threaten nor contribute to the breakdown of a safe and secure environment.
5. Students are required to safeguard his/her and others' personal property and to protect the property of the Diné College from theft or damage.
6. Students are required to pay all debts owed to the Diné College in a timely manner and abide by all written agreements, contracts and policies.
7. Students are required to help maintain an environment in which the violations of rights are not likely to occur, and where the exercise and enjoyment of such rights are fully assured.
8. Students using personal vehicles on campus must register their vehicles with the Campus Police/Security Department upon registration. All vehicle operation on campus is subject to all applicable laws and policies of the Student Code of Conduct.
9. Students are required to abide by the Student Code of Conduct, applicable laws, rules and policies and procedures established by the Diné College Board of Regents and the Navajo Nation, State and Federal government.
10. Students who are parents shall promote the safety, security, and welfare needs of their children. Any suspected child abuse and/or neglect will be reported to the proper authorities in accordance with applicable laws.
11. Student interns are subject to the host institutions laws and policies. If the student is earning Diné College credit, they are also under Diné College's Student Code of Conduct.
12. Students must maintain an appropriate dress code and hygiene, conducive to a college environment.

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) [ta'7j7l7n7g77 ha'ah0'n7igo bee haz'1anii baa 1kozhn7zin doolee].*

My grandchild, you will exercise self-discipline, respect for others, and commitment to your educational goals.

RECOGNITION FOR STUDENT ACHIEVEMENT

Diné College recognizes and rewards student success. These include academic recognition as Dean's List and President's List which are based on a semester academic performance. The Summa Cum Laude, Magna Cum Laude and Cum Laude are based on the Fall Semester cumulative academic performance. Faculty and staff recognize academic performance in the classroom on an annual basis.

Student leaders are recognized for their efforts in student government, service to all students, the community, and the Diné College departments and recognized or approved organizations. The ASDC President serves on the Diné College Board of Regent, President's Council, American Indian Higher Education's Student Congress (AIHEC), and other organizations.

On an annual basis, students are selected to participate in the Knowledge Bowl, Science Bowl, Business Bowl, Art Competition, and other events at the annual AIHEC conference. Teams and individuals participants are recognized for any outstanding performance conducted at these competitions.

Merit scholarships are available to eligible students. Many are based on academic performance, athletics skill, community service, and leadership.

STUDENT DISCIPLINE

To maintain a safe learning environment, students are expected to uphold the Student Code of Conduct. For specific offenses, the Diné College will apply a progressive discipline based on the level of offense. There are three categories in the table of Consequences: Academic, Student Life, and Tribal, State and Federal Laws

The progressive discipline uses the number of offenses and respective discipline. **For offenses which are deemed aggravating or a serious threat to the Diné College community, immediate suspension or expulsion are applied.** Students who are also residents in the

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Residence Life Program (RLP), there are concurrent discipline applied (probation, eviction or expulsion).

RLP – Residence Life Program

| Table of Consequences Academic Category | | | | |
|--|---|---|-------------------------|---|
| | Type of Offense | 1 st Offense | 2 nd Offense | Appeal |
| 1 | Academic Dishonesty and/or actions to facilitate academic dishonesty by: <ol style="list-style-type: none"> a. Cheating-The intentional use of attempted use of unauthorized materials, information or study aids in any academic exercise. b. Fabrication-The intentional and unauthorized falsification of information or citation in an academic exercise. c. Plagiarism-The intentional or knowing representation of another person's work as the student's own in any given situation. | Meet with Instructor and Chair Recommendation to the Appropriate Academic Dean See Academic Integrity under General Academic Policies in Diné College catalog | Expulsion | Academic Dean Academic Standards Committee |

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RLP – Residence Life Program

| Table of Consequences Student Life Category | | | | | | |
|--|-------------------------|-------------------------------|--|-------------------------|---|--|
| Type of Offense | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th Offense | Appeal | |
| <p>Curfew - Students must be in their assigned residence room during QUIET HOURS and VISITATION HOURS as defined in the Resident Life Program Housing Contract.</p> <p>Applies to Residence Life students and commuter students.</p> | Verbal Warning | Probation | Expulsion Residence Life Program Eviction | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| <p>Disorderly Conduct-any act or conduct that disturbs the peace or quiet of any person by:</p> <p>a. Loud or Unusual Noise-Using or playing or operating any sound amplifying equipment that violates a standard of peace and quiet conducive to study or sleep. Any equipment so used may be confiscated from the student.</p> <p>b. Tumultuous or Offensive Conduct-Act of rudeness, undue harassment, disorderly conduct, aggressive & violent behavior.</p> <p>c. Threatening, traducing, quarreling, challenging to fight or fighting</p> <p>d. Violent, abusive or obscene epithets to another on the Diné College campus or any Diné College sponsored or supervised activity</p> <p>e. Harassment-Creating or engaging in acts of annoyance, intimidation, threat, quarrel, or causing an uncomfortable environment repeatedly in a public place or in a place where there are other persons present.</p> <p>f. Interference with functions or activities-Intentional or substantial interference with normal Diné College or College sponsored activities, including but not limited to studying, teaching, research, College administration, fire, police or emergency services.</p> | Probation | Expulsion RLP-Eviction | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| <p>Failure to comply with directive, order, etc.-Failure to abide by or obey an instruction, direction or order, verbal or otherwise given by a Diné College official, Tribal, State or Federal authorized agent, acting in the performance of their regular or delegated duties.</p> | Probation | Expulsion RLP-Eviction | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |

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| Table of Consequences Student Life Category | | | | | | |
|--|--|-------------------------|-------------------------|-------------------------------|-------------------------|---|
| | Type of Offense | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th Offense | Appeal |
| | False Report(s) - Intentionally initiating false reports of fire, explosion, or any other emergency on Diné College premises. If a life threatening violation, immediate expulsion. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |
| | | | RLP-Eviction | | | |
| | Fire Alarms, Drills and Emergency Equipment -Intentional or reckless misuse or damage to fire safety equipment, including the inappropriate activation of a fire alarm or tampering with fire safety equipment. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |
| | | | RLP-Eviction | | | |
| | Forgery -Unauthorized alteration or unauthorized use of any Diné College document, instrument or identification. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |
| | | | RLP-Eviction | | | |
| | Furnish False Information -Intentionally furnishing false or misleading information, including identity to Diné College officials including Residence Hall records or on Diné College records. The intentional use of false ID card or the misuse of Student ID Card. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |
| | | | RLP-Eviction | | | |
| | Harboring -Residential students who willingly house and/or provide shelter and willful concealment of an individual(s) who have withdrawn, been evicted and/or suspended for disciplinary reasons, or those who are below hours, or other person(s) banned from campus. In addition, the person being harbored will be subject to trespass charges. | Probation | Expulsion | | | |
| | | | RLP-Eviction | | | |
| | Hazing - Engaging in acts or creating a situation which produces mental or physical discomfort, embarrassment, harassment, or ridicule to another person or group of people. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |
| | | | RLP-Eviction | | | |
| | Identification Card (I.D.) - Failure to show Diné College ID Card upon reasonable request by a Diné College official which enforces the Diné College rules and regulations; | Verbal Warning | Probation | Expulsion RLP-Eviction | | Expulsion and RLP Eviction -Not eligible for appeal procedures |

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| Table of Consequences Student Life Category | | | | | | |
|--|-------------------------|-------------------------------|-------------------------|-------------------------|---|--|
| Type of Offense | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th Offense | Appeal | |
| Malicious Mischief a. Malicious disturbance, damage or destruction of any properties of the Diné College Campus, Branch and Regional Sites, the Office of Navajo Nation Scholarship and Financial Assistance or Diné College students. b. Malicious mutilation, damage, destruction or obliteration of a written document belonging to another. c. Unauthorized and willful opening or reading or causing to be read a sealed letter addressed to another. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| | | Expulsion RLP- Eviction | | | | |
| | | | | | | |
| Obscenity and Indecent exposure -Willful and lewd exposing of his/her person or the private parts thereof in any public place or in a place where there are other persons present to be offended or annoyed thereby. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| | | RLP- Eviction | | | | |
| Perjury -Making false certification, declaration or subscribing to a false statement under oath. | Probation | Expulsion RLP- Eviction | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| Smoking - Smoking of a lit cigarette, cigar, pipe, etc. in a non-designed smoking area except as part of an approved traditional ceremony. | Verbal Warning | Probation | Expulsion | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| | | | RLP- Eviction | | | |
| Smokeless Tobacco -Use of snuff, chewing tobacco, etc., including improper disposal of a smokeless tobacco in Diné College buildings or property including trash bins, water fountains and other containers. | Verbal Warning | Probation | Expulsion | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| | | | RLP- Eviction | | | |
| Unauthorized Use -Use of Diné College premises, facilities or properties without proper authorization. Unauthorized use of college letterhead for scholarships or donations. | Probation | Expulsion RLP- Eviction | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| Unauthorized Possession -Use or possession of any Diné College property including keys to any door without consent of authorization from an authorized person. | Probation | Expulsion | | | Expulsion and RLP Eviction -Not eligible for appeal procedures | |
| | | RLP- Eviction | | | | |

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| Table of Consequences Student Life Category | | | | | | |
|--|---|--------------------------------|-------------------------|-------------------------|-------------------------|---|
| | Type of Offense | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th Offense | Appeal |
| | | | | | | |
| | Violation of Probation Status -Failure or refusal to comply with the terms and conditions of disciplinary probation or the violation of any other Diné College rules and regulations while on disciplinary probation. This may include tribal, state and/or federally imposed probationary imposition. | Expulsion RLP Eviction | | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |
| | Violation of written agreement or contract -Willful violation of the terms and conditions of a written agreement or contract entered into with the Diné College. This includes, but is not limited to the Residence Life Housing Contract | Expulsion RLP- Eviction | | | | Expulsion and RLP Eviction -Not eligible for appeal procedures |

RLP – Residence Life Program

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RLP – Residence Life Program

| Table of Consequences Tribal, State and Federal Laws | | | | | | |
|---|--|-------------------------|-------------------------|-------------------------|-------------------------|---|
| | Type of Offense | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th Offense | Appeal |
| | Acquaintance Rape or Date Rape – Any form of sexual violence which occurs on college property between two persons who do not have a clear understanding of each other's' expectations. | Probation | Expulsion | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| | | RLP-Eviction | | | | |
| | Alcohol /Drugs (Which occur on college property) a. DUI (Driving under the Influence) – Operating or in actual physical control of a motor vehicle while under the influence or intoxicating liquor or drugs. b. Intoxicating Liquor -Possession, sale, trade, transport or manufacture of any beer, whiskey, ale, brandy rum, tequila, gin, malt liquor, or a mixture of any of them with vegetable or any liquid mixture or preparation which produces intoxication, including homemade substances such as rubbing alcohol or any mixture which cause intoxication such as “Ocean”, etc.... c. Drunkenness/ Intoxication- under the influence of alcohol, marijuana or any controlled substance, to the extent that he/she becomes unable to care for his/her own safety, or presents a | a. Expulsion | | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| | b. Expulsion | | | | | |
| | c. Expulsion RLP Eviction | | | | | |

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| <p>pop machines, telephone booths, scrap metal or construction materials. b. Any possession of picklock, crow bar, key, bit or other instrument or tool with intent to use such equipment or tool to unlawfully break or enter into a building, or making or alteration or duplicates of a key or other instrument that will fit or open the lock of a building without the consent of persons having the right to open the lock; or the making, alteration or repair of an instrument or tool which the student knows or has reason to believe is intended to be used in committing a burglary.</p> | | RLP-Eviction | | | |
| <p>Criminal Impersonation – Assume a false identity with the intent to defraud another. Pretends to be a representative of some person or organization with the intent to defraud.</p> | Probation | Expulsion | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| <p>Rape, Sexual Assault – Unlawful sexual violence or forced sexual penetration in which a person’s consent, resistance, or objection, is violated by force, threat, or deception.</p> | Expulsion | | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| <p>Receiving or Buying, Possessing stolen property – Gaining, purchasing, receiving or aiding in the concealment of property which he/she knows or has reason to know that such property was obtained by theft, extortion, fraud or other unlawful means.</p> | Probation | Expulsion | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| <p>Reckless driving – Driving or operating an automobile or any other vehicle in a manner dangerous to the public safety.</p> | Probation | Expulsion | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| | | RLP-Eviction | | | |

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|--|-----------|-----------|--------------|--|---|
| <p>Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature including;</p> <p>a. Sexual conduct which is made, implicitly or explicitly, a term or condition of an individual's academic progress or employment.</p> <p>b. Submission to or rejection of such conduct by an individual which is used as the basis for decisions affecting such individual.</p> <p>c. Sexual conduct, which has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment.</p> <p>d. All Navajo Nation/federal laws pertaining to sexual harassment are explicitly included in this section, and all appropriate action can be taken via referral to appropriate law enforcement agency if deemed appropriate.</p> | Probation | Expulsion | | | Expulsion and RLP Eviction - Not eligible for appeal procedures |
| <p>Shoplifting – (On college property)</p> <p>a. Obtaining control and possession or concealing or any merchandise, material or good which are displayed for sale or exhibited.</p> <p>b. Willful taking, possessing or concealing of any merchandise, materials or good with the intention of obtaining it without paying for it.</p> <p>c. Willful altering of any labels price tag or marking on any merchandise with the intention of depriving the establishment of all the value thereof.</p> <p>d. Willful transferring of any merchandise from the container in or on which it is displayed to any other container with the intention of depriving the establishment of all the value thereof.</p> <p>e. Intentional concealment of oneself or another person, with</p> | | Probation | RLP-Eviction | | |

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| | | | | | |
|---|------------------|---------------------|--|--|--|
| <p>non-purchased merchandise in any establishment shall be presumed to constitute shoplifting.</p> | | | | | |
| <p>Trespassing – Unlawful intrusion or interference with a person or property of another. Unlawfully and intentionally and without consent or permission of the owner, user or person in lawful possession thereof; enters upon, remains or traverses on to Diné College property.</p> | <p>Probation</p> | <p>Expulsion</p> | | | <p>Expulsion and RLP Eviction - Not eligible for appeal procedures</p> |
| | | <p>RLP-Eviction</p> | | | |

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Siih Hasin

*) [ta'7j7l7n7g77 bee haz'1anii 1daat'4h7g77 doo baa 1kozh7zing00 ba'1t'e' h0l= d00
binahj8' hazh0'0 ood11[1d22shdoot'88[. A[h22h sil1 H0zh==j7 d00 Naay44'j7 bine'ood11[
1d7zhd44lt'i' doolee[.*

My grandchild, there are protection way and beauty way practices to guide and discipline you.

RIGHTS OF THE INDIVIDUAL STUDENT

All Students enrolled at the Diné College multi-sites shall be afforded the following rights.

1. Constitutional rights

- 1.1 To be free from unreasonable search and seizure of student's person and property, to a reasonable degree of privacy and to a safe and secure environment.
- 1.2 To free practice of religion and culture, provided that practice does not violate any Tribal or Federal laws or interfere with the orderly operation of Diné College.
- 1.3 To freedom of speech and expression, including symbolic expression, such as buttons, posters, choice of dress and length of hair, so long as the symbolic expression does not unreasonably disrupt the education process or endanger the well being and safety of the student and others, except as prohibited by applicable laws.
- 1.4 To freedom of the press, except where material in a student publication is libelous, slanderous or obscene.
- 1.5 To a peaceful assembly.
- 1.6 To freedom from discrimination.
- 1.7 Right to counsel. A student violating the Student Code of Conduct which might result in his/her suspension or expulsion has the right to be advised or represented at a hearing by the student's choice of legal counsel or representative.

2. Rights to Due Process. The student is entitled to due process in every instance in which disciplinary action may affect the student's academic progress and/or record or may result in imposition of a sanction. Due Process shall include:

- 2.1 A written notice of alleged violation(s) within two business days prior to a hearing. Notice of the alleged violation(s) shall make reference to the Student Code of Conduct Violation(s).

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- 2.2 A fair and impartial hearing conducted by the Dean of Enrollment and Student Services or designee, prior to the imposition of disciplinary action absent the existence of an emergency endangering the health or safety of the student or others.
- 2.3 Right to have present during the hearing, the student's parent(s) or guardian(s) and/or the student's chosen representative.
- 2.4 Right to produce witnesses on his/her behalf.
- 2.5 Right to written findings of fact and conclusions in all cases of the disciplinary action.
- 2.6 Right to administrative review by the Dean of Enrollment and Student Services and appeal as provided in this Student Code of Conduct.
- 2.7 Right not to be compelled to testify against himself or herself.
- 2.8 Right to have allegations of misconduct and information pertaining thereto expunged from the student's College record in the event the student is found not guilty of the violation(s).
- 2.9 Any student found to have violated the Student Code of Conduct may after one academic year, petition to the Dean of Enrollment and Student Services to have all records of his/her case expunged. The Dean of Enrollment and Student Services may in his/her discretion grant such petition if the student successfully meets the burden of proving that his/her conduct has improved sufficiently during the period of time since the violation(s) were committed.

DISCIPLINARY VIOLATIONS PROCEDURES

Whenever a Student Incident Report is filed with the Dean of Enrollment and Student Service office ("DESS"), then the student may either have an informal or formal proceeding to address the student's situation.

Based on the severity of a violation, an incident will be referred to the appropriate personnel immediately.

A Student with an Academic Violation is advised to take their Academic concerns to the appropriate Division Chair or Academic Dean(s).

An **informal proceeding** for the student may be afforded and follows this procedure:

1. The requirements of this informal proceeding are entirely up to those parties involved to find a solution to the matter that will keep Diné College campus safe.

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2. A student will be served a written notice to meet with the Dean of Enrollment and Student Services or designee. The student will be afforded a copy of the incident report.
3. The designee shall advise the student of the alleged violation(s) and provide an opportunity for the student to respond.
4. A solution should be rendered within a reasonable time.

A **formal proceeding** may be held based on the following procedure:

1. A student will be served a written notice to meet with the Appropriate Dean or designee.
 2. The Dean or the designee shall advise the student of the alleged violation(s) and provide an opportunity for the student to respond to the alleged violation(s).
 3. Rights should be explained per the Student Code of Conduct.
 4. Based on Dean's findings, whether the findings are substantiated or unsubstantiated, the Dean shall take into consideration the nature of the alleged violation(s) and possible disruptive effect of the conduct to other students and the College.
3. The appropriate Dean or designee may prescribe any of the following sanctions:
 - o Verbal warning.
 - o Written warning.
 - o Disciplinary probation for a specified time.
 - o Eviction from Residence Life.
 - o Expulsion from college activities or campus.

In an emergency situation that endangers the health and safety of the student or others, the appropriate Dean or designee may immediately impose expulsion, and if warranted, can expel the student for an indefinite period.

Other sanctions deemed necessary and appropriate including any combination of sanctions.

4. A student sanctioned by an Academic or DESS Dean may appeal the decision to the Vice-President of Academics and Student Affairs.

APPEAL PROCEDURES

A student may appeal a sanction **except** expulsion or eviction from Residence Life by using the following appeal process:

1. A written appeal from the student shall be addressed to the Vice-President for Academic and Student Affairs ("VPASA") or designee within two business days after a Dean's decision has been rendered. The written appeal shall specify in detail the reasons for appealing the

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decision. Failure to appeal within two business days will result in a waiver of the right to appeal.

2. The VPASA or designee will review the appropriate Dean's or designee's decision and render a written decision within two business days after receiving the student's written appeal.
3. The VPASA or designee may modify, affirm, or reverse the Dean's or designee's decision. The VPASA's or designee's decision shall state the reasons to modify or affirm or reverse the Dean's or designee's decision. A copy shall be given and mailed to the student and Dean or designee.

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APPENDIX

DEFINITIONS

Academic Dean – Any of the three Academic Deans, Dean of Math, Science and Business, Dean of Behavioral & Social Science/Humanities/Fine Arts and Dean of Center for Diné Teacher Education and Center for Diné Studies.

Appeal – A student can appeal a sanction by using the appeal procedures on page 21.

Board of Regents – The governing board of the College which has the authority to establish College policies.

Campus Police Officer – A peace officer commissioned by the Navajo Nation or the appropriate state and who is authorized to enforce Navajo nation and/or state and federal laws.

Campus Security Officer – Either a non-commissioned or commissioned peace officer available for the safety and protection of the College community, and who has the authority and responsibility of enforcing the College's rules and policies.

College Community – The administration and staff personnel, members of the faculty, registered students, members of their immediate families who reside or work within the College property.

College Property – All personal and real property owned, leased, rented, used or controlled by the College.

College Representatives – The President, Vice-President, Deans, Directors, Division Chairperson, Coordinators, Administrative staff, faculty members, support staff, student resident advisors, and employees of the College so designated.

Dean of Enrollment and Student Services – The College administrative official employed in a position bearing such title or any member of the Student Services staff authorized to act in an acting capacity. The Dean is the designated employee to conduct student hearings.

Designee – A college employee so designated by a college representative who is authorized to handle disciplinary actions where deemed necessary.

Expulsion – The permanent, irrevocable dismissal of a student from the College, including College sponsored activities.

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Eviction – Eviction of student from Residence Life Hall.

Faculty/Adjunct – Employees of the College who hold faculty/adjunct employment contracts, or whose main functions consist of teaching.

Incident Report Form– A written report form used to summarize an incident that took place on the Tsale campus, Shiprock Branch and any of the Regional Site. If a violation took place, the report will include the violation(s) and action taken.

Person – Any member or non-member of the College community.

President – The chief administrator of the College entrusted with the management and administration of the College and implementation of policies by the Board of Regents.

Probation – A student is given a written letter or agreement informing the student that his/her conduct is in violation of the Student Code of Conduct. The letter and agreement will specifically state that if another same violation occurs, Residence Life student will face eviction from Residence Life and/or expulsion from campus, if a commuter, expulsion from campus. The agreement may state “not appealable”.

Reprimand – A condemnation or rebuke for a violation of the Student Code of Conduct, which may be verbal or in writing and is made a part of the student’s record.

Substantiated- A finding of substantiated would be made if there is reasonable evidence found to prove that a violation of the Student Code of Conduct existed.

Sanction – A form of disciplinary action imposed upon a student who violates the Student Code of Conduct.

Student – Any person registered for one or more courses offered by the College.

Unsubstantiated- A finding of unsubstantiated would be made if there is insufficient evidence to prove that a violation of the Student Code of Conduct existed

Vice President of Academics & Student Affairs – The College administrative official bearing the title; as used in this Student Code of Conduct may include any member of the administrative staff appointed as a designee.

Visitor/Guest – Any person on College-owned property for the purpose of visiting a member of a facility of the College community.

BOR Adoption Date: August 16, 2008
Effective Date: August 16, 2008

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Diné College Incident Report Form

| | | | |
|-------------------------------------|--|--------------------------|-------|
| Name of Perpetrator: | | Room/Hall Assignment: | |
| CARS # | | | |
| Location of Incident: | | Date: | Time: |
| Name(s) of Witness to the Incident: | | | |
| | | | |
| | | | |
| Nature of Violation: | | | |
| | | | |
| <input type="checkbox"/> | Housing Contract: Terms & Conditions # | | |
| | | | |
| <input type="checkbox"/> | Student Code of Conduct and Applicable College Policies: | | |
| | | | |
| <input type="checkbox"/> | Tribal, State, Federal Laws: | | |
| | | | |
| Details of Violation/Incident: | | | |
| | | | |
| | | | |
| What Action Taken: | | | |
| | | | |
| Report By: | | Date: | |