

# STUDENT CODE OF CONDUCT

## Policy 342

The purpose of the Student Code of Conduct at Glen Oaks Community College (GOCC) is to foster a positive and safe learning environment for the College community by clearly articulating conduct prohibited by the College and identifying the rights of individuals in the process consistent with that purpose.

GOCC upholds all federal, state, and local laws and expects students to abide by such laws. The College reserves the right to hold students accountable for violations of federal, state, and local laws when the conduct has a direct impact on the College or the college community. Additionally, students are expected to comply with the Student Code of Conduct, and any specific regulations adopted by GOCC.

Students shall have the right to be accorded due process in all disciplinary actions resulting in a change of their social and/or academic status at Glen Oaks Community College. It is with this spirit that these procedures have been established.

### SCOPE AND JURISDICTION

The Student Code of Conduct applies to individuals from the point of admission to the College and thereafter as long as the individual has a continuing educational interest in the College. The Code applies to high school partner programs, including but not limited to, dual enrollment and Early Middle College. Registered Student Clubs and Organizations are also held accountable to the Student Code of Conduct. The Student Code of Conduct shall also be applicable to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives.

Students and visitors are subject to immediate removal from College property when, in the sole discretion of the President, or a representative, removal is necessary to protect the rights and safety of College students or employees.

Students may be suspended from College classes and/or activities pending due process procedures by the President or representative when, in the President's or representative's sole discretion, such action is necessary to protect the rights and safety of College students or employees.

Visitors are subject to criminal charges or civil liability for improper conduct on College property.

In cases of noncompliance with the Student Code of Conduct, the College will impose sanctions that are consistent with the impact of the offense on the College community (See Article IV (C)). The college reserves the right to pursue criminal and/or civil action where warranted.

## ARTICLE I: DEFINITIONS

College: Glen Oaks Community College.

3. College official: any person employed by the College, performing assigned administrative or professional responsibilities.
4. Member of the College community: includes any person who is a student, faculty member, College official or staff member employed by the College, or any authorized non-employed personnel (such as interns). A person's status in a particular situation shall be determined by the Vice President of Student Services (or a designee).
5. College premises: all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the College (including adjacent streets and sidewalks).
6. Harassment: repeated, malicious mistreatment, verbal abuse, or conduct that is threatening, intimidating, humiliating, insulting, isolates people, or undermines their reputation through verbal or nonverbal communication.
7. Judicial Board: a group of persons authorized by the Vice President of Student Services (or a designee) to consider whether a student has violated the Student Code or to review the sanction(s) imposed by the Vice President of Student Services (or a designee) if requested by the accused.
8. Policy: written regulations of the College as found in, but not limited to, the College Catalog, Course Schedule, Student Handbook, the College web site and/or other written regulations and procedures available within a department or division.
9. Cheating: includes, but is not limited to the attempt or actual:
  - a. use of any unauthorized assistance in taking quizzes, tests, or examinations
  - b. use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments
  - c. acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff;
  - d. engagement in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion for the purposes of academic credit
  - e. allowance of, or participation in, cheating by other students
  - f. payment, or offer of payment, to a third party for completion of coursework
10. Plagiarism: includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
11. Academic negligence: unknowingly or unintentionally claiming credit for the work or effort of another person.
12. Complainant: any person who submits a report alleging that a student violated this Student Code or any other rule or policy of the College. When a student believes they have been a victim of another student's misconduct, they will have the same rights under this Student Code as are provided to the Complainant, even if another member of the College community submitted the allegation. Requests to receive information regarding the Respondent must be in writing and submitted to the Student Services Divisional office.
13. Respondent: any student accused of violating this Student Code, or any other rule or policy of the College.

1. Student Code: the College's Student Code of Conduct.
2. Student: individuals from the point of admission to the College and thereafter as long as the individual has a continuing educational interest in the College.

## ARTICLE II: STUDENT CODE AUTHORITY

1. The Vice-President of Student Services (or a designee) shall determine whether a Judicial Board shall be authorized to hear each matter.
2. The Vice-President of Student Services (or a designee) shall develop policies for the administration of the Code of Conduct process and procedural rules for the conduct of Judicial Board hearings that are consistent with provisions of the Student Code.
3. Decisions made by the Judicial Board and/or the Vice-President of Student Services (or a designee) shall be final, pending the appeal process.

## ARTICLE III: PROHIBITED CONDUCT

A student or Registered Student Club or Organization, who commits any of the following acts of misconduct, shall be subject to disciplinary action. GOCC's disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code of Conduct. For example, if both violations result from the same factual situation, proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

1. Violations of the Code of Conduct
  - a. **Abuse of the Student Code Process** – Any interference of the Student Code of Conduct process including but not limited to:
    - i. Falsification, distortion, or misrepresentation of information during the Student Code of Conduct process.
    - ii. Disruption or interference with the orderly conduct of a Judicial Board proceeding.
    - iii. Attempting to discourage an individual's proper participation in, or use of, the Student Code process.
    - iv. Attempting to influence the impartiality of a member of a Judicial Board member prior to, and/or during the course of, the Judicial Board Hearing.
    - v. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a Judicial Board Hearing.
    - vi. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
    - vii. Influencing or attempting to influence another person to commit a violation of the Student Code process.
  - b. **Academic Dishonesty** - Cheating, plagiarism, academic negligence, and any other forms of academic dishonesty.
  - c. **Acts of dishonesty** including, but not limited to:
    - i. Misrepresentation of facts or furnishing false information to any College official, faculty member, staff, or office.
    - ii. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
    - iii. Perceived, attempted or actual Financial Aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.
    - iv. Withholding material information from the college officials and/or processes.
  - d. **Alcohol** - Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication.
  - e. **Bullying** - Systematic intentional behavior that includes, but is not limited to, repeated unwanted physical, verbal, or written acts which are hostile or offensive, targeted at an individual or group and creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm. Bullying may manifest as cyber stalking or cyber bullying as well as excluding behaviors such as ignoring or dismissing individuals or groups. Hostile behaviors include, but are not limited to, inappropriate behaviors that are harmful or damaging to an individual and/or property. Behaviors that are intimidating, threatening, disruptive, humiliating, sarcastic, or vicious may also constitute hostile behavior. Offensive behaviors may include, but are not limited to, inappropriate behaviors such as abusive language, derogatory remarks, insults, or epithets. Other offensive behaviors may include the use of condescending, humiliating, or vulgar language, swearing, shouting or use of unsuitable language, use of obscene gestures, or mocking.
  - f. **Discrimination** - unlawful discrimination or related harassment on the basis of race, color, sex, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, sex (sex or gender, affiliation, expression or orientation), political affiliation, veteran status, or any other characteristic covered by law.
  - g. **Disorderly Conduct** - Disorderly, lewd, indecent, or obscene conduct or expressions.
  - h. **Disrupting Normal Operations of the College** - Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area. Refer to Policy 3.44 Freedom of Expression Policy which promote free exchange of ideas and safe and efficient operation of the College.
  - i. **Disruptive Behavior** - Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities or functions, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
  - j. **Drugs** - Use, possession, manufacturing, distribution, or being under the influence of marijuana, illegal drugs, narcotics, or other controlled substances except as expressly permitted by federal law. Possession of drug paraphernalia is also prohibited on campus.
  - k. **Failure to Comply with College Officials** - Failure to respond appropriately to reasonable and lawful requests with the directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
  - l. **Failure to Engage in Responsible Social Conduct** – Failure to engage in conduct that reflects credit upon the College community.
  - m. **Failure to Pay** - Failure to pay fines, fees, or other debt to the college.
  - n. **Failure to Return College Property**: Failure to return college property loaned to the student.
  - o. **Firearms** - Possession of firearms (even if legally possessed), tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises, or use of any such item in a manner that harms, threatens or causes fear to others. The definition of a weapon includes but is not limited to a pistol or other firearm, dagger, razor, knife, or any other dangerous or deadly weapon or instrument. College vehicles are covered by this policy at all times regardless of whether they are on College property.

- p. **Gambling** - Encouraging, promoting, or participating in unauthorized gambling on GOCC premises or at GOCC-sponsored events or activities.
  - q. **Harassment** - Repeated, malicious mistreatment, verbal abuse or conduct that is threatening, intimidating, humiliating, insulting, isolating, or undermining another's reputation through verbal or non-verbal communications. Any verbal or physical conduct that shows hostility, intimidation, threat, or aversion toward another individual.
  - r. **Hazing** - An act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are still violations of this rule.
  - s. **Obstruction** – Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
  - t. **Sexual Harassment, Sexual Misconduct and Retaliation** - Violations of the College's Sex/Gender-Based Discrimination and Harassment Policy. Conduct that does not rise to the level of a Title IX violation (conduct that is not severe or pervasive and is not sexual assault as defined by the Clery Act) may be processed via the Student Code of Conduct. Sexual harassment includes, but is not limited to:
    - i. Intentional touching of a sexual nature, repeated/unwelcomed advances, or comments of a sexual nature that create an intimidating, hostile, or offensive campus, educational or working environment for another person.
    - ii. Obscene or indecent behavior which includes but is not limited to indecent exposure and the display of sexual behavior that would reasonably be offensive to others.
    - iii. Retaliation against anyone who files a complaint or participates in an investigation relating to this provision.
  - u. **Tampering with safety equipment** – Tampering with any safety equipment including but not limited to fire alarms, fire extinguishers, video surveillance cameras, and emergency exits.
  - v. **Technology Theft or Abuse** - Theft or other abuse of technology and resources, including but not limited to:
    - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
    - ii. Unauthorized transfer of a file.
    - iii. Use of another individual's identification and/or password.
    - iv. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
    - v. Use of computing facilities and resources to send obscene or abusive messages.
    - vi. Use of computing facilities and resources to interfere with normal operation of the College computing system.
    - vii. Use of computing facilities and resources in violation of copyright laws.
    - viii. Any violation of the Network Acceptable Use Policy.
  - w. **Theft** - Attempted or actual theft of property of the College or property of a member of the College community or other personal or public property, on or off campus.
  - x. **Tobacco** - Use of combustible tobacco products or smokeless tobacco products in College facilities and on the College premises. The only exception is one's personal vehicle.
  - y. **Unauthorized Presence/Use of College Facilities** - Unauthorized entry into, presence in, or use of College facilities or equipment which has not been reserved or accessed through appropriate College officials. Unauthorized presence on campus premises during non-instructional hours or failure to properly supervise guests on College premises. Possession, duplication, or the use of keys to any College premises.
  - z. **Unauthorized Use of College Property**– Unauthorized use of the name, logos, or publications of the College or a College-related agency.
  - aa. **Violation of College policy, rule, or regulation** – Any violation of published College policy or rule including those posted in a course syllabus. Violation of any federal, state, or local law.
  - bb. **Voyeurism** - Spying on people engaged in intimate behaviors, such as undressing, sexual activity, or other actions usually considered to be of a private nature. This includes the use of any device to capture audio, video or digital record or photograph of any person while on College premises or College events where there is a reasonable expectation of privacy (i.e. restrooms, locker rooms, etc.).
- B. Violation of Local, State, and Federal Laws
1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Services (or a designee). Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the College's Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
  2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of the status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community.
  3. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ARTICLE IV: STUDENT CONDUCT PROCESS

### 1. Procedures and Due Process

- a. Any member of the College community may file a report against a student for alleged violations of the Student Code. An allegation of a Student Code violation must be directed to the Vice President of Student Services (or a designee). Reports may be made

in person, in writing, or through the college's online reporting system. Any report of a violation of the Student Code should be submitted as soon as possible after the event takes place, preferably within a week.

- b. The college utilizes the college-supplied email system for all communications. Students are expected to check their college email on a regular basis. When communication is sent to a student's email account, it is considered delivered.
  - c. The Vice President of Student Services (or a designee) will conduct an impartial and reliable preliminary investigation of all allegations to determine if the allegations fall within the jurisdiction of this code and/or if the allegation can be informally resolved. An informal resolution shall be final and there shall be no subsequent proceedings.
  - d. If it is determined that the allegation falls within the jurisdiction of the Student Code, the Respondent will receive written notification via the student's college-generated email that an alleged violation has occurred. In the notification, the student will be assigned an appointment date and time with the Vice President of Student Services (or a designee) to review the facts concerning the alleged violation and to determine if formal charges should be prepared. Students needing to reschedule the appointment date or time or needing to request accommodations for the proceedings must contact the Vice President of Student Services (or a designee) within five business days of the date listed on the notification letter.
  - e. During this investigative meeting, the Respondent meets one on one with the Vice President of Student Services (or a designee). A parent or an advisor will only be allowed in this meeting at the discretion of the Vice President of Student Services (or a designee) when appropriate. In addition, a FERPA (Family Educational Rights and Privacy Act) Authorization to Release Information form must be submitted prior to the scheduled meeting to allow a parent or advisor to attend any proceedings.
  - f. If the Respondent is unable to meet with the Vice President of Student Services (or a designee) in person, alternative arrangements may be made to facilitate the meeting, such as video or teleconference, at the sole discretion of the Vice President of Student Services (or a designee).
  - g. After conducting a thorough, reliable, and impartial investigation, the Vice President of Student Services (or a designee) will use a preponderance of the evidence standard to determine whether it is more likely than not that a violation of the Student Code of Conduct occurred. The Vice President of Student Services will then notify the student of the determination of responsibility.
  - h. In the event that the student fails to appear at the student's scheduled appointment time or fails to contact the Vice President of Student Services (or a designee) within five (5) business days of the date listed on the written notification, a hold may be placed on the student's record to prevent future registration of courses. The Vice President of Student Services (or a designee) will then review the facts available without the benefit of the student's participation.
2. If a decision is made to prepare formal charges, the Vice President of Student Services (or a designee) shall notify the Respondent of the formal charges and impose sanctions associated with those charges.
  3. If the Respondent is found responsible for a violation of the Student Code of Conduct, the assigned sanctions must be completed within the timeframe listed on the student's formal charges letter.

4. In cases where the College is acting as the Complainant, the Vice President of Student Services may offer the accused student the option to accept responsibility. If the accused student accepts responsibility and the sanctions, the accused student will not have any options for appeals.
5. If a student denies responsibility or does not agree with sanctions imposed, the student may appeal the findings and/or sanctions to the Vice President of Student Services (or a designee). All appeals must be in writing and submitted to the Vice President of Student Services within five business days of the date listed on the formal charges letter. The case will then be referred to a Judicial Board for a hearing. The determination of the Judicial Board is final.
6. If the Complainant requests an alternate form of resolution, and the Respondent agrees, the parties will engage in informal resolution. If the informal resolution results in mutual satisfaction of both parties, then the case will be considered adjudicated. If the case is not adjudicated, then it may be forwarded to the Judicial Board for a hearing.

#### 7. Judicial Board Hearing

In cases in which the Respondent is accused of a violation of the Student Code, and potential sanctions include suspension or expulsion, the Respondent may request a judicial board hearing. A Judicial Board may also be requested when a student denies responsibility for a violation of the Student Code or disagrees with the imposed sanctions.

1. Prior to a Judicial Board hearing, the Respondent shall be entitled to the following:
  - a. A written notification of how the alleged violation came to the College's attention;
  - b. A written statement of charges so that the Respondent may prepare a defense;
  - c. The student shall be entitled to an expeditious hearing of the case.
2. Members of the Judicial Board shall be appointed by the Vice President of Student Services (or a designee) and shall be comprised of the following:
  - a. The Vice President of Student Services will serve as the Chairperson. When the Judicial Board is hearing an appeal based on a disciplinary decision of the Vice President of Student Services, the Vice President of Student Services will relinquish the Chair, and a temporary Chairperson will be appointed.
  - b. Two GOCC employees (a combination of faculty and/or staff) selected by the Vice President of Student Services.
3. Judicial Board hearings shall be conducted by the Judicial Board according to the following guidelines:
4. The Judicial Board hearing will be scheduled at the convenience of the sitting Board members; all efforts will be made to schedule the hearing within 3 weeks.
5. All Judicial Board hearings shall be conducted in private.
6. The Complainant and Respondent have the right to be assisted by one advisor they choose at their own expense (if applicable). The Complainant and/or the Respondent is responsible for presenting the information. Parents or advisors are not permitted to speak or to participate directly in any Judicial Board hearing. Delays will not be allowed due to the scheduling conflicts of an advisor. The Complainant, Respondent, and their advisors, if any, shall be allowed to attend the entire portion of the hearing, excluding deliberations. Admission of any other person to the Judicial Board hearing shall be at the sole discretion of the Chair (or a designee).

7. In Judicial Board hearings involving more than one Respondent, the Chair (or a designee), in the Chair's sole discretion, may permit the Judicial Board hearings concerning each student to be conducted either separately or jointly.
8. The Judicial Board may arrange for witnesses to present pertinent information during the hearing. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Reporting and/or Responding parties, at least two weekdays prior to the Judicial Board hearing. Witnesses will provide information to, and answer questions from, the Judicial Board. The tone of the hearing should be educational and not adversarial. Questions of whether potential information will be received shall be resolved in the sole discretion of the Chairperson of the Judicial Board.
9. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Judicial Board at the sole discretion of the Chairperson.
10. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board.
11. Requests for a continuance shall be at the discretion of the Chairperson of the Judicial Board.
12. After the portion of the Judicial Board hearing concludes in which all pertinent information has been received, the Judicial Board shall determine (by majority vote) whether the Respondent has violated each section of the Student Code in which the student is being charged. The Board may also suggest a different charge to the Chairperson if they believe the facts support charge(s) different from the charge(s) for which the student was originally charged. The Judicial Board will also recommend an appropriate sanction(s) to the Chairperson.
13. The Judicial Board's determination shall be made on preponderance of evidence, the basis of whether it was more likely than not the Respondent violated the Student Code.
14. Formal rules of process, procedure, and/or technical rules of evidence, such as those that are applied in criminal or civil court, are not used, and do not apply in Student Code of Conduct proceedings/hearings.
15. If a disruption occurs during the hearing, the Chairperson, in the Chair's role discretion, may have the disruptive party removed from the hearing.
16. There shall be a single verbatim record, such as a digital recording or written transcript of a digital recording, of all Judicial Board hearings. Deliberations shall not be recorded. The recording shall be the property of the College. This recording will be maintained only until the appeal process has concluded (if applicable) or until the time of appeal has lapsed. For the purposes of FERPA the recording is considered an educational record and cannot be released unless a release is signed by all students with identifiable information contained in the recording. The recording may be requested under FOIA (Freedom of Information Act) if the hearing only involved one student without any witnesses, and the student is the individual requesting the recording.
17. If the Respondent, with notice, elects not to appear before a Judicial Board appeal hearing, the student shall be considered to have waived the right to appeal, and the decision at the prior level stands. If the Judicial Board is the initial decision maker, the information in support of the charges shall be presented and considered by the Judicial Board even if the Respondent or the Complainant is not present.
18. The Chairperson may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, video, audio, written statement, or other means, where and as determined in the sole judgment of the Vice President of Student Services (or a designee) to be appropriate.
19. Once the Judicial Board has determined by the preponderance of evidence standard whether the Respondent violated the Student Code of Conduct, the Judicial Board will make recommendations to the Chairperson regarding an appropriate sanction.
20. After receiving the recommendations of the Board, the Chairperson will decide the most appropriate sanction proportionate to the violation.
21. The Vice-President of Student Services (or designee) will notify the Respondent of the findings. This notice will include a determination of whether a violation occurred, any sanction(s) applied for the violation(s), and information on the appeal process (if applicable).
22. **Sanctions**
  - a. In cases of noncompliance with a violation of the Student Code of Conduct, the College will impose discipline that is consistent with the impact of the offense on the College community. Progressive discipline principles will be followed in that the student's prior discipline history at the College will be considered. Disciplinary action taken against a student may include, but is not limited to, one or more of the following:
    - i. *Verbal Warning*— Student is given a verbal warning and a notation is made in the student's disciplinary file.
23. *Written Warning*— A notice in writing to the student that the student is violating or has violated institutional regulations and a copy of the warning letter is placed in the student's disciplinary file.
24. *Probation*— A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
25. *Loss of Privileges*— Denial of specified privileges for a designated period of time.
26. *Restitution*— Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
27. *Discretionary Sanctions*— Work assignments, essays, service to the College, Community Service, or other related discretionary assignments.
28. *College no contact orders*— Prohibits contact between the Respondent and the Complainant (when appropriate). Contact includes but is not limited to in person contact, telephone calls, email, texts, social media-based messages or postings, other electronic communications, and third-party communications including through proxies.
29. *College Suspension*— Separation of the student from the College for a definite period of time (usually a year or less) after which the student is eligible to return. Conditions for readmission may be specified.
30. *College Dismissal*— separation of the student from the College for a year or more. The student may be eligible for return. Conditions for readmission may be specified.

31. *College Expulsion*— Permanent separation of the student from the College.
32. *Revocation of Admission and/or Degree*— Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
33. *Withholding Degree or Certificate* — The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
34. More than one of the sanctions listed above may be imposed for any single violation.
35. The following sanctions may be imposed upon groups of organizations:
  - a. Those sanctions listed above in article IV (C)(1) (a-l).
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. Deactivation. (Loss of all privileges may be issued, including College recognition, for a specified period of time.)
36. Once the Judicial Board has determined that a student and/or group or organization has violated the Student Code, the sanction(s) shall be recommended by the Judicial Board to the Chair. The Chairperson shall make a final determination of the sanction to be imposed, taking into consideration the Judicial Board's recommendations.
37. Following the Judicial Board hearing, the Vice President of Student Services (or designee) shall notify the Respondent, group and/or organization in writing of the decision/finding and of the sanction(s) imposed, if any, by the Judicial Board.
38. **Interim Suspension**

In certain circumstances, the Vice President of Student Services (or a designee), may impose a College suspension prior to a Judicial Board hearing.

- a. Interim suspension may be imposed only in the following circumstances:
  - i. to ensure the safety and well-being of members of the College community or preservation of College property; or
  - ii. to ensure the student's own physical or emotional safety and well-being; or
  - iii. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
- b. Interim suspension will take effect immediately upon the direction of the Vice President of Student Services (or a designee) and may last through the completion of the conduct process.
- c. During the interim suspension, a student shall be denied access to the campus and premises (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Services (or a designee) may determine to be appropriate.
- d. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and including the completion of the Judicial Board hearing, if required.
- e. An interim suspension may be appealed to the Vice President of Student Services in writing within five business days of the date the interim suspension was imposed. The interim suspension

shall remain in place during the pendency of the appeal. The decision of the Appellate Officer will be final.

### 39. Appeals

A decision reached by the Vice President of Student Services (or a designee) may be appealed by either the Complainant or the Respondent within five (5) business days of the decision. Such appeals shall be in writing via letter or college-generated email to the Vice President of Student Services Office. The Vice President will forward the case to a Judicial Board for review.

In matters in which the Judicial Board made the initial determination, the Complainant or Respondent may appeal the decision, in writing, within five (5) business days to the Vice President of Student Services. The appeal will then be reviewed by an Appellate Officer of the College.

During an appeal, the sanctions imposed will remain in effect.

Appeals are only permitted for the following reasons:

1. A material deviation from written procedures that jeopardized the fairness of the process.
2. New evidence, which was not reasonably available prior to the determination being made and which could affect the outcome, has become available.
3. A demonstrable bias by the Vice President of Student Services and/or a member(s) of the Judicial Board.
4. A sanction that is (substantially) disproportionate to the severity of the violation

The Judicial Board or Appellate Officer, as appropriate, will review each accepted basis of appeal and determine whether to grant or deny the appeal. A written notification will be sent to party(s) within ten (10) business days of the date the party's appeal was due.

If an appeal is upheld, the matter shall be returned to the Vice President of Student Services to reopen the hearing to allow for reconsideration of the original determination and/or sanctions. All attempts will be made to assign a new Judicial Board in cases of bias. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

### 1. Retaliation

The College seeks to foster an environment in which all employees and students feel free to report incidents of misconduct without fear of retaliation or reprisal. Therefore, the College strictly prohibits retaliation against any individual for filing a complaint or for participating in an investigation or hearing. Retaliatory conduct constitutes a violation of this Student Code.

Any student who believes that they have been harassed or retaliated against in violation of this policy should immediately report such incidents to the Vice President of Student Services.

All allegations of retaliation will be thoroughly investigated. If it is determined that retaliation has occurred, the College will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including expulsion.

**ARTICLE V: INTERPRETATION AND REVISION**

1. Any question of interpretation or application of the Student Code shall be referred to the Vice President of Student Services (or a designee) for final determination.
2. The Student Code shall be reviewed every year under the direction of the Vice President of Student Services (or a designee).

**Policy History:** Adopted by Board of Trustees March 10, 1993, revised 6/9/99, 10/9/02, 9/14/05, reviewed 9/17/14, revised 10/12/17, 10/15/19, 9/10/20, reviewed 3/9/23