

Code of Conduct & Adjudication Process



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Code of Conduct & Adjudication Process

Introduction

Baton Rouge Community College (BRCC) is a community of individuals engaged in the task of learning and the advancement of knowledge. Acceptance of admission to the College carries with it an obligation to the welfare of the community. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law.

All individuals and/or groups of the College community are expected to speak and act with scrupulous respect for the human dignity of others, both within and outside it, as well as at social and recreation activities.

BRCC will not tolerate any form of harassment, intimidation or bullying, including but not limited to sexual, racial, religious, age, or other forms of discrimination. Nor will it tolerate acts of hazing against individuals or groups solely because they express different points of view. The College encourages the free exchange of ideas and opinions but insists that the free expression of views be made with respect for human dignity and freedom of others.

By accepting admission to BRCC, a student accepts responsibility to conform to all regulations that the College established. Any student who fails to meet this responsibility shall be subject to disciplinary sanction, including, but not limited to, the imposition of reasonable fines, warning, probation, suspension, or expulsion.

The Student Code of Conduct (the “Code”) is made available to students via the College website and in the Student Handbook. Students are responsible for becoming familiar with such regulations and are held accountable for misconduct, even in the absence of their awareness or familiarity with those regulations. Students are expected to read and to adhere to all pertinent materials so that they may make informed choices about their actions. Ignorance of policies and procedures are not acceptable excuses for violating them.

The College reserves the right to modify this Code from time to time when, in its discretion, such action will serve the best interests of the College or its students. The provisions of the Code shall not be construed to replace or supersede any state, federal or local laws that also may apply to students or others.

Purpose of the Student Code of Conduct

The Student Code of Conduct (the “Code”) is intended to provide the framework for an orderly and stable environment. The Code obligates students to, both within the classroom and outside it, respect the rights and privileges and property of other members of the College community and visitors to the campus. Students are expected to refrain from actions which would interfere with College functions or endanger the health, welfare or safety of other persons, practice high standards of academic and professional honesty and integrity, and comply with the rules and regulations of the College and its departments.

In general, the Code sets forth duties owed by students to each other and to the College. It also sets forth administrative procedures whereby students accused of violating College rules are afforded due process and, if the preponderance of evidence warrants, receive fair discipline. Finally, this Code specifies procedures by which a student may exercise the appeal process for certain decisions.

Jurisdiction

The Code will apply to and govern all conduct, henceforth referred to as “Prohibited,” which: (1) occurs on College property; (2) occurs at a College sponsored, sanctioned or supervised class, activity, contest, conference, meeting or other function regardless of location and is inclusive of travel, lodging and unscheduled time in between; or (3) in any manner, on or off campus, is associated with the College or is otherwise deemed to affect the operation of the College. A student who engages in Prohibited Conduct that is prohibited by this Code shall be subject to discipline.

This Code, as well as other College rules and regulations governing student conduct, shall apply to the Prohibited Conduct of all individuals who are matriculated or otherwise enrolled to attend class full or part-time at BRCC. A student withdrawal does not negate a conduct hearing or conduct sanctions being imposed.

Right to Restrict Non-Members of the College Community

The College reserves the right to restrict or prohibit the presence of a person who is not a member of the College Community from being on College property or attending College events whenever that individual’s presence is considered detrimental to the welfare of the College.

Expectations of Students

Students are expected to:

1. Be accountable for information contained in the College Catalog, Student Handbook, The Student Code of Conduct and any other published regulations relating to student responsibilities.
2. Be respectful of the rights of others.
3. Comply with the verbal and written directions of College officials and public authority.
4. Respect and comply with all the laws and rights of good citizenship.
5. Respect the freedom to teach and the freedom to learn.
6. In all academic settings including, science and technical labs, student dress is required to meet all safety codes/standards.
7. Personal telephone and mail service are not available to students. Students should never use the college address as a home or mailing address.
8. Students who have an emergency that involves critical illness or the death of a family member should call the BRCC main phone line, (225) 216-8000. The Office of Public Safety should be contacted for on-campus emergencies by dialing (225) 216-8888 (6-8888 from a campus line). Students can utilize the red emergency phones to alert appropriate college personnel for emergency purposes. They are located in strategic areas around campus.

9. Assistance animals are allowed in the academic class room with prior approval.
10. All electronic devices should be turned off and placed securely in belongings, along with any other personal materials before and during classes.

Student Rights

BRCC students have the following rights:

1. The right to be heard in matters that affect their rights and responsibilities.
2. The right to expect a quality education.
3. The right to develop their potential to the best of their ability.
4. The right to examine and discuss issues of importance, legally support popular/unpopular causes in an orderly manner, and recommend improvements in policies, regulations, and procedures affecting the welfare of students. It is critical that students understand they do *not* have the right to disrupt College operations or interfere with the rights of others. Students are encouraged to exercise this right through the use of appropriate channels provided by the SGA and campus officials. To obtain a permit for holding a peaceful demonstration, a student (or group of students) must first complete a *Free Expression Area Application* and submit it to Student Program and Resources at least 72 hours prior to the event to use the Free Expression Area.
5. The right to a fair hearing and appeal when disciplinary action is applied to them as an individual or a member of a group.
6. The right to “freedom of the press” in student publications and communications. Individual students and student clubs/organizations have the right to publish, distribute, and broadcast items to the college community, provided that the materials are identified with the name of the student and/or club or organization. All publications/broadcasts should adhere to the canons of responsible journalism, including avoidance of defamation, indecency/obscenity, undocumented allegations, plagiarism, and harassment. All publications must be approved by the SPAR office prior to distribution.
7. The right to form and participate in student clubs/organizations that provide educational and social enrichment. Student clubs/organizations duly registered with SPAR are allowed to meet in rooms and spaces located on the BRCC campus, provided that reservations are made prior to each meeting and the meeting proceeds in accordance with established rules and regulations. Students, clubs/organizations, or student groups may not make room/space reservations at BRCC in their names for use by outside groups/organizations.
8. Student clubs/organizations registered with SPAR have the right to invite a speaker to their meeting at the College. If there is clear evidence that the event could disrupt the orderly operation of the College, the Vice Chancellor for Academic and Student Affairs and/or designee has the right to cancel a speaker’s invitation. The sponsoring organization will be notified of any such cancellation at the earliest possible time.
9. The right to confidentiality with regard to their student academic records, as subject to existing law. Official records kept at BRCC do not indicate political affiliations, activities, or beliefs and are not available to unauthorized persons within or outside the institution without the express written, legal consent of the student involved.
10. The right to due process when accused of any violation(s) of the regulations of the BRCC Student Code of Conduct. Due process is based on Student Affairs Policies and administrative procedures. For violations resulting in suspension/expulsion, students have the right to:
 - a) a notice, in writing, of any charges.

- b) admit to the alleged violation, waive an appeal, and accept the College's action(s).
- c) admit to the alleged violation and request an appeal.
- d) deny that the alleged violation occurred and request an appeal.
- e) a fair hearing before an impartial committee.
- f) appear in person, or not appear at an appeal with the assurance that failure to do so is not an admission of guilt.
- g) select an advisor who may attend the appeal along with the student.
- h) call witnesses and present evidence.
- i) receive a list of witnesses who are to testify against the accused student.
- j) confront and cross-examine witnesses and/or accusers.
- k) request a copy of any records or tape recordings used during the course of an appeal if the offense involves possible suspension/expulsion.
- l) appeal to the Vice Chancellor for Academic and Student Affairs and/or designee; and if no resolution occurs, directly to the Chancellor of the College.
- m) appeal to the Louisiana Community and Technical College System office in accordance with LCTCS Policy #2.004.

Prohibited Conduct

Baton Rouge Community College expects its students to be accountable for their conduct and to represent the College in a positive, responsible manner. The Code exists to provide parameters for students and their behavior as they represent the College during the entirety of their BRCC experience. A student forfeits the right to remain enrolled if he/she fails to abide by these rules.

Conduct that violates student rights and freedoms and is subject to disciplinary action. *This list is not meant to be comprehensive*: additional rules or regulations can be enacted during the year as set forth by the established procedures of the College.

Prohibited conduct includes, but is not limited to, the following:

Academic Misconduct

- Plagiarism, cheating, academic dishonesty, fabrication, misuse of academic resources, misrepresentation, violation of class rules, complicity, software fraud, multiple submission of work, unsanctioned collaboration, or other forms of dishonesty in College-related affairs. Students who engage in any type of academic dishonesty are subject to both academic consequences as determined by the instructor and to disciplinary action as outlined in the Code.

Disruptive Behavior

- Engaging in any disruptive behavior that negatively affects or impedes teaching or learning (regardless of mode of delivery or class setting) or disrupts the general operation of the College. This includes, but is not limited to, disorderly, lewd, indecent, or obscene conduct, expressions, or acts which interfere with or adversely affect the normal functioning of the College, or which injures or endangers the welfare of any member of the College community or visitor on College-owned/controlled property or at College-approved/supervised functions. Any extreme, unusual, distracting, or disturbing appearance which disrupts the learning environment.

Deceptive Acts

- Engaging in deceptive acts, including, but not limited to, forgery, falsification, alteration, fabrication, or misuse of College forms, misrepresentation, non-disclosure, misuse of College documents, forms, records, identification cards and/or educational materials documents that are submitted to the College for official/unofficial purposes; Theft of services/property from the College, a member of the College community, or of a campus visitor, to include the possession, sale, or attempted sales of said services/property.
- Submitting false, forged, or fraudulent documents, forms, reports, transcripts, records, certificates, tests, identification, legal, and/or written statements; making false statements to a College official; and/or misrepresenting eligibility, qualification, status, achievement, and/or standing to or within the College.
- Defrauding, deceiving, coercing, or misleading an instructor into assigning other than an honest grade.
- The unauthorized use of College property/services.

Conduct that is Detrimental to College or Campus Safety

- Obstruction, disruption, or unauthorized interruption of teaching, research, administration, disciplinary procedures, or other College activities (including its public service function) or of other authorized activities on College premises.
- Disobeying any law or safety personnel on the College campus.
- The College bans the possession and prohibits the use of hover boards (also known as self-balancing scooters or smart boards), skateboards and unmanned aircraft system (drones) on College campus grounds.

Physical & Non-Physical Abuse

- Any form of verbal or physical abuse of any member or visitor of the College community, or conduct which threatens or endangers the health or safety of any such person.
- Participation in hazing, bullying, acts which are degrading or injurious, or acts in which another is held against his or her will. **Hazing** refers to an act that endangers the mental or physical health or safety of a student, or acts to be considered as any abusive rights for the purpose of initiation, admission into, affiliation with, or as a condition of membership in a group/organization. **Bullying** is defined as the use of force or coercion to abuse or intimidate others.
- **Hate Crime:** Any criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim based on the victim's race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

Harassment and/or Discrimination

- Participation in hazing, bullying, acts which are degrading or injurious, or acts in which another is held against his or her will. **Hazing** refers to an act that endangers the mental or physical health or safety of a student, or acts to be considered as any abusive rights for the purpose of initiation, admission into, affiliation with, or as a condition of membership in a group/organization. **Bullying** is defined as the use of force or coercion to abuse or intimidate others.

Sexual Misconduct

- **Sexual harassment**, defined as unwelcomed sexual encouragement, requests for sexual favors, and/or other verbal/physical conduct of sexual temperament when
 - a. submission to such conduct is made, whether explicitly or implicitly, a term or condition of employment or academic evaluation;
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic evaluations affecting an individual; and/or
 - c. such conduct has the purpose or effect of substantially interfering with one's work or academic performance, or of creating an intimidating, hostile, or offensive working/learning environment.
 - d. Some sexual and/or relationships, misconduct may constitute further criminal violations of college policy.
- **Stalking**, which is defined as repeatedly contacting another person without a legitimate purpose when
 - a. the contacting person knows or should know that the contact is unwanted by the other person.
 - b. it is reasonable for the other person in that situation to have been alarmed or coerced by the contact. (As used in this subsection, "contacting" includes, but is not limited to, coming into the visual or physical presence of the other person, following another person, and sending written communication of any form to the other person, either by themselves or through a third party.)
- Any verbal or physical conduct by an individual based on another individual's age, ability, national origin, race, marital status, religion, sex, or sexual orientation that interferes with or prevents the person from conducting his or her customary or usual affairs, puts the person in reasonable fear of his or her safety, or causes the person to suffer actual physical injury.
- Conduct less than a physical attack or interference with a person, such as hazing or threatening action, which is intended to subject another person to offensive physical contact, physical injury, or property damage, such as making threatening phone calls, sending or posting (electronically or otherwise) threatening letters, or the vandalism or misappropriation of a person's property.
- Sexual assault, which includes, but is not limited to:
 - a. Rape
 - b. Sexual misconduct
 - c. Unwanted sexual contact of any kind or threat of such contact. Sexual contact shall be considered **unwelcomed** or without consent if no clear consent is freely given; if such contact is inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or otherwise lacks the physical or mental capacity to consent. If sexual contact is inflicted on someone who is intoxicated or impaired in the exercise of their judgment by alcohol or drugs, it will be considered without consent.
- **Public indecency**, defined as exposing one's genitals while in a public place or a place visible from a public place on College-owned or College-controlled property.

Weapons

- Firearms, explosives, fireworks, hover boards or other electrical devices or weapons of any kind are strictly prohibited on or near the college campus or at college-sponsored events.

Tobacco/Drugs/Alcohol

- The manufacture, distribution, sale, possession, or use of alcoholic beverages, marijuana, controlled substances, or dangerous drugs, as well as being under the influence of narcotics or drugs (except as required for verifiable medical reasons permitted by law and use poses no danger to the college community) while on College property or near campus or at College-sponsored, approved, or supervised activities.
- The use of tobacco products is prohibited on any property leased or controlled by BRCC (Facilities Policy 9.1011, Tobacco (Smoke) Free Campus). The Louisiana Community and Technical College (LCTCS) Board of Supervisors, in response to Act 211 (an update to the Louisiana Smoke-Free Air Act of 2007) signed into Louisiana law on June 10, 2013, created the Smoke-Free Environment Policy (Policy #6.024), which required all LCTCS campuses to adopt smoke-free campus policies. The BRCC policy is available on the College's website. The use of electronic smoking devices is prohibited.
- Smoking is defined as the lighting, burning or use of tobacco or any other material in any type of smoking device or equipment.
- Smoking or inhaling any substance, by any method, including but not limited to tobacco products, e-cigarettes, and aromatic smoking products, such as clove cigarettes, herbal cigarettes, etc., and using/consuming any type of tobacco products, including but not limited to chewing tobacco and snuff, is prohibited inside all college-owned and managed facilities including parking garages, covered walkways, temporary enclosed structures, trailers and tents as well as structures placed on college property by contractors and vendors.
- Tobacco includes but is not limited to smoking tobacco, chew, snuff, and dipping tobacco. This policy also prohibits the use of lit or unlit cigarettes, electronic cigarettes, clove cigarettes, cigars, pipes, hookahs, bidis, blunts, cigarillos, smokeless tobacco or any item that stimulates any of the previously mentioned products.

Appropriate Dress Attire

- Students are expected to dress in a manner representative of a higher education institution. Integrity in appearance and personal cleanliness are most important.
- Dress or personal hygiene that fails to meet the established safety or health standards of specific classes or activities offered by the College may be sanctioned and/or reprimanded.

Leaving Children Unattended

- Leaving children unattended or unsupervised in campus buildings or on campus grounds unless enrolled or participating in authorized campus activities is prohibited. The College assumes no responsibility for the supervision of children.

Violation of Laws, Directives, and Signage

- Violation, or alleged violation, of any federal or state law, city or local ordinance, or College security when such violation interferes with or is detrimental to the mission of the College, or interferes with other students' legitimate educational activities and interests.
- Conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the College would constitute a danger to health, personal safety, or property; or where the offense occurred on College-owned or College-controlled property or at College-sponsored or College-supervised activities.

Gambling

- Gambling while on campus, college owned or college controlled property is prohibited.

Unauthorized Entry and/or Unauthorized Possession

- Unauthorized possession or use of keys to College facilities, including buildings, offices, desks, files, or equipment.
- Violation of properly constituted rules and regulations governing the use of motor vehicles on College owned or controlled property, including theft, sale, possession, and/or display of a lost, stolen or unauthorized parking decal.
- Behavior that constitutes vandalism, misuse, or destruction to property that the College owns, controls, or uses.
- Unauthorized entry into or damage to any College facility.

Unacceptable Use of College Equipment, Network, or System

- Unauthorized use of computer account(s), computer data files and/or computer facilities.
- The viewing or public display of pornography on College property; at College-sponsored, approved, or supervised activities; or while using BRCC equipment on or off-campus.
- Any unlawful distribution of copyrighted material, including peer-to-peer file sharing.

Unauthorized Pets/Animals

- All pets are prohibited from BRCC campuses, except for service animals specifically trained to perform work or tasks for a person with a disability (see Service Animal Policy - No. 5.533). Comfort animals are not permitted on campus. While on BRCC property, animals must be attended and restrained at all times.

Tampering with Student Organization, Election, or Vote

- Tampering with any form or phase of the election of any student organization or group.

Group or Organization Conduct

- Clubs/organizations that are not officially registered with SPAR are prohibited from meeting or gathering in unison for the purpose of conducting business on campus

Violation of College Policies, Rules, or Regulations

- Assembling on campus for the purpose of rioting or instigating disorderly, disruptive conduct that interferes with the educational processes of the college (BRCC recognizes the right to peacefully assemble).
- Distribution of unauthorized literature, handbills, posters, or other printed matter. Publications that do not bear the name of the originator or do not adhere to BRCC publication standards cannot be distributed on the BRCC campus. Prior approval must be granted from the SPAR office for any material distributed.
- Failure to respond to a request to report to a College administrative office or to comply with directions of College officials acting in the performance of their duties.
- Violation of College policies and regulations as stipulated in this and other official College publications, or as promulgated and announced by authorized personnel.

- Abuse of the College judicial program as outlined in this Code including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information before any judicial body.
 - b. Knowingly initiating any judicial proceedings without cause.
 - c. Attempting to discourage an individual's participation in, or use of, any judicial system.
 - d. Influencing or attempting to influence another person to commit an abuse of any judicial system.
 - e. Failure to comply with the sanctions imposed under the Code.

Failure to Comply with College or Civil Authority

- Failure to comply with legitimate directives of authorized college officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

Recording of Images without Knowledge

- Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation is prohibited. This includes, but is not limited to, taking video or photographic images in the classrooms, hallways, sidewalks, and/or restrooms etc. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

Off Campus Behavior

The College reserves the right to take disciplinary action against a student for off-campus conduct when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its objectives and mission, and/or if a student is charged with a violation of state or federal law. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

ADJUDICATION PROCESS

Philosophy

From the students/community members' perspective, the adjudication process at Baton Rouge Community College (BRCC) is designed to provide a learning experience that encourages growth and personal understanding of one's responsibilities and privileges within the College environment. From the College's perspective, the goal of the adjudication process is to balance an understanding and knowledge of students/community members and their needs, with the needs of other students and the college community.

The aim of the college adjudication proceedings is to arrive at decisions that ensure that individuals assume full responsibility for their actions and that ensure the rights, freedom, and safety of all members of the college community.

Corrective and punitive actions by the college may be required when a student violates certain rules of conduct or if his or her actions may endanger the property or well-being of individuals or

organizations. The college takes corrective actions so as to reorient students while protecting the college community.

The authority of the college to discipline students for violations of its regulations differs from the power of civil authority to deal with violations of criminal law. Adjudication proceedings in the college community are administrative rather than criminal in nature. The standard used in determining whether a violation occurred is “preponderance of information,” which means it appears “more probable than not” that the incident occurred as alleged.

Students/community members may be held independently accountable to both civil authority and to the college for acts that constitute violations of law and/or violations of college policies, regulations, or procedures. Disciplinary action will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed, reduced, or are in process.

Adjudication Records

Any student records or files produced or acquired during adjudication process become the property of BRCC. They are maintained by the Office of the Vice Chancellor for Academic and Student Affairs and are not available to persons other than the student, except as provided by the Family Educational Rights and Privacy Act and Louisiana Open Records Law.

Campus Adjudication Process

The process, in brief, consists of (1) a reported incident; complaint, concern or alleged student misconduct (2) contact and notification of alleged involvement; (3) discussion between the accused student and BRCC staff (4) examination of all relevant information; (5) decision determining involvement; (6) determination of action needed, either an informal or formal resolution, as outlined below; and (7) application of sanctions, as appropriate.

1. Reported Incident/Complaint, Concern or Alleged Student Misconduct

Any student, faculty or staff member may report an alleged violation of policy. The Baton Rouge Community College Incident Report Form, which is available on the College website is the most common method. Police Reports are also acceptable.

2. Contact and Notification

The BRCC Conduct Officer, after reviewing an incident report form, may determine that a meeting is required. In this case, student(s) involved in the incident will be contacted to schedule a meeting. Failure to comply with a request for a meeting may be considered, in itself a violation of the Code.

3. Discussion/Informal Meeting

Whenever possible, decisions will be made by the Conduct Officer having the closest jurisdiction to the student(s) involved and area of concern. The Vice Chancellor for Academic and Student Affairs has final determination pertaining to jurisdiction.

4. Examination of Information

During the hearing/discussion, the student should be aware of his/her rights in the adjudication process. Students are ensured the following:

- a. Written notice to the student regarding the nature of the alleged charges;
- b. The right to have the allegations settled informally.
- f. The right to a fair and timely hearing before Hearing Officer;
- c. The right to present witnesses on their behalf;
- d. The right to the assistance of any person of their choosing**
- e. The right to appeal.

The Conduct Officer will ask the accused to provide a written statement and discuss his/her involvement in the incident in question. The intent of the discussion is to allow the Conduct Officer to gather enough information to make a decision as to the student's involvement in the matter and the level of responsibility.

In most circumstances, enough relevant information is available to allow the Conduct Officer to render a fair decision. In the event that an incident is complex or involves other students, additional meetings may be necessary to gather sufficient information.

** The student will be allowed to bring an advisor, advocate or observer of his/her choice and expense. Such advisor may be an attorney. The advisor is limited to counseling the student. The advisor may not act as a representative of the student or speak on the student's behalf, or be permitted to take an active role in either in investigation or hearing process. The student will be allowed to utilize the same advisor, advocate or observer throughout the entire process.

5. Decision

Decisions regarding incidents and/or involvement will be based on a preponderance of information available, even if the student involved chooses not to attend the hearing. Once all relevant information has been presented, the school official will render a decision regarding whether it is more probable than not that the student violated the Student Code of Conduct.

The Conduct Officer will notify the student of the decision or the course of action in writing within five (5) business days of the hearing/discussion. Any decisions or sanctions are in effect once the student is notified either in person or in writing.

6. Determination of Appropriate Resolution Process: Informal or Formal

When possible, incidents are resolved informally. In such cases, the student meets with a Conduct Officer and is provided an opportunity to respond to allegations before any conduct action is taken. The student waives any rights to an informal meeting by his/her failure to attend. In cases where the Conduct Officer determines that the student may be subject to other than an Informal Resolution agreement, a Formal Conduct Hearing will be scheduled and will proceed as described in the Resolution Process section below.

7. Application of Sanctions

If the student has admitted to or has been found guilty of violating college policies, the Conduct Officer will also determine which sanctions are appropriate for that behavior (see Code of Conduct Sanctions). Students are advised that violations are cumulative in nature.

The Conduct Officer may impose a wide range of sanctions that may be applied in cases where the student has been determined in violation of the Code or College policy. Sanctions may be assigned individually or in combination with other sanctions. Failure to comply with certain conditions, guidelines, or requirements may result in more severe disciplinary action.

Any record of prior conduct will be taken into consideration in determining sanctions. Sanctions are in effect from the time of notification, either in person or in writing. All college-imposed sanctions shall be confirmed in writing. An official document signed and witnessed by the student, Conduct Officer, and a witness.

Temporary Injunction

In certain situations, it may be necessary to issue a temporary injunction against an individual alleged to have violated one or more provisions of this Code, particularly when the Code violation involves a potentially dangerous or damaging situation. Pending resolution of alleged charges, the Conduct Officer may issue an order to the student prohibiting any future conduct specified in the order.

Issuance of a temporary injunction shall not be deemed an indication or ruling on the merits as to whether the student did or did not engage in conduct in violation of this Code. A temporary injunction may be issued in one of the following forms:

Cease and Desist Order: The student is issued an official verbal warning and is ordered to refrain from provoking or participating in any incident involving further violation of the Code. A student may be issued a Cease and Desist order at the discretion of the Conduct Officer and may also receive a sanction at a subsequent Conduct meeting, whether informal or a formal Conduct Hearing.

Interim Suspension: A student receiving an interim suspension will immediately be required to vacate College property and shall be restricted from all College activities. An interim suspension may be imposed if the Vice Chancellor for Academic and Student Affairs or designee determines that the continued presence of the student presents a real or potential danger to himself or herself, any other person, to property or to the campus and/or college. An interim suspension shall remain in effect only until a conduct meeting can be held.

The College cannot guarantee that arrangements can be made for the continuance of academic study when an Interim Suspension is imposed. When reasonable, the College will make arrangements.

Resolution Process

Once an Incident Report is received, the Conduct Officer will determine the appropriate resolution process. Once the appropriate course of action has been determined, either an informal or formal resolution is obtained following the procedures below:

Informal Resolution

A meeting between a Conduct Officer and a student(s) or organization who has/have allegedly violated the Code of Conduct. The informal process is for students who have taken responsibility for their actions and are not disputing the facts of what occurred. Informal resolutions are mutually agreed upon decisions, and as such, are not appealable. If a mutual decision cannot be reached by the conclusion of the informal resolution, the case will transfer to the formal resolution process.

During the informal meeting, the student must be provided the following information:

- The alleged misconduct and the reasons for the College's belief that the student engaged in the misconduct.
- The specific section(s) of the Code allegedly violated.
- An order or document agreeing to have alleged violation resolved informally.

Based on the findings of an informal meeting, the Conduct Officer shall enter in writing one of the following orders:

- An order dismissing the conduct proceedings if it appears there has been no misconduct;
- An order imposing an informal resolution agreement between the student and the Conduct Officer;
- An order referring the matter to a Formal Conduct Hearing. This referral shall occur whenever it appears that other than a resolution agreement may be warranted. In such situations, the formal conduct process must be used.

Failure to comply and complete the informal resolution agreement will result in restrictions being placed on the student, such as a hold being placed on the student account, and/or possible escalation requiring a formal resolution.

Formal Resolution

A formal meeting between BRCC Disciplinary Committee and the student (s) and/or organization that has been accused of violating the Code of Conduct. The process allows the students (s) and/or organization the opportunity to respond to the concern to contest the information within the reports' if applicable, and to appeal the outcome of the hearing under certain criteria.

Notice of Formal Conduct Hearing

In accordance with the principles of due process, the Conduct Officer will give written notice of the time, date and location of the Formal Conduct Hearing. The form will describe the alleged misconduct, the Code provisions allegedly violated, and the potential sanctions. The hearing notice, plus a copy of the Code, shall be provided to the student accused of misconduct no less than four (4) workdays prior to the hearing.

The notice will also inform the student that he or she has the option to waive the Formal Conduct Hearing and accept sanctions imposed from the Conduct Hearing Officer based on the file documentation.

Access to the Case File

The student, by appropriate request, shall have reasonable access to the case file and relevant evidence that may be used at the Formal Conduct Hearing. Note that access will not be inclusive of the privilege of reviewing the personal conduct files or other records of any other individual student.

Procedures for the Formal Conduct Hearing

The Conduct Hearing Officer is not required to adhere to the formal rules of evidence used in criminal proceedings. The formal Conduct Hearing will be conducted as follows:

- The Conduct Hearing Officer reads the alleged charge(s) against the student.
- The student and the Disciplinary Hearing Chair shall each be permitted to make a brief opening statement.
- The Disciplinary Hearing Chair shall next present the evidence, witness statements, or witnesses to substantiate the charges. The student shall be permitted to ask questions of any witness presented by the Disciplinary Hearing Chair.
- The student shall next present evidence, witness statements, or witnesses to defend against the charges. Disciplinary Hearing Chair shall be permitted to ask questions of any witness presented by the student.
- If the student or Disciplinary Hearing Chair desires to read from or submit a written statement or document, copies of the statement or document must be provided to the Conduct Hearing Officer and the other party.
- The student and the Disciplinary Hearing Chair shall each be permitted to make a brief closing statement.
- Following the presentation of evidence and closing statements, the Conduct Hearing Officer will, following any private deliberations deemed necessary, reach a decision on the matter by determining whether the College administration has demonstrated that it is more likely than not that a violation of the Code has occurred. If so, an appropriate disciplinary sanction will be imposed. A copy of a written decision rendered by the Conduct Hearing Officer shall be presented to the student within ten (10) days of the hearing.

Non Attendance

If the student does not attend the Formal Conduct Hearing, the Conduct Hearing Officer may proceed with the Hearing in the student's absence and impose a sanction, probation, suspension, or expulsion if warranted by the evidence.

Student Waiver of the Formal Conduct Hearing

Whenever a student is faced with the prospect of being subjected to a Formal Conduct Hearing the student has the option to waive the hearing and accept sanctions for the misconduct, warranted by the evidence, by the Hearing Officer and committee. This option is available to a student at any time up to the actual commencement of a Formal Conduct Hearing.

An informal meeting with the Hearing Officer to review the notification of the Formal Conduct Hearing will be scheduled. During this meeting the student will be apprised of the alleged violations of the BRCC Code of Conduct, formal hearing date, time and location, sanctions being recommended by the Conduct Officer. The student will also be informed of his/her Rights and Responsibilities before, during and after the Formal Conduct Hearing.

If the student decides to waive his/her rights to the Formal Conduct Hearing, the student will be presented with the document entitled “Students Agreement” and will be allowed to sign it. The Conduct Officer will have ten (10) days from signature of the “Student Agreement” to adjudicate the case and give a copy of the formal conduct decision letter to the student.

In accordance with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), upon case resolution, the Hearing Officer may communicate his/her findings to College personnel. Additionally, the final results of a Formal Hearing involving a crime of violence may be released to appropriate persons, including any victim of the crime, including the name of the alleged perpetrator, the charge, and the sanction.

Who May Attend the Formal Conduct Hearing

In addition to the BRCC Disciplinary Committee members, the accused student, an Advisor to the student, witnesses called by the student, and College legal counsel (if called) are the only individuals permitted to attend the Formal Conduct Hearing.

Exceptions to this rule are permitted at the sole discretion of the Conduct Hearing Officer and may include the following: the parent(s) of a minor student; a language interpreter; a BRCC athletic coach and/or Athletic Director, an Advisor, and/or an assigned campus police officer. These individuals permitted by the Conduct Hearing Officer to attend cannot participate in the actual hearing process. Prior to the hearing, the student and the Chair of the Disciplinary Committee shall each furnish to the Conduct Hearing Officer a written list of the names of witnesses each intends to call. All witnesses shall be excluded from the hearing room except when testifying.

Option for Student to have Advisor at Formal Conduct Hearing

A student who is subject to a Formal Conduct Hearing has the right to bring to that hearing a person who may assist the student in his or her defense. The Advisor to the student may not actively participate in the Formal Conduct Hearing by actions such as making statements, questioning witnesses, etc. The Advisor may provide advice to the student during the hearing in a manner deemed non-disruptive by the Chair of the Disciplinary Committee. If the Advisor to the student is an attorney, the student must inform the Hearing Officer not less than two (2) working days before the hearing that an attorney will be present at the hearing.

Requirement of Substantial Compliance

Technical errors made by the College or any employee or administrator thereof in the application of this Code that do not prejudice the student shall not be grounds for invalidating discipline that has been imposed.

DISCIPLINE AND HEARING RECORDS

A discipline record is maintained for each student in the Office of Vice Chancellor for Academic and Student Affairs or designee and contains information concerning that student's disciplinary history. A taped and/or digitized record of the formal conduct hearing(s) may be made and, at the discretion of the College, may be transcribed. Any taped and/or digitized record of the hearing, documentary evidence or other exhibits, case records, and other information pertinent to the hearing, with the exception of bulky exhibits, will become the property of the College and will be maintained as part of the student's discipline record. The digital record is to provide a record of the disciplinary proceedings by the BRCC Conduct Hearing Officers. At no time will a digital recording become part of a student's permanent College record unless it is related to a case involving sexual misconduct. No digital recording will be released, reproduced, or removed from the office except in compliance with a valid subpoena, court order, or the Federal Educational Rights and Privacy Act of 1974 as amended. Upon request, the student will be permitted to listen any digital recording produced during the disciplinary process in the office in which it is maintained. All digital recordings remain the property of the College and will remain confidential until destroyed. The digital record will be destroyed in accordance with the BRCC records retention procedures. The record is maintained for at least five (5) years or so long as deemed necessary. Additional physical evidence in support of a particular case may also be maintained by the Campus Police Department under similar conditions as applied to the discipline record.

The right to examine a discipline record is limited to the affected student or individuals approved by the student or the Vice Chancellor for Academic and Student Affairs or designee(s) in accordance with limitations imposed by FERPA and College procedures.

SANCTIONS FOR MISCONDUCT

Baton Rouge Community College seeks to ensure fair and equal treatment of students and recognized student organizations subject to disciplinary or academic sanctions and to impose similar sanctions under similar circumstances. Any record of prior conduct will be taken into consideration in determining sanctions. All college-imposed sanctions shall be confirmed in writing. Imposed sanctions are applicable to all BRCC campuses. The charge of the misconduct by a student will remain an allegation until a decision is reached.

Disciplinary sanctions are intended as corrective measures for growth and development of the individual involved, as well as a deterrent to future violations of academic or other misconduct. In determining appropriate sanctions, consideration may be given to:

- the nature of, severity of, and circumstances surrounding the violation;
- the student's acceptance of responsibility;
- conduct history of the student and;

- the impact of a sanction on a student.

The following sanctions, singularly or in combination, may be imposed upon any student found to have violated the Code. Violations of the terms of any sanctions may be subject to more severe disciplinary actions.

ADMINISTRATIVE SANCTIONS

- **Admonition:** an oral caution or reprimand to the student offender that he or she has violated College regulations.
- **Formal Warning:** an official written reprimand, warning, or notice to the student indicating that certain behavior is unacceptable, and that improvement is expected or additional disciplinary action (specified or in general) will be taken.
- **Suspension:** a fixed period of time during which the student is physically separated from the College and must leave campus. Students with disciplinary suspensions cannot return to campus and cannot use College facilities for the duration of the suspension. *Disciplinary suspensions become part of a student's permanent academic and personal records.* All students who have been suspended from the College for disciplinary reasons must be cleared for readmission by the Vice Chancellor for Academic and Student Affairs and/or designee.
- **Expulsion:** permanent termination or separation of a student from the college. Students who are expelled from BRCC cannot be readmitted, cannot return to campus, and cannot use College facilities/resources. Expelled students may be barred from campus following their expulsion. *Expulsion becomes part of a student's permanent academic and personal records.*
- **Probation:** a period of restriction whereby the student remains enrolled in the College, but under the stated conditions as outlined in the notification of probation, for the duration of the period. Disciplinary probation can involve exclusion from privileges and specific/all extracurricular activities.
- **Interim Suspension:** A student receiving an interim suspension will immediately be required to vacate College property and shall be restricted from all College activities. An interim suspension may be imposed if the Vice Chancellor for Academic and Student Affairs or designee, determines that the continued presence of the student presents a real or potential danger to himself or herself, any other person, to property or to the campus and/or college. An interim suspension shall remain in effect only until a Conduct meeting can be held.
- **Dismissal:** a separation of the student from the institution. A dismissed student will be removed from all classes and not permitted to re-enroll while the dismissal is in effect. Dismissal may either be definite, for a specific period of time, such as a number of semesters or indefinite, the dismissal in effect until certain conditions are met by the student that allow for readmission. The dismissed student may be barred from campus and/or from utilizing campus services during the term of their suspension.
- **Conduct Probation:** formal recognition that the student is not currently in good disciplinary standing with the College. Probation may impact the student's eligibility to participate in certain programs (i.e.: student organizations, leadership roles, campus events) or services. Probation may either be definite, for a specific period of time, such as a number

of semesters or indefinite, the probation is in effect until certain conditions are met by the student that allow for conduct probation removal

- **Written Reprimand:** a notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action and future misconduct may lead to a more severe penalty.

EDUCATIONAL SANCTIONS

- **Educational Sanctions:** required participation in community/public service, selected educational programs, and/or the completion of a research project. The student is responsible for the payment of any fees related to the extra programs or research project.
- **Fine:** a payment as penalty for violating College regulations or standards of academic/student conduct.
- **Restitution:** an order to provide compensation or reimbursement for damage to property, and/or appropriate corrective action for a grievance caused to a member of the academic community.
- **Ejection:** the removal of a student from a particular course or other educational program for the term. A student may also be **barred** from any further participation in certain educational/academic activities. Students who are ejected from a course may either have that course purged from their records or be assigned a grade, as individual circumstances warrant and as approved by the Vice Chancellor for Academic and Student Affairs or designee.
- **Forfeiture of Academic Credit:** certain actions of academic or other misconduct may warrant the forfeiture of any academic credit awarded, particularly if the credit was earned in a manner inconsistent with standards of academic integrity. *Forfeiture of Academic Credit due to violations of academic integrity may become part of a student's permanent academic record, as circumstances warrant.*
- **Warning:** a notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action.
- **Loss of Privileges:** denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the College in such things as student leadership capacities or sports teams, denial of the use of campus facilities, or denial of parking privileges, or loss of privileges to participate in organizations, activities, or events.
- **Restriction/Relocation:** prohibited from entering a building without prior authorization.
- **No Contact Order:** prohibition against having any form of contact with another student for a defined period of time. Such contact includes in person communications, telephone calls, e-mails, or sending messages through a third party, etc.
- **Restitution:** compensation for loss, damage, or injury. This may take the form of service, monetary compensation or material replacement.
- **Mandated Administrative Tasks:** completion of a specific number of hours of administrative tasks. Typically this service is to the college community.
- **Educational Projects/Initiatives:** projects, classes or assignments designated to educate a student in connection with the effects of his/her behavior.

- **Fines:** monetary fine sanctions depend on severity and the degree of the infraction.
- **Meeting with a Professional Counseling Staff Member:** The student will meet with a professional counseling staff member to discuss their choices and behavior related to the incident.
- **Letter of Apology:** Student must write a letter of apology to whomever was affected negatively by their behavior.
- **Other Sanctions:** other sanctions as deemed appropriate by a hearing body/conduct officer.

GENERAL SANCTIONS

- **General Sanctions:** any appropriate action whereby the sanction imposed is related to the offense but does not include probation, suspension, or expulsion. The action may include loss of privileges, inability to participate or hold office in student organizations, loss of scholarship money, or any other sanction that the Vice Chancellor for Academic and Student Affairs or designee approves.

The College reserves the right to place a hold on the diploma, degree certification, official transcripts, or registration of the respondent even though he or she may have completed all academic requirements. The diploma, degree certification, official transcripts, or registration may be withheld until any allegations of misconduct are resolved and/or sanctions as well as other conduct obligations completed.

A student (or student club/organization) facing disciplinary action may receive temporary sanctions from the Vice Chancellor for Academic and Student Affairs or designee, such as provisional non-disciplinary suspension pending the final disposition of the case, which may be imposed to maintain the orderly operation of the college.

Appeal Procedures

A student is entitled to appeal the decision rendered in an adjudication action. If an appeal is requested, suspension and/or expulsion shall not be imposed until the appeal procedures below have been completed unless an immediate suspension has been imposed. Other mandated sanctions remain in effect during the appeal process and until such time as they may be reversed or modified. All appeals must be submitted in writing, and must be submitted to the appropriate school official within the specified timeframe.

The student must submit the appeal form and any additional supporting material to the Vice Chancellor for Academic and Student Affairs within five (5) business days after receipt of the decision of the Appeals Committee. If not filed within this defined timeframe, the student will forfeit his or her appeal opportunity.

The written appeal petition must clearly explain, in detail, the basis for the appeal. Basis for the appeal must address one or more of the following:

- Whether appropriate adjudication procedures were followed.

- Whether the sanction(s) imposed is (are) appropriate, reasonable, and just.
- Whether the decision was supported by the evidence.
- Whether all relevant information was available at the time of the original hearing.

The Vice Chancellor for Academic and Student Affairs or their designee will serve as the Judicial Board. If the student fails to follow through with the above outlined process, the appeal opportunity will be forfeited.

