

<b>SUBJECT:</b>  <b>Student Code of Conduct</b>	<b>NUMBER:</b> 4.1
	<b>DATE:</b> November 17, 2008
	<b>SUPERSEDES:</b> 2002

***Purpose***

Students are expected to treat all members of the college community with dignity, respect, fairness, and civility and to behave in a responsible manner at all times both in and outside of the classroom.

Montgomery County Community College has established and will maintain a fair, equitable, and timely procedure for addressing student disciplinary matters ensuring that the rights of the students, the College community, and the community-at-large are protected. The College has established a student Code of Conduct to describe behavior that is in violation of acceptable standards and the disciplinary procedures and sanctions for code violations.

***Policy***

The objectives of the disciplinary process at Montgomery County Community College are

1. To create an environment that enhances the opportunity for learning;
2. To help ensure order in the College community;
3. To protect members of the community from harm due to the indiscretions of the few members of the college community who fail to respect the rights of others;
4. To assure students due process when they have been charged with violating College rules and regulations.

**Definitions**

The following terms used in this Code are defined below.

1. "College" means Montgomery County Community College.
2. "Student" includes all persons taking courses at the College, both full and part-time, as well as those participating in all outreach programs, non-credit courses, off-campus programs, and other College sponsored activities.
3. "College official" includes any person employed by the College, performing assigned administrative, professional, or support responsibilities.

4. "Faculty member" means any person employed by the College to conduct classroom, lab, interim experiences, advising, counseling, library activities, or clinical activities.
5. "College premises" includes all land, buildings, facilities, vehicles, and other property in the possession of or owned, used, rented or controlled by the College.
6. "College-sponsored activity" means any activity on or off-campus that is initiated, aided, authorized, or supervised by the College.
7. "Policy" is defined as the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Student Handbook, College Catalog, Policy and Procedural Manual, and Course Schedules.
8. "Accused student(s)" means the student(s) who stand charged of violating the Code of Conduct.
9. "Complainant" is defined as the member(s) of the College community who report(s) a potential Code of Conduct Violation.
10. "Judicial Officer" is a member of the Student Affairs staff who is chosen by the Senior Student Affairs Administrator to oversee the Code of Conduct and the Judicial Hearing Board. The Judicial Officer trains all Judicial Hearing Board members and alternates on proper hearing procedures. The Judicial Officer is responsible for fairness, impartiality, and maintaining order in the discipline process.
11. "Senior Student Affairs Administrator" is the head of the Student Affairs department (e.g. Vice President or Dean) or the person chosen to oversee the department in their absence.
12. "Appeals Officer" is a senior faculty member or college official appointed by the President of the College to oversee the appeals process.
13. "Judicial Hearing Board" means the disciplinary body on each campus composed of two students and one alternate, two faculty and one alternate, and one counselor and one alternate. The Judicial Hearing Board convenes to make recommendations to the Senior Student Affairs Administrator about whether the Code of Conduct has been violated and to recommend the appropriate sanction(s) for the violation(s). At the beginning of each school year, the Judicial Officer selects Judicial Hearing Board members and alternates from a slate of nominees submitted by the Academic Division Chairs, Student Affairs Directors, and the Student Government Association at each campus. Before a hearing convenes, the Board members elect a Chair who presides over the Hearing.
14. "College Community" extends to anyone who either works or participates in any way at the College as an employee, staff, or student.

## **Unacceptable Behavior**

Three types of unacceptable behaviors are defined in this Code: criminal offenses; disciplinary non-criminal offenses, and violations against the academic community. Each is treated separately, although some offenses listed as non-criminal, or violations against the academic community, may in fact constitute a criminal offense. The following constitute some of the violations that may result in disciplinary action being taken against the student. The list is not all-inclusive, but rather is intended to be a guide to the student.

### **Section 1. Criminal Offenses**

1. Physical, written or verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.
2. Attempted or actual theft of and/or damage to property of the College, or property of a member of the College community, or other personal or public property.
3. Manufacture, possession, control, sale, transmission of or use of any controlled substance, alcohol, or other illicit drugs on College premises.
4. Possession of a weapon, firearm, explosive and/or facsimile weapons on College premises.
5. Obstructing or restraining the lawful movement of another and thereby causing personal or campus disorder.
6. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on College premises or at College-sponsored activities.
7. Fraudulent use or forgery of any College seal or document, including the Student ID card.
8. Unauthorized possession, duplication, or use of keys to any College premises, or unauthorized entry to or use of College premises.
9. Intentionally impeding normal pedestrian or vehicular traffic on campus.
10. Violation of any other federal, state or local law on College premises or at College-sponsored activities that may be criminal or non-criminal in nature.

## **Section 2. Criminal Offenses**

1. Verbal or written communication that exposes any individual or group to hatred, contempt, ridicule, racist slurs, or intimidation and thereby injures the person, property, or reputation of another.
2. Abusive and/or disruptive disagreement or personal harassment.
3. Personal misconduct and immoral behavior, including all forms of sexual misconduct or harassment.
4. Littering and posting of notices in non-designated spaces or without approval from the appropriate College personnel and unauthorized distribution or sale of goods on campus.
5. Violation of College traffic and parking regulations.
6. Violation of the Clean Air Policy.
7. Unauthorized possession or use of alcohol by any person on College premises.
8. Leaving animals unattended on campus.
9. Use of bicycles, skateboards, roller blades, and any other non-motorized vehicle or equipment (except wheelchairs) outside designated areas.
10. Failure to comply with a directive of College officials, faculty members, or Public Safety Officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
11. Tampering with the election of any College-recognized student organization.
12. Intentionally or maliciously furnishing false information to the College.
13. Unauthorized actions taken in the name of the College.

14. The possession of any flammable liquids such as paint, gasoline, etc., or any fireworks, ammunition, etc., except by an individual for use in a program approved by the College or as a part of their employment by the College.
15. Gambling on campus or at any College sponsored activity.
16. Disruption or interference with the discipline and Judicial Hearing processes.
17. Violation of any other published or posted College policies, rules or regulations.
18. Any violation of a law as defined by any federal, state or municipal regulation or ordinance.

### **Section 3. Offenses Against the Academic Community\***

1. Disruption of the learning environment or any behavior that detracts from the goals of the College. This includes but is not limited to overt disrespect for the ideas and opinions of others, disruptive talk during class; disruptive use of electronic devices.
2. Use of computing facilities in violation of the College's *Acceptable Use of Technology* policies.

\* Issues of academic dishonesty, cheating, plagiarism, and resulting grade appeals are dealt with under the policies outlined in the Academic Code of Ethics.

## **Disciplinary Procedures**

### **Step # 1: Reporting the Violation**

Any member of the College community (anyone who either works or participates in any way at the College as an employee, staff, or student) may report a potential Code of Conduct violation. Reports should be made to Public Safety Officers, the Judicial Officer, the Senior Student Affairs Administrator, or if need be, any other college official or faculty member who will then report it to the above.

### **Step # 2: Investigating the Incident**

Upon notification of a report of a potential violation of the Code of Conduct, the Judicial Officer investigates the incident and, whenever possible, attempts to resolve the problem informally using mediation or conflict resolution. The investigation will be completed within three business days after the date of the incident. Upon concluding the investigation, the Judicial Officer may proceed as follows.

1. Determine the case has been resolved through mediation, which may include the issuance of a reprimand or a disciplinary warning.
2. Adjudicate minor violations as appropriate without the student having the right to a hearing or appeal.
3. Refer the case to a Judicial Hearing Board, which hears the case and determines violations and recommends sanctions if appropriate.

### **Step # 3: Presenting the Charges**

At the end of the investigation, if the case is referred to the Judicial Hearing Board, the Judicial Officer notifies the accused student(s), and the complainant(s) in writing of the specific charges, the time, place, and date the

hearing will be held, and the Judicial Hearing procedures. The Judicial Officer will also inform any witnesses of the time, place, and date of the hearing.

### **Rights for Due Process**

To protect students from capricious disciplinary action, all proceedings which are referred to the Judicial Hearing Board must be conducted in the manner which insures the accused student(s) due process. The following elements must be included to guarantee due process.

1. Jurisdiction—The parties must be amenable to the power wielded by the Judicial Hearing Board. If the charged party is not agreeable to go to the Judicial Hearing Board, his/her rights are forfeited and the process is binding.
2. Notice—A concise, specific statement, in writing, of the charges (the specific facts and acts). A time and place for the hearing must be specified.
3. Testimony—The right personally to give relevant statement, present evidence, and to have witnesses give testimony.
4. An impartial body to determine the facts and recommend appropriate sanctions. “Impartial” means someone who, notwithstanding what knowledge they may have of the facts, as long as they are not a direct participant and can render a fair and unbiased decision.

### **The accused student(s) and the complainant(s) have a right to**

1. Examine and respond to evidence and testimony.\*\*
2. Present evidence and testimony to support their case.\*\*
3. Call witnesses or present evidence supporting the defense of the accused student and question and confront testimony and evidence in support or defense of the charges. A list of witnesses must be submitted to the Judicial Officer no later than one business day prior to the Judicial Hearing Board.\*\*
4. The complainant(s) and any witnesses have the right to have their name withheld by using the alias Complainant 1 or Witness 1 during the Judicial Hearing Board.
5. Choose one faculty member or College official to serve as an advisor to counsel them through the Hearing Board process. Advisors may speak privately with the students, but may not address the Board nor witnesses nor participate directly in the proceedings. Only a College faculty member or College official may act as an advisor during a Judicial Hearing. The name of the Advisor must be submitted to the Judicial Officer no later than one business day prior to the Judicial Hearing Board.\*\*
6. The accused student(s) have the right to appeal the decision of the Judicial Hearing Board (see step four).

\*\* Any accused student(s), complainant(s), witnesses, and/or advisors who are disruptive, unruly, impede the

hearing, or do not follow the hearing guidelines may be asked to leave the hearing at the discretion of the Judicial Officer. Once these participants are removed, the hearing will resume in their absence.

#### **Step # 4: Judicial Hearing Board Process**

All hearings are conducted by the Judicial Hearing Boards established on each of the College's two campuses (Central and West). Hearings are closed to the public; the only participants will be the Hearing Board, the complainant(s), the accused student(s), witnesses, advisors, and the Judicial Officer. Judicial/Discipline Hearings are held within five business days after the student receives notification of the charges. Any requests for an extension of time must be made in writing to the Judicial Officer no later than one business day prior to the hearing. A maximum extension of five business days may be given based on the discretion of the Judicial Officer.

If the accused student(s) refuses to attend the Judicial Hearing, the hearing will be conducted and a decision rendered in their absence. Failure to attend will not result in an automatic guilty decision. The Judicial Hearing Board will review all available evidence and a decision will be made based on that evidence.

A recording of the Judicial Hearing will be made and remains the property of the College and will not be made public. Recommendations are made by a majority vote of the Board. The Hearing Board Chair communicates the recommendation, with a brief rationale in writing to the Senior Student Affairs Administrator. The Senior Student Affairs Administrator makes a final determination of violations and sanctions and notifies the accused student in writing of the decision, the right to appeal, and the appeal process within three business days of completion of the hearing. Due to issues of confidentiality, the decision will only be communicated to the accused student(s), the Judicial Officer, and any college officials and/or faculty members who may need to deal with the case directly.

#### **Step # 5: Appealing the Decision**

Only the accused student(s) has a right to appeal the decision. An appeal can only be submitted based on the following criteria.

1. The Hearing was not conducted fairly because the accused student was not given a reasonable opportunity to present their case to the Hearing Board.
2. The procedures for the Judicial Hearing Board were not properly followed.
3. The facts presented at the hearing were insufficient to establish responsibility for the violation.
4. The sanctions imposed were not appropriate given the nature of the offense(s).
5. New information, that was unavailable at the time of the hearing, has surfaced and would significantly impact the case. If there is any new information, the person hearing the appeal can either render an independent decision or refer the case back to the Judicial Hearing Board for further hearing.

Appeals, including a rationale, must be made in writing to the President of the College within three business days from the time the student receives notification of the final decision from the Senior Student Affairs Administrator. The President will only grant an appeal if the rationale meets one or more of the above guidelines. If the appeal meets the above guidelines, the President will appoint an Appeals Officer to oversee the process and make an appeal decision. After reviewing the student's request for the appeal, the Judicial Hearing Board's report, the recording of the hearing, and any other evidence presented, the Appeals Officer makes the determination to uphold the appeal, deny the appeal, or send the case back to the Hearing Board for remand to correct procedural errors or to hear new evidence. An appeal decision will be made within five business days after the date the appeal and the rationale have been received by the President.

If the appeal is denied, the Hearing Board's decision stands. If the appeal is upheld, the Appeals Officer modifies the Judicial Hearing Board's recommendation and/or sanctions. If the case is sent back to the Judicial Hearing Board for remand, the Board reopens the case for the purpose of correcting identified procedural errors or considering new evidence. By a majority vote, the Board makes a decision to uphold the original determination of responsibility and/or sanction or to make a new decision. The student has the right to appeal the new decision to the Appeals Officer based on the grounds listed above.

The Appeals Officer has the final authority in the determination of all appeals.

## **Sanctions**

Violations of the Code of Conduct may result in one or more of the following sanctions.

1. **Disciplinary Warning**

Written notice to the student that the conduct in question is in violation of a specified regulation of the Code of Conduct. It also serves as a warning that future misconduct could result in a more severe disciplinary action. A Disciplinary Warning may be issued by the Judicial Officer without the right of appeal or Judicial Hearing.

2. **Disciplinary Probation**

A Disciplinary Warning with the added stipulation that if the student is found guilty of a violation of the College's Code of Conduct during a specified probationary period, the student's continued enrollment at the College will be in jeopardy. Disciplinary Probation may include loss of privileges and/or use of specific college facilities. The probationary period is limited to a maximum of one year from the date of the written notification of the decision.

3. **Fines**

Fines may be issued by the Public Safety Office for parking, traffic, and *Clean Air Zone* violations without due process of the Judicial Hearing Board.

4. **Restitution**

Compensation for loss, damages, or injury to, or misappropriations of, College property or the property

of faculty members, college officials, students, or visitors to the College. Restitution may be attached to a student's tuition bill and a hold placed on their account if not paid in the specified time frame as determined by the Judicial Officer, Senior Student Affairs Administrator, or the Judicial Hearing Board. A student will not enroll for the next semester of classes if account is not paid.

5. **Removal from Classroom**

Immediate exclusion from the classroom is to be invoked by the faculty member when the presence of the student in the class poses a threat of harm to themselves, to others, or to the continuance of normal classroom functions. The Judicial Officer may continue the temporary removal until the initial investigation and/or Hearing Board process is complete. Depending on the gravity of the violation, Public Safety Officers or local law enforcement officers may be notified. Incidents that pose a threat of harm to the student or others must be reported to the Public Safety Office, Judicial Officer, or the Senior Student Affairs Administrator as violations of the Student Code of Conduct. (For re-admittance to class for minor infractions/disruptions see section 1.a under *Offenses Against the Academic Community*.)

6. **Interim Suspension**

Temporary exclusion from the College and College sponsored activities pending results of an initial investigation and/or Judicial Hearing. This sanction is to be invoked by the Senior Student Affairs Administrator only when the presence of the student on campus poses a threat of harm to the student, to others, or to the continuance of normal College functions.

7. **Disciplinary Suspension**

Exclusion from the College and College sponsored activities for a specified period of time. Upon completion of the period of suspension, the student will be considered for re-admittance in accordance with any academic, Admissions Office, and/or program/degree standards that are in effect. Disciplinary Suspension is limited to a maximum of one year from the date of the written notification of the decision. A Disciplinary Suspension sanction will remain on the student's permanent academic record.

8. **Disciplinary Dismissal**

Permanent exclusion from the College and College-sponsored activities. A Disciplinary Dismissal sanction will remain on the student's permanent academic record.

9. **Alternative Sanctions**

Additional or alternate sanctions, including, but not limited to, restrictions on participation in certain College-sponsored activities, oral or written apologies, educational activities/projects, attendance at counseling sessions, and/or participation in College or community service.