

Policies & Rules

Student Code of Behavioral Conduct

STANDARDS OF BEHAVIOR (continued)

- misuse of college computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer. Examples of misuse include:
 - a. use of computing facilities to send harassing or abusive messages;
 - b. use of computing facilities to interfere with the work of other community members;
 - c. unauthorized access to a file or personal or group account; and/or
 - d. use of computing facilities to interfere with normal operation of the college computer system;
- anonymous or forged network news articles or email messages;
- disk usage over the allotted limit without prior approval;
- unauthorized transfer of an electronic file;
- use of another individual's identification and password;
- gambling in any form, including the use of playing cards and dice (subject to local statutes, activities such as raffles or drawings that benefit recognized campus organizations are permitted with the approval of the dean of Student Development);
- possession of firearms, explosives, other weapons (including, but not limited to BB/pellet guns, slingshots and sharp edged instruments, such as hatchets when used as weapons), or dangerous chemicals while on campus, unless properly authorized; and/or
- violation of state, local, or campus fire policies, including:
 - a. failure to evacuate a college building during a fire alarm;
 - b. improper use of college fire safety equipment; and/or
 - c. tampering with or improperly engaging a fire alarm in a college building.

Social Justice, Diversity

CCAC students hold social justice, equality and respect for difference and diversity as values central to the community. Behavior that violates this value includes, but is not limited to:

- discrimination, intimidation, harassment and bullying;
- malicious, callous or reckless disregard for the welfare of another human being;
- disruption of college operations, including obstruction of teaching, research, administration, other college activities, or other authorized non-college activities which occur on campus;
- obstruction of freedom of movement by community members or visitors;
- the knowing failure of any organized group to exercise preventive measures relative to violations of this Student Code of Behavioral Conduct by members;
- abuse, interference or failing to comply in college processes including conduct hearings; and/or

- abuse of the campus conduct system, including:
 - a. failure to attend meetings scheduled for conduct code administration purposes;
 - b. falsification, distortion or misrepresentation of information;
 - c. failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
 - d. attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - e. harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during and/or after a campus conduct proceeding;
 - f. failure to comply with the sanction(s) imposed by the campus conduct system; and/or
 - g. influencing or attempting to influence another person to commit an abuse of the campus conduct system.

Respect

College students show respect for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:

- threatening or causing physical harm, verbal abuse or other conduct which threatens or endangers the health or safety of any person;
- hazing (as defined below);
- violence between those in an intimate relationship to each other;
- stalking, defined as repetitive, menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family members of the community;
- sexual misconduct, (defined below):
 - a. sexual harassment;
 - b. non-consensual sexual contact;
 - c. non-consensual sexual intercourse; and/or
 - d. sexual exploitation;
- inappropriate conduct which is disorderly, disruptive or indecent while on campus or at functions sponsored by, or participated in by, the college—this includes disruptive or unauthorized use of cameras and/or electronic devices that interfere with classroom activities or other college business;
- failure to comply with directions of college officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so; and/or
- use of all tobacco products, including cigarettes, pipes, cigars, smokeless or vapor cigarettes, chewing tobacco and snuff, except in designated outdoor locations.

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STANDARDS OF BEHAVIOR (continued)

Responsibility

CCAC students are given and accept a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

- use, possession or distribution of alcoholic beverages except as expressly permitted by law and the college's Alcohol Policy. This includes possession/consumption by those under the age of 21, providing alcohol to those under the age of 21, possession of a common source container (empty or full), driving under the influence and public intoxication by persons of any age (see the full policy on alcohol on page 35);
- use, possession or distribution of narcotics, or other controlled substances, as well as drug paraphernalia, except as expressly permitted by law; (see the full policy on page 35);
- abuse or misuse of prescriptions or over-the-counter medications;
- assisting in the violation of college policies or public laws;
- violations of federal, state or local laws which affect the interests of the college community, whether on or off-campus;
- violation of other published college policies, rules, or policies; and/or
- intentionally or recklessly causing a fire which damages college or personal property, or which causes injury to any member of the community.

CONDUCT PROCEDURES

Whenever a complaint is made against any student for misconduct, the dean of Student Development or such other person as may be designated by the college president will conduct an investigation of the allegations as soon as possible (generally, for offenses against the academic community the president will designate the dean of Academic Affairs). The dean of Student Development may make any necessary modification to these procedures that does not materially jeopardize the fairness owed to any party.

Notice & Pre-hearing Procedures

Once a determination is made that reasonable cause exists for the dean of Student Development or designee to refer a complaint for a hearing, notice will be given to the accused student. Notice will be in writing, and may be delivered in person during a meeting with the dean of Student Development or designee. Notice will also be mailed to the local or permanent address of the accused student. Once mailed, such notice will be presumptively delivered. If a student is under the age of 18, a copy of the notice will be sent to the parents or guardian of the student.

The letter of notice will state briefly a description of the incident alleged, as well as stating all policies the accused student is alleged to have violated and the possible consequences if the accused student is found in violation. Relevant procedures for resolution of the complaint will be included in the notice. The letter of notice will direct the accused student to contact the dean of Student Development or designee within three calendar days of receipt to respond to the complaint.

A meeting with the dean of Student Development or designee will be arranged to explain the nature of the complaint and the conduct process. Within the three calendar day period, the accused student must schedule this meeting and at that time or before, indicate in writing to the dean of Student Development or designee whether s/he admits or denies the allegations of the complaint. If the accused student admits the violation(s), the dean of Student Development will impose appropriate sanctions. Such a disposition will be final and there will be no subsequent proceedings, unless the sanctions include suspension or expulsion. In that case, the accused may request a hearing by the conduct hearing board on the issue of sanctions, only. If the student does not admit to the violation(s), the complaint will be referred for a hearing. Minor complaints will be referred for an administrative hearing and more serious complaints will be referred to the conduct hearing board (see below for details on the proceedings of this committee). The dean of Student Development has discretion to determine the severity of the alleged violation(s) and whether informal or formal hearing procedures will apply. Generally, any misconduct that will result in less than separation is considered minor, and any misconduct that is likely to result in suspension or expulsion is eligible for referral to the conduct hearing board.

Each campus will identify a pool of representatives made up of an equal number of students, faculty and administrators chosen by the leadership of each constituency to be trained to serve as needed on conduct hearing boards. This pool of representatives will be expected to be available for conduct hearings and participate in training as identified below. When a conduct hearing board is convened one of the trained representatives from each constituency group will be selected by the dean of Student Development based upon availability in consideration of the established time frames in the Student Code of Behavioral Conduct, Conduct Procedures. (Note: Conduct Hearings addressing Title IX action will be made up of three individuals: one from the staff, one from administration and one from the faculty. See page 32, Sexual Misconduct Offenses.)

Training for the Conduct Hearing Board

Training for the conduct hearing board pool will take place as early in the fall semester as is reasonable for a minimum of five students, five faculty, three staff and five administrators from each campus to be chosen by the leadership of each constituency.

Decisions made by the conduct hearing board or the dean of Student Development or designee will be final, and sanctions implemented, pending the normal appeal process. The dean of Student Development has the authority to not impose the implementation of sanctions pending the appeal, at his/her discretion.

Administrative Hearings Procedures (Informal)

- a. Administrative hearings will be heard by the dean of Student Development or designee, and will be informal in nature.
- b. Written notice of the time, date and location of the hearing will be sent to the accused student at least five calendar days prior to the hearing date. The accused student may additionally be notified in person, by telephone, or by email. Students may waive the five day notice requirement if they prefer an expedited hearing.

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Administrative Hearings Procedures (Informal) (continued)

- c. If a student fails to respond to notice from the dean of Student Development or designee, the dean of Student Development or designee will initiate a complaint against the student for failure to comply with the directives of a college official and give notice of this offense. Unless the student responds to this notice within two calendar days by answering the initial notice, the student will be automatically suspended until such time as s/he responds to the initial complaint.
- d. Where a student denies violation of the Student Code of Behavioral Conduct, the dean of Student Development or designee will, upon receipt of a written denial from the accused student, schedule a hearing.
- e. Once a student denies a violation, they will be given a minimum of seven calendar days to prepare for a hearing.
- f. At least 48 hours before any scheduled hearing, the following will occur:
 - the accused student will deliver to the dean of Student Development or designee a written response to the complaint; and
 - the accused student will deliver to the dean of Student Development or designee a written list of all witnesses the accused student wants the college to call on his/her behalf at the hearing, giving the full contact information of any such witness, if known.
- g. At the hearing, witnesses and admissibility of information will be determined at the discretion of the dean of Student Development or designee. The hearing will consist mainly of informal questioning and discussion of the alleged incident.
- h. After the hearing, the dean of Student Development or designee will deliberate and determine whether it is more likely than not that the student has violated the Student Code of Behavioral Conduct. Once a finding is determined, if that finding is that of a policy violation, the dean of Student Development or designee will determine an appropriate sanction. The dean of Student Development or designee will prepare a written finding, which will be shared with the accused student no later than two business days following the hearing.
- i. Procedures for appeal are detailed below.

Conduct Hearing Board Formal Hearing Procedures

1. **Notice**
Written notice of the time, date and location of the hearing will be sent to all parties to the complaint, who may additionally be notified in person, by telephone or by email.
2. **Record of Proceeding**
Proceedings before the conduct hearing board will be recorded. It is not necessary that a certified court reporter be used in the proceedings. An audio recording or minutes of the proceedings will be sufficient. In the event a transcript of the proceedings is requested, the person so requiring will pay the cost of reproduction. Recordings and communications related to the disciplinary procedure and resulting actions (before the dean of Student Development or such other

designee of the president) will not be considered a public record as that term is defined by the Pennsylvania Open Records Act.

3. Committee Procedures

Once a student denies a violation, they will be given a minimum of seven calendar days to prepare for a hearing. At least 48 hours before any scheduled hearing, the following will occur:

- the accused student will deliver to the dean of Student Development or designee a written response to the complaint;
- the accused student will deliver to the dean of Student Development or designee a written list of all witnesses the accused student wants the college to call on his/her behalf at the hearing, giving the full contact information of any such witness, if known;
- the accused student will deliver to the dean of Student Development or designee a written list of all items of physical information the accused student intends to use or needs to have present at the hearing, and will indicate who has possession or custody of such information, if known;
- the complainant will deliver to the dean of Student Development or designee a written list of all witnesses the complainant wants the college to call and all physical information that will be used by the complainant at the hearing and will indicate who has possession or custody of such information, if known;
- the parties will notify the dean of Student Development or designee, at least 48 hours prior to the hearing, of the names of any person who will serve in an advisory role and may be accompanying the parties at the hearing; Those in an advisory role are to be selected from members of the college community unless special permission for an outside person is granted by the dean of Student Development. Attorneys are permitted to attend conduct hearing board hearings, but must serve in an advisory role only, and may not address the committee. A student who intends to bring an attorney to the hearing must notify the dean of Student Development at least 48 business hours prior to the hearing. The college reserves the right to request that its attorney also attend in such circumstances and the hearing may be postponed if the college's attorney is not available at the time and date of the hearing until s/he is available to appear. Hearings shall be held within a reasonable amount of time;
- the dean of Student Development or designee will ensure that this information and any other available written documentation is shared between the complainant and accused student at least 24 hours before any scheduled hearing. In addition, the parties will be given a list of the names of all the hearing officers for the complaint. Should either party object to any members of the board or panel, they must raise all objections in writing to the dean of Student Development or designee immediately. Hearing officers will only be unseated if the dean of Student Development or designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any conduct hearing board

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Conduct Hearing Board Formal Hearing Procedures (continued)

- member or hearing officer who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings.
- the conduct hearing board shall be convened by the campus Dean of Student Development who will assist the conduct hearing board in selecting a chairperson.

If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may elect to have the administration serve as complainant. Where there is no victim, the administration will serve as complainant. In any joint hearing, separate determinations will be made as to the responsibility of each student accused. The conduct hearing board may elect to separate hearings that have been referred jointly, in its discretion and in consultation with the dean of Student Development.

After a conduct hearing board hearing, the committee will deliberate and determine by majority vote whether it is more likely than not that the student has violated the Student Code of Behavioral Conduct. The dean of Student Development or designee will be present and available as a resource during all deliberations. Once a finding is determined, if that finding is that of a policy violation, the conduct hearing board will determine an appropriate sanction. The dean of Student Development or designee is responsible for informing the conduct hearing board of applicable precedent and any previous conduct violations by the accused student. The chair will prepare a written deliberation report to the dean of Student Development or designee detailing the finding, how each body member voted, the information cited by the body in support of its finding, and any information cited by the body excluded from its consideration, and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length, and must be submitted to the dean of Student Development or designee within 48 hours after the end of deliberations. The dean may make appropriate modifications and then will implement the final determination and inform the parties within seven calendar days after the hearing.

4. Admissible Information

The committee will consider all information that is relevant and credible. The committee may in its discretion limit or bar character witnesses. Any questions of the admissibility of information will be determined by the chair or the dean of Student Development.

The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the chair or the dean of Student Development. All such information sought to be admitted at the hearing will be presumed irrelevant and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request and must be reviewed in advance of the hearing by the dean of Student Development or designee.

Previous conduct violations by the accused student are generally not to be considered as information about whether or not a student committed a subsequent violation of the Code of

Behavioral Conduct (particularly if the student was found not responsible for the previous allegation). However, the dean of Student Development or designee may supply previous complaint information to the committee, or may consider it him/herself if he/she is hearing the complaint, and:

- 1) the accused student was previously found to be responsible for violating the Code of Behavioral Conduct in the previous case; and/or
- 2) the previous allegation would indicate a possible pattern of behavior and substantial conformity with that pattern by the accused student in the current case.

5. Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Code of Behavioral Conduct:

A. Written Warning

A notice in writing to the student that the student is violating or has violated institutional policies. The letter informs the student that continued misconduct will result in further conduct action. The letter will be sent to the student's permanent residence and by email using the student's CCAC email account.

B. Probation

Probation for behavioral misconduct or academic misconduct reasons is a written reprimand for violation of specified college policies. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.

Conduct Probation is defined as: A student whose behavior on- or off-campus is in violation of established college policies and/or rules. Sanction imposed for not less than one semester nor more than three semesters. The conduct body determines the beginning and ending dates. Students on conduct probation may incur additional sanctions for any subsequent violation of college policies and/or rules, whether or not this violation is related to the original violation for which conduct probation was imposed.

Probation Restrictions

Students on probation may be subject to the following restrictions:

- (1) They may not hold any office or leadership role in any student or college organization or activity.
- (2) They may not represent the college in any on- or off-campus event.
- (3) Other restrictions may be established for individual situations.

C. Restricted Access

Offender may be restricted from entering specified buildings or areas on campus, from attendance at specified campus events or from use of specified equipment or facilities for definite periods of time.

D. Fines

Previously established and published fines may be imposed. In addition, the conduct body may recommend that the college refuse: (1) to grant academic credits or degrees; or (2) to issue grades or transcripts to the student offender(s) or