

## **EASTERN GATEWAY COMMUNITY COLLEGE POLICY**

### **Title Student Conduct Code Policy**

### **Approved By the Board of Trustees**

### **Related Procedure**

The Board of Trustees of Eastern Gateway Community College requires that the conduct of students be of a responsible and appropriate nature so as to permit the college to properly pursue its educational objectives and programs. This policy applies to both on-campus and off-campus college related activities.

- (A) The president of the college shall develop and implement a student conduct code which sets forth standards of conduct for students, consistent with Board policy, and proper procedures for enforcement thereof.
- (B) The president may delegate to appropriate college officials the responsibility to implement the student conduct code. Disciplinary action may be taken against a person who has been admitted as a student to the college, including credit or non-credit. Disciplinary action may also be taken against student organizations.
- (C) The president shall provide for the enforcement of the student conduct code through the use of college officials and college law enforcement officers.

### **Title Student Conduct Code Procedure**

### **Approved By President's Cabinet**

### **Related Policy**

#### **(A) Definitions**

- (1) The term "college" means Eastern Gateway Community College.
- (2) The term "student" includes all persons taking college courses at the college, both full-time and part-time, for credit and non-credit and persons who have been admitted to the college but are not officially enrolled for a particular term.
- (3) The term "faculty" means any person or group of persons hired by the college to conduct classroom instructions and student activities.
- (4) The term "college official" includes any person employed by the college, performing assigned administrative or professional responsibilities.
- (5) The term "college community" includes any person who is a student, faculty member, college official, any other person employed by the college or any visitor or invitee to the college campus. A person's status in a particular situation shall be determined by the Executive Vice President.

- (6) The term “college premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college (including adjacent streets and sidewalks).
- (7) The term “misconduct” is defined as any behavior which compromises the health, safety, peace, or property of the college premises or any member of the college community, or in any manner interferes with the operation of the college.
- (8) The term “organization” means an association of individuals who have complied with the formal requirements for college registration of an organization.
- (9) The term “hearing officer” means any person authorized by the Executive Vice President to determine whether a student has violated the student conduct code and to recommend to the conduct administrator the imposition of sanctions.
- (10) The term “hearing panel” means any group of persons authorized by the Executive Vice President to determine whether a student has violated the student conduct code and to recommend to the conduct administrator the imposition of sanctions.
- (11) The term “conduct administrator” means a college official authorized on a case-by-case basis by the Executive Vice President to impose sanctions upon students found to have violated the student conduct code. The Executive Vice President may serve as a conduct administrator. The Executive Vice President may authorize a conduct administrator to serve simultaneously as a conduct administrator and as a member of a hearing panel.
- (12) The term “shall” is used in the imperative sense.
- (13) The term “may” is used in the permissive sense.
- (14) The term “policy” is defined as the written regulations of the college as found in the student handbook, the college catalog and the college policy register.
- (15) The Executive Vice President is that person designated by the college president to be responsible for the administration of the student conduct code.

**(B) Procedural Authority**

- (1) The Executive Vice President shall determine the composition of hearing panels and determine which hearing officer is authorized to hear each case.
- (2) The Executive Vice President shall develop policies for the administration of the student conduct code and procedural rules for the conduct of administrative hearings consistent with the provisions of the student conduct code.
- (3) Decisions made by a hearing officer or panel and/or conduct administrator shall be final, unless appealed as provided for in the section of the student conduct code titled “appeals.”
- (4) A hearing officer or panel may be designated as an arbiter of disputes within the student community in cases which do not involve a violation of the student conduct code. All parties may agree to arbitration and to be bound by the decision.

## (C) Proscribed Conduct

### (1) Jurisdiction of the College

- (a) College jurisdiction and discipline shall be related to conduct which occurs on college premises, at college sponsored activities or which adversely affects the college community and/or the pursuit of its objectives whether on or off college premises.

### (2) Conduct – Rules and Regulations

- (a) It is the intent of this procedure to create a campus environment that is based on honesty, civility, mutual respect, and the freedom to pursue knowledge. Such an environment must be free of harassment and hostility in order to encourage each individual to attain his or her fullest potential. Any student found to have committed the following misconduct is subject to disciplinary sanctions outlined on page 10. Examples of misconduct include, but are not limited to:

- (i) Violation of published college policies, rules or regulations.
- (ii) Acts of dishonesty, including but not limited to the following: (1) furnishing false information to any college official, faculty member or office; (2) forgery, alteration or misuse of any college document, record or instrument; (3) tampering with the election process of any recognized student organization (Acts of academic dishonesty are to be handled through a separate college policy titled “Scholastic Honest and Student Integrity.”)
- (iii) Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other college activities on or off college premises or other authorized non-college activities occurring on college premises.

#### a) Disruptive Students

- i) It is EGCC’s policy that it will not permit disruptive behavior of a student to interfere with the educational efforts of others. Behavior that interferes with effective instruction or that interferes with the maintenance of an orderly and academically focused learning environment will not be tolerated.

#### b) These steps are recommended for addressing a disruptive student:

- i) Faculty recommend that student leave class.
- ii) Advise the student individually and the class generally, regarding what behaviors are considered disruptive. It may be advisable to outline expected behaviors as part of the course orientation at the first class session.
- iii) A student should be warned immediately when he/she engages in disruptive behavior. Once a student has been warned, repeated infractions should be brought to the attention of the dean.

- iv) If a student refuses to cooperate, becomes confrontational, or the behavior is so disruptive that it cannot be tolerated, immediately summon a college administrator, evening coordinator or security guard who will handle removing the student from class.
  - v) Once a case of misconduct has been reported to the dean, administrator and/or security, it will be investigated. As with any disciplinary matter, a student will be afforded due process rights.
  - vi) Student misbehavior outside of the classroom also need not be overlooked or ignored by any college employee. Behaviors perceived as disruptive, such as excessive profanity use, vandalism, horseplay etc. are not acceptable. An employee should not hesitate to advise a student of inappropriate behavior or report it to security, a dean or one of the vice presidents.  
\*Incidents reports must be written for all of the above.
- c) All students are expected to conduct themselves according to commonly accepted standards of academic and social courtesy. Therefore, as long as EGCC has communicated in advance its standards, consistently and fairly applies them, and follows due process in discipline matters, a disruptive student can be removed, temporarily or permanently, from courses and/or from the college in general.
- i) Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the mental or physical health or safety of any person or is deemed as creating a hostile environment.
  - ii) Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or personal or public property.
  - iii) Hazing, defined as an act which may endanger the mental or physical health or safety of a student, or which may destroy or remove public or private property, for the purpose of initiation, admission to, affiliation with, or as a condition for continued membership in, a group or organization.
  - iv) Failure to comply with directions of college officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
  - v) Unauthorized possession, duplication of or use of keys to any college premises or property or unauthorized entry to or use of college premises.

- vi) Violation of federal, state or local laws on college premises or at college sponsored activities.
- vii) Use, possession or distribution of alcoholic beverages on college premises or at any college sponsored activity off the college premises except as permitted by law and college regulations.
- viii) Use, possession or distribution of narcotic or other controlled substances on premises or at any college sponsored activity off the college premises, except as expressly permitted by law.
- ix) Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or at college sanctioned or sponsored activities.
- x) Participation in a campus demonstration which disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities; obstruction which unreasonably interferes with freedom of movement on campus, either pedestrian or vehicular.
- xi) Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
- xii) Conduct which is disorderly, lewd, and indecent; or a breach of the peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college.
- xiii) Abuse or inappropriate use of college computer, computer equipment or facilities including but not limited to: (1) unauthorized entry into a file to use, read, or change the contents, or for any other purpose; (2) unauthorized transfer of a file; (3) unauthorized use of another individual's identification and password; (4) use of computing facilities to interfere with the work of a student, faculty or staff member; (5) use of computing facilities to create, send or receive obscene, harassing or abusive messages; (6) use of computing facilities to interfere with normal operation of the college or the college computing system; (7) use of computing facilities to create, view, disseminate, receive, download or possess pornographic, obscene or illegal documents or images (based on local standards of Eastern Gateway Community College); (8) use of computing facilities to download, install, copy or alter software without permission of the appropriate college official; (9) use of computing facilities for any commercial use or for personal financial gain; and (10) any other unauthorized use of computing time.

- xiv) Smoking in prohibited areas.
- xv) Allowing or keeping pets in college facilities unless authorized in writing by college officials.
- xvi) Misuse or alteration of fire fighting equipment, alarms or any other health and safety devices.
- xvii) Touching or sexual advances in which one of the participants has not knowingly consented or is an underage student, or engaging in sexual activities that are disruptive to the good order of the college.
- xviii) Using language that is degrading or abusive to any person.
- xix) Operating a motor vehicle on campus while under the influence of alcohol and/or drugs.
- xx) Use of cellular phones, pagers and other electronic devices in a manner that causes disruption in the classroom, library or within any college owned or college operated facility; abuse of cellular devices with photographic capabilities; use of devices for purposes of photographing test questions or other notes and materials; photographing individuals in secured areas such as bathrooms, locker rooms or other areas where there is a reasonable expectation of privacy, and/or taking photographs of an individual against his or her will; electronic transmission of photographs of any person without express permission.
- xxi) Abuse of the student conduct system, including but not limited to: (1) failure to obey the summons of a hearing officer or other college official; (2) falsification, distortion, or misrepresentation of information before a hearing officer/panel; (3) disruption or interference with the orderly conduct proceeding without good cause; (5) attempting to discourage an individual's proper participation in, or use of, the conduct system; (6) attempting to influence the impartiality of a hearing officer or member of a hearing panel prior to, and/or during the course of, the conduct proceeding; (7) harassment (verbal or physical) and/or intimidation of a hearing officer or member of a hearing panel prior to, during and/or after a conduct proceeding; (8) failure to comply with the sanction(s) imposed under the student conduct code; (9) influencing or attempting to influence another person to commit an abuse of the student conduct code process.

(3) Violation of Law and College Discipline

- (a) If a student is charged with an off-campus violation of federal, state or local laws, disciplinary action may be taken and sanctions imposed for misconduct which demonstrates disregard for the college.

- (b) College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this student conduct code, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this student conduct code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- (c) When a student is charged by federal, state or local authorities with a violation of law, the college will not request special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a hearing officer or panel under the student conduct code, the college may advise off-campus authorities of the existence of the student conduct code and of how such matters will be handled internally within the college community. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

#### **(D) Procedures**

##### **(1) Charges and Administrative Hearings**

- (a) Any member of the college community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Executive Vice President. A charge should be submitted as soon as possible, preferably within seven working days after the event takes place, or after such violation becomes known to a college official and forward to students by certified mail.
- (b) The Executive Vice President will appoint a conduct administrator to investigate the charges. The Executive Vice President may serve as the conduct administrator.
- (c) The conduct administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of all parties involved (including the conduct administrator). Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the conduct administrator may later serve in the same matter as a member of the hearing board.
- (d) All charges shall be presented to the accused student in written form and forwarded by certified mail. A time shall be set for an administrative hearing, not less than ten (10) days after the student has been notified. Time limits for scheduling of administrative hearings may be extended at the discretion of the conduct administrator.
- (e) Administrative hearings shall be conducted by a hearing officer or panel according to the following guidelines:
  - (i) Administrative hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the conduct administrator, a representative of the student press may be admitted, but shall not participate in the hearing.

- (ii) In the case of online or distance education, administrative hearing may be conducted via electronic media such as telephone, web cam, or video conferencing.
  - (iii) Admission of any person to the administrative hearing shall be at the discretion of the hearing officer or panel and/or its conduct administrator.
  - (iv) In administrative hearings involving more than one accused student, the hearing officer or chairperson of the hearing panel, at his or her discretion, may permit the administrative hearings concerning each student to be conducted separately.
  - (v) The complainant and the accused have the right to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case. The College has the right to know who is coming to the hearing.
  - (vi) The complainant, the accused and the hearing officer or panel shall have the right to present witnesses, subject to the right of cross examination by the hearing officer, panel or opposing party.
  - (vii) Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a hearing officer or panel at the discretion of the hearing officer or panel chairperson.
  - (viii) All procedural questions are subject to the final decision of the hearing officer or chairperson of the hearing panel.
  - (ix) After the administrative hearing, the hearing officer or panel shall determine (by majority vote for a hearing panel) whether the student has violated the student conduct code.
  - (x) The hearing officer or panel's determination shall be made on the basis of whether it is more likely than not that the accused student violated the student conduct code.
- (f) There shall be a single verbatim record, in the form of a recording, of all administrative hearings before the hearing officer or panel. The record shall be the property of the college. Copies of the recordings will be provided to the student involved in a case at his/her expense.
- (g) Except in the case of a student charged with failing to obey a summons of a conduct administrator, hearing officer or panel, no student may be found to have violated the student conduct code solely because the student failed to appear before a hearing officer or panel. In all cases, the evidence in support of the charges shall be presented and considered. In the case of a no-show, the hearing will continue.

## (2) Sanctions

- (a) One or more of the following sanctions may be imposed upon any student found to have violated the student conduct code:



- (i) Warning – a notice in writing to the student that the student is violating or has violated institutional regulations.
  - (ii) Probation – a reprimand for a violation of specified regulations for a designated period of time. Probation includes the probability of more severe disciplinary sanctions if the student is found to be violating the student conduct code during the probationary period.
  - (iii) Loss of Privileges – denial of specified privileges for a designated period of time.
  - (iv) Fines – previously established and published fines may be imposed.
  - (v) Restitution – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - (vi) Discretionary Sanctions – work assignments, service to the college or other related discretionary assignments.
  - (vii) College Suspension – separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified.
  - (viii) College Expulsion – permanent separation of the student from the college. This sanction will be made part of the student’s permanent record and will be printed on the student’s academic transcript.
  - (ix) Persona Non Grata – denial of permission to frequent or be present in specified campus locations or college function including total banishment from campus, for a specified time period.
- (b) More than one of the sanctions listed above may be imposed for any single violation.
- (c) Other than college expulsion, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the confidential record maintained by the college.
- (d) The following sanctions may be imposed upon groups or organizations:
- (i) Those sanctions listed above in Section 2 (a), (i) through (vi) above.
  - (ii) Deactivation – loss of all privileges, including college recognition, for a specified period of time.
- (e) In each case in which a hearing officer or panel determines that a student has violated the student conduct code, the hearing officer or panel shall recommend sanction(s) to the conduct administrator. The conduct administrator will then impose the sanction(s). Following the administrative hearing, the conduct administrator shall advise the accused in writing of the determination and of the sanction(s) imposed, if any.
- (3) Interim Suspension

- (a) In certain circumstances, the Executive Vice President or a designee may impose a college suspension prior to the administrative hearing before a hearing officer or panel for a specified time.
  - (i) Interim suspension may be imposed: (1) to ensure the safety or well-being of members of the college community or preservation of college property; (2) to ensure the student's own physical or emotional safety or well-being; or (3) if the student poses a threat involving disruption of or interference with the normal operations of the college.
  - (ii) During the interim suspension, students shall be denied access to the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible, as the Executive Vice President or designee may determine to be appropriate.

#### (4) Appeals

- (a) A decision delivered by the hearing officer or panel and/or sanction imposed by the conduct administrator may be appealed by accused students or complainants to the Executive Vice President within five (5) working days of the decision. Such appeals shall be in writing and shall be delivered to the Executive Vice President with a copy to the conduct administrator or his/her designee. In cases where the Executive Vice President serves as the conduct administrator, appeals shall be made to the President following these same guidelines.
- (b) An appeal shall be limited to review of the verbatim record of the initial administrative hearing and supporting documents for one or more of the following purposes:
  - (i) To determine whether the original administrative hearing was conducted fairly in light of the charges and evidence presented, and in conformity with the student conduct code.
  - (ii) To determine whether the decision reached regarding the accused student was based on the evidence and due process, that is, whether the facts in the case were sufficient to establish that a violation of the student conduct code occurred.
  - (iii) To determine whether the sanction(s) imposed were appropriate for the violation of the student conduct code which the student was found to have committed.
  - (iv) To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original administrative hearing, because such evidence and/or facts were not known to the person appealing at the time of the original administrative hearing.
- (c) Upon appeal, any sanctions imposed may be stayed by the Executive Vice President until after the appeal is reviewed. The decision of the Executive Vice President shall be final. In cases where the Executive Vice President serves as the conduct administrator, the decision of the President is final.

- (d) In cases involving appeals by students accused of violating the student conduct code, the Executive Vice President may, upon review of the case, reduce, but not increase, the sanctions imposed by the conduct administrator.
- (e) Any question of interpretation regarding the student conduct code shall be referred to the Executive Vice President or his/her designee for final determination.

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