

# STANDARDS OF CONDUCT - STUDENT BEHAVIORS

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## I. INTRODUCTION

The College is committed to maintaining an environment that fosters learning and personal development. All members of the college community are responsible for their own behavior and are expected to be familiar with the rules and regulations of the college. Students are expected to uphold these standards of behavior and to respect the rights of others. Each student shall comply with the rules and regulations of the college, including but not limited to those detailed below. Student conduct procedures and subsequent disciplinary outcomes are designed to be educational in nature while balancing the interests of the individual student and the community.

## II. DEFINITIONS

This section of the code of student conduct outlines the definitions of words commonly used in the code.

**Accused student:** any student accused of violating this code of student conduct.

**Advisor:** an individual who, in the context of a disciplinary matter, may sit in as a support person with a complainant or accused student. This person may be a fellow student, parent, college staff or faculty member, or attorney. An advisor may communicate only with the individual they are present to support through the process and shall not otherwise participate in any disciplinary proceeding(s). Any advisor who does not follow the expectations listed above will be reminded of their role. Further issues of failing to comply with this policy may result in the Advisor being removed from the process. Should an Advisor be removed, the student will be provided with the opportunity to find another Advisor.

**Chief Student Conduct Officer:** any person or persons authorized by the College to determine whether a student has violated the code of student conduct and to recommend sanctions that may be imposed when a rules violation has been committed. Chief

**Student Affairs Officer:** any person who is appointed to the position of oversight of the offices falling under the responsibility of "student affairs" for the College. This person may hold the title of Dean of Students.

**College Community:** any person who is a student, staff, faculty member, college official or any other person employed by the college. College Official: any person employed by the college, performing assigned administrative or professional responsibilities.

**Complainant:** any person who submits a charge or complaint alleging that a student violated this code of student conduct.

**Policy:** written regulations of the college as found in, but not limited to, the code of student conduct, college policies, and administrative procedures.

**Respondent:** a student accused of violating code of conduct (same as accused student).

**Retaliation:** adverse action against another person for reporting a violation or for participating in any way in the investigation or resolution process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

**Student:** an individual taking courses at the College both full and part time, those persons registered for courses, as well as non-degree-seeking individuals; those attending orientation sessions, taking online classes, auditing classes, or residing in the residence halls; those who were enrolled on the date of an alleged incident. Those who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered "students". Student Conduct Hearing

**Committee:** a group comprised of faculty, staff, and students who are responsible for hearing conduct cases when requested as part of an appeal in cases where a sanction of suspension or expulsion has been given in a conduct matter. Student Group or

**Organization:** any number of persons who have complied with the formal requirements for college recognition/registration or attempts to take action of any kind, in a collective matter on college premises or at any officially arranged college activity.

## III. Jurisdiction

The college has jurisdiction over alleged conduct violations by students or student groups when they occur on a college premises, at college sponsored events, programs, and activities, or off campus if they adversely affect the College Community. The student conduct administrator will, in consultation with the Chief Student Affairs Officer (or their designee), make the determination as to whether the alleged conduct that occurs off campus adversely affects the College Community.

The Code of Student Conduct may also be applied to behavior conducted online, via email, or through social media. Students should also be aware that online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations.

The college may take action when such information is brought to the attention of college officials. However, most online speech by students not involving college networks or technology will be protected as free expression and not subject to this code, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals;"
- Speech posted online about the college or its community members that causes a significant on-campus disruption.

The college retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If a student is sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate.

## IV. EVIDENTIARY STANDARD

Proof of the alleged misconduct must include evidence that meets the criteria for determining a "preponderance of evidence." A preponderance of evidence means a greater weight of evidence or more likely than not that the policy violation occurred. Even in cases that refer to federal, state, or local criminal statutes or ordinances, the burden of proof in College conduct proceedings remains as preponderance of evidence.

## V. CONDUCT VIOLATIONS

St. Francis College strives to create an atmosphere that supports the academic mission of the institution. Students should be able to learn in an environment that is orderly, peaceful, and free from disturbances that impede an individual's growth and development. Respect for the rights of others and for the College and its property are essential expectations for each St. Francis student. The aiding, abetting, inciting of, attempting to commit, or committing of any act or behavior by a student which interferes with or otherwise disrupts the educational purpose of the college is prohibited and subjects a student to the disciplinary process and potential sanctions under the code of conduct.

Allegations involving sex-based discrimination including, but not limited to, sex or gender-based discrimination (including discrimination based on sexual orientation, gender identity and gender expression as well as sexual assault and sexual harassment are addressed in the St. Francis College Sexual Misconduct Policy.

It is a violation of this Code for any student, student group, or student organization to engage in behavior that aids, attempts, assists, promotes, condones, encourages, requires, conceals, or facilitates any act prohibited by this Code. Allowing, permitting, or providing an opportunity

for a guest to violate College policy is also prohibited. These violations are included in each section below and need not be cited separately. Lack of familiarity with College policy is not a defense to a violation of this Code. Unless specifically noted in the policy definition, intent (whether or not a student intended to undertake an action that would violate the code) is not a required element to establish a policy violation. Additionally, intoxication or impairment from alcohol, drugs, or other substances is not a defense to a violation of this Code.

The following list describes actions that detract from the effectiveness of the College community.

1. **Abuse** Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

2. **Academic Integrity** – are addressed through the College's Academic Integrity Policy.

### 3. **Alcohol Policy**

The College is concerned with the use and abuse of alcohol, as it is with other drugs. Use, consumption, possession, furnishing, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by the College), open containers, or public intoxication is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

### 4. **Animal/Pets**

Animals on campus are prohibited in non-residential spaces, with the exception of service animals.

Service animals and emotional support animals are allowed in College residential facilities. The presence of animals at St. Francis College is addressed in detail in the Animals Utilized for Disability Purposes Policy (available on the College website) Any exceptions should be directed to the Office of Accessibility and Accommodation.

### 5. **Arson**

Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.

6. **Bias Related Incidents** Includes such acts as, but is not limited to:

- Bias related harassment or discrimination believed to be motivated by a consideration (real or perceived) based on race, color, age, religion, national origin, disability, sexual orientation, gender identity or other protected characteristics such as oral, written, graphic or physical conduct relating to an individual's race, color, gender identity, national origin (including an individual's ancestry, country of origin, or country of origin of the student's parents, family members or ancestors) or other protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the College programs or activities.
- Threatening, intimidating or fear provoking behavior directed towards another believed to be motivated by a consideration (real or perceived) of race, color, age, religion, national origin, disability, sexual orientation, gender identity or other protected characteristics such as oral, written, graphic or physical conduct relating to an individual's race, color, gender identity, national origin (including an individual's ancestry, country of origin, or country of origin of the student's parents, family members or ancestors) or other protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the College programs or activities.

### 7. **College Policies**

Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.

### 8. **Damage to Property**

Any action that causes damage or which would tend to cause damage to property owned, leased, or controlled by the College or property of a member of the College community or other personal or public property.

### 9. **Dangerous Items/Weapons**

Except as authorized by local, state, or federal law, students are not allowed to possess or use a firearm or other weapon on college property (even with a permit), weapons are defined as firearms, knives, flammable materials, explosives, or any other items that may cause bodily injury or damage to property.

### 10. **Dishonesty**

No student will knowingly give false or perjured testimony in any college investigation or proceeding. Also, no student will knowingly give false information to a college official or show reckless disregard for the truth. Forgery, alteration, or misuse of any College document, record, or instrument of identification is also prohibited.

### 11. **Disruption**

Includes but is not limited to: Disruption or obstruction of teaching, research, administration, or other College activities on or off campus, or other authorized non-College activities, when the act occurs on College premises.

- Leading or inciting others to disrupt scheduled and/or normal activities associated with the operation of the College, intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
- Blocking of entryways to buildings, rooms, sections of buildings or of hallways or stairways in such fashion that people find it difficult or impossible to pass.
- Noise-making or other physical behavior which is so distracting that it is difficult or impossible to conduct a class, meeting, or any other authorized event.

### 12. **Drug-Free Policy**

Students may not use, be under the influence of, possess, distribute, or be knowingly in the presence of narcotics or other controlled substances except as expressly permitted by law. Any drug-related violation of College policy will be considered a violation of the Drug-Free policy.

- Cannabis, tetrahydrocannabinol derivatives, narcotics or other controlled substances may not be used, possessed, or distributed by students or guests while on College owned or controlled property in accordance with the Federal Drug Free School and Communities Act.
- Conduct related to the use of drugs where the individual becomes a disruption to the community is prohibited.

### 13. **Electronic Use Policy**

Misuse or abuse of the College computer system, voice mail or telephone services by the College. This includes but is not limited to:

- Unauthorized use or abuse of a student's computer account, including failure to safeguard User IDs and passwords.
- Sending abusive or threatening messages to students, faculty, or staff.
- Repeatedly sending messages with no appropriate intent.
- Accessing a student or staff account without authorization
- Using a College office email account to send messages without authorization.
- Failure to comply with College technology policies.
- Illegal use including but not limited to illegal downloading, uploading, or use of file sharing programs with regard to copyrighted materials.

### 14. **Endangerment of Person(s)**

Conducting oneself in a manner that threatens or endangers the health or safety of a person, group of people, or visitors within the college community or at college sponsored or related events is prohibited.

### 15. **Failure to Comply**

Students are required to comply with reasonable requests or orders by authorized college officials or representatives acting on behalf of the college. This requirement includes reasonable requests for students

to meet appointments in administrative offices and at disciplinary investigations and hearings.

#### 16. Fire Safety and Equipment

Fire escapes, ground-level and rooftop fire doors, fire hoses, extinguishers and alarm equipment are to be used only in emergencies. Tampering with or misuse of these emergency devices or blocking of fire exits or other means of impeding traffic is prohibited. The following behaviors are prohibited:

- a. Failing to evacuate a College building during fire and/or emergency alarms or re-entering the building before all clear sign is given.
- b. Possessing and/or using candles, incense, oil lamps, helium tanks, and other combustible and/or flame producing items in any campus area or building.
- c. Possessing and/or using of fireworks (including firecrackers), CO2 cartridges, explosives, chemicals, and other hazardous materials; and

#### 17. Gambling

Students are expected to abide by federal and state laws prohibiting illegal gambling. Prohibited activity includes, but is not limited to: betting on, wagering on, or selling pools on any event; possessing on one's person or premises, any card, book, or other device for registering bets; knowingly permitting the use of one's premises or one's telephone or other electronic event; and involvement in bookmaking or wagering pools with respect to the events.

#### 18. Guest Policy

Guests are defined as non-St. Francis College students who are visiting. All students are responsible for the actions of their guests for any violations committed on College premises, or at College-sponsored or supervised functions. Students are also expected to take reasonable action to prevent their guests from violating College policies.

19. **Housing Policies** Students living in residential facilities owned, leased, or controlled by the College are required to comply with Housing Policies set out on the Residence Life website. Failure to comply with these policies may constitute a violation of the code of conduct.

#### 20. Hazing

Any activity that humiliates, degrades, abuses, or which endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose initiation, admission into, affiliation with, or as a condition of continued membership in an organization or team whose members are or include students at St. Francis College. Hazing can occur regardless of the person's willingness to participate.

Note: A person and/or student group/organization commits a hazing offense if they engage in hazing; solicit, encourage, direct, aids, or attempt to aid another engaging in hazing; or intentionally, knowingly, or recklessly permit hazing to occur.

#### 21. Motorized Transportation

Students are not allowed to use hoverboards or self-propelled scooters on College property.

#### 22. Identification

All students and guests are required to provide their name and show appropriate identification to a College Official upon request. Therefore, students are required to carry their College issued identification cards when they are on campus or in-residence halls. The following behaviors are prohibited: a. Falsely identifying oneself to others (including, but not limited to showing an identification other than a student's own); and b. Possession, production, or distribution of false identification cards, or materials to fabricate such, is illegal and strictly prohibited. Any false identification cards found to be in the possession of students or guests will be confiscated, destroyed, and may result in a citation from the governing Police authority.

#### 23. Lewd and Indecent Behavior

- a. Urinating in areas other than toilets and urinals (including lawns, lounges, elevators, stairwells, balconies, parking lots, etc.);
- b. Public nudity.
- c. Sexual contact in a public or common area; and
- d. Public viewing or displaying of pornography.

#### 24. Retaliation

The College will not tolerate retaliation. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a resolution process is a violation of College policy. Retaliation can take many forms, including continued abuse or violence, bullying, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation. Retaliation should be reported promptly to the Student Conduct Administrator and may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegation of misconduct.

#### 25. Solicitation and Posting

All selling and soliciting of merchandise and services on campus and in-residence halls is prohibited. Also prohibited is the advertising of such solicitation or sale, as well as any posted materials in common areas that are not specifically approved as required by the College Posting Policy.

#### 26. Surreptitious Electronic Use

Any unauthorized use of electronic or other devices to surreptitiously make an audio, video, photographic, or digital record of any person without their prior knowledge or without their effective consent when such a recording is likely to cause injury or distress. This includes but is not limited to surreptitiously taking pictures of another person in a locker room, shower stall or restroom.

27. **Tobacco Use/Smoking/E-Cigarette/Vaping Devices** The use of tobacco products or e-cigarette/vaping devices shall be prohibited on College grounds and in College buildings, facilities, vehicles, and spaces leased by the College. The use of tobacco products or e-cigarette/vaping devices shall be permitted in private vehicles parked on College property provided any residue is retained within the vehicle.

28. **Theft** Including but not limited to:

- a. Attempted or actual theft of College property or services or property belonging to any member of the College community.
- b. The unauthorized possession of stolen property or services or property belonging to any member of the College community.
- c. Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data.

#### 29. Unauthorized Entry to or Use of College Facilities

The unauthorized use of or entry into any college facilities, including computer systems or fields, whether by force or not, is prohibited. Use of college facilities must be approved by the appropriate administrator, usually the campus chief student affairs officer or his/her designee.

#### 30. Violation of Law or College Policies

Any act by a student which constitutes a charge of a violation of a public law, occurring either on or off campus, may establish a cause for legal and/or disciplinary action by the college.

#### 31. Violation of Law

St. Francis College upholds all federal, state and local laws and considers violation of these laws on College property or at any function authorized by the College even if held off campus as a cause for disciplinary action in addition to any action that might be taken by our criminal justice system.

#### 32. Violence

The following behaviors are prohibited:

- a. Any act of violence or threat of violence; and
- b. All physical abuse including physical assault and/or battery as well as any domestic disputes, dating violence, hate crimes, and/or child abuse.

### VI. STUDENT RIGHTS AND RESPONSIBILITIES

Procedural fairness is basic to the proper enforcement of college policies and procedures. As such, no conduct action will be initiated or sanction imposed against a student until the student has been notified in writing of the complaints against them, the student has been informed of their rights under this code, and the student has been given the opportunity to be heard.

The following information will be conveyed to any student facing conduct charges when proceedings are first initiated:

- A. Students will receive a fair and impartial resolution process in accordance with the requirements of this code.
- B. Students will be notified in writing of the alleged violations against them and the alleged misconduct upon which the charge is based with reasonable access to information relied on in determining whether or not they are responsible for violating the code of conduct.
- C. Students may decline to make statements in response to the allegations. Declining to make a statement will not be construed as an admission of responsibility.
- D. Students may be assisted by an advisor of their choice and at their expense at any time throughout the conduct process. The advisor may be present but may not speak for or present the case for the student, or otherwise participate directly in any meetings or other proceedings. It is the student's responsibility to make appropriate arrangements for the advisor to attend scheduled conduct proceedings. Students who plan to bring an advisor to a hearing or a meeting should notify the Student Conduct Officer at least 48 hours in advance as to their plan to bring someone, the name of the advisor, and the advisor's relationship with the student (friend, relative, attorney)
- E. Students may present relevant information and witnesses.
- F. Students will be considered not responsible for the alleged conduct violation until found responsible by a preponderance of the evidence presented during the proceedings.
- G. The right to privacy, in accordance with the terms of the Federal Family Educational Rights and Privacy Act (FERPA).
- H. The accused student will be notified in writing of the Chief Student Conduct Officer's decision and the basis for the same.
- I. The accused student may appeal the determination of responsibility in accordance with the requirements of the Code.

## VII. PROCEDURES

This section of the Code describes the procedures for student conduct proceedings at the college.

- A. **Initiating Conduct Process** The Chief Student Conduct Officer (or designee) is the primary administrator in the student conduct process.
- B. **Reporting** Any person may file a report against a student for the alleged violation of law or college policies/procedures as set forth in the code. The report should be submitted to the Student Conduct Officer (or designee) as follows: online using form created for this purpose, via email, in person, via telephone or by mail. Reports should be made within 6 months of the incident or knowledge of the incident. Anonymous reports are accepted but the college may be limited in its ability to respond to anonymous complaints.
- C. **Response** The Chief Student Conduct Officer (or designee) will determine if there are reasonable grounds to believe that the allegations could potentially constitute a violation of the code.
- D. **Informal Resolution** The utilization of informal resolution efforts (including, but not limited to, mediation, and restorative justice) may be undertaken at the discretion of the Chief Student Conduct Officer and with the consent of involved parties. A written agreement as to the terms of resolution from such efforts will be prepared by the Chief Student Conduct Officer (or designee) and accepted by mutual consent of the accused student and complaining party. Such disposition will be final, and no further action will be taken as to the matter for which the initial complaint was filed. If the

terms of the resolution agreement are not met by the accused student, new conduct charges may be raised for failure to comply.

**E. Formal Resolution** If an alleged violation of the code is not addressed through other appropriate channels, is not dismissed, or is not resolved through an informal resolution process then the college student conduct administrator (or designee) may proceed with conduct process as outlined below.

**F. Notice of allegations** - the allegations of charges will be sent to the accused student in correspondence via email to their college email address and will include: the specific student code of conduct violations alleged, a brief description of the conduct on which the violations are based, the student's rights, and information on a scheduled initial review meeting with the Chief Student Conduct Officer (or designee) .

**G. Initial review** is part of the overall investigation of the student conduct complaint. The accused student will be given the opportunity to respond to the complaint, provide information relevant to the charges including but not limited to documents, emails, texts, photos, the names of witnesses, etc. The accused student may elect to deny the allegations or voluntarily accept responsibility.

**H. Acceptance of Responsibility** if a student accepts responsibility for a conduct violation, the student conduct administrator (or designee) will send correspondence to the accused student within 5 business days detailing what, if any sanctions, have been imposed. The accused student may file an appeal based on limited grounds. Specifically, that the sanctions given were excessive. This appeal must be made in writing and sent to the Chief Student Conduct Officer within 5 business days of the transmission of the sanctioning letter. A review of the case and sanctions imposed will be undertaken by the Chief Student Affairs Officer (or designee) who may determine that the sanctions were not excessive. If a determination is made that the sanctions were excessive, then the Chief Student Affairs Officer will provide adjusted sanctions to the accused student. Such disposition will be final and no further action will be taken as to the matter for which the initial complaint was filed.

### **I. Determination of Responsibility**

**Investigation** – the student conduct administrator (or designee) will consider all relevant information obtained through the investigation of the complaint including the statements of the complainant, the accused student, and any witnesses.

**Determination of Responsibility** - upon completion of the investigation, the Chief Student Conduct Officer (or designee) will decide as to whether or not the accused student violated the code using a preponderance of the evidence standard (more likely than not). The accused student will be notified via correspondence to their college email address if a determination was made that they were responsible or that there was no finding of responsibility for violation of the code. If a student is found responsible sanctions may be given.

**J. Sanctions**- the following sanctions may be imposed upon any student found to have violated the Student Code of Conduct

1. **Warning** - a notice to the student that their actions were inappropriate and that they must act more responsibly in the future. A warning also indicates that should the individual again be referred for disciplinary action, their prior disciplinary history will help determine any future sanctions.
2. **Disciplinary Probation** – a notice to the student that their actions are of a serious nature within the College community. Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period.
3. **Loss of Privileges** – denial of specified privileges for a designated period of time. This may include, but is not limited to, participation in co-

curricular organizations and activities, and access to College facilities, loss of guest privileges, and removal from residence hall.

4. Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

5. Educational/Restorative Sanctions – work assignments, community service and other related sanctions that meet with the Student Conduct Administrator. Other sanctions include, but are not limited to, letter of apology, substance education program, program presentations, other educational programs.

6. Deferred Suspension – a definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, the student will be automatically suspended for a minimum of one semester.

7. Disciplinary Suspension – separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended will have a notation on their transcript.

8. Disciplinary Expulsion – permanent separation from the College without the opportunity to return. Students who are expelled will have a notation on their transcripts. More than one of the sanctions listed above may be imposed for any single violation.

#### K. Appeals

A student has the right to appeal the student conduct administrator's decision on limited grounds. An appeal can be sought by the accused student for the following reasons:

- A fair process, consistent with published college procedures, was not provided.
- New information that was not available at the time of the initial investigation relevant to the case should be considered.
- The sanction imposed was excessive.

The appeal must be submitted in writing to the Chief Student Conduct Officer no later than 5 business days after the transmission of the decision. Details regarding on what basis the appeal is being filed must be included.

Upon receipt of a timely notice of appeal, the Chief Student Conduct Officer will provide a copy of the appeal and case materials to the Chief Student Affairs Officer who will review the same and issue a decision within 10 business days of the filing of the appeal. The Chief Student Affairs Officer may affirm, reverse or modify the initial decision based on limited grounds for appeal. The decision of the Chief Student Affairs Officer is final.

#### VIII. STUDENT CONDUCT HEARING COMMITTEE

In cases where the sanction(s) imposed on a student include disciplinary suspension or disciplinary separation from the College, the accused student may request a formal hearing. This request must be in writing and sent to the attention of the student conduct administrator no later than 10 business days after transmission of the decision letter.

Hearings will be held in an in person or in a remote format. The Chief Student Conduct Officer will determine the format used for each case.

##### A. Student Conduct Hearing Committee

No fewer than 3 faculty members, 3 staff members, and 3 students will be trained to serve on the Student Conduct Hearing Committee. Faculty members will be nominated to serve by Chief Academic Officer (or designee). Staff will be nominated to serve by the Chief Student Affairs Officer (or designee) and students will be nominated by the Associate Dean of Student Affairs (or designee). Input for student members will be sought from campus life for members of student government and other leadership positions. Nominations will be directed to the Chief Student Conduct Officer (or designee) for consideration and appointment to the student conduct hearing committee.

##### B. Hearing Panel

A panel of at least 3 student conduct hearing committee members is required to hear a case. A chairperson will be named by the student conduct administrator.

The Chief Student Conduct Officer will provide support and guidance to the hearing panel throughout the hearing process.

C. Prior Knowledge or Bias: Student Conduct Hearing Committee members will be provided with general information regarding any case they may be asked to hear. The Chief Student Conduct Officer will exclude from any hearing panel, committee members with prior knowledge of the matter, or bias for or against those involved. Whether or not the accused student appears at the hearing, the hearing committee will hear the appeal and render a decision.

In most cases, the status of the student will not be changed during the appeal process. However, if, in the judgment of the Chief Student Conduct Officer (or designee), the student poses an immediate threat of harm to members of the college community, the student may, be limited as to access to college programs and facilities or summarily suspended from the college. Any violation occurring during the appeal process also may result in a change of status of the student.

##### D. Training

The college will provide training for those persons who agree to serve on the hearing committee to familiarize them with college regulations, fair process, and the role of the hearing committee. Additional training may be required depending on the nature of the case.

##### E. Chairperson:

The chairperson will notify the accused student of the following:

1. Charges against them;
2. Date, time, place, and description of the violation;
3. Name of all known parties and witnesses in the case; and
4. Date, time, and place of the hearing.

Sends written notification to all participants in the proceedings as to the exact charges and the time, place and nature of the hearing;

- arranges the hearing calendar and selects a location for each hearing;
- leads hearing sessions and deliberations of the hearing panel; and communicates in writing their findings; and
- certifies and transmits the appropriate records for future appeals.

The hearing should occur within 15 calendar days from the date of notification to the student.

##### F. Hearing Process

A panel consisting of three Student Conduct Hearing Committee members, one of whom should be a student, must be present before a hearing can be convened. Hearings normally will be closed and will be conducted according to the fundamental standards of procedural fairness and substantive justice and will not be unduly restricted by court procedures and formal evidentiary rules.

The charges and evidence will be presented by a person acting on behalf of the college, usually the Chief Student Conduct Officer (or designee) who initiated the disciplinary proceedings. They may have the aid of an advisor or counsel. The accused student also has the right to an advisor or counsel at the hearing. All parties may submit witnesses. All witnesses will give testimony under oath. The college and the accused have the right to question or cross-examine witnesses at the hearing. The hearing will be recorded, and a transcript of the proceedings will be available at the requestor's own cost.

At the conclusion of the hearing, summation of one or more aspects of the case by the accused student, or the representative of the college will be permitted.

##### G. Student Conduct Hearing Panel Judgment

The panel will render a decision after the hearing. The panel may accept or reject, in whole or in part, or may modify the findings and conclusions of the Chief Student Conduct Officer initial decision. A majority of panel

members must agree as to the decision regarding whether or not the student violated the code of conduct and, if so, the sanction to be imposed (if any).

After the hearing, the panel will make a report to the Chief Student Affairs Officer with a copy sent via College email to the student respondent and the Chief Student Conduct Officer, consisting of:

- a statement of charges;
- a statement of the findings of facts; and
- the decision of the committee as to whether a violation has occurred, - the appropriate sanction, and its reason for the decision.

The hearing committee may not hold a hearing against a student more than once for the same offense.

#### H. Appeal

Within 5 calendar days after the date of the hearing committee's written decision, the student may appeal in writing to the Chief Student Affairs Officer (with a copy sent to the Chief Student Conduct Officer). Issues for appeal are limited to the following:

- College procedures were not followed in the conduct process causing a negative impact on the student or the integrity of the process
- New information that was not available at the time of the initial investigation or during the hearing relevant to the case should be considered.
- The sanction given exceeds what is reasonable for the alleged conduct and as is consistent with similar matters at the college.

If the Chief Student Affairs Officer finds in favor of the accused student on appeal, they may affirm, reverse, or modify the panel's decision, in whole or in part. The decision will be rendered within 10 calendar days.

The decision of the Chief Student Affairs Officer is final.