

Harrisburg Area Community College



COMMUNITY STANDARDS
& STUDENT ENGAGEMENT

Code of Student Accountability

Community Standards & Student Engagement

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Code of Student Accountability

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HACC Code of Student Accountability

I. Mission/Vision/Philosophy Statement

The College's Community Standards process is educationally focused, creating opportunities for HACC students to learn from their mistakes through restorative, developmental and resolution strategies. The goal is to help students understand the importance of taking accountability through an educational lens, an approach which allows students to learn and thrive when they encounter judicial challenges.

The HACC community is committed to fostering a learning environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. HACC's Community Standards office is committed to ensuring that students are heard and feel comfortable expressing themselves within the community.

A community exists based on shared values and principles. At HACC, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Accountability (Code). These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the Code. Furthermore, students are fully expected to comply with all College policies and local, state, and federal laws, and are solely responsible for their actions. Student behavior on campus, inside and outside of the classroom, and during any HACC-sponsored event or trip is a matter of concern to the

HACC College community who are responsible for determining community standards. When a student is unable uphold community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

The procedures established in this overview give a general idea of how the College's conduct proceedings work related to the student conduct process, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible and not the same in every situation, though consistency in similar situations is a priority. The conduct process and all applicable timelines commence with notice to an administrator of a potential violation of college rules. Any of the following processes may be conducted remotely (phone, video conferencing) as needed.

HACC students are responsible for knowing the information, policies and procedures outlined in this document. The College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [HACC Community Standards website](#) for the updated versions of all policies and procedures.

II. Definitions

1. The term "student" includes all persons taking courses at the College, both full-time and part-time, and those who attend post-secondary educational institutions other than HACC. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the College are also considered "students."
2. The term "student organization" means a number of students (or others) who associate with each other and have complied with formal requirements for College recognition.
3. The term "College" means HACC, Harrisburg Area Community College, including any affiliated partnership and institutional sites.
4. The term "College employee" includes any person employed by or associated with the College in performing assigned administrative, professional or instructional responsibilities.
5. The term "member of the College community" includes any student, faculty member, employee or anyone employed by or associated with the College. A person's status in a particular situation shall be determined by the President of the College.
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. "Day" or "days" shall mean throughout this document normal business days when the College is in operation.
8. The term "HACC Hearing Board" means a College committee authorized to review student conduct cases and recommend specific sanctions upon students found to have violated the Code.

9. The term "informal resolution" refers to a form of voluntary intervention in which conflicting parties elect to use a neutral third party or mediator to help find a solution to their dispute.
10. The term "Formal hearing" means a student will be afforded a formal forum to present their case. The formal hearing may include testimonies of witnesses and cross examination of witnesses present during the hearing.
11. The term "shall" is used in the imperative sense (required).
12. The term "may" is used in the permissive sense (option).
13. The term "policy" is defined as the written regulations of the College as found in, but not limited to, the Code, Student Handbook, and College Catalog.
14. The term "Complainant" refers to any person who initiates a report leading to charges.
15. Throughout this document the Code of Student Accountability will be referred to as "Code."

III. Standards of Accountability

HACC's community standards, expectations, and rules apply to all students. Student behavior that does not align with HACC's community standards is seen as incongruent to the Colleges core values provided in this document. The College encourages community members to report all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in this section. Students are accountable for upholding the standards noted below.

Integrity: Within the HACC community, we encourage students to uphold standards of integrity, honesty, and fairness. Behavior that violates this value includes, but is not limited to:

- 1) Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, reports, accounts, records, identification, timesheets or financial instruments.
 - a Trademark.** Unauthorized use (including misuse) of College or organizational names and images;
- 2) Academic Dishonesty.** Acts of academic dishonesty, including cheating, plagiarism and related misconduct. Violations related to academic dishonesty are managed through the academic policies as noted [**AP 594**](#)
- 3) Unauthorized Access.** Unauthorized access to any College building (i.e. keys, cards, by time of day, etc.) facilities or grounds, unauthorized possession, duplication or use of means of access to any College building, facilities, grounds, HACC affiliated sites or failing to timely report a lost College identification card or key.

- a **Unauthorized Entry.** Misuse of access privileges to College premises or unauthorized entry to or use of buildings, facilities or grounds, including trespassing, propping open or unauthorized use of alarmed doors for entry into or exit from a College building;
 - b Hunting, fishing, or trapping animals or engaging in other conduct designed to harm or remove animals from the premises of the College unless authorized to do so by the Vice President, Finance- Interim Vice President of Finance, Robert Knight
- 4) **Collusion.** Action or inaction with another or others to violate the policies listed in HACC's Code of Student Accountability.
- 5) **Taking of Property.** Intentional and unauthorized taking of College property or the personal property of another, including goods, services, and other valuables.
 - a **Stolen Property.** Knowingly taking or maintaining possession of property of another.
- 6) **College Computing Systems and Facilities.** Violating the College's *Technology – Responsible Use of College Computing Resources Policy*, [CP 371](#)
 - a Willful misuse of College-owned or controlled technology infrastructure including, but not limited to software, computers, telephones, Internet access, classroom instructional technology, network systems, etc.

Community: *Students, as part of the College community, play a role in building and maintaining positive engagement to enhance the overall HACC community and encourage constructive interaction within this environment. Behavior that violates this value includes, but is not limited to:*

- 7) **Disruptive Behavior.** Substantial disruption of College operations including obstruction of overall community environment, teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus; includes but is not limited to overt disrespect for the ideas and opinions of others, disruptive talk during class, disruptive use of electronic devices.
- 8) **Peaceful Protesting.** Causing or inciting others or participating with others in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
- 9) **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another;
- 10) **Weapons.** *Refer to College Policy 321.*

- 11) Smoking.** Smoking and/or the use of tobacco products including lighted cigars, cigarettes, pipes or any other form of smoking objects or devices including vape devices or electronic cigarettes in all buildings and on all campuses of the College.
- 12) Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
- a) Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
 - b) Failure to evacuate a College-controlled building during a fire alarm;
 - c) Improper use of College fire safety equipment; or
 - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions;
- 13) Animals.** Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs) are not permitted on campus except as permitted by law. *See SGP 113: Service Animals for information about the College's policy about service animals.*
- 14) Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted on College grounds.

Social Justice: At HACC, we nurture awareness and cultural sensitivity to create a climate of trust. We are growth-minded, believing that each of us can learn, develop and grow to support our mission. We encourage our student body to uphold these core values and hold each other accountable to these standards. Conduct that violates this value includes, but is not limited to:

For related policy information, see the College's following policies:

College Policy (CP) 39: Anti-Discrimination Policy

SGP 114: Sexual Misconduct and Grievance Policy

SGP 825: Harassment

- 15) Discrimination.** Unfavorable, unfair or inequitable treatment of a person or a "class" of people based on protected characteristic(s) such as gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability or handicap, age, genetics, marital status, veteran status or any other category protected by law. Examples of unlawful discrimination include denying an individual a job or a promotion, or denying a student the opportunity to participate in an educational activity because of his or her protected characteristic(s).

(<https://docs.google.com/document/d/1a7-Fy1nhw0ncqJa7t6REcaSEnqpZhhMRibReu1tixnw/edit>)

- 16) Harassment:** Any behavior which creates an intimidating, hostile or offensive work or learning environment, especially if the behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior. Harassment is behavior that is based on individual or group characteristics

(including but not limited to) race, color, ethnicity, gender, age, disability, religion, political belief or affiliation, marital status, ancestry, veteran status, sexual orientation, gender identity or expression, or membership in any other protected group under federal, state or local law.

- a) *Verbal harassment* such as jokes, epithets, slurs, negative stereotyping, and unwelcome or patronizing remarks about protected characteristics as named above.
- b) *Physical harassment* such as physical interference with normal work, impeding or blocking movements, assault, unwelcome physical contact, staring at a person's body, or threatening, intimidating or hostile acts that relate to a protected characteristic as named above.
- c) *Visual harassment* such as offensive photographs, calendars, posters, e-mails, cards, cartoons, drawings and gestures, display of lewd objects, unwelcome notes or letters, or any written, printed, electronic, or graphic material that denigrates and shows hostility or aversion based on protected characteristics as named above toward an individual and/or group.
- d) *Electronic harassment* includes but is not limited to any of the behavior named above that is conveyed via social media, email, computer systems, or electronic devices and creates an intimidating, hostile, or offensive work or learning environment.
- e) *Sexual harassment* is specifically defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or conduct directed toward another person because of his/her gender where:
 - a. Submission to such conduct is made—either implicitly or explicitly—a term or condition of a person's academic or employment status.
 - b. Such behavior has the effect of substantially interfering with the individual's academic or work performance or creating an intimidating hostile or offensive classroom or working or academic environment.
 - c. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual.
- f) *Domestic violence* includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, or person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- g) *Dating violence* means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.
- h) *Stalking* means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.
- i) *Sexual violence* refers to physical sexual acts perpetrated against the person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A

number of different acts fall under the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. Use of the term “sexual harassment” or “harassment” throughout this document includes sexual violence unless otherwise noted.

17) Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment when unwelcomed harassment is severe, pervasive (or persistent) or objectively offensive that it interferes with, limits or denies the ability of any person to participate in or benefit from the College’s educational or employment program or activities¹.

18) Retaliatory Discrimination or Harassment. Taking materially adverse actions against someone because the individual has engaged in legally protected activities to include lodging a complaint, testifying, assisting, or participating in any proceeding, investigation, or hearing regarding any allegation of discrimination is expressly prohibited. Retaliation includes, but is not limited to: harassing behavior, isolation, changing work assignments, making demands that appear work-related but have a retaliatory purpose, directing, prompting, or encouraging others to commit retaliatory acts.

19) Bystanding. Complicity with or failure of any student or organized group to appropriately address known or obvious violations of the Code or law;

20) Abuse of Conduct Process. Abuse of, interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:

- a) Falsification, distortion, or misrepresentation of information;
- b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c) Attempting to discourage an individual’s proper participation in, or use of, the campus conduct system;
- d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- e) Failure to comply with the sanction(s) imposed by the college conduct system;
- f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect: *College students show positive regard for each other and for the community.*

Behavior that violates this value includes, but is not limited to:

For related policy information, see the College’s *Equal Employment Opportunity Statement and*

21) Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

¹ This policy attempts to balance the need of the community to create a civil climate while also embracing the 1st Amendment protection that attaches to most harassing speech that is simply offensive.

Threatening Behaviors:

- a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b. **Intimidation.** Implied threats or acts that cause a reasonable fear of harm in another.

22) Bullying and Cyberbullying. An intentional electronic, written, verbal, or physical act, or series of acts directed at another member of the College community, which occurs in the College setting, is severe, persistent, or pervasive, and has the effect of doing any of the following: a student's education, a College employee's ability to accomplish their work, creates a threatening environment, and Substantially disrupts the orderly operation of the College. Examples of bullying may include, but are not limited to, the following:

- i Threatening language, looks, or gestures.
- ii Physical intimidation.
- iii Physical assaults.
- iv Yelling or screaming at another.
- v Use of profane language.

23) Hazing. Any action or situation, on-or off campus which recklessly or intentionally endangers the mental or physical health or safety of a student, or which willfully destroys or removes public or private property for the purpose of initiation or admission into or admission into or affiliation with, or as a condition or continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be 'forced' activity, the willingness of an individual to participate in such activity notwithstanding, as defined by Pennsylvania law 24 Pa.C.S. 5351.

24) Intimate Partner/Relationship Violence. Violence or abuse by a person in an intimate relationship with another (also called domestic and/or dating violence); including any violation of a Protection from Abuse Order;

25) Stalking. A course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;

26) Sexual Misconduct. Includes, but is not limited to, sexual harassment, non- consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation

27) Public Exposure. Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

Responsibility: *College students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:*

28) Alcohol. Use, possession, manufacture or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law. The Commonwealth of Pennsylvania prohibits the consumption of alcoholic beverages by anyone younger than 21 years of age. It is unlawful to sell, purchase, deliver, or furnish alcoholic beverages to anyone younger than 21 years of age or an intoxicated person. It is unlawful to consume alcohol in a public place or to misrepresent one's age to obtain alcoholic beverages. Further, it is unlawful for anyone 21 years of age or older to sell or furnish alcoholic beverages to anyone under the age of 21.

a) **Reporting Allegations.** Any individual may make a good faith report alleging violation of the College's Sexual Misconduct Policy.

That report may be provided to any "Responsible College Employee."

HACC encourages all members of the College community to always lean on the side of safety when deciding whether to seek emergency help. Accordingly, a student who seeks emergency medical intervention for that student or another student will not be subject to disciplinary action based solely on the consumption of alcohol or drugs. Similarly, a student who wishes to report sexual misconduct will not be subject to discipline if the report of sexual misconduct also involves disclosing that the reporting student or the alleged victim has consumed alcohol or drugs in violation of the rules in the Code of Student Accountability or other College policies

- (a) To be eligible for this amnesty, a reporting student must remain with the person in need of medical attention until a staff member from Public Safety & Security or emergency personnel arrive to provide emergency treatment
- (b) The student may be required to participate in a non-community standard, follow-up meeting with a Community Standards Administrator as a condition for receiving amnesty from disciplinary action.
- 1. Nothing in Part IV. A.2 of this policy entitles a student to amnesty from discipline for any of the following conduct:
 - a. The sale or distribution of a controlled substance;
 - b. Using drugs or alcohol to incapacitate a person for the purpose of engaging in non-consensual sexual activity;

- c. Operating a vehicle while under the influence of a drug or while intoxicated;
- d. Manufacturing any type of drugs on or off campus;
- e. Violating the College's prohibitions regarding weapons, explosives, and other prohibited items;
- f. Physical assault;
- g. Violation of the College's sexual misconduct policy;
- h. Bomb threats; or
- i. Engaging in deception or dishonesty.

29) Drugs. Use, possession, manufacture or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the College's Drug Policy

Standard of Conduct: In accordance with the Drug-Free Schools and Communities Act Amendments of 1989 and of 1996, and the Pennsylvania liquor laws, Title 47 and Title 18 section 6317, HACC AP 374, and the Code, specifically prohibit the direct or indirect possession, sale, distribution, production, promotion, advertising and/or use of illegal alcohol or drugs, including unauthorized or illegal possession of alcohol or drugs, on all campuses and sites or at College sponsored activities off campus.

- a. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;

30) Failure to Comply. Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself and show acceptable photo identification (such as student ID, valid driver's license, valid state ID) to these persons when requested to do so;

31) Financial Responsibilities. Failure to promptly meet financial responsibilities to the College, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the College acting in an official capacity.

32) Arrest. Failure of any student to accurately report an arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the **Office of Public Safety and Security** within seventy-two (72) hours of release.

33) Other Policies. Violating other published College policies or rules, including but not limited to each school's handbook

34) Health and Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, roofs, etc.). Committing any act likely to create an imminent safety or health hazard. Failure to comply with College, local, state or

federal health and safety requirements and policies, even if temporary due to management of an emergency or ongoing crisis.

35) Violations of Law. Evidence of violation of local, state or federal laws, on College premises or at College sponsored activities, when substantiated through the College's conduct process.

IV. Incident Response and Investigation Procedure

NOTE: If the College's Title IX Coordinator determines the incident in question should be classified as a Title IX complaint, the procedures and processes laid out in SGP 114 Title IX Sex Discrimination will be followed in lieu of the Code.

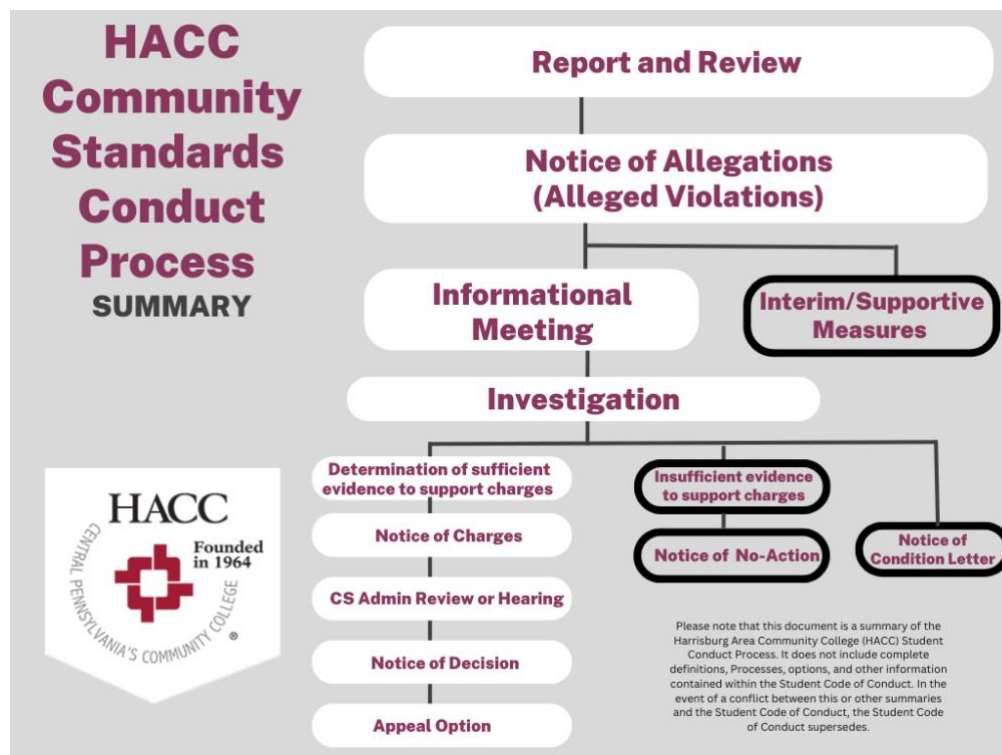
HACC student violations (both on-campus and off-campus) should be reported in the College's Behavior Intervention Team Reporting Procedure ([BIT Form](#)) Each incident will follow the process outlined in this document. Students are encouraged to report possible violations of College policies and local, state, and federal laws. This can be done by speaking with Campus Public Safety and Security staff or the Director of Community Standards (DCS) or designee.

Incident Response

- Any College employee may request a student discontinue any behavior that violates College policies and may report such occurrences via the College's Behavior Intervention Team Reporting procedure (BIT Form).
- Students can be required to leave or not participate in a physical and/or virtual setting by a HACC employee due to behaviors that disrupt the HACC community, including those listed in Section II of this document.
- If there have been violent actions, threats of violence, or persistent disruptive behavior, the student will be required to follow the student conduct process.
- In the event that a student's behavior is considered to be sufficiently serious, they may be removed from the virtual or physical environment by HACC employees. Campus Security or other appropriate personnel may be called for assistance to manage the incident. Such occurrences necessitating removal of students will be reported via the College's BIT Form by Campus Security (or other responding College personnel) to the DCS or designee at the appropriate campus for purposes of follow up and possible further action.
- Behaviors that may require a student's removal from a space may include such actions as:

- a) The student engages or threatens to engage in behavior which presents the potential for causing physical or emotional harm to themselves or others.
 - b) The student engages in behavior which directly and substantially impedes the educational experience or lawful activities of others.
 - c) The student engages or threatens to engage in behavior which would cause significant property damage.
 - d) The student engages in any unlawful activity.
- DCS or designee will communicate with the student(s) regarding attending classes/clinicals etc., and access to any HACC-related building or facility during the investigation and resolution process. Depending on the severity of the incident, the DCS or designee may issue an interim suspension to the student during the investigation process and resolution of alleged violations. During an interim suspension, a student may be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible. The DCS or designee makes the determination as to whether an interim suspension is required and determines its terms. The DSC or designee will communicate the student's status to the appropriate employees regarding the decision of issuing an interim suspension and next steps in the student conduct process. Interim suspension may be imposed to:
 - a) Ensure the safety and well-being of members of the College community or preservation of College property
 - b) Ensure the student's own physical or emotional safety and well-being
 - c) When the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

Student Conduct Process Summary



Parental Notification - Dual Enrolled Students

The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

Investigation Process

Upon receipt of an allegation that a student has engaged in behavior that has disrupted the HACC community, the DCS or designee will contact the student within five (5) business days to schedule a meeting, unless there is a reasonable delay.

Before the scheduled meeting:

- 1 The student is notified either by telephone or emailed with a read receipt response of the alleged violation and the requirement to schedule a meeting between the student and the DCS or designee.

- a If a student does not respond to proper notice of outreach by the DCS or designee, the investigation process will move forward in their absence.
- 2 The student will also be given copies of the Code and any other policies applicable to the report.
- 3 If any party involved in the investigation process believes that a conflict of interest exists with the DCS or designee, they may request that the Assistant Vice President of Student Engagement (AVPSEB) appoint an administrator to implement this stage of the procedure. The AVPSEB will make the determination if a conflict of interest does exist.
- A. The student and any other appropriate stakeholders will be asked by the DCS or designee to supply the names of any witnesses. The DCS or designee will interview witnesses, collect accounts, and review any other evidence regarding the case.
- B. If the student discloses that their behavior is related to a psychological condition, the student is expected to present documentation of that condition (cost to be borne by the student).
 - 1. The student may submit documentation pertaining to the condition prior to the meeting. DCS or designee will consult with Student Access Services regarding review of documentation process.
 - i Documents submitted for this purpose will be treated as confidential and will be stored in the student's Maxient case file.
 - 2. This documentation does not negate the student's responsibility to follow all College policies.

During the initial meeting:

In the initial meeting the Director of Community Standards will explain the College's student conduct process, to provide the student the opportunity to examine and respond to documentation and give the student the opportunity to explain the event(s) or incident.

E. During the meeting:

- 1. Any written notice relevant to the alleged policy violation(s) received or prepared by the DCS or designee will be described and explained in detail and shared with the student as appropriate. Formal rules of evidence will not apply. Confidential notes of any institutional official or participant in the case may be withheld.
- 2. In the case of a virtual meeting (e.g., over Zoom) when electronic documents are being shared, no party is to take screenshots or pictures of the electronic documents or otherwise obtain digital copies without the consent of the other party.
- 3. Findings of relevant interviews conducted by the DCS or designee will be summarized for the student.
- 4. The student will be heard.

- a The student may be accompanied by an advisor; however, the role of the advisor will be limited strictly to providing advice to the student and not communicating directly with the DCS or designee. Any person of the student's choice, may also accompany the student to the meeting. Any person(s) in attendance should only respond to direct questions from the DCS or designee, or provide advice to the student.
5. After the meeting, the DCS or designee may interview additional witnesses and collect additional evidence.

Outcomes of the meeting:

Within five (5) business days after the meeting, the DCS or designee will offer a recommended sanction to the student, which will find them either "Not in Violation" or "In Violation" of College policies and procedures, using a more likely than not preponderance of evidence standard, and recommend appropriate sanction(s) for any policy and procedure violations.

1. *Not in Violation*—indicates that the alleged violation(s) against the student were unfounded. If applicable, the student is eligible to return to class and make up all class work missed as a result of the adjudication process. The DCS or designee will communicate with Academic Affairs designee, who will communicate with the faculty about any excused absences for the period of missed classes/coursework.
2. *In Violation*—indicates that alleged violation(s) against the student are founded and one or more of the following sanctions may be assigned. The DCS or designee will communicate in writing with appropriate employees regarding the decision of issuing any of the following sanctions, as appropriate.

A summary of notes for the meeting, with other pertinent material of the case, shall be submitted by the DCS or designee into the College's approved reporting system and maintained as a part of the student's discipline record for a minimum of seven years.

If found "In Violation:"

Within five (5) business days, the student must choose to either accept the recommended sanction(s) of the DCS or designee or choose to proceed to a formal hearing. The student must electronically accept the recommended sanctions or request a formal hearing via email to the DCS or designee.

The following will occur if the student:

Takes No Action: If the student takes no action, the recommended sanction from the DSC or designee will be rendered as final.

Accepts Sanctions: When a student accepts responsibility for the Student Code of Accountability violation(s) but contests the sanction(s) assigned by the DSC, the student may request that the assigned sanction(s) be reviewed.

- a) The Sanction Review will ordinarily be a review of the case unless otherwise determined by the person reviewing the sanction. The student will provide an explanation of the rationale for contesting the sanction and will submit this statement via email to the Assistant Vice President of Student Engagement (AVPSEB). The statement, as well as a memo from the DCS will be forwarded with the student's file to the sanction reviewer. The sanction reviewer has the ability to sustain or modify the sanctions. The student is then notified by the AVPSEB once a decision has been reached.
1. If the student accepts sanction(s), within five (5) business days, the DSC or designee will email the final sanction decision.

Request a hearing: To request a formal hearing, a student must communicate via email to the DCS or designee within five (5) business days, and then the hearing process will be initiated.

VII. Hearing Process

Hearing Board:

The Hearing Board shall consist of:

Two (2) administrators appointed by the Administrative and Professional Organization (APO), two (2) faculty appointed by Faculty Organization, two (2) classified employees appointed by the Classified Employee Organization (CEO) and two (2) students.

Pools of representatives from each constituency group will be recruited on an as needed basis and must be trained. Anyone trained can be the representative for the constituency group during a hearing. A minimum of four (4) Hearing Board members, including at least one representative from each constituency group, must be present for a hearing to proceed. The hearing can proceed with a maximum of eight (8) members.

1. Administrators, faculty members, and classified employees shall be appointed for three-year terms. Students shall be appointed for one-year terms.
 - a) There may be a mutual agreement between the DSC or designee and the board members to extend the term of service. Should a Hearing Board member desire to no longer serve on Hearing

Boards, they are to notify the DSC or designee of his/her resignation. Any written resignation will be accepted.

2. All members must complete a mandatory hearing board training session before serving.
3. The DCS or designee will be responsible for scheduling and conducting hearing board training sessions.
4. A member of the Hearing Board will serve as the Hearing Chairperson and will be responsible for communicating the rules of order to all parties and documenting proceedings.
5. Any party involved in the hearing process may request that a member be removed and the AVPSEB or designee will make the determination if a conflict of interest does exist. The appropriate organizational body shall replace the member. In the event that any party requests a Hearing Chairperson be removed due to a conflict of interest, the AVPSEB will make the determination if a conflict of interest does exist. The AVPSEB shall appoint a replacement to chair the committee.

The Formal Hearing

The DCS or designee shall schedule a hearing date no later than ten (10) business days following the receipt of the request. Hearings will be held in the last week of each month, except months with final examinations. The DCS or designee in consultation with the participants will determine the meeting site; hearings can be held in person or virtually.

The DSC or designee will forward any documents including witness statements, a summary from the investigator, and other pertinent documents detailing previous action to date to the Hearing Board members at least one (1) business day prior to the hearing date.

- B. Any party involved in the hearing may bring witnesses and/or an advisor to the hearing. An advisor may be any individual not directly involved in the investigation including (but not limited to) a faculty or staff member, a family member or legal counsel. If any party intends to have another person in attendance at the meeting, they must notify the DSC or designee at least three (3) business days before the hearing date and the DSC or designee must notify all parties at least two (2) business days prior to the hearing date, if possible. Parties will need to provide their advisor's full name, relationship to the party, and email address to be able to participate.
- C. The role of the student's advisor is limited to advising the student. Any person who becomes disruptive shall be removed from the hearing at the DCS or designee.
- D. Recordings or verbatim records may be maintained only upon agreement of all parties concerned.

- E. Witnesses are not present for the entire hearing procedure.

Outline of Formal Hearing

A Formal Hearing will typically follow this structure:

1. Introductory information reviewed by the DCS or Chair of the Hearing;
2. The alleged violation(s) are stated;
3. The information from the report and any accompanying evidence is discussed by the college representative. The student has the opportunity to provide information concerning the incident, provide supporting evidence and present witness testimony
4. Final Statements and close of the Formal Hearing;
5. DCS/HACC Hearing Board deliberations privately;
6. DCS writes Decision and/or Outcome Letter;
7. If, during a hearing, additional violations of community standards/policy are brought to light, additional alleged violations may be charged following the student conduct process.

1. Hearing Board proceedings shall be conducted in private.
2. Formal rules of evidence do not apply to Hearing Board Proceedings.
3. The person who filed the Complaint (or a representative of the College),

Rules for the hearing:

4. the accused student and their advisor (if any) shall be permitted to attend the entire hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the Hearing Board.
5. If a hearing involves more than one accused student, the DCS or designee may, at their discretion, permit the Hearing Board to conduct hearings either separately or jointly.
6. The person who filed the complaint or a representative of the College, the accused student, and the Hearing Board may arrange for witnesses to present pertinent information to the Hearing Board. The College will try to arrange the attendance of witnesses who are members of the College community, if reasonably possible, and who are identified by the parties in a timely manner. Members of the College community that have been identified, by the DCS or Hearing Chairperson, as having information critical to the determination of the hearing are required to attend, if requested. Witnesses will provide information to and answer questions from the Hearing Board. Questions may be suggested by the accused student, person who filed the Complaint or a representative of the College to be answered by each other or by other witnesses. The Hearing

Chairperson will determine which questions may be asked and the Hearing Board will conduct the questioning. Questions of whether potential information will be received shall be resolved at the discretion of the Hearing Chairperson.

7. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Board
8. In the case of a virtual meeting (e.g., over Zoom) when electronic documents are being shared, no party is to take screenshots or pictures of the electronic documents or otherwise obtain digital copies without the consent of the Hearing Chairperson.

Hearing Outcome

After hearing all available evidence, the Hearing Board shall render an outcome of “Not in Violation” or “In Violation” of College policies and procedures, using a more likely than not preponderance of the evidence standard. The Hearing Board shall also assign appropriate sanction(s) for any policy and procedure violations. More than one sanction may be imposed on a student if found in violation of College policies and procedures.

- F. If the accused student fails to appear for the Hearing Board proceedings, those proceedings shall continue in the absence of the accused student and a decision may be rendered without information or evidence from the accused student.

Within five (5) days of the hearing, the DCS or designee will send the student an outcome letter to their student email detailing the decision rendered. The notification will contain, minimally:

1. The hearing outcome and assigned sanction(s).
2. Brief rationale for the outcome.
3. Explanation of necessary conditions (if appropriate) for reinstatement. The Hearing Board may require in writing a psychological/psychiatric evaluation of the student (cost to be borne by the student).
4. Explanation of the appeals process.

VIII. Sanctions and Notifications

Sanctions: When sufficient evidence exists to support the allegations contained in an allegation or complaint against a student or student organization or group, one or more of the following sanctions will be imposed. The sanction should be consistent with the gravity and nature of the offense. Prior student conduct records will be considered when sanctions are decided. For those sanctions that suspend privileges, a specific time period shall be set indicating when and how the privileges may be regained, if at all. Sanctions may be appealed through the appeal procedures set forth in the Code. Moreover, when a student receives a sanction that has not been completed after attempting to contact them two times, a “hold,” which prevents that student from preregistering and registering, is placed on that student’s record. This hold is

removed only when the student demonstrates that they fulfilled whatever obligation identified by the Office of Community Standards. Student organizations may also be held accountable for policy violations of their governing body in addition to the sanctions outlined below. All violations and/or sanctions listed below are noted in the records of the Office of Community Standards. In addition, the university reserves the right to impose additional sanctions related to specific incidents involving students on or off campus.

- 1) **No Further Action:** This sanction is interpreted to mean that although a violation has been established, discussion with the investigator and/or community standards administrator or appearance before the board has been sufficient in and of itself and further action is not deemed necessary. However, the violation is still noted in the records of the Office of Community Standards.
- 2) **Written Official Warning:** In instances of minor violations, students may be warned in writing of the possible consequences of continuing such behavior and written conditions regarding future behavior may be attached when appropriate.
- 3) **Limitation of Access to Campus Facilities by Time and Location:** This sanction can limit student access to all five campuses or specific campus facilities by time and location.
- 4) **Campus Services Hours:** This sanction requires students to perform a specified number of service hours/tasks that benefit the individual, campus, or community. The specific assignment is determined by the Director of Community Standards & Student Engagement or their designee. Failure to work the service hours within the time specified may result in additional sanctions as determined by the Director of Community Standards & Student Engagement.
- 5) **Disciplinary Probation:** This sanction implies a middle status between good standing at the college and suspension or dismissal. Students are permitted to remain enrolled under certain stated conditions, depending upon the nature of the violation and the potential educational value that may be derived from such conditions. Probation usually extends over a stated period, during which it is clearly understood that further disciplinary measures (up to and including expulsion) will follow if the terms of probation are violated. Probation is a final warning to students to conduct themselves as responsible members of the college community.
- 6) **Removal from Student Organization Office or Athletic Team:** This sanction is levied when it is thought that a student should not serve as a public representative as a student leader or student athlete of the college. Removal can be either temporary or permanent.
- 7) **Interim Sanctions:** While firmly committed to the concept of the community standards procedure, the college recognizes that students may be charged with violations that may present a clear danger of serious harm to the alleged violator, to other members of the college community, or to the surrounding community. When college officials judge a student to pose a threat to themselves, or the community, or where the student has been

charged with a crime of a serious nature, the Office of Community Standards & Student Engagement may impose temporary sanctions pending a hearing. Interim sanctions may include:

- a. Suspension from the college.
 - b. Limitation of access to designated campus facilities by time and location.
 - c. Restriction of communication with named individuals or groups within the college community.
 - d. The requirement to secure advance authorization to engage in a specified activity.
- 8) **Imposition of Sanctions:** The college takes violations of its policies, rules, regulations, codes, and standards seriously and will apply appropriate sanctions against students found responsible for violations thereof. Students should be aware that, if they are responsible for an incident that involves multiple violations, or if they have committed previous violations, the overall and cumulative nature of the violations will be considered when sanctions are levied. In addition, depending upon the nature and severity of the offense(s) committed, sanctions as severe as suspension or expulsion from the college may be imposed even in the case of a first offense.
- 9) **Suspension:** This sanction is involuntary separation from the college for a specific period of time after which a return may be possible. Suspension may extend to a semester or academic year or a designated date (e.g., when a stated condition has been met). The student may not be a registered student, be present on the campus, or attend any college-sponsored event for any reason whatsoever for a specified period of time.
- 10) **Dismissal:** This sanction is permanent involuntary separation from the college. A student who has been dismissed may not be awarded a degree or attend commencement events, even if they have completed all requirements for a degree. The student may not ever again be a registered student, be present on campus, or attend any college-sponsored event.
- 11) **Constructive or Educational Task(s):** The student is assigned a task that benefits the individual, campus, or community. This task is assigned as a condition of another sanction, such as disciplinary probation. Tasks must be reviewed by the Office of Community Standards & Student Engagement. Examples of tasks include educational papers, educational classes, attendance at educational programs or relevant community meetings, substance abuse education, alcohol education programs, or community service.
- 12) **Counseling Services Referral:** Counseling sessions are occasionally necessary for students who violate college policy. The purpose of engaging in counseling is for the student to further assess their behavior and attitude in certain areas of their life.
- 13) **Restitution:** Monetary assessment for property damage, theft or other costs caused by the student.
- 14) **No Contact Directive:** Restriction from written, verbal, electronic or physical contact with identified victim(s) for an identified period of time.

Failure to Complete Conduct Sanctions

All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Student Support and Success or Administrative Hearing [Conference] Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Student Support and Success.

VIII. Accountability Procedures for Athletic Groups, Student Groups and Student Organizations

The following sanctions may be imposed upon groups or organizations found to have violated the *Code*:

- 1) One or more of the sanctions listed above, and/or
- 2) Deactivation, de-recognition, loss of all privileges (including status as a College registered group/organization), for a specified period of time.

II. Appeal Process

- A. Any party, including the DSC, may appeal the decision of the Hearing Board but appeals may only be made on the following grounds:
 1. A procedural error occurred during the hearing process.
 2. New evidence that could not have been provided earlier is available.
 3. The assigned sanctions do not meet the College's sanctioning guidelines.
- B. A letter must be sent to the VPDIB or designee no later than five (5) business days following the receipt of the Hearing Board's decision. The appeal letter shall state the grounds and evidence(s) of the appeal and the remedy requested, and include any documents supporting the request for an appeal.
- C. The VPDIB or designee reserves the right to determine if any of the three (3) grounds for an appeal exists or does not exist. If the VPDIB or designee decides there is no ground for an appeal, he/she will indicate that to the appellate within three (3) business days following the receipt of the appeal request.

D. If grounds for appeal potentially exist, within five (5) business days, the Appeal Board will review the letter and all documentation from the hearing and render a decision. The Appeal Board may choose to either deny the appeal (if it does not meet the grounds for appeal), amend the decision or overturn the decision.

1. The Appeal Board will consist of:

- 1 Vice President Diversity, Inclusion, and Belonging (VPDIB) or designee.
- 2 Faculty Organization President.
- 3 Student Government Association Executive Council (SGAEC) Chair.

E. The decision of the Appeal Board ends the process.

VI. Student Conduct Records

Summary of notes for the hearing, with other pertinent material of the case, shall be submitted by the Hearing Chairperson into the College's approved reporting system and be maintained by the DCS or designee as a part of the student's discipline record for a minimum of seven (7) years.

Summary of notes from the Appeal Board shall be submitted to the DCS or designee for inclusion in the College's approved reporting system and be maintained by the DSC or designee as part of the student's discipline record for a minimum of seven (7) years.