

*Allegany College of Maryland*  
CODE OF STUDENT CONDUCT

**I. PHILOSOPHY**

Allegany College of Maryland, hereinafter referred to as “the College” is an institution of higher learning dedicated to excellence; as stated in the College’s mission statement, “Our focus is the preparation of individuals in mind, body, and spirit for lives of fulfillment, leadership, and service in a diverse and global society.” Consequently, the College accepts its responsibility to provide a meaningful, safe, educational environment not only in the classroom but also in the library, in the residence halls, in the cafeteria, in the gym, and anywhere else we find students, faculty, staff, and visitors. To fulfill that responsibility, the College presents this Code of Student Conduct, which demands high standards in our Core Values: Respect, Integrity, Opportunity, Wellness, and Quality.

**II. AUTHORITY**

Allegany College of Maryland’s Board of Trustees adopts the Code of Student Conduct, and any changes to it must be approved by the Board of Trustees.

(NOTE: per standard practice, Board-approved Policies, Policy revisions, title corrections, wording corrections, grammar/punctuation corrections, formatting, and other non-substantive changes do not require Board approval.)

**III. JURISDICTION**

The Code of Student Conduct applies to all students on any of the College’s campuses\* and to all students whose off-campus conduct (whether or not affiliated with the College or any College-sponsored activity) adversely affects the student’s fitness to be a member of the College community *or* is detrimental to the aims and objectives of the College. The Code of Student Conduct applies from enrollment (including between semesters) until the student graduates, withdraws from the College, or transfers to another institution without enrolling for further coursework at the College.

\*Main campus in Cumberland, Maryland; the Gateway Center in Cumberland, Maryland; Somerset County campus in Somerset, Pennsylvania; Bedford County campus in Everett, Pennsylvania; and Bedford County Technical Center in Everett, Pennsylvania.

**IV. STANDARD OF CONDUCT AND POLICIES**

Students enrolling at any campus of Allegany College of Maryland assume an obligation to conduct themselves in a manner compatible with the College’s function as an educational institution. Conduct shall be consistent with the College’s Core Values: Respect, Integrity, Opportunity, Wellness, and Quality. Each student is presumed to have fundamental knowledge of proper conduct, such as manners, keeping hands to oneself, respecting the property rights of others, listening in class, and obeying authority. Each student is likewise expected to follow all federal, state, and local laws. Furthermore, each student shall be presumed to have read the Code of Student Conduct; ignorance of its provisions shall not be a defense to violating them. Finally, the actions/behaviors prohibited in the lists that follow are not exhaustive, since every possible conduct action/behavior cannot be foreseen by College officials, and the College reserves the right to supplement the standards of conduct at any time with notice to the students. Any questions about the Code may be addressed to the Vice President of Student & Legal Affairs.

**A. Personal Interaction**

Within the Standards of Conduct expected of all students at all campuses, the following actions/behaviors (and attempts to commit them) violate standards of personal interaction and are strictly prohibited:

1. Assault and Battery: touching (with one's hand or an object) another person without his/her consent, in anger, or in a way that puts any other person in fear of harm. If no actual touch occurs, the offense is assault.
2. Aggravated assault: an assault and battery that results in serious injury.
3. Threat/intimidation: words and/or actions that communicate to another person that s/he will be harmed in some way.
4. Sexual Assault: see the policy described below.
5. Sexual Harassment: see the policy described below.
6. Harassment: specific, offensive actions/behaviors (or combination of actions/behaviors) that are repeated at least three times and that have the intent *or* the effect of causing distress, anxiety, fear, or alteration of the actions, habits, or conduct of the person at whom the offensive conduct is directed.
7. Bullying: using one's power (of size, strength, reputation, position, finances, etc.) to dominate another person and/or to control his/her actions/behavior.
8. Other act(s) that violate the personal rights of another OR that violate any local, state, or federal law.

**Policy: Sexual Assault**

Sexual assault is defined as touching the private parts of another person, compelling another person to touch the private parts of any other person, exposing one's own private parts, or threatening to do any of the above. Sexual assault can be as simple as touching a woman's breast over her clothes or as serious as forced intercourse. Students accused of any sexual assault are subject to the enforcement provisions described below (i.e., "VI. Student Discipline"). Because of the sensitive nature of the offense, victims of sexual assault are afforded rights during disciplinary proceedings.

- The victim may seek the assistance of any faculty or staff member in reporting the violation to campus and/or police authorities. The College encourages victims of sex-related offenses to report allegations to both campus and police authorities.
- The victim has a right under State law to be transported by a law enforcement officer to a designated treatment facility for free examination, assistance with preservation of evidence, and treatment by physicians, mental health professionals, and others. The College encourages every victim of a sex-related offense to avail themselves of these services.
- The victim may utilize the counseling services described on page 28 of this Student Handbook or may seek assistance from the office of the Vice President of Student & Legal Affairs in seeking other appropriate treatment programs in the community.
- The victim may use the information provided through the Housing Office (located in the Vice President of Student & Legal Affairs' Office) in changing living arrangements.
- The victim may gain information on options in changing an academic schedule in the Admissions and/or Registration Offices or from a faculty advisor.
- For purposes of any hearings conducted by the Committee on Student Conduct, the victim may be assisted by one non-legal representative of his or her own choosing (the same as the accused).

The victim shall be informed of the outcome of any campus disciplinary proceeding.

**Policy: Sexual Harassment**

Allegany College of Maryland, like the State of Maryland, is dedicated, in spirit and in law, to a strong policy against discrimination based upon sex. This Policy is founded on State and Federal laws, the U.S. Constitution, and the Maryland Constitution and Declaration of Rights.

The College, as an employer and as an educational institution, should provide an environment conducive to both the performance of duties and to the learning experience free from intimidation or coercion in any form. It is imperative that all members of the College community—administrators, staff, faculty, and students—are assured of a working and educational atmosphere free from sexual harassment.

As a matter of College policy, unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or a part of the educational process;
2. submission to, or rejection of, such conduct by an individual is used as a basis for employment or academic decisions affecting such an individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Any student (credit or non-credit) of Allegany College of Maryland who feels that he/she has been subject to sexual harassment should register a written complaint with the Vice President of Student & Legal Affairs who will either process it at that point if it is a student-to-student issue or will forward the written complaint to the College Personnel Officer if it is an issue dealing with a College employee and a student. The Personnel Officer will bring the complaint to the President of the College, who may choose to use the President's Council or the Vice President of Student & Legal Affairs for investigation and resolution.

## **B. Respect for Property**

Within the Standards of Conduct expected of all students at all campuses, the following actions/behaviors (and attempts to commit them) violate standards for respect of property and are strictly prohibited:

1. **Theft/Unauthorized Use:** if the property does not belong to you, then you may not take, use, tamper or move it without the permission of its owner. Also, no one may possess or assist in the concealment of stolen property.
2. **Trespassing:** if a student has been advised orally or in writing by a College official that s/he is not permitted on campus, at housing, or in a particular location of the College, then the student may not enter that property without advance permission by an authorized College official.
3. **Unauthorized Entry:** if the room, apartment, building, or other location has not been opened to you by the person/entity authorized to admit you, then you may not enter. No one may demand entry to any room, apartment, building, or location.
4. **Breaking and Entering:** no one may forcibly enter a room, apartment, building, or location. "Force" includes (but is not limited to) kicking doors, picking locks, opening windows, and threatening occupants.
5. **Robbery:** stealing the property (including money) of another person through force, threat, or intimidation.
6. **Vandalism:** intentionally causing damage to the property of another person or the College. Unintentional damage will not result in disciplinary action, but the person(s) responsible will be required to pay for repair/replacement.
7. **Other act(s)** that violate the property rights of another OR that violate any local, state, or federal law.

### C. Health and Safety

Within the Standards of Conduct expected of all students at all campuses, the following actions/behaviors (and attempts to commit them) violate health and safety standards and are strictly prohibited:

1. Weapons: No one may possess or use on College property *any* firearms, guns (including BB guns), knives (except a penknife without switchblade), other dangerous or deadly weapons of any kind, explosive ammunition, or incendiary/explosive material or device (except as expressly permitted by the President). Also, if an ordinary usage item is wielded as a weapon, then it will be treated as a violation of this standard.
2. Disregarding Fire Safety: the College complies with mandates and recommendations of the fire marshal. Equipment is in place for the protection of all people on campus. Violations include tampering with equipment, pulling false alarms, playing with fire extinguishers, removing fire extinguishers from their designated locations, dismantling smoke detectors, removing batteries, hanging items from sprinkler heads, using fireworks (including sparklers), and failing to evacuate a building when a fire alarm has sounded.
3. Drugs: the College has a zero tolerance for illegal drug use. (See the Alcohol and Drugs Policy below for more information.) “Drugs” includes the possession, use, distribution/dispensation, and manufacture of any controlled substance (including residue or trace amounts) as defined by state or federal law.
4. Alcohol: the College does not tolerate the use or possession of alcoholic beverages by anyone under the age of 21. People over age 21 may consume alcoholic beverages only at events wherein the use of alcoholic beverages has been approved by the President. **No one** may use or possess alcoholic beverages on the grounds of Willowbrook Woods. (See the Alcohol and Drugs Policy below for more information.)
5. Tobacco: smoking and/or the use of other tobacco products is limited. (See the Tobacco Policy and Housing Regulations below for more information.)
6. Reckless Endangerment: unsafe act(s) that place any person at risk of injury.
7. Child Endangerment: the College often has children on campus, and no one may engage in activities that put any child at risk of physical, medical, or psychological harm. Only authorized persons are permitted entry to Campus Kids Child Care Center. All students bringing children onto campus should read the Unattended Children Policy below.
8. Enabling Dangerous Persons: the College sometimes designates certain individuals to be too dangerous or disruptive to be permitted onto campus. Such persons may be non-students (i.e., see the Dangerous Persons on Campus Policy) or may be a current or former student whose presence on campus or certain locations on campus have been restricted (e.g., evicted residents at Willowbrook Woods). Students may not assist these persons in getting access to areas they have been denied.
9. Unauthorized Possession/Duplication of keys: only keys given to a student by an authorized College official may be used; no keys may be duplicated.
10. Traffic Obstruction: roadways, sidewalks, hallways, doorways, and stairs must be free of obstruction for both vehicular and pedestrian traffic.
11. Unsafe driving: all students are expected to follow the posted speed limits and other rules of the road when operating a motor vehicle on campus.
12. Unauthorized Parking: the parking of a motor vehicle in a location where parking is restricted or not permitted. Staff parking is designated for use only by faculty and staff. Handicapped parking is designated for use only by persons with authorized handicapped tags/stickers.
13. Animals: See the Pets and Animals Policy below for more information.
14. Spreading Infectious Disease: Failure to report an infectious disease/condition as required jeopardizes the entire College community. See the Infectious Disease Policy below for more information.

15. Other act(s) that violate the health and safety rights of another OR that violate any local, state, or federal law.

**Policy: Alcohol & Drug Use**

Allegany College of Maryland supports the efforts of the State of Maryland and the United States to provide workplaces and learning centers free of illicit drug use and free of unlawful alcohol use. The College supports the Federal Drug-Free Workplace Act of 1988, the Federal Drug-Free Schools and Communities Act Amendments of 1989, and drug and alcohol abuse policies of the Maryland Higher Education Commission.

It is the College's intention to provide and maintain a work environment for employees and students that is drug-free, healthful, safe, and secure. When a student is on campus, the student is expected to be in an appropriate mental and physical condition, free of any illegal drugs/alcohol and capable of fulfilling their daily duties. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance (as defined by the Controlled Substance Act 21 U.S.C. section 802 and further defined at 21 C.F.R. sections 1300.11 - 1300.15) and the unlawful possession or use of alcohol on College property or as part of any College-sponsored activities off-campus is absolutely prohibited. Any unlawful activity with controlled substances or alcohol by students while involved with a College activity, on or off the campus, will not be tolerated.

Although the College recognizes drug/alcohol dependency as an illness and a major health problem affecting society, it also recognizes drug use and activity as a potential health, safety, and security problem. Students requiring assistance in dealing with drug or alcohol abuse or dependency are encouraged to seek counseling and/or medical assistance through the use of the College's health insurance plan, as may be appropriate, or through the Student Assistance Program which offers counseling and referral.

Certain student financial aid awards may only be made if the student is willing to certify or pledge that they will not engage in unlawful activities with regard to drugs and alcohol.

Violations of this Policy statement shall be immediately addressed by the College and may result in disciplinary action which could include expulsion. The College may also refer violations for criminal prosecution by civil authorities where circumstances warrant.

**Policy: Tobacco Use** (Revised and Approved by the Board of Trustees 11/19/07)

**I. PURPOSE AND BACKGROUND**

It is a shared responsibility of the students, staff, and visitors of Allegany College of Maryland to promote a healthy, comfortable, productive, and safe campus environment.

Reliable medical evidence reveals that smoking is hazardous not only to the health of those who smoke, but also to the health of nonsmokers who are exposed to smoke.

In addition, numerous communicable diseases may be transmitted by contact with body fluids and sputum produced during oral tobacco use which can provide the vehicle for infection.

Thus, it is the position of the College that the use of tobacco, or tobacco substitute products, is harmful not only to the person using the product, but also to others.

In an effort to promote health and preserve the working/learning environment of the campus community, all students, staff, and visitors to Allegany College of Maryland are required to comply with the

provisions of this policy. In all matters related to the implementation and enforcement of this directive, reasonable priority shall be given to the needs of nonsmokers.

## II. POLICY STATEMENT AND GUIDELINES

SMOKING, OR THE CARRYING OF ANY LIGHTED TOBACCO PRODUCT OR TOBACCO SUBSTITUTE, AND THE USE OF ORAL TOBACCO OR TOBACCO SUBSTITUTE PRODUCTS, IS PROHIBITED IN ALL INTERIOR AREAS OF ALL CAMPUS BUILDINGS AND IN ALL COLLEGE VEHICLES.

- A. Tobacco use is prohibited in all classrooms, study areas, medical and dental clinical areas, offices, auditoriums, conference rooms, libraries, gymnasium and exercise rooms, stairwells, restrooms, hallways, reception rooms, and all other areas within any college building or vehicle.
- B. The only areas where tobacco use is permitted on the Allegany College of Maryland campus are the outdoor parking lot areas of the campus where proper receptacles are provided for proper disposal of tobacco products or in personal vehicles parked in the parking lots.

## III. SMOKING CESSATION ASSISTANCE

The Personnel Office will make available, to all staff who are smokers, information about private and public smoking cessation programs and services available in the local area. In addition, Allegany College of Maryland will offer to all smokers the opportunity to enroll in one or more identified smoking programs each year at a reduced cost with Allegany College of Maryland paying for one-half of the expense of the program.

## IV. IMPLEMENTATION AND ENFORCEMENT

All students and staff share in the responsibility for adhering to and enforcing this directive among employees, students, and visitors to Allegany College of Maryland.

**STUDENTS:** Any alleged STUDENT violation of this policy shall be reported to the Vice President of Student & Legal Affairs. A student found to be in violation of this policy shall be subject to the disciplinary procedure and actions as specified in the Allegany College of Maryland Student Handbook, #IV.C.4 Student Discipline.

The first violation will result in a penalty of censure, and successive violations will result in increasing penalties: probation, suspension, dismissal, and expulsion. This pattern will be followed in all cases except where particularly flagrant or innocent circumstances existed.

**FACULTY/STAFF:** With any STAFF/FACULTY member, the violation of this policy shall be handled as any other policy violation. Disciplinary procedures are described in the All-College Manual (policy 05.001)

**CAMPUS VISITORS:** Campus visitors are expected to comply with this policy. Any violation of this policy by a visitor or group using Allegany College of Maryland facilities shall be reported to the Vice President of Student & Legal Affairs who will contact the person/parties to discuss and resolve the matter.

If the matter is not resolved, denial of use of campus facilities will eventually be the outcome if so approved by the President.

Information: Littering

Allegheny College of Maryland provides trash cans and tobacco receptacles on its campuses. Each person using College facilities is expected to dispose of his/her trash properly (including tobacco products).

Policy: Unattended Children

In an effort to protect the health and safety of students, faculty, and staff at the Main Campus in Cumberland, Bedford County and Somerset County Campuses in Pennsylvania, [and all other campus sites of the college](#), all persons doing business on this campus or either of its Pennsylvania Campuses are reminded that they are responsible for any minor children brought to the Campuses. No unattended children are allowed on campus.

Even if a child\* is in the company of an adult, the child may not accompany the adult to a class and/or laboratory. There is a very plausible reason for this and it is a matter of safety (Fire Marshal's mandate the number of persons allowed in each classroom and that number may not be exceeded). Additionally, the child's presence may disturb other students in the class.

\*Child = Any person under the age of eighteen, who is not registered as a credit or continuing education student at the College.

Efforts to have children cared for elsewhere are the responsibility of the student. Allegheny College of Maryland staff members may have additional information about other childcare resources.

Policy: Dangerous Persons on Campus

Allegheny College of Maryland strives to provide quality education and services in a safe and comfortable environment at a reasonable cost. Anyone who satisfies our admissions criteria and who is at least sixteen year of age is admitted to Allegheny College of Maryland. The College reserves the right to refuse admission or re-enrollment or to place conditions on admission or re-enrollment of applicants and former students who the College determines represent a safety risk to students, faculty, or staff. Allegheny College of Maryland also strives to promote a college that enhances lives and the community through education and service. We welcome the public and service providers to our campus. All visitors are expected to conduct themselves appropriately and lawfully at all times. The College reserves the right to deny entrance to the College or to remove persons from the College grounds who pose a safety risk to our students, faculty, staff, other visitors, or property

Policy: Pets and Animals

Bringing pets or animals onto College properties or into buildings without the express permission of the Physical Plant Department is prohibited. Pets and animals are strictly prohibited from Willowbrook Woods – except for fish in the maximum of a 10-gallon tank.

Policy: Infectious Diseases/Conditions

This policy concerns infectious diseases/conditions that include (but are not limited to) measles, chickenpox, other rashes with fever, lice, hepatitis, flu pandemic, impetigo, pink eye, jaundice, and the like.

In an effort to protect the health and welfare of students, staff, and faculty at Allegheny College of Maryland, students, staff, faculty, and their children who exhibit signs and symptoms of potential, acute communicable illnesses may **not** remain on campus and will be excluded from public areas, classrooms, laboratories, college offices, and housing until the acute and/or contagious stage is over. (That determination must be made by a physician or Health Department official, who must provide written verification.) Exclusion from campus during this period will not only facilitate the recovery of the affected person, but it will also protect others from possible transmission to other persons, particularly

those whose immunity to disease is already compromised (e.g., persons undergoing treatment for leukemia and other forms of cancer).

It is the responsibility of the infected individual to notify the Vice President of Student & Legal Affairs\* of the illness. The person will be asked to provide essential information such as when the illness/condition was contracted, from whom the illness/condition was contracted, and with whom the infected person has had contact. The Vice President of Student & Legal Affairs will coordinate any campus-wide response that is needed with the appropriate officials (e.g., Health Department officials, the Vice President of Administrative Services, the Vice President of Instructional Affairs, the Director of Residence Life, etc..) *If necessary, Allegany College of Maryland will close until the medical crisis has passed.*

\*On the Pennsylvania campuses, the Director of Student Services will accept notification and coordinate response.

Assuming hospitalization or other quarantine is not required; students will be encouraged to go to their permanent homes during this time and to contact their instructors to make arrangements for their assignments, tests, and other academic obligations. Please consult the relevant section of this Handbook and course syllabi for attendance policies.

#### **D. Peace and Order**

Within the Standards of Conduct expected of all students at all campuses, the following actions/behaviors (and attempts to commit them) violate standards of peace and order and are strictly prohibited:

1. **Failure to Comply:** when a student is given an order, direction, or instruction from a College official or a community authority (such as fire and rescue personnel) who is rendering assistance to the College, the student must follow the order, direction, or instruction.  
(If the student objects to it, s/he must comply but may lodge a complaint with the official/authority or with the Vice President of Student & Legal Affairs on the next business day.)
2. **Probation Violation:** failure to observe a term or condition of probation issued in a previous disciplinary matter.
3. **False Statements:** there are many occasions when a student is required to be truthful and honest with College officials. Violations include knowingly making a false report, giving false information during an investigatory interview, and/or falsifying a College document.
4. **Fraud:** certain actions/behaviors that are intended to deceive College officials or to gain access to records, classes, facilities, equipment, offices, etc. constitute fraud. (See Terms and Conditions for Use of Internet for an example.) Also, no student shall engage in the forgery, adulteration, or misuse of any College document or record.
5. **Disorderly Conduct:** students shall not engage in actions/behavior that disrupts educational or administrative operations of the College. (See Classroom Behavior Information for an example.)
6. **Inappropriate/Unauthorized Use of Computer(s):** the use of any computer to harass, intimidate, abuse, or embarrass any other person OR the use of another person's identity/access/password OR the misuse of internet privileges. (See Technologies Resources Policy).
7. **Residence/Residency:** Providing false, misleading, incomplete, or inaccurate information to solicit a change in legal residency is not permitted. Moving to Maryland and/or Allegany County solely for the purpose of obtaining a reduced tuition is not permitted. Also, each student is required to notify the Admissions/Registration Office of his/her permanent and local addresses – including any changes of addresses within a reasonable time. Willowbrook Woods may NOT be listed as a permanent address.
8. **Unauthorized Publication(s)/Sale(s):** Except as authorized in College policy or one-time, private transactions involving personal property, students are not permitted to sell

merchandise without prior approval from the Vice President of Student & Legal Affairs. Entrepreneurs who wish to engage in the routine sale of goods shall obtain a local business license.

9. Other act(s) that violate peace and order OR that violate any local, state, or federal law.

**Information: Classroom Behavior**

Faculty may enforce their own classroom/syllabus rules and have discretion to impose academic consequences in accordance with relevant college instructional policies. Faculty members who have concerns about a student's discourteous or disruptive conduct in the classroom (or other class-related setting) are encouraged to meet privately with the student to discuss the concerns and reach a reasonable solution. If the solution does not work, the faculty member is encouraged to have a second meeting and to issue a written reprimand. If a written reprimand does not resolve the behavior, the faculty member may withdraw the student from the course. The student has the right to appeal any withdrawal using the College's Academic Grievance Procedure.

However, if the problem behavior is excessively disruptive, aggressive, out-of-control, or otherwise presents a safety risk to the instructor or other students, the faculty member shall immediately direct the student at fault to leave\* the classroom, call 911 as needed, and then notify either security or the Vice President of Student & Legal Affairs, for immediate action and follow-up (including possible disciplinary action, mental health referral, and/or Ix3 Team referral). The faculty member may elect to withdraw the student, subject to the same appeal process outlined above.

(\*In unusual circumstances, it may be wiser to evacuate the classroom, leaving the disruptive student alone for intervention by the proper authorities.)

**Policy: Use of Cellular Telephones**

While the use of cellular telephones on the campuses of Allegany College of Maryland is generally permitted, there are certain situations in which cellular telephone use becomes disruptive. The following, non-exhaustive list contains examples of places/times when the use of cellular telephones is not permitted: all classrooms, lecture halls, and laboratories; all libraries and other areas used as "quiet study" places; and events in the College theatre where hosts have requested that all cellular telephones be turned off.

Out of courtesy to your instructors, fellow classmates, and College staff, Allegany College of Maryland encourages you to use your judgment as to the appropriateness of the use of your cellular telephone while on campus.

**Policy: Technology Resources Policy**

See Computer Services.

**Policy: Student Publications and Sales**

See Student Life.

**E. Housing Regulations**

In addition to the policies and rules of conduct applicable everywhere on the College's campuses, student housing has particular regulations that are necessary for the safety and harmony of that community. It is the responsibility, however, of every student to know and follow these regulations when they visit Willowbrook Woods.

1. PHOTO IDENTIFICATION CARDS

- All residents must have a College ID card.
- All residents must carry this ID card at all times.
- ID cards must be shown if and when requested by any official.

2. Everyone entering Willowbrook Woods must show a photo ID; visitors' IDs will be kept by security until the visitor departs. The visitor must sign in and out.
3. GUESTS  
All residents and visitors must follow Guest Policies and Procedures.
4. QUIET HOURS AND COURTESY HOURS
  - Courtesy hours are in effect at all times; courtesy hours indicate a general respect for others' sleep, study, and lifestyle habits.
  - Quiet hours are times when noise should not be heard outside the apartment, and noise in breezeways/balconies should be kept to a bare minimum.
    - Designated Quiet Hours: 11:00 pm to 8:00 am Sunday thru Thursday
    - 12:00 am to 11:00 am Friday and Saturday
    - 24 hours during mid-term and final weeks
5. ALCOHOLIC BEVERAGES ARE PROHIBITED.
6. SMOKING IS NOT PERMITTED in any apartment or indoor common area; smoking is permitted on balconies if the sliding glass door is closed and non-smokers who are present do not object.
7. An extensive list of ITEMS BANNED from apartments is provided to each resident. (Examples include candles, incense, fireworks, dart boards, and grills.) Guests should bring nothing on housing property without checking that the item is permitted.
8. Per the fire marshal, NO MORE THAN 10 PEOPLE ARE PERMITTED in an apartment at any time.
9. CARS MUST BE REGISTERED; unregistered cars will be towed.

## V. ENFORCEMENT OF POLICIES

Except for academic violations which are enforced as described above, the Vice President of Student & Legal Affairs (i.e., Student & Legal Affairs) is responsible for the enforcement of all policies.

## VI. STUDENT DISCIPLINE

### A. Misconduct (Violations of the Code of Student Conduct, local, state, federal laws)

#### 1. Offenses against another person

General Description: These violations relate to the intentional or unintentional harming of another person (not necessarily a student) and could have physical injuries or emotional impact on the other person(s).

*Category I Examples:* sexual assault, aggravated assault, robbery

*Category II Examples:* A&B, harassment, bullying

*Category III Examples:* fighting (mutual combat), assault, threats

#### 2. Offenses against property

General Description: These violations relate to the improper use or taking of property belonging to another person and/or the College.

*Category I Examples:* breaking and entering, arson

*Category II Examples:* major theft (value > \$100), unauthorized use/entry

*Category III Examples:* minor theft (value < \$100), vandalism

#### 3. Offenses against health and safety

General Description: These violations relate to issues that may – but do not necessarily – be criminal offenses off campus but the commission of which creates health and safety risks for the accused student, other people, or the College environment generally.

*Category I Examples:* weapons, explosives, drugs

*Category II Examples:* alcohol, infectious disease, misuse of fire safety equipment (including false alarms), unauthorized copying of keys,

*Category III Examples:* smoking, candles, pets, vermin/infestation, trash

#### **4. Offenses against peace and order**

General Description: These violations relate to behaviors required for a peaceful, orderly campus community; they often reflect expectations students will find in the workplace and in the cities/towns in which they will live upon completing their educations.

*Category I Examples:* fraud, failure to comply with directions of College officials in the proper exercise of their duties

*Category II Examples:* false statement during an official investigation, failure to report violations of the Code of Student Conduct

*Category III Examples:* disorderly conduct, obstructing the free flow of traffic (vehicular or pedestrian)

#### **5. Offenses against Housing**

General Description: These violations relate to housing-specific issues that do not apply elsewhere on campus.

*Category I Examples:* None

*Category II Examples:* Repeat violations.

*Category III Examples:* First violations.

### **B. Disciplinary Procedures**

- 1. Reporting:** All violations (or suspected violations) shall be reported. Reports should be made in writing when possible/practical. Once reported, all violations (or suspected violations) will be documented.
- 2. Initiation of Discipline:** Reports will be forwarded immediately to the appropriate Hearing Officer.
  - a. Student/non-resident violations (all) to the Vice President of Student & Legal Affairs
  - b. Non-student violations to the Vice President of Student & Legal Affairs
  - c. Student/resident Housing violations to Housing staff
    - (i) All Housing violations screened by Director of Residence Life
    - (ii) Reported violations distributed Area Coordinator, Director of Residence Life, or Vice President of Student & Legal Affairs.

Area Coordinator = Category III violations (exception: probation violation where the probation was assigned by the Area Coordinator)

Director = Category II violations (exception: probation violation where the probation was assigned by the Director)

Vice President of Student & Legal Affairs = Category I violations (exception: probation violation where the probation was assigned by the Vice President)
  - d. When a reported violation involves violence, force, and/or a reasonable concern that a safety risk exists, the Vice President of Student & Legal Affairs may request an Order of Immediate Interim Suspension from the College President. Such an Order requires that the accused student immediately leave College grounds (including housing) and may not return for any reason (including classes) without permission from the College President – typically when either the investigation is concluded or the safety risk no longer exists. Housing residents who are accused of conduct violations that necessitate their temporary removal from [only] housing (also for safety reasons) may be suspended by either the Director of Residence Life or the Vice President of Student & Legal Affairs. These residents will be responsible for finding temporary accommodations and transportation to/from campus.
- 3. Notice:** Students accused of Code violations will be given written notice
  - a. Specific policy, regulation, rule, or law allegedly violated
  - b. Date (approximated, if necessary) of alleged violation
  - c. Hearing date, time, and location (not less than 24 hours) or directions for the accused student to schedule a hearing.

- d. Notice shall either be sent by certified mail to the accused student's address of record OR be hand-delivered with a signed receipt/acknowledgment by the accused student. Any student who refuses to claim his/her certified mail will be assessed the cost of the mailing.
- e. Additional Notice may be waived in limited circumstances.
  - (i) The accused student gives demonstrably false information during the investigation, and the original Notice contained a warning of consequences if false information is given.
  - (ii) Additional violations are discovered during the investigations, the violations are directly related to the original matter(s) being investigated, and the accused student agrees to proceed without initiating a second disciplinary process.

**4. Investigation:** Assigned hearing officer conducts investigation\*

- a. Interview complainant/victim. The Hearing Officer shall ascertain whether, in fact, a violation is likely to have occurred. If there is no basis for the complaint, the matter will be dismissed immediately. False reports could trigger a new disciplinary proceeding against whoever made it.
- b. Interview witnesses; witness names may be provided by the complainant/victim, the accused student, other witnesses, College faculty/staff, and/or the hearing officer.
- c. Review incident or police report(s), if any.
- d. Review documentation or other records, recordings, videos, etc..
- e. Hearing with accused student.

\* These steps need not occur in any particular order. Interviews and hearings shall *not* conflict with any student's class schedule. In order to protect confidentiality and to promote candor, hearings and interviews shall be conducted in private; students may not be accompanied by parents, friends, roommates, attorneys, or other persons – except an Ombudsman.

**5. Hearing:** Accused students are entitled to an impartial, closed hearing with the Hearing Officer who may be assisted by another College official to ensure accuracy. As stated below, the accused may be accompanied by an Ombudsman\*

- a. Students have the right to attend the hearing
  - (i) Failure to attend could result in decision without student's input
  - (ii) If a student is unable to attend a scheduled hearing for good cause or needs more time to prepare, s/he must contact the Hearing Officer to reschedule.
- b. Students have the right to answer and admit/deny the allegation
- c. Students have the right to decline to give a statement
  - (i) Students' failure to provide a statement will not end the process; decisions shall be made without the student's input.
- d. Students have the right to present fact or character witnesses.
- e. Students have the right to present relevant evidence
- f. Students do *not* have the right to an attorney during any disciplinary proceedings, as College proceedings are non-legal in nature and are, therefore, not subject to the same rules, procedures, and standards of proof as legal proceedings.
- g. Students have the right to seek procedural assistance and information from the Ombudsman, a neutral third party who is a member of the College staff appointed by the President, who does not advocate for any position or outcome, but who is well-versed in the Code of Student Conduct. The Ombudsman *may* meet with accused students (as requested) to prepare for the hearing and may attend the hearing.

**\*These rights apply at all hearings, including the Committee on Student Conduct.**

6. **Deliberation:** The Hearing Officer shall take the necessary time to decide and shall re-interview any person s/he deems necessary. The standard to be applied in making decisions is preponderance of the evidence (i.e., it is more likely than not that the accused student committed the violation(s) as alleged).
7. **Decision:** The hearing officer shall notify the student in writing of the decision and the reasoning for that decision. It shall either be sent by certified mail to the appealing student's address of record or hand-delivered with a signed receipt/acknowledgement by the appealing student.
  - a. Findings: Not responsible/not in violation OR Responsible/in violation
  - B. If found not responsible, report/file will be closed and nothing will be noted in the student's official disciplinary records
  - c. If found responsible, sanction(s) shall be imposed.
8. **Sanctions:** A response appropriate for the offense will be imposed.
  - a. Censure: A written reprimand placed in the student's disciplinary file.
  - b. Fine: A financial penalty.
  - c. Educational Sanction: An exercise intended to help the student learn.
  - d. Probation: A period of time when the student's conduct will be more closely monitored for compliance with all rules, regulations, policies, and laws. Specific terms and/or conditions that are intended to ensure safety, to compensate any victim, to deter this or any student from a similar course of conduct, or to educate the student may be placed upon a student for whom the sanction is probation. Examples of terms/conditions that may be imposed include (but are not limited to) restitution, letters of apology, counseling, written assignments, educational sanctions, community service, restriction of activities, and no contact with designated persons. Failure to comply with any term/condition of probation could result in additional disciplinary action. The written decision will state when the probation period expires; that time may be extended for cause (e.g., the student's inability to complete probationary sanctions).
  - e. Suspension: A period of time when the student may not be present on campus (or at housing) for any reason without the prior, written permission of the Hearing Officer. The written decision will state when the suspension period expires. A student who is suspended and who comes onto campus (or housing) could be arrested and prosecuted for criminal trespassing and could face additional disciplinary action.
  - f. Dismissal: The student is terminated from the College for an indefinite period of time and may be readmitted only with written approval from the College President. A student who is dismissed and who comes onto campus (or housing) could be arrested and prosecuted for criminal trespassing and could face additional disciplinary action. Any Willowbrook Woods resident who is dismissed from the College is automatically expelled from housing.
  - g. Expulsion (Willowbrook Woods residents only): The resident is removed from housing for a specific period of time, typically for the remainder of the contract term. The resident must remove all personal possession from his/her apartment, complete a formal check-out with the Area Coordinator, relinquish all keys and housing ID, and vacate the premises as directed. A resident who is expelled and who comes onto housing property could be arrested and prosecuted for criminal trespassing and could face additional disciplinary action. As stated in the housing contract, expulsion does not release the now-former resident from his/her financial obligations under the contract; fees will remain due as agreed unless and until that person's *vacancy* - **not room** – is filled.
9. **Appeal:** Any student who has been found responsible/in violation of the Code of Student Conduct and sanctioned may petition to appeal that decision (or any part thereof) to the next higher authority within the Code of Student Conduct. **The appeal must be in writing, must**

**state with specificity the grounds for appeal (i.e., why the decision was incorrect), and must be submitted to the Hearing Officer within 15 calendar days of the date of the decision being appealed.** The Hearing Officer will promptly notify the proper official and forward the appeal, a copy of the student's file, and any response to the petition to appeal.

\*See B5 (above) for list of appealing student's rights.

- a. Decisions by the Area Coordinator (housing only) are appealed to the Director of Residence Life.
- b. Decisions by the Director of Residence Life (housing only) are appealed to the Vice President of Student & Legal Affairs.
- c. Decisions by the Vice President of Student & Legal Affairs are appealed to the Committee on Student Conduct. The Committee Chair functions as the designated "Hearing Officer" for purposes of this provision.
  - (i) The Committee on Student Conduct is comprised of eight members: three members of the full-time faculty (selected by the Chairman of the Faculty Senate), no more than five students (selected, after completing an application, by the Committee Chairs), and two Chairs (selected by the President).
  - (ii) When an appeal is noted, all three faculty members and three students will be contacted to serve at the hearing. The two Chairs will alternate hearings. At least one Chair and three members must be present (to constitute a quorum).
- d. Decisions by the Committee on Student Conduct are appealed to the President of the College. Decisions by the President are final.

**10. Appeal Procedures:** Upon receiving the student's appeal letter and copy of the file, the Appeal Official will promptly review the petition for appeal and the file materials submitted by the Hearing Officer to determine student's petition meets the required appeal criteria:

- Petition is in writing.
- Petition is timely filed.
- Petition states what is being appealed (e.g., finding and/or sanction).
- Petition clearly states the student's grounds for appeal (i.e., merely being dissatisfied with the outcome is insufficient). Acceptable grounds include the discovery of new evidence, proof of actual innocence that was unavailable before the Decision was made, or misconduct by the Hearing Officer. Such allegations must be supported by reference to specific evidence (such as notarized statements by newly identified witnesses, documentation, etc.) – not by vague claims or assertions.
- All procedural requirements for Hearings were met (e.g., notice, opportunity to be heard, etc.)
- Student participated as requested at the Hearing from which the decision is being appealed (i.e., Documented failure to cooperate with the investigation and/or hearing forfeits the student's right to appeal the decision. An accused student must attend his/her hearing even if s/he exercises the right to decline or give a statement or to answer questions.)

If the criteria have not been met, the Appeal Officer will notify the student that his/her appeal has been rejected. If the criteria have been met, the Appeal Officer will promptly schedule a hearing. When possible, hearings will be scheduled within 15 calendar days but should be scheduled for the soonest available date.

- a. Appeals to the Director of Residence Life will consist of a review of the file, additional interviews as necessary, and a hearing with the appealing resident. The Director of Residence Life should examine whether the appealing student has compelling grounds for the appeal and may uphold the decision, reverse the decision, or modify the decision as s/he deems appropriate. The new decision will be issued in writing within 15 calendar days and either sent to the appealing student by certified mail to the appealing student's address of record or hand-delivered with a signed receipt/acknowledgement by the appealing student.
- b. Appeals to the Vice President of Student & Legal Affairs will consist of a review of the file, additional interviews as necessary, and a hearing with the appealing resident. The Vice President of Student & Legal Affairs should examine whether the appealing student has compelling grounds for the appeal and may uphold the decision, reverse the decision, or modify the decision as s/he deems appropriate. The new decision will be issued in writing within 15 calendar days and either sent to the appealing student by certified mail to the appealing student's address of record or hand-delivered with a signed receipt/acknowledgement by the appealing student.
- c. Appeals to the Committee on Student Conduct are more complex.
- (i) Scheduling: At the beginning of each semester, the Chairs of the Committee will record when members of the Committee are available by consulting the faculty grid and the required applications submitted by student representatives. This information will be provided to the Ombudsman for efficient scheduling. The Ombudsman will notify the appealing student as well as the Committee members of the date, time, and location of the hearing in writing. The Ombudsman may meet with the appealing student prior to the appeal hearing to discuss hearing procedures (if requested by the appealing student) and shall attend the hearing to answer the appealing student's procedural questions during the hearing and to make recommendations to the Committee Chair when disputed issues arise during the hearing.
  - (ii) The Committee Chair will preside over the appeal hearing, resolve any procedural disputes, ensure that the hearing is fair, participate in deliberations, and write the Committee's decision. The other Committee members will hear the evidence and deliberate.
  - (iii) Hearings by the Committee on Student Conduct shall be recorded, and the tape(s) shall be kept with the file by the Chairs in a designated, secure location. No other person may record these proceedings. Additionally, hearings are closed; only the Committee, the appealing student, the Ombudsman, the Vice President, and his/her investigatory aide may be present during the hearing.
  - (iv) The Vice President will address the Committee first, followed by the appealing student. Then, each side may present a summary of his/her position *or* present witnesses/documents to support his/her position.
  - (v) Witnesses will remain outside the hearing until called; the Ombudsman will assist in bringing witnesses into the hearing. When possible, witnesses will be seated in an area separate from the Vice President and the appealing student. All witnesses (including the Vice President and the appealing student) may be questioned by the Vice President, the appealing student, and/or any member of the Committee; such questioning should be conducted in logical sequence. Either side may present documentary evidence, as well.

(vi) Evidentiary rules of court do not apply; however, standard practices of civility apply. No party should interrupt a person who is speaking unless s/he has a valid objection. No party should insult, attack, harass, or intimidate any other person. All parties should remain in their seats unless a demonstration requires otherwise. Anyone who fails to follow these practices may be removed from the hearing and a decision may be made without his/her additional input.

(vii) At the conclusion of summaries and/or testimony, the Vice President may provide closing remarks, followed by the appealing student. Following the closing remarks, the hearing is concluded.

(viii) Only the Committee members may be present during deliberations. A majority vote dictates the Committee's decision. The Committee should examine whether the appealing student has compelling grounds for the appeal and may uphold the decision, reverse the decision, or modify the decision as it deems appropriate.

(ix) The Committee Chair will issue a written decision to the appealing student, copied to the Vice President, within fifteen calendar days. This decision may be sent by certified mail to the appealing student's address of record or hand-delivered with a signed receipt/acknowledgement by the appealing student. The decision will not become public; rather it will be placed in the appealing student's official disciplinary file and subject to the usual FERPA requirements.

d. Appeals to the President will consist of a review of the file, additional interviews as necessary, and a hearing with the appealing student. The President should examine whether the appealing student has compelling grounds for the appeal and may uphold the decision, reverse the decision, or modify the decision as s/he deems appropriate. The new decision will be issued in writing within 15 calendar days and either sent to the appealing student by certified mail to the appealing student's address of record or hand-delivered with a signed receipt/acknowledgement by the appealing student. Decisions by the President are final.

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