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# CODE OF STUDENT CONDUCT PROCEDURES

## I. RATIONALE

These Code of Student Conduct Procedures are designed for the imposition of discipline within the college setting to protect the campus community. At the same time, reasonable efforts will be made to foster the personal and social development of those students who have been found responsible for violations of this code, and any college policy or regulation.

## II. INTERPRETATION OF PROCEDURES

Disciplinary procedures at the college are set forth in writing to provide students with notice of prohibited conduct. These procedures should be interpreted broadly and are not designed to define prohibited conduct in exhaustive terms. The Dean of Student Engagement serves as the designee for the Vice President for Learner Support Services for interpreting this code, and all questions related herein.

## III. INHERENT AUTHORITY

The college reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Vice President for Learner Support Services has authority for all matters related to student discipline at the college. The Dean of Student Engagement serves as the designee for the Vice President for Learner Support Services in all matters related to student discipline and this code.

#### IV. STANDARDS OF DUE PROCESS

Students subject to disciplinary action will be entitled to an administrative conference as set forth in section XIII. The focus of inquiry in disciplinary proceedings shall be to determine the level of involvement of those accused of engaging in prohibited conduct. Deviations from prescribed procedures do not necessarily invalidate a decision or proceeding, unless significant prejudice to a respondent or the college is established.

#### V. VIOLATIONS OF LAW

Students may be accountable under civil and criminal law as well as to the college for prohibited conduct that violates federal, state and local laws. Disciplinary action at the college ordinarily will proceed during the pendency of external proceedings. Results of external proceedings will not control proceedings under the code.

#### VI. JURISDICTION

This code covers prohibited conduct that occurs (a) on college-owned, leased or operated property; (b) at college-sponsored activities (including AACC-sanctioned attendance of foreign study programs) and; (c) while doing business on behalf of the college. Determinations of whether such conduct should be addressed pursuant to this code in instances in which college interests are implicated are reserved to the discretion of the Dean of Student Engagement or a designee with associated responsibilities.

#### VII. INTERIM SUSPENSION

The Vice President for Learner Support Services or designee may suspend a student for an interim period whenever there is reason to believe that the continued presence of the student on the college

property poses a threat to the health and safety of the student or others, or impedes the normal operations of the college.

When the Vice President for Learner Support Services or designee places a student on interim suspension, the student shall have the right to file with the Vice President for Learner Support Services or designee challenging the appropriateness of the suspension. The Vice President for Learner Support Services or designee shall review the petition and provide a written decision within a five (5) business days. Such decision shall be final on the issue of the interim suspension.

## VIII. DEFINITIONS

These terms shall have the following meaning:

- A. Administrative conference: A meeting(s) between the director of Student Conduct and Special Projects or designee and a student or a representative of a student organization accused of conduct prohibited under section IX.
- B. Advisor: An individual designated by a student or student organization charged with prohibited conduct to assist them with the disciplinary process. The advisor may be a licensed attorney. The advisor may confer with the student before or during disciplinary proceedings but may not speak on the student's behalf before or during the disciplinary proceeding, and may not delay or disrupt the proceeding.
- C. Business day: Monday through Friday during administrative office hours of 8:30 a.m. to 4:30 p.m. unless the college is closed.
- D. College: Anne Arundel Community College.
- E. College property: All real or personal property, electronic, land, buildings, facilities owned, leased, used or operated by the college.

- F. College official: Any person employed by the college, performing assigned administrative or professional responsibilities.
- G. College-sponsored activity: Any activity on or off campus which is initiated, aided, authorized or supervised by the college.
- H. Complainant: A person who submits a report alleging that a student committed prohibited conduct(s).
- I. May: Used in the permissive sense.
- J. Member of the college community: Any person who is a student, employee of the college, or a visitor on college property.
- K. Preponderance of the evidence: It is “more probable than not” that the prohibited conduct occurred.
- L. Policies: Includes all written board of trustees and college policies, procedures, rules and/or regulations.
- M. Respondent: A student or recognized student club/organization accused of conduct prohibited by this code.
- N. Shall: Used in the mandatory sense.
- O. Student: An individual who is registered for any credit, noncredit or continuing education course offered by the college for the current or a future term.
- P. Student club/organization: A group that has completed the process to be an official and recognized club/organization through the student engagement office.
- Q. Student Disciplinary Review Committee: A standing college committee appointed by the president and authorized to conduct hearings and make decisions regarding alleged prohibited conduct in accordance with these procedures.

## IX. PROHIBITED CONDUCT

- A. Knowingly or recklessly causing harm or the threat of harm to any person.
- B. Disruption or obstruction of the learning environment or any college activity.

- C. Abuse of a person in any manner including but not limited to physical, verbal, sexual, threats, intimidation, bullying and/or any conduct which threatens or endangers the health or safety of any person.
- D. Attempted or actual theft of college property, college services or property of another.
- E. Unauthorized recording of classroom discussions, presentations, or images including pictures of individuals or instructional materials, or unauthorized reproduction or uploading of such recordings to any Web or online environment.
- F. Damage to or destruction of college property.
- G. Possession of stolen property.
- H. Misusing or damaging fire safety equipment.
- I. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
- J. An act which potentially endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization (hazing) the express or implied consent of the victim to such an act(s) shall not be a defense to a charge of misconduct. Inaction or no reporting by those in the presence of such an act(s) shall be considered as an act of misconduct.
- K. Failure to comply with a directive of a college official or law enforcement officer acting in performance of their duties.
- L. Unauthorized possession, duplication or use of keys or access devices to any college property or unauthorized entry to or use of college property.
- M. Illegal use, possession, manufacture or distribution of any drug or controlled substance.
- N. Use, possession, manufacture or distribution of alcoholic beverages except expressly permitted and authorized by the college. Alcoholic beverages may not, in any circumstance, be

possessed, used or distributed to or by any person under 21 years of age.

- O. Possession of a firearm (unless a government or college police officer authorized and required to carry a firearm), other weapons or explosives, or dangerous chemicals on college property.
- P. Participating in an unauthorized activity that disrupts the operations of the college and/or infringes on the rights of others.
- Q. Obstruction of the free flow of pedestrian or vehicular traffic on college property or at college-sponsored or -supervised functions.
- R. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the academic community.
- S. Violation of any college policies, procedures, rules and/or regulations.
- T. Violation of any federal, state or local law on college property or property used by the college.
- U. Providing false information to the college.
- V. Failure to comply with a disciplinary sanction imposed pursuant to this code.
- W. Abusing a position of trust
- X. Forging, falsifying or misusing documents, records, identification cards, computers, data, library materials or other resources created, maintained, or used by the college or members of the college community

## X. DISCIPLINARY SANCTIONS

The following sanctions may be imposed upon any respondent found to have committed conduct prohibited under this code. More than one sanction may be imposed for a single violation.

- A. Written warning: The student is placed on notice that further prohibited conduct may result in more severe disciplinary action.
- B. Verbal Reprimand: The student is informed of the inappropriateness of the behavior; further violations will result in the creation of a disciplinary record pursuant to this Code.
- C. Loss of privileges: Denial of any privilege for a designated period of time stated in writing.
- D. Restitution: Compensation to the victim for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- E. Assignments/services: Including but not limited to work assignments, essays, service to the college, letters of apology, conferences, mediation, or other reasonable assignments or services.
- F. Disciplinary probation: A designated period of time stated in writing during which if the respondent is found to commit any prohibited act(s) of misconduct, more severe disciplinary sanctions may be imposed.
- G. Disciplinary suspension: Separation from the college for a definite or indefinite period of time, after which the respondent is eligible to re-enroll. The suspension shall be in writing and conditions for re-enrollment specified. Students serving disciplinary suspension are barred from all college property for the duration of the suspension.



- H. Expulsion: Permanent separation from the college. During an expulsion the respondent shall be prohibited from coming onto any college property.
- I. Revocation of admission and/or degree or certificate: Admission to, or a degree awarded from the college may be revoked and rescinded for fraud, misrepresentation or other act(s) of misconduct in obtaining admission and/or a degree or certificate.
- J. Withholding academic credentials: The college may withhold academic credentials or transcripts otherwise earned until the completion of any matter initiated against a respondent under these procedures.
- K. Persona non grata: Prohibits an individual from all college owned, leased or operated properties, and college-sponsored activities.
- L. Order of no contact/access: A written order specifying the forms of contact that are prohibited, with whom, the areas where access is limited and the period of time the order shall be effective.
- M. Other appropriate action: Where applicable, the adjudicating body may impose any sanction deemed necessary to remedy the effects of the prohibited conduct.

## XI. DISCIPLINARY PROCEDURES

### Complaints of Prohibited Conduct

- A. Any member of the college community may file an incident report concerning an act(s) of prohibited conduct. Incident reports shall be filed no later than thirty (30) days after the individual obtains knowledge of the alleged act(s) of misconduct. If a complaint is not filed within the aforementioned time frame, it shall not be considered by the director of Student Conduct and Special Projects or designee. However, if a prior similar act(s) of misconduct not previously complained of is

alleged with a timely filed complaint such prior act(s) of misconduct may be considered by the director of Student Conduct and Special Projects or designee in processing the present complaint.

- B. No later than ten (10) business days of receipt of a complaint, the director of Student Conduct and Special Projects or designee shall initiate an investigation. The accused student shall receive notice of the investigation, and advised of the need to schedule a preliminary interview. For purposes of this code, written communication required herein shall be delivered by regular, certified mail or, college-issued electronic mail, or such other method as may be reasonable to provide the student with timely communications. This investigation shall include communication with the complainant, respondent and material witness(es), if any, and a review of any relevant documents.
- C. If there is not a sufficient factual basis to substantiate the allegation(s) of misconduct, in the sole discretion of the director of Student Conduct and Special Projects or designee, no further action pursuant to this code shall take place, the case shall be closed and all parties notified.
- D. If a sufficient factual basis exists to substantiate the allegations of prohibited conduct, in the sole discretion of the director of Student Conduct and Special Projects or designee, then the accused student shall be notified in writing of the intention to take action under the Code, and the charges to be pursued.

## XII. DEFERRAL OF PROCEEDINGS

The director of Student Conduct and Special Projects or designee may, at their sole discretion, defer disciplinary proceedings for alleged violations of this code for a period not to exceed sixty (60) days. Pending charges may be dismissed thereafter, dependent upon the respondent's behavior and compliance with measures that may be required during the deferral period.

### XIII. ADMINISTRATIVE CONFERENCE

#### A. Notice of Administrative Conference

1. Within five (5) business days of the determination of a sufficient basis to substantiate an allegation of misconduct, the director of Student Conduct and Special Projects or designee shall schedule a date for an administrative conference and notify the respondent of the conference date, time and location. For purposes of this section, delivery shall mean hand-delivery, U.S. mail, certified or electronic mail.
2. The notice shall inform the respondent of the specific provisions of the code he/she has been alleged to have violated, the date, time and location of the conference, and that these procedures shall be applicable throughout the process.
3. The date and time of the conference shall take into consideration the respondent's academic schedule. However, the seriousness of the allegations shall take precedents concerning the conference scheduling. Any request to reschedule the conference by the respondent shall be made to the director of Student Conduct and Special Projects or designee 24 hours prior to the scheduled date. Requests not made in a timely manner shall not be considered.
4. Failure to attend a scheduled administrative conference (unless the respondent has previously notified the director of Student Conduct and Special Projects or designee) will result in a decision being made in the absence of the respondent.

#### B. Administrative Conference Procedures

1. The administrative conference shall provide the opportunity for the director of Student Conduct and Special Projects or designee to outline the allegations to the respondent and share all relevant information (charging party, witnesses and

documents) he/she presently has regarding the allegations. Respondent shall have an opportunity to address the allegations, provide information relevant to the allegations or defense of same.

2. At the conclusion of the administrative conference, based on the investigation conducted, and information gathered, the director of Student Conduct and Special Projects or designee shall determine, by a preponderance of the evidence, whether the respondent engaged in conduct prohibited under section IX.
3. If there is not a sufficient factual basis to substantiate that the student engaged in prohibited act(s), in the sole discretion of the director of Student Conduct and Special Projects or designee, no further action under these procedures shall take place, the case shall be closed and the complainant and respondent notified of this determination.
4. If there is a sufficient basis to substantiate that the student committed the prohibited act(s), in the sole discretion of the director of Student Conduct and Special Projects or designee, the student shall be found responsible for the corresponding charge(s) outlined in the section X and determine the sanction to be imposed. The student shall be notified, in writing, of the findings and sanction as soon as reasonable possible.

#### XIV. APPEALS

- A. Right of Appeal: In cases in which either suspension or expulsion is deemed an appropriate sanction, the Respondent shall also be informed of the right to petition the Student Disciplinary Review Committee (SDRC) for relief from a determination made during an Administrative Conference.

- B. Grounds for Appeal: An appeal of a judgment rendered under these procedures may be based on the insufficiency of evidence or severity of sanctions and no other basis.
- C. Appeal Petition: An appeal petition shall be filed no later than five (5) business days after receiving notice of sanctions imposed by the Director of Student Conduct and Special Projects or designee. If the request is not received within that time, the sanction of suspension or expulsion shall stand. The petition shall consist of a detailed written statement specifying the precise grounds for appealing and detail the supporting facts. The petition shall be signed by the responding student or, sent using the respondent's college issued email account.
1. For the purpose of evaluating the severity of sanctions, the appellate panel shall consider only the evidence contained in the record made during the administrative conference, and shall uphold the determination if there is a reasonable basis for the sanction imposed, and if not shall impose a more appropriate sanction.
  2. For purposes of evaluating the sufficiency of evidence, the appellate panel shall consider only the evidence contained in the record made during the administrative conference, and shall uphold the determination provided there is a reasonable basis for a finding of responsible based on a preponderance of the evidence as defined in section VIII.
- D. Appellate Procedures: The hearing on appeal shall be closed to the public. Only persons providing relevant information will be permitted to participate in the proceedings. In the course of the proceedings, the hearing chair shall permit members of the appellate panel to ask questions as they deem appropriate, and shall permit the respondent to outline the grounds for appeal. The director of Student Conduct and Special Projects, or designee shall address the merits of the appeal on behalf of the college and respond to any questions. At the conclusion of the proceeding, the members of the appellate panel will deliberate in private,

reach a decision by majority vote, and communicate their decision to the director of Student Conduct and Special Projects who will, within a reasonable time period, announce the panel's decision to the respondent.

## XV. DISCIPLINARY FILES AND RECORDS

Access to any student's disciplinary or other records will be governed by the provisions of the Family Educational Rights and Privacy Act of 1974. Authorized, identified college officers or faculty members or the student shall have access to disciplinary records. Results of disciplinary proceedings for alleged violations of this code shall be disclosed to the charging party if the prohibited conduct involves the use, or attempted use, or threatened use of physical force or harm against the person or property of another. Student disciplinary records maintained in the office of the Dean of Student Engagement shall be accorded the same protection and guaranteed confidentiality as those in college administrative offices.

Referrals to the Dean of Student Engagement may result in a disciplinary file being created in the name of the respondent, which shall be voided and destroyed if the respondent is found not responsible for the allegations contained in the referral. The file of a student found responsible of a violation will be retained as a disciplinary record for six years from the date of the letter providing notice of final disciplinary action. In cases of expulsion, revocation or withholding of degree, the record shall be retained in perpetuity. In cases where the accused student withdraws from the college the record will be maintained permanently. Recordings or transcripts of disciplinary hearings in which an accused student is found responsible shall be retained for 12 months following the conclusion of any available appeal and then destroyed.

Disciplinary records may be voided by the director of Student Conduct and Special Projects earlier than as outlined above for good cause, upon written petition of a student. Factors to be considered in review of such petitions shall include:

- a. The present demeanor of the respondent.
- b. The conduct of the respondent subsequent to the violation.
- c. The nature of the violation and the severity of any damage, injury, or harm resulting from it.

#### XIV. NOTICE OF NONDISCRIMINATION

AACC is an equal opportunity, affirmative action, Title IX, ADA Title 504 compliant institution. Call Disability Support Services, 410-777-2306 or Maryland Relay 711, 72 hours in advance to request most accommodations. Requests for sign language interpreters, alternative format books or assistive technology require 30 days' notice. For information on AACC's compliance and complaints concerning sexual assault, sexual misconduct, discrimination or harassment, contact the federal compliance officer and Title IX coordinator at 410-777-1239, [complianceofficer@aacc.edu](mailto:complianceofficer@aacc.edu) or Maryland Relay 711.

Effective: August 8, 2017