





Anne Arundel Community College is built on our commitment to excellence, engagement in the learning process, and mutual respect and courtesy.

As a member of the Anne Arundel Community College community, I have the obligation to accept responsibility for my conduct. *I will:*

- ▶ Respect the rights and property of all members of the campus community.
- ▶ Uphold personal and academic integrity.
- ▶ Practice honesty in communication.
- ▶ Listen to others' viewpoints.
- ▶ Recognize the strength of diversity.
- ▶ Oppose bigotry.
- ▶ Work with others to uphold these standards.

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CODE OF STUDENT CONDUCT PROCEDURES

I. RATIONALE

This Code of Student Conduct Procedures is 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 Services 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 Services 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 XIV. 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 AND DISCIPLINARY PROCEDURES

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 Services or a designee with associated responsibilities.

VII. 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 this code.
- 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 enrolled 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.

VIII. 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
- Y. Misusing or damaging fire safety equipment.

IX. DISCIPLINARY SANCTIONS

- A. 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.
 1. *Written warning*: The student is placed on notice that further prohibited conduct may result in more severe disciplinary action.
 2. *Oral Reprimand*: The student is verbally informed of the inappropriateness of the behavior; further violations will result in the creation of a disciplinary record pursuant to this Code.
 3. *Loss of privileges*: Denial of any privilege for a designated period of time stated in writing.
 4. *Restitution*: Compensation to the victim for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
 5. *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.

6. *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.
7. *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.
8. *Expulsion*: Permanent separation from the college. During an expulsion the respondent shall be prohibited from coming onto any college property.
9. *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.
10. *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.
11. *Persona non grata*: Prohibits an individual from all college owned, leased or operated properties, and college-sponsored activities.
12. *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.
13. *Other appropriate action*: Where applicable, the adjudicating body may impose any sanction deemed necessary to remedy the effects of the prohibited conduct.

DISCIPLINARY PROCEDURES

X. COMPLAINT, INVESTIGATIONS AND RESOLUTION PROCEDURES

A. Complaints of Prohibited Conduct

1. 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.

2. *Investigation*: No later than 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 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.
3. 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.
4. 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 director of Student Conduct and Special Projects or designee shall determine the appropriate charge(s) to be filed and schedule the respondent for an administrative conference.

XI. 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.

XII. INTERIM SUSPENSION

1. 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.
2. When the vice president for Learner Support Services or designee places a student on interim suspension, the student shall have the right to file a written petition 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.

XIII. ADMINISTRATIVE CONFERENCE

1. *Notice of Administrative Conference*

- a. Within three (3) 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.
- b. 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.
- c. 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.
- d. 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.

2. *Administrative Conference Procedures*

- a. The administrative conference shall provide the opportunity for the director of Student Conduct and Special Projects or designee to outline the alleged acts prohibited acts to the respondent and share all 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 charge or defense of same and be advised of his/her rights under these procedures.
- b. 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 committed the act(s) of prohibited conduct.

- c. If there is not a sufficient factual 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, no further action under these procedures shall take place, the case shall be closed and the complainant and respondent notified of this determination.
 - i. 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 director of Student Conduct and Special Projects or designee shall determine the appropriate sanction(s), and send notice to the respondent within five business days of the determination. In cases in which either suspension or expulsion is deemed an appropriate sanction the Respondent shall also be informed, in the aforementioned notice, of the right to request a hearing before the Student Disciplinary Review Committee on the finding and/or sanction imposed. This request shall be made to the director of Student Conduct and Special Projects or designee within five (5) business days of receipt of the notice of the determination. If the request is not received within that time, the sanction of suspension or expulsion shall stand.
 - ii. Within five (5) business days of receipt of a request for a hearing the director of Student Conduct and Special Projects or designee shall notify the Student Disciplinary Review Committee to schedule a hearing expeditiously but no later than ten (10) business days from the notice to schedule a hearing. The director of Student Conduct and Special Projects or designee determination of suspension or expulsion shall be active and enforced from the date the notice to respondent was delivered pending a decision by the Student Disciplinary Review Committee.

XIV. STUDENT DISCIPLINARY REVIEW COMMITTEE

1. The chair of the Student Disciplinary Review Committee shall chair the hearing, govern and control the proceedings. The chair shall have the authority to make all rulings and remove anyone who attempts to obstruct the hearing.
2. For a hearing to proceed, at least four members of the Student Disciplinary Review Committee, excluding the chair, must be present and include, at a minimum, one faculty member, one staff

member and one student member. The respondent shall have the right to waive this requirement.

3. Any member of the committee with a conflict of interest or bias toward the respondent shall be recused from the committee and replaced. The chair shall replace the member with a conflict of interest or bias with another of the same classification. If the chair is the one with a conflict of interest or bias the dean of Student Services or designee shall replace the chair with another of the same classification.
4. *Hearings*
 - a. Respondent and all witnesses shall attest that their testimony is true and correct to the best of their knowledge, information and belief. All proceedings shall be recorded with all witnesses excluded from the hearing except during their testimony. Respondent shall be entitled to be present at all times.
 - b. The director of Student Conduct and Special Projects or designee shall act as the College Representative; shall present the case on behalf of the college; and shall have the burden of proof to establish, by a preponderance of the evidence, that the respondent committed the prohibited act(s) as charged.
 - c. The respondent shall be entitled to have an advisor present at the hearing provided written notice is received by the director of Student Conduct and Special Projects or designee at least two (2) business days before the scheduled hearing.
 - d. The director of Student Conduct and Special Projects or designee shall present the case on behalf of the college first. Respondent shall be entitled to question each of the college witnesses after they present their testimony.
 - e. At the conclusion of the presentation of the college's case, the respondent shall have the opportunity to testify present witness(es) and submit any relevant and material documentation in support of her/his position. The director of Student Conduct and Special Projects or designee shall be entitled to question the Respondent and any witnesses called on his/her behalf.
 - f. The respondent shall be responsible for ensuring that all witnesses and documentation he/she intends to present are at the hearing.
5. *Student Disciplinary Review Committee Decision*

At the conclusion of the hearing, the Student Disciplinary Review Committee shall deliberate and determine whether the college established the following:

- a. The administrative conference was conducted in compliance with these procedures.
- b. There is a preponderance of the evidence to substantiate that the respondent committed the prohibited act(s).
- c. Suspension or expulsion is an appropriate sanction.
- d. The determination shall be made in writing no later than ten (10) working days after conclusion of the hearing and shall set forth the basis for the decision.
- e. A copy of the decision shall be delivered to the respondent and director of Student Conduct and Special Projects or designee within 24 hours of its completion.
- f. The decision of the Student Disciplinary Review Committee shall be final.

XV. APPEALS FROM THE STUDENT DISCIPLINARY REVIEW COMMITTEE

1. A respondent shall have the right to appeal a decision from the Student Disciplinary Review Committee to the vice president for Learner Support Services or designee.
2. The appeal petition shall be filed within ten (10) business days from the date that the decision of the Student Disciplinary Review Committee Board was delivered to the student.
3. The appeal shall be in writing and based only on the evidence presented at the hearing.
4. The appeal petition shall be based only on one or more of the following grounds and no others:
 - i. The hearing was not conducted in compliance with these procedures.
 - ii. The Student Disciplinary Review Committee's decision was not in compliance with these procedures.
 - iii. The imposed sanction was disproportionate to the violation.

Within 10 business days from receipt of a timely appeal, the vice president for Learner Support Services or designee shall provide a copy of the appeal to the director of Student Conduct and Special Projects who shall within five business days forward to the vice president for Learner Support Services a response to the student's appeal, copies of all documents presented at the hearing, a copy of the recording of the hearing and the written decision of the Student Disciplinary Review Committee.
5. Within 10 business days of receipt of the materials listed above the vice president for Learner Support Services shall review them and render a written decision providing the basis for same.

Depending on the grounds of appeal the decision shall determine:

- a. Whether the hearing was conducted in compliance with these procedures. If so the decision shall be upheld. If not the decision shall be reversed.
 - b. Whether the Student Disciplinary Review Committee's decision was in compliance with these procedures. If so the decision shall be upheld. If not the decision shall be reversed.
 - c. Whether the imposed sanction was appropriate for the act of misconduct. If so the sanction shall stand. If not then the appropriate sanction shall be imposed.
6. Within 10 business days from the date of the decision the vice president for Learner Support Services or designee shall deliver the decision to respondent and provide a copy to the director of Student Conduct and Special Projects.
 7. The decision of the vice president for Learner Support Services or designee shall be final with no further right of appeal.

Other than expulsion or revocation or withholding of a degree, disciplinary actions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record.

XVI. 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 Services shall be accorded the same protection and guaranteed confidentiality as those in college administrative offices.

Referrals to the dean of Student Services 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 either withdraws from the college the record will be maintained permanently. Recordings or transcripts of disciplinary hearings in which an accused student is found guilty 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.



ANNE ARUNDEL COMMUNITY COLLEGE

NOTICE OF NONDISCRIMINATION: AACCC 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 AACCC's compliance and complaints concerning sexual assault, sexual misconduct, discrimination or harassment, contact the federal compliance officer and Title IX coordinator at 410-777-4239, complianceofficer@aaccc.edu or Maryland Relay 711. 8/16