



HLC Accreditation Evidence

Title: Procedure 2610 Student Athlete Code of Conduct

Office of Origin: President - Athletics

2611 – Student Code of Conduct

Barton County Community College will establish and maintain a fair and equitable procedure for addressing student disciplinary matters ensuring that the rights of the students, the College community, and the community-at-large are protected.

PURPOSE:

The objectives of the disciplinary process at Barton County Community College are:

1. To protect members of the campus community from harm due to the indiscretions of the few members of the community who are unable, or unwilling to respect the rights of others;
2. To help ensure order in the College community;
3. To create an environment that enhances the opportunity for learning;
4. To protect the rights of members of the College community and the community at large; and
5. To assure students due process when they have been charged with violating College rules and regulations.

DEFINITIONS:

The following terms used in this Code are defined:

1. “College” means Barton County Community College.
2. “Faculty member” means any person employed by the College to conduct classroom, lab, interim experiences, or clinical activities. As necessary, faculty may tutor students.
3. “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
4. “Student” includes all persons taking courses at the College, both full- and part-time, as well as those participating in all outreach programs, off-campus programs, and such other activities as may be sponsored by the College.
5. “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, rented or controlled by the College.
6. “College campuses” includes the land and buildings on which Barton Community College’s traditional Barton campus exists, the Golden Belt One Stop Facility, as well as the Grandview Plaza, Fort Riley and Fort Leavenworth campuses.
7. “College-sponsored activity” means any activity on or off campus that is initiated, aided, authorized, or supervised by the College.

8. "Policy" is defined as the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Student Handbook, College Catalog, Policy and Procedural Manual, and Course Schedules.
9. "Student Advocate" is an individual whose role is to support, advise, and champion the student's rights.
10. "Bystander engagement" is the purposeful intervention of someone who is present during and witness to an incident.
11. "Preponderance of evidence" is *the standard of proof established for conduct investigations. The preponderance of evidence (i.e. just enough evidence to make it more likely than not) standard differs from the standard used in criminal investigations which is "beyond a reasonable doubt."*

Bystander Engagement. The welfare of members of our community is of paramount importance. At times, students on and off-campus may need assistance. The college encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble. (For example, a student who has been drinking might hesitate to help take a sexual misconduct victim to the Campus Safety Office.) The college applies a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the college will provide educational options, rather than punishment, to those who offer their assistance to others in need.

UNACCEPTABLE BEHAVIOR

The following constitute some of the conduct violations that may result in disciplinary action being taken against the student. The list is not intended to be all inclusive but is intended to be used as a guide.

The student is advised that specific career technical programs, as well as Barton athletic programs, communication and performing arts programs, and other student organizations publish student handbooks and program guidelines with policies and procedures associated with their respective programs. Students are advised that in addition to the guidelines and expectations outlined herein, they are expected to comply with the policies and procedures applicable to the programs with which they are affiliated. Students in these programs are entitled to the same due process as all other students.

Students attending Barton as part of an MOU with the Department of Defense to provide educational opportunities on a military installation are governed by any code of conduct or behavioral expectations dictated by the military. Any conduct violations, investigations, and/or action taken will be the purview of the appropriate military authority designated to handle such matters.

1. Violation of federal, state and local laws that affect the student's suitability as a member of the college community.

2. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person, whether perceived or real.
3. Attempted or actual theft of and/or damage to property of the College, or property of a member of the College community, or other personal or public property, including knowingly receiving or possessing stolen property.
4. Manufacture, possession, control, sale, transmission of or use of any controlled substance, alcohol, or other illicit drugs on the College's campuses.
5. Possession of a weapon, firearm, explosive and/or facsimile weapons on the College's campuses, including any weapon designed to fire any projectile (i.e. paintball guns, bb guns, air rifles, air pistols, pellet guns, etc.) as well as the associated paraphernalia. The only exceptions will be for military personnel who must carry a firearm as part of their commission, or for in-class use by instructors teaching or students enrolled in courses utilizing firearms.
6. Obstructing or restraining the lawful movement of another and thereby causing personal or campus disorder.
7. Obstructing or disrupting a police response or the response of College Safety Personnel.
8. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on College premises or at College-sponsored activities.
9. Fraudulent use or forgery of any College seal or document, including the Student ID card.
10. Fraudulent or unauthorized use of college facilities or college resources, including computing resources.
11. Unauthorized possession, duplication, or use of keys to any College premises, or unauthorized entry to or use of College premises.
12. Intentionally impeding normal pedestrian or vehicular traffic on campus.
13. Violation of any other federal, state or local law on College premises or at College-sponsored activities.
14. Disrupting, impeding or interfering with the operation of the College.
15. Disruption of the learning environment or any behavior that detracts from the goals of or diminishes the dignity, respect, or worth of other students on campus. This includes: overt disrespect for the ideas and opinions of others; disruptive talk during class; and bringing activated electronic devices to classes or computer labs without prior approval.

16. Verbal or written communication that has the intent or effect of subjecting any individual or group to hatred, contempt, ridicule, racist slurs, or intimidation and thereby injures the person, property, or reputation of another.
17. Discrimination, harassment or retaliation including harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, or status in any group protected by state or local laws and including all forms of sexual harassment. (See Policy 1130, Procedure 2122 - Anti-harassment.)
18. General misconduct.
19. Littering and posting of notices in non-designated spaces or without approval from the appropriate College personnel and unauthorized distribution or sale of goods on campus.
20. Violation of College traffic and parking regulations.
21. Smoking in areas designated non-smoking.
22. Possession or use of alcohol by any person on the College's campuses except as allowed for special events (See Policy 1220, Procedure 2215 Service of Alcoholic Beverages for Special Events.)
23. Leaving children or animals unattended on campus.
24. Use of bicycles, skateboards, roller blades, and any other non-motorized vehicle or equipment (except wheelchairs) outside designated areas.
25. Failure to comply with a directive of College officials or Campus Safety officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
26. Tampering with the election of any College-recognized student organization.
27. Intentionally or maliciously furnishing false information to the College.
28. Unauthorized actions taken in the name of the College.
29. The possession of any flammable or explosive materials such as paint, gasoline, fireworks, ammunition, etc., except for use by an employee or in a program approved by the College.
30. Gambling on campus or at any College sponsored activity except in the case of approved student activities sponsored by the Student Life Office.
31. All forms of academic dishonesty. (See Policy 1501, Procedure 2502 – Academic Integrity.)
32. Violation of any other published College policies, rules or regulations.

Student Rights for Due Process:

To protect students from capricious disciplinary action, all proceedings which may lead to suspension or expulsion and/or dismissal from a college program must be conducted in a manner which insures the charged student due process. The basis of due process is the method by which substantive rules are effectuated in a society. The key is how rules are implemented so that fair play and justice are generally recognized as being present. The following elements must be included to guarantee due process:

1. Jurisdiction: The parties must be amenable to the power wielded by the disciplinary body.
2. Notice: A concise, specific statement, in writing, of the charges (the specific facts and acts). A time and place for the hearing must be specified.
3. Testimony: The right personally to give testimony and to have others give testimony.
4. Impartiality: An impartial body to determine the facts and whether they (the facts) fit the rule. "Impartial" does not necessarily mean that they have no knowledge of the facts – it is not necessary in an administrative hearing.
5. Student Advocate: The student is allowed to bring an advocate to all hearing procedures or have one appointed for him/her if so requested.
6. Documentation: The proceedings shall be recorded.

Disciplinary Procedure:

Whenever a complaint is made against any student for misconduct, the Vice President of Student Services or such other person as may be designated by the President shall conduct an investigation of the allegations as soon as possible (generally, for Offenses Against the Academic Community the President will designate the Vice President of Instruction). The Vice President of Student Services or such other person as designated by the President is authorized to take any interim action necessary to maintain campus safety, integrity of the process, and/or protection of student rights and institutional rights during the formal investigation and determination process.

The student shall be given written notice of the complaint and charges against him/her within five (5) College business days of receipt of the complaint. If a student is under the age of eighteen (18) years, a copy of the notice may be sent to the parents or guardian of the student. The student shall have five (5) College business days after receipt of the notice to respond in writing to the charges. If it is necessary to mail notice to the student, he/she shall have seven (7) College business days after the date of mailing to respond in writing to the charges.

The Vice President of Student Services or such other designee of the President shall, as soon as possible after the investigation, render a decision that may include dismissal of the complaint or imposition of any discipline set forth herein. Notice of the decision shall be served upon the student in person, by certified mail, or by regular mail. If a student is

under the age of eighteen (18) years, a copy of the decision may be sent to the parents or guardian of the student.

Disciplinary Action:

If the Vice President of Student Services or other designee of the President finds that the student has violated College policy, rules, or regulations, disciplinary action shall be taken. The Vice President of Student Services or other designee shall impose such discipline as he/she determines is warranted taking into consideration the seriousness of the offense. For more complicated incidents, the Vice President of Student Services or other designee may seek the input of a Review Board before determining discipline. The Review Board, if utilized, shall be chosen from members of the College Student Life staff. Individuals who serve on a Review Board would not later be eligible to serve on an Appeals Committee, should an appeal follow imposition of disciplinary sanctions. Permissible actions include but are not limited to: written reprimand, community service, fines, probation, full or partial suspension from classes, expulsion from housing, and/or expulsion from school.

Disciplinary action may also include a bar against readmission to the College.

Appeals

Right of Appeal

Any decision of the Vice President of Student Services or such other person as designated by the President may be appealed by the accused or the complainant within five (5) College business days of the receipt of the decision. Such appeals shall be in writing and shall be delivered to the President of the College.

A student who fails to file a written notice of appeal in the President's Office, within the times specified waives the right to appeal.

Status Pending Appeal

Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College.

An appeal shall be conducted for one or more of the following purposes:

- To determine whether the original process was conducted fairly a) in light of the charges and evidence presented, and b) in conformity with prescribed procedures. This gives the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and gives the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.

- To determine whether the sanction imposed was appropriate given the violation of the Student Code that occurred.
- To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original process, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

If the President or designee determines, in his or her sole discretion that the written appeal fails to meet the Standard for Appeal (noted above), he or she will inform the student in writing. If the written appeal submission fails to meet the Standard for Appeal, the matter is concluded and no further action will be taken.

Composition of Appeals Committee

The President of the College shall name an Appeals Committee Facilitator to conduct a formal Appeals Hearings in order to review the charges and imposed sanctions. The Appeals Committee shall consist of six (6) members, selected by the Facilitator and approved by the President, two of which shall be from the faculty, two staff, and two representatives from the student body. At any hearing before the committee, at least four (4) members shall be present to constitute a quorum in order to transact the business of the committee. Any member of such committee directly involved in the outcome of a hearing, or who believes they have a conflict of interest rendering them to be perceived as being incapable of providing an impartial decision, shall disqualify him/herself from the hearing and the Appeals Committee Facilitator shall appoint a person to take his/her place.

Hearing

The Appeals Committee shall set a hearing as soon as possible after the hearing has been approved. Notice of the time, date, and place of the hearing shall be given to all parties in writing no less than three (3) College business days prior to the hearing.

It is the hope of the College that disciplinary matters will be handled by members of the College community, and legal counsel will not ordinarily be present to represent the College. However, if the student is to have a professional legal advisor present (which will be at the student's expense) at any hearing, the student must notify the President's Office not later than forty-eight (48) hours before the scheduled time of the hearing, in which event, the College may, in its discretion, be represented by counsel.

A student failing to appear before the Appeals Committee at the designated time, shall forfeit any right to appeal or seek further relief of the decision.

Proceedings before the Appeals Committee shall be recorded electronically or via written minutes. Recordings and communications related to the disciplinary procedure and resulting actions shall not be considered a public record as that term is defined by the Kansas Open Records Act.

Decision

Upon the conclusion of the hearings, the Appeals Committee, by majority vote, shall decide whether the student has violated the Student Code of Conduct and whether the

sanction imposed fits the nature of the violation. The Appeals Committee may uphold, modify, or completely reverse the original decision as appropriate.

A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code. In all appeals, any modification of the original sanctions may not result in more severe discipline for the accused student.

The Appeals Committee shall render its decision in writing within three (3) College business days of the conclusion of the hearing. The findings of the Appeals Committee shall be forwarded to the President.

Notification of Decision

The President's Office shall inform the student in writing of the Appeals Committee's decision within three (3) College business days of the receipt of the Appeals Committee's decision. The findings of the Appeals Committee shall be final.

Contact(s)

Vice President of Student Services

Related Form(s)

Relevant Policy or Procedure(s): [Policy 1610 – Code of Conduct](#)

Approved by: President

Date: 6/17/02

Revision(s): 9/2/02; 11/16/07; 1/23/12; 7/28/14; 5/25/17 (minor revision)

2610 – Student Athlete Code of Conduct

BARTON COMMUNITY COLLEGE ATHLETIC DEPARTMENT MISSION AND VALUES STATEMENTS

To support and direct the department's decisions and interactions with its various stakeholders and its student athletes, the department will be administered by and student athletes will be guided by the following Mission Statement and its supporting Values Statements.

Mission Statement

Coaches, support staff, administrators, and student athletes are committed to treating each other with dignity and respect so that all students are provided an opportunity to achieve excellence in their academic, athletic, and personal pursuits.

Values Statements

The following values are established to guide student athletes, coaches, administrators, and staff members as they demonstrate the department's commitment to its mission:

DIGNITY AND RESPECT

We value and will treat each individual student, teammate, coach, and staff member with dignity and respect.

HONESTY

We value and will demonstrate honesty by following and abiding by the College's rules and regulations, as well as those of the Conference, Region, and NJCAA.

INTEGRITY

We value doing the right thing, the right way, for the right reasons, and doing so with honesty in all our actions.

FAIR PLAY

We value fair play on the court, on the track, on the field, and in the classroom. As student athletes, coaches, and administrators, we work to avoid placing ourselves in a position where our honor and integrity can be questioned by unfair, dubious, or questionable practices.

SUCCESS

We value achievement and winning in academics, athletics, and personal development, but not at the expense of personal and institutional honor and reputation.

SET POSITIVE EXAMPLE AND IMAGE

We value having and maintaining a positive image for our department on our campus, within the community, the county, the conference, and the nation. We recognize that what we do as student athletes, coaches, and administrators sends a powerful message about our department and institution to many that look to us as role models and for leadership. Accordingly, our actions will demonstrate our commitment to setting a

positive and socially acceptable example for young people to emulate and which will attract others to our programs and institution.

ENVIRONMENT

We value and will maintain an environment for all student athletes, coaches, administrators, and staff that is free from any form of harassment or intimidation.

DIVERSITY

We value and will demonstrate respect for the diversity and quality of all student athletes, coaches, staff, and administrators.

PERSONAL DEVELOPMENT

We value and will demonstrate such through making the most of the opportunity to personally develop our skills, our knowledge, and our ability to work in partnership.

COMMUNICATION and TEAMWORK

We value each member of our athletic family and will demonstrate our understanding of their importance to our individual success through team-work, respect for confidentiality, and honest communication with each other.

EMPOWERMENT

We value the right and responsibility of individuals to make decisions but expect those decisions to be within parameters established by the College, the conference, the Region, and NJCAA.

ACCOUNTABILITY

We value accountability and will demonstrate such through taking responsibility for our own decisions and actions and taking the initiative to resolve difficulties created by our decisions.

BARTON COMMUNITY COLLEGE ATHLETIC DEPARTMENT

STUDENT ATHLETE CODE OF CONDUCT PROCEDURE

The Athletic Department expects that all student athletes (which includes individuals who are participants in any Barton Athletic Department sponsored program such as athletic trainers, cheer/dance, and athletic teams) will abide by all Barton Community College rules and regulations, the College's Student Code of Conduct (found in the Student Handbook as "The Disciplinary process: Barton Student Code of Conduct"), as well as the rules and regulations of the Jayhawk Conference and the National Junior College Athletic Association (NJCAA).

In addition to the above, the Athletic Department has established firm and expected behavioral guidelines to guide student athlete behavior. Compliance with these behavioral guidelines is expected, without exception, and behavior that deviates from these guidelines will result in discipline administered by the department. This discipline may be beyond what the coach or the College may administer.

ALCOHOL: Student athletes are responsible for following all federal, state, College, and Athletic Department laws and guidelines pertaining to alcohol and drug use. The College's minimum expectations are outlined in the Student Handbook under the section "Alcoholic Beverages." Each coach may set higher standards in separate team rules. To that end, our student athletes are prohibited from:

- Possessing alcohol in College housing.
- Driving under the influence of alcohol.
- Purchasing alcohol while under the age (21 years) required by the Kansas State law.
- Drinking alcoholic beverages when officially representing the College.
- Drinking alcohol at events sponsored by the College or the Athletic Department, whether on or off campus unless its use is in accordance with Policy 1220-Service of Alcoholic Beverages for Special Events.
- Provision of alcohol to prospective student athletes taking official visits to the College.

CAMPUS HOUSING AND CAFETERIA: All student athletes are required to abide by the regulations and procedures of campus housing and cafeteria. Loud and unruly behavior unbecoming of a Barton student athlete is not acceptable. It is illegal to have alcohol or illicit drugs anywhere on campus (unless its use is in accordance with Policy 1220-Service of Alcoholic Beverages for Special Events), including the cafeteria and housing, and against College procedure to have firearms anywhere on campus¹. Student athletes are expected to abide by the College's Housing Regulations.

¹ The term "Campus" as it relates to firearms in this procedure includes the land and buildings on which Barton Community College's traditional Barton campus exists, the Golden Belt One Stop Facility as well as the Grandview/Fort Riley, Fort Leavenworth campuses. The only exception will be for military personnel who must carry a firearm as part of their commission on the Grandview/Fort Riley campus.

COMPLIANCE: Student athletes must participate in all mandatory educational programs, and student athletes are required to assist the Athletic Department by providing information regarding certification of eligibility and NJCAA compliance issues whenever requested by Athletic Department officials and administrators. Beyond athletic compliance, student athletes are expected to truthfully and to voluntarily assist the College and the Department in any investigation in which they have knowledge.

DISCRIMINATION AND RETALIATION: Barton Community College Athletic Department will not tolerate discrimination or retaliation on the basis of race, sex, color, national origin, religion, ancestry, sexual orientation, disability, or as specified by law, age or veteran status. Such discrimination violates professional ethics, federal and state law, Board of Regents, and College regulations. It subverts the mission of the College and threatens the careers of students, faculty, and staff.

ELIGIBILITY: Barton Community College Athletic Department expects all student-athletes to attend classes daily and participate in at least three (3) hours of study hall per week. Student-athlete's eligibility will be evaluated during initial enrollment and after the completion of each academic term. Individuals failing to meet eligibility requirements will not be permitted to participate as a member of any team or athletic group, nor will they retain their scholarship/performance award. The minimum requirements for retaining eligibility consist of the following:

- Student-athletes must maintain enrollment in twelve (12) or more credit hours of college work during each term of athletic program participation. Student-athletes that drop below twelve (12) credit hours become immediately ineligible for participation.
- Each semester of full-time enrollment, student-athletes must pass a minimum of 12 semester hours with a 2.00 GPA or higher (1.75 GPA or higher during the first term of college enrollment), or
- Pass, with a GPA of 2.00 or higher, an accumulation of semester hours equal to 12 multiplied by the number of semesters in which the student-athlete was previously enrolled in college full-time.

GAMBLING: Student athletes are prohibited from gambling. Student athletes may not place a bet of any sort on any college or professional sports event. Student athletes may not give information to anyone who does place bets on college or professional sports. This means:

- No wagers on any professional or college sports event, even those that don't involve your college.
- No sports "pools," even those run by your friends.
- No Internet gambling on sports events.
- No sports wagering using "800" numbers.
- No exchange of information about your team with anyone who gambles. No information about injuries, new plays, team morale, discipline problems, or anything else related to athletics at Barton Community College.

HAZING AND INITIATIONS: Barton Community College Athletic Department will not tolerate student athletes who engage in hazing of other persons for the purpose of

initiation or admission into, affiliation with, or continuation of membership in any organization directly or indirectly related to the College. "Hazing" includes, but is not limited to, any action, activity, or situation which recklessly, negligently, or intentionally endangers the mental or physical wellbeing, exposes a person to extreme embarrassment or ridicule, or involves personal servitude or substantially interferes with the academic requirements or responsibilities of a student. It is presumed that hazing is a forced activity regardless of the apparent willingness of an individual to participate in the activity.

LEWD BEHAVIOR: Barton Community College Athletic Department will not tolerate any student athlete intentionally exposing the private or intimate parts of his or her body in any manner, or during the course of any other act the department determines to be lewd and to have occurred in a public place.

ILLEGAL DRUGS: Barton Community College has a substance-abuse procedure which is supported by the Athletic Department and through which a drug-testing program is administered and in which all student athletes are required to participate. The Athletic Department will not tolerate the use and/or abuse of illegal and/or banned drugs. The College's procedure and program document outlines the purpose of the program; the banned drugs; testing methodology; and sanctions. The procedure and program document will be provided annually to each student athlete.

Any student athlete who is arrested, charged, or convicted of using or possessing illegal drugs will be subject to the sanctions of the Athletic Department's Student Athlete Code of Conduct Sanctions Procedure as well as Barton Community College's Substance Abuse Procedure and Drug-Testing Program.

PHYSICAL ASSAULT/ABUSE: Barton Community College Athletic Department will not tolerate any physical assault/abuse, such as fights started by or involving student athletes. These acts degrade our Athletic Department, campus community, and society in general. While the College cannot control all factors in society that lead to physical assault/abuse, the College and the Department will strive to create an environment that is free of violence.

POSSESSION AND USE OF FAKE IDs: Knowingly furnishing false information in the form of a false or fake ID card violates College procedures as well as state and local laws. The College and the Athletic Department requires student athletes to provide their name and ID to those in authority, upon request.

PROPERTY THEFT OR DAMAGE: Barton Community College Athletic Department will not tolerate theft, vandalism, or damage to the property of the College or to the property of any of its members or visitors. Further, Barton Community College Athletic Department will not tolerate those who know of property offenses and fail to disclose them to the proper authorities.

SEXUAL HARASSMENT: Sexual harassment involving staff, coaches or student athletes will not be tolerated. Sexual harassment violates professional ethics, federal and state law, Board of Regents and College regulations. It subverts the mission of the College and threatens the careers of students, faculty, and staff. Barton Community College Athletic Department defines sexual harassment as:

- Unwelcome sexual advances,
- Requests for sexual favors, or
- Verbal or physical conduct of a sexual nature, when:
 1. Submission to such conduct is made either explicitly or implicitly a term of condition of employment, education, or participation;
 2. Submission to or rejection of such conduct is used as the basis for employment, academic, or participation decision;
 3. Such conduct unreasonably interferes with the individual's work, academic, or athletic performance or creates an intimidating, hostile, or offensive working, academic or athletic environment.

SEXUAL OFFENSES: Barton Community College Athletic Department will not tolerate sexual offenses, such as rape, including acquaintance/date rape, or any form of nonconsensual sexual activity. These acts degrade the victims, our campus community, and society in general. While the College cannot control all the factors in society that lead to sexual offenses, the College and Department will strive to create an environment that is free from acts of violence.

SPORTSMANSHIP: As representatives of the department and of the Barton Community College, all student athletes are expected to display good citizenship with fellow students and competitors, present a positive public demeanor at all times on and off campus, show respect for all members of the College community and act as role models for young people and other student athletes. Student athletes are prohibited from engaging in:

- Profane and/or vulgar language;
- Disrespectful attitudes toward opponents;
- Taunting opponents, including "celebrations" with the intent to demean opponents;
- Inciting crowd hostility toward opponents; and
- Fighting with or making hostile physical contact with opponents, fans, or officials.

TOBACCO: It is the intent of the College and the Athletic Department to provide a safe, healthy environment for all of the College's coaches, administrators, staff, students, and visitors by placing limitations on smoking and chewing tobacco. The Athletic Department has an interest in fostering awareness of health and safety. Accordingly, it supports the College's policy that restricts smoking and all other forms of tobacco use.

Smoking and all other forms of tobacco use are not permitted in College buildings (or outside within 30 feet), vehicles, and facilities including all athletic, and athletic related facilities. At the College's baseball and softball fields smoking and chewing tobacco are not permitted in any enclosed area or in the general seating area within 30 feet. The use of tobacco products is prohibited by all game personnel (e.g. student-athletes, coaches, trainers, managers, and game officials) in all sports during practice and competition.

Acknowledgment: Barton Community College gratefully acknowledges the permission of Kansas University to utilize its established policies and procedures for substance abuse in the development of the Student Athlete Code of Conduct.

BARTON COMMUNITY COLLEGE ATHLETIC DEPARTMENT STUDENT ATHLETE CODE OF CONDUCT SANCTIONS PROCEDURE

Barton Community College Athletic Department requires all student athletes to conduct themselves in a manner that creates a positive image within the Department, throughout the College, and in the community. Student athletes are expected to uphold these standards of conduct and be positive role models. The Athletic Department recognizes that a clear statement of procedures and possible sanctions is a necessary component in resolving inappropriate behavior issues when they arise. Accordingly, this procedure is intended to assist the prompt and objective review and resolution of instances of illegal or inappropriate behavior by student athletes. Student athletes also are responsible for adhering to federal and state laws, local ordinances, College and Athletic Department regulations, and may be subject to disciplinary action by civil and criminal courts and/or College and Athletic Department disciplinary procedures for violations of those laws, ordinances, and regulations.

FELONY INDICTMENTS, CHARGES, OR ARRESTS

Upon the indictment, charge, or arrest of any student athlete for an alleged felony offense, Director of Athletics will take one or both of the following steps:

1. Immediate suspension from the team, upon receipt of notice of a charge, indictment, or arrest pending completion of an internal investigation or until the conclusion of any external process, or
2. The Director of Athletics may require an internal investigation to determine whether it is more likely than not that the student engaged in inappropriate behavior. Procedures for investigations are outlined in another section below.
 - a. Upon completion of the Athletic Department's investigation, the Director of Athletics will review the findings and recommendations, whether immediate suspension action has taken place previously (as part of this incident) or not.
 - b. If it is determined there is insufficient evidence to support the charge of inappropriate behavior, or that immediate suspension was inappropriate, the Director of Athletics may so direct.
 - c. If, on the other hand, sufficient evidence does support the charge of inappropriate behavior, and further action is appropriate, the Director of Athletics may continue any previously imposed suspension, or impose a suspension from the team pending the outcome of the external investigation into the felony charges.

Student athletes will have five (5) days after receipt of written notification of any disciplinary action to be taken in which to notify the College President, in writing, of their request to appeal the decision of the committee. The student shall have five (5) days after receipt of the notice to respond in writing to the charges. If it is necessary to mail notice to the student, he/she shall have seven (7) days after the date of mailing to respond in writing to the charges.

Appeals of the results of the Athletic Department's investigation and the Director of Athletics decision may be made by the accused to an Appeals Committee within five (5) days of the date of the decision. Such appeals shall be in writing and shall be delivered

to the President of the College. Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College. Appeals shall follow the procedures outlined in the Student Code of Conduct that can be found on the College's web site or in the Student Handbook. These documents outline the process and the time-lines for hearing and making decisions regarding appeals impacting all student matters, including sanctions made by the Director of Athletics.

FELONY CONVICTIONS

Upon conviction of a felony offense, whether through plea agreement, jury verdict, or trial by judge alone, a student athlete ordinarily will be expelled permanently from the team by the Director of Athletics, regardless of any prior disciplinary action or appeal. This expulsion will not be delayed pending sentencing or appeals. Student athletes will have five (5) days after receipt of written notification of any disciplinary action to be taken in which to notify the College President, in writing, of their request to appeal the decision of the Director of Athletics. The student shall have five (5) days after receipt of the notice to respond in writing to the charges. If it is necessary to mail notice to the student, he/she shall have seven (7) days after the date of mailing to respond in writing to the charges.

Ordinarily, any remaining grant-in-aid to a student athlete expelled from a team for a felony conviction(s) will be cancelled. For purposes of this decision, the Director of Athletics serves as the College's regular disciplinary authority for determination of whether a student athlete's athletics grant-in-aid will be reduced or cancelled. Any appeal of the cancellation or termination of an athletics grant-in-aid will be handled pursuant to the College's financial aid appeals process. In these matters, the College's financial aid appeals committee will be the final authority on the matter of the appeal.

Appeals of the results of the Athletic Department's investigation and Director of Athletics decision may be made by the accused to an Appeals Committee within five (5) days of the date of the decision. Such appeals shall be in writing and shall be delivered to the President of the College. Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College. Appeals shall follow the procedures outlined in the Student Code of Conduct that can be found on the College's web site or in the Student Handbook. These documents outline the process and the time-lines for hearing and making decisions regarding appeals impacting all student matters, including sanctions made by the Director of Athletics.

MISDEMEANOR CHARGES OR ARRESTS

Students charged or arrested for misdemeanor offenses may be subject to disciplinary action. The decision to invoke disciplinary action, if any, will be made by the Director of Athletics.

Student athletes will have five (5) days after receipt of written notification of any disciplinary action to be taken in which to notify the College President, in writing, of their request to appeal the decision of the Director of Athletics. The student shall have five (5) days after receipt of the notice to respond in writing to the charges. If it is necessary to mail notice to the student, he/she shall have seven (7) days after the date of mailing to respond in writing to the charges.

Appeals of the results of the Athletic Department's investigation and Director of Athletics decision may be made by the accused to an Appeals Committee within five (5) days of the date of the decision. Such appeals shall be in writing and shall be delivered to the President of the College. Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College. Appeals shall follow the procedures outlined in the Student Code of Conduct that can be found on the College's web site or in the Student Handbook. These documents outline the process and the time-lines for hearing and making decisions regarding appeals impacting all student matters, including sanctions made by the Director of Athletics.

MISDEMEANOR CONVICTIONS

Ordinarily, upon conviction by a judge or a jury of a misdemeanor offense, student athletes will be suspended for a minimum of seven consecutive days, including a minimum of ten percent of contests, or two contests, during that period of time, whichever is less. If the misdemeanor conviction occurs outside the competitive season, the seven-day suspension shall begin six days prior to the first regularly scheduled competition, not including exhibition contests. The student athlete may resume practice after the mandatory suspension, but shall be withheld from competition if the minimum competition suspension of ten percent of the contests or two contests, whichever is less, is not met during the suspension. The suspension will begin upon conviction and will not be delayed pending sentencing or appeals. Student athletes will have five (5) days after receipt of written notification of any disciplinary action to be taken in which to notify the College President, in writing, of their request to appeal the decision of the committee. The student shall have five (5) days after receipt of the notice to respond in writing to the charges. If it is necessary to mail notice to the student, he/she shall have seven (7) days after the date of mailing to respond in writing to the charges.

The Director of Athletics may determine to take additional disciplinary action in his/her discretion. In some cases in which the student athlete's conduct is sufficiently egregious, expulsion from the team and reduction or cancellation of a grant-in-aid, may be appropriate. The Director of Athletics serves as Barton Community College's regular disciplinary authority for determination of whether a student-athlete's athletic grant-in-aid will be reduced or cancelled. Any appeal of the cancellation or termination of an athletics grant-in-aid will be handled pursuant to the College's financial aid appeals process. In these matters, the College's financial aid appeals committee will be the final authority on the matter of the appeal.

Appeals of the results of the Athletic Department's investigation and the Director of Athletics decision may be made by the accused to an Appeals Committee within five (5) days of the date of the decision. Such appeals shall be in writing and shall be delivered to the President of the College. Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College. Appeals shall follow the procedures outlined in the Student Code of Conduct that can be found on the College's web site or in the Student Handbook. These documents outline the process and the time-lines for hearing and making decisions regarding appeals impacting all student matters, including sanctions made by the Director of Athletics.

OTHER VIOLATIONS

It is acknowledged that situations occasionally may arise in which a student athlete has engaged in an action or repeated actions at the College or in the community that, while not resulting in a charged violation of state or federal laws, is nevertheless sufficiently serious to make disciplinary action by the Athletic Department appropriate. Accordingly, when such an occasion occurs, the Director of Athletics will determine what, if any, disciplinary action may be appropriate. In some instances, it may be appropriate to immediately suspend the student athlete from the team, following the procedures described above for felony arrests, pending an investigation ordered by the Director of Athletics.

Furthermore, this procedure recognizes that, in some cases, the fact that a student athlete is not convicted of a felony offense or a misdemeanor offense does not mean the student athlete did not engage in inappropriate behavior. It may be necessary for the Director of Athletics, in his/her discretion, to order an investigation. In those cases in which the Director of Athletics determines that, based on the preponderance of evidence, the student-athlete did engage in inappropriate behavior and that disciplinary action is appropriate, sanctions up to and including expulsion from the team and reduction or cancellation of an athletics grant-in-aid may be taken. The Director of Athletics serves as Barton Community College's regular disciplinary authority for determination of whether a student-athlete's athletics grant-in-aid will be reduced or cancelled. Appeals of termination or cancellation of an athletics grant-in-aid will be handled pursuant to the College's financial aid appeals process. With regard to any disciplinary action taken, the student athlete will have the same procedural appeal rights as those for appeals of action taken following a felony conviction.

TEAM RULE INFRACTIONS

Any Code of Conduct violation that is not addressed by the preceding paragraphs will ordinarily be of a less serious nature and will be handled by the head coach as a team rule violation. The head coach has the authority to impose appropriate disciplinary penalties and is expected to do so. Sanctions imposed by the Athletic Department are not meant to substitute for the individual coach's right and responsibility to provide discipline to their team members. Coaches may individually make decisions and impose sanctions of an appropriate nature up to and including dismissals from the team. In these instances, the coach's decision is final and not subject to appeal and appeal procedures.

REPEAT VIOLATIONS

Repeat or continued violations of a nature described in the paragraphs above are cumulative, meaning that subsequent violations of this Code of Conduct may result in more substantial penalties. This procedure recognizes that repeat violations may reflect adversely on the student athlete's sport, the Athletic Department, and the College.

In the event the Director of Athletics determines that multiple violations of the Student Athlete Code of Conduct warrant further action, the Director of Athletics may impose additional sanctions, separate from any sanction for an individual offense, and the student athlete will then be given notice of that sanction. Sanctions may range up to a student athlete's dismissal from his or her team and/or reduction or cancellation of an

athletics grant-in-aid. The Director of Athletics serves as Barton Community College's regular disciplinary authority for determination of whether a student athlete's athletics grant-in-aid will be reduced or cancelled. Student athletes will have five (5) days after receipt of written notification of any disciplinary action to be taken in which to notify the College President, in writing, of their request to appeal the decision of the Director of Athletics. The student shall have five (5) days after receipt of the notice to respond in writing to the charges. If it is necessary to mail notice to the student, he/she shall have seven (7) days after the date of mailing to respond in writing to the charges. Appeals from termination or cancellation of an athletics grant-in-aid will be pursuant to the College's financial aid appeals process. In these matters, the College's financial aid appeals committee will be the final authority on the matter of the appeal.

Appeals of the results of the Athletic Department's investigation and the Director of Athletics decision may be made by the accused to an Appeals Committee within five (5) days of the date of the decision. Such appeals shall be in writing and shall be delivered to the President of the College. Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College. Appeals shall follow the procedures outlined in the Student Code of Conduct that can be found on the College's web site or in the Student Handbook. These documents outline the process and the time-lines for hearing and making decisions regarding appeals impacting all student matters, including sanctions made by the Director of Athletics.

PROCEDURES FOR INVESTIGATION

Investigations of student athlete conduct may be ordered by the Director of Athletics upon receipt of information that gives rise to a reasonable suspicion that the Student Athlete Code of Conduct Procedure has been violated. The Director of Athletics will report the commencement of any investigation to the President. All investigations will be conducted confidentially to the extent possible.

Appointment of investigating officials will be at the discretion of the Director of Athletics. Ordinarily, the investigator will be an employee of Barton Community College, or affiliated with the College in some manner.

Investigations will typically be informal. Tape recording of interviews and verbatim transcripts of interviews will not be required, though may be developed. Investigators should interview those witnesses knowledgeable of the incident under investigation and obtain their statements. Those interviewed should be informed of the College's practice to hold their statements in confidence, unless court ordered to be released. The Director of Athletics, in his/her discretion, may direct the investigator to obtain written statements. If a witness or party involved in the incident refuses to give a written statement, the investigator should record the substance of the witness statements about the incident.

In the event a concurrent investigation by law enforcement officials is occurring investigators will avoid taking any action that may interfere with or impede the external investigation. Information relating to investigation will not be released to third parties unless directed by the President.

The College President may authorize an investigator to seek legal advice from the College's attorney. Advice given will be subject to the attorney-client privilege and

ordinarily will not be releasable to third parties absent a court order or the consent of the President.

Investigators will determine whether it is more likely than not the student athlete in question violated the Student Athlete Code of Conduct Procedure. In the discretion of the Director of Athletics, the investigator's report may be rendered orally or in writing to the committee considering the violation. If requested by the Director of Athletics, investigators will also provide a recommendation on whether disciplinary action is appropriate, and, if so, what the action should be. Any such recommendations will be advisory only and may be accepted or rejected at the discretion of the committee.

Acknowledgment: Barton Community College gratefully acknowledges the permission of Kansas University to utilize its established policies and procedures for substance abuse in the development of the Student Athlete Code of Conduct Sanctions procedures.

(Based on policy 1610; revised and approved by President on 1/23/12)

Minor revision on 10/24/13