

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/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.

UNACCEPTABLE BEHAVIOR

Three types of unacceptable behavior are defined in this Code: criminal offenses; disciplinary non-criminal offenses, and violations against the academic community. Each is treated separately, although some offenses listed as non-criminal, or violations against the academic community, may in fact constitute a criminal offense. The following constitute some of the 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 a guide to the student.

Criminal Offenses

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. on the Grandview/Fort Riley or Fort Leavenworth campuses.
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. Unauthorized possession, duplication, or use of keys to any College premises, or unauthorized entry to or use of College premises.
11. Intentionally impeding normal pedestrian or vehicular traffic on campus.
12. Violation of any other federal, state or local law on College premises or at College-sponsored activities.

Non-criminal Offenses:

13. Disrupting, impeding or interfering with the operation of the College.
14. Verbal or written communication that exposes any individual or group to hatred, contempt, ridicule, racist slurs, or intimidation and thereby injures the person, property, or reputation of another.
15. Abusive and /or disruptive disagreement or personal harassment.
16. Personal misconduct and immoral behavior, including all forms of sexual misconduct or harassment.
17. 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.
18. Violation of College traffic and parking regulations.
19. Smoking in areas designated non-smoking.
- ~~20.~~ Possession or use of alcohol by any person on the College's campuses.
21. Leaving children or animals unattended on campus.
22. Use of bicycles, skateboards, roller blades, and any other non-motorized vehicle or equipment (except wheelchairs) outside designated areas.
23. Failure to comply with a directive of College officials or security officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
24. Tampering with the election of any College-recognized student organization.
25. Intentionally or maliciously furnishing false information to the College.
26. Unauthorized actions taken in the name of the College.
27. The possession of any flammable liquids such as paint, gasoline, etc., or any fireworks, ammunition, etc., except by an individual for use in a program approved by the College or as a part of their employment by the College, is a violation of College rules.
28. Gambling on campus or at any College sponsored activity.

29. Violation of any other published College policies, rules or regulations.

Offenses Against the Academic Community:

1. 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 cellular phones, pagers, or other electronic devices to classes or computer labs without prior approval.
2. Academic dishonesty, including but not limited to plagiarism, cheating, collusion, and forgery of any academic records; The term "cheating" includes, but is not limited to:
 - a. Use of any unauthorized assistance in taking quizzes, tests, or examinations;
 - b. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or
 - c. The acquisition, without permission, of tests or other academic material belonging to a member of the College community.
 - d. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment.
3. Theft or other abuse of computer time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification and password;
 - d. Use of computing facilities to interfere with the work of any member of the College community;
 - e. Use of computing facilities to send obscene or abusive messages; or
 - f. Use of computing facilities in violation of College policy.
4. Violation of any other published College policies, rules, or regulation.

Student Rights for Due Process:

To protect students from capricious disciplinary action, all proceedings which may lead to suspension or expulsion 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. 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. The proceedings shall be recorded.

Disciplinary Procedure:

Whenever a complaint is made against any student for misconduct, the Dean 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 and Student Services). The Dean 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) **business** days of receipt of the complaint. If a student is under the age of eighteen (18) years, a copy of the notice shall be sent to the parents or guardian of the student. The student shall have ~~five (5)~~ **three (3)** 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 Dean 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 shall be sent to the parents or guardian of the student.

Disciplinary Action:

If the Dean of Student Services or other designee of the President finds that the student has violated College policy, rules, or regulations, then disciplinary action shall be taken. The Dean of Student Services or other designee shall impose such discipline as he/she

determines is warranted taking into consideration the seriousness of the offense. Permissible action may include written reprimand, 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:

Any decision of the Dean of Student Services or such other person as designated by the President may be appealed by the accused or the complainant to an appeals board 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.

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

- a. To determine whether the original process was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- b. 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.
- c. To determine whether the discipline imposed was appropriate for the violation of the Student Code that the student was found to have committed.
- d. 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.

The President of the College shall name an Appeals Committee to conduct a formal hearing to review the charges. The Appeals Committee shall consist of five (5) members selected by the President, two of which shall be from the faculty and/or administration, and one of which shall be from the student body. The remaining two members may be either faculty, students, or one of both categories. Such committee shall select its own chairman, vice-chairman, and secretary from among its members. Such members shall serve without compensation. At any hearing before the committee, at least three (3) 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 to hear the same and the President shall appoint a person to take his/her place at such hearing.

Hearing:

The Appeals Committee shall set a hearing as soon as possible after the hearing has been requested. Notice of the time, date, and place of the hearing shall be given to all parties in writing no less than forty-eight (48) hours 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 at the time of any hearing, which will be at the student's expense, the student must notify the Office of Student Services 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.

The hearing is to be conducted in private unless the student requests in writing to the Office of Student Services that the hearing be open to the public not later than forty-eight (48) hours before the scheduled time of the hearing. The Appeals Committee, in the exercise of sound discretion, may grant or deny such request. If, during an open hearing, it becomes apparent to the committee that its functions are being hindered by the openness of the hearing, the hearing may be summarily closed and conducted in private.

Collective hearings may be held. When collective hearings are held, individual decisions shall be rendered. In hearings involving more than one student, the committee may, in its discretion, conduct separate hearings.

If the student fails to appear before the Appeals Committee, he/she shall forfeit any right to appeal or seek further relief of the decision of the Dean of Student Services or the Appeals Committee.

Proceedings before the Appeals Committee shall be recorded. It is not necessary that a certified court reporter be used in the proceedings. A tape recording or minutes of the proceedings shall be sufficient. In the event a transcript of the proceedings is requested, the person so requiring shall pay the cost of reproduction. Recordings and communications related to the disciplinary procedure and resulting actions (before the Dean of Student Services or such other designee of the President) 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 discipline imposed fit the nature of the violation. The Appeals Committee shall render its decision within three (3) working days of the conclusion of the hearing.

In all appeals, review of the discipline (as determined by the Dean of Student Services or such other designee of the President) by the Appeals Committee may not result in more severe discipline for the accused student.

The findings of the Appeals Committee shall be forwarded to the President for imposition of action taken. The findings of the Appeals Committee shall be final.

(Based on policy 1610; revised and approved by President on)