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 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) 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 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 may 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, 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. For more complicated incidents, the Dean 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.

<u>Appeals</u>

Right of Appeal

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 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.

(Based on policy 1610; revised and approved by President on 7/28/14)