The meeting of the Montgomery County Community College Board of Trustees was held on Monday, June 16, 2014 at 4:00 p.m. in the Rotelle Family Board Room, East House, Central Campus.

Board of Trustees – Present:
Michael D’Aniello, Chairperson; Andy Cantor, Vice Chairperson; Regina Lowrie, Treasurer; Marcel Groen, Assistant Secretary; Geoffrey Brandon; Margot Clark, Eric Kretschman, Sean Kilkenny, Richard Montalbano, Ed Mullin

Absent: Trudy Mann, Secretary; Moon Ahn, Susan Arnhold, Ellen Toplin, and John Rafferty

Also Present:
Karen Stout, President; Marc Davis, Solicitor; Sharon Beales, Vice President for Development and External Relations; Vicki Bastecki-Perez, Vice President of Academic Affairs and Provost; Kathrine Swanson, Vice President of Student Affairs and Enrollment Management; Steady Moono, Vice President of West Campus; Celeste Schwartz, Vice President of Information Technology and College Services; Peggy Lee-Clark, Executive Director of Government Relations and Special Projects; Diane O’Connor, Executive Director of Human Resources; Rose Makofske, Director of Equity and Diversity Initiatives; Rhoda McFadden Faculty Union President; History Professor; Jaime Garrido, Associate Vice President for Facilities and Construction; Beverly Welhan, Dean of Health Sciences; Aaron Shatzman, Dean of Social Sciences; Frank Williar, Director of Public Services and Municipal Police Academy, Michele Cuomo, Dean of Arts and Humanities; Alana Mauger, Director of Communications; Kathleen McGirr, Controller; Linda Kristekas, Assistant Controller; Deborah Rogers, Executive Assistant to the Board of Trustees; Jim Stasik, Director of Network Services; Margaret Gibbons, Intelligencer Staff Writer; Robert Fogarty, Student, Keystone Press Award Winner; Harris Risell, Student, Keystone Press Award Winner; Julia Tasca, Student, Keystone Press Award Winner; John Fogarty, Jules Tasca, Karen Harding-Tasca, Reading Lecturer

Call to Order
Chairperson D’Aniello called the meeting to order at 4:05 p.m.

Pledge of Allegiance
Robert Fogarty, Harris Risell and Julia Tasca, students and Keystone Press Award winners, led the attendees in reciting the Pledge of Allegiance.

Introduction of Guests
Vice President Beales introduced new guest Frank Williar, Director of Public Services and Municipal Police Academy.

Public Testimony
There was no public testimony.
Consent Agenda

Consent Agenda Item C, the Fox Rothschild Retainer for 2014-2015 was pulled from the Consent Agenda by Trustee D’Aniello for a separate motion to be made under the Finance Committee Action items.

Trustee Lowrie made the motion to approve Consent Agenda Items A to B and D through L for the month of June as presented. Trustee Brandon seconded the motion and the Board unanimously approved Consent Agenda Items A to B and D through L.

A. Approval of May 19, 2014 Minutes

B. ParenteBeard 2014 Pre-Audit Update

C. Fox Rothschild Retainer for 2014-2015-Pulled from Consent for Separate Motion

D. West Campus Student Housing

E. ESCO Project Update


G. Modified Course, SPC 113, Voice and Articulation

H. Faculty Accomplishments

I. Faculty Promotions Spring 2014

J. Student Code of Conduct Policy (Attachment A)

K. Affordable Care Act

L. Ratification of June Professional Appointments, Separations and Retirements:

Administrative Separations (3)

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>End Date</th>
</tr>
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<tbody>
<tr>
<td>Helen Haynes</td>
<td>Director of Cultural Affairs</td>
<td>5/23/14</td>
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<tr>
<td>Enrico Crispo</td>
<td>Director of Leadership Development and Talent Management</td>
<td>5/30/14</td>
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<tr>
<td>Barbara Keslick</td>
<td>Advancement Services Administrator</td>
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**Treasurer’s Report**

Trustee Lowrie reported on highlights of the Treasurer’s Report.

**Eleven months ended May 31, 2014**

- The combination of lower-than-anticipated enrollment and the planned $4 million upfront cost associated with the Voluntary Retirement Incentive Program will produce an operating deficit for 2013-2014. Credit hour enrollment for the 2014 summer term, partially reflected in the May revenue numbers, is down. While the College is required to recognize the cost associated with the Voluntary Retirement Incentive Program in the current year, the resulting restructuring will enable the College to address the structural operating gaps the College has faced in the last two fiscal years. If retirees are replaced at the assumed rates of 50% for faculty and 75% for support staff, savings generated would allow for the College to restore balanced operational budgets.

**President’s Report**

Dr. Stout reviewed highlights of the President’s Report.

**Student Success**

- In November 2012, Montgomery County Community College was awarded an implementation grant from the Gateway to College (GtC) National Network to launch the second Gateway program in Pennsylvania. Currently, the College has secured partnerships with 16 school districts and a community based program since the launch of GtC in September 2013.

For the 2013-2014 academic year, we enrolled and served a total of 50 students. Of those 50 students, 27 are actively enrolled, 9 graduated and 10 were disenrolled or left the program. The first term success (passing at least one course in 2013-2014) was 85 percent, compared to the network average of 82 percent (this percentage is in comparison to the Network data from the 2012-2013 academic year). Also, the College had a Fall 2013 to Fall 2014 persistence rate of 67 percent compared to the Network average of 53 percent.

**Graduation Celebrations**

- On June 5, the College celebrated 45 graduates for the GED/Employability Program at the GED Graduation ceremony. John Vestri, Vice President of Operations and Finance for Video Ray, provided remarks as the keynote speaker and the GED graduate speaker, Jamie Gehman, offered words of inspiration on behalf of the students in the program. As of January 2014, an updated GED exam was utilized that presented new content, exam administration, and scoring. Since the testing changes in January 2014, the College has had a 71 percent graduation success rate utilizing the new 2014 GED® test, in comparison to Pennsylvania’s overall passing rate of 45 percent.

**Summer 2014 Enrollment Summary**

- As of June 11, overall Summer 2014 unduplicated headcount is down 9.16 percent (6,260) compared to last year (6,891). Credits generated are down 9.65 percent (32,211) compared to last year (35,652).
- The Summer 1 overall total credit hours generated is down 3.32 percent (14,264) compared to last year (14,754). Central Campus is down 6.11 percent (7,229) compared to last year (7,700). West Campus is down 4.21 percent (1,569) compared to last year (1,638). E-Learning is up 3.65 percent (5,306) compared to last year (5,119).

- For the 10-week courses, we are currently at 2,769 credit hours, down 2.71 percent compared to last year (2,846). With the exception of six sections at Central Campus, these are online courses.

Fall 2014 Enrollment Summary
- As of June 11, Fall 2014 unduplicated headcount is down 10.54 percent (5,474) compared to last year (6,119). Credits generated are down 8.57 percent (50,195) compared to last year (50,901).

Staff Outreach
- Rose Makofske, Director of Equity and Diversity for the College, and the College’s Title IX Coordinator, has been elected Chairperson of the Montgomery County Advisory Council to the Pennsylvania Human Relations Commission.
- Debra Poelhuis, Director of Radiography, was installed on April 25 as the Chairman of the Board for the Joint Review Committee on Education in Radiologic Technology (JRCERT) for the 2014-15 year.
- On June 9, Dr. Steady Moomo was officially welcomed as a Board Member for the Center for Culture, Art, Training, and Education (CCATE).

President’s Outreach
- In late May, President Stout was notified that her participant application with the Greater Philadelphia Leadership Exchange was accepted. As part of the exchange, she will visit Boston in October with 50 leaders from the Philadelphia area.

Sense of Place to Support Learning
- The College is one of six institutions across the country to receive the 2014 Second Nature Climate Leadership Award. The awards are presented annually to signatory institutions of the American College & University Presidents’ Climate Commitment (ACUPCC) that demonstrate innovative and advanced leadership in education for sustainability and climate mitigation and adaptation.

Create a High Performance Culture
- On June 10, the 2014 Administrative Retreat, themed “Servicing the Community” was held throughout the community at five service activity sites: Elmwood Zoo, Norristown Police Athletic League, Senior Adult Activities Center of Ambler and Senior Adult Activities Center of Norristown. There was one onsite option, Project Linus.

- The Information Technology Department hosted an all-college ice cream social on June 17 to celebrate its recognition by the Center for Digital Education as a Top Ten ranking Community College in the large college category.
Finance Committee
Trustee Kretschman reported for the Committee.

- Fox Rothschild Retainer for 2014-2015

  The College has retained the legal services of Fox Rothschild for a number of years. Each year the College solicits a proposal from Fox Rothschild for the continuation of these services, including an itemized breakdown of matters covered and not covered by the quarterly retainer.

  Fox Rothschild’s proposed 2014-2015 fee scheduled is divided into three categories: 1) quarterly retainer, 2) items not covered under the retainer and 3) miscellaneous matters.

  New hourly rates will become effective July 1, 2014.

Trustee Kilkenny made the motion to recommend retaining the services of Fox Rothschild as the College’s Legal Counsel for 2014 - 2015 at the quarterly retainer fee of $5,200, the hourly rate of $210.00 and miscellaneous hourly rates up to $255.00 or calculated at a 20% discount compared to customary hourly rates. Trustee Brandon seconded the motion. Trustee Groen abstained from voting due to conflict of interest. The Board approved retaining the legal services of Fox Rothschild for 2014-2015.

- 2014-2015 Fee Budgets

  Technology Fees: Budgeted Technology Fee revenue decreases by $273,738 to $4,897,841, reflective of the 3% decrease in enrollment assumption which is being used throughout the FY 2015 budget. The proposed budget for the 2014-2015 Technology Fee was developed within the context of the Information Technology Strategic Plan to 2016.

  Student Activity Fees: The Student Activities fees generated decreases by $60,862, in 2014-2015, which is reflective of a second consecutive year of assumed 3% decline in enrollment. The $3 per credit hour fee is charged to students enrolled in fall and spring classes, and not summer classes. No fee increase is proposed for 2014-15. The Student Activity Fee has broad impact on student engagement at the College. The fee supports the provision of co-curricular learning, club, athletic, intramural and service activities to all students.

Trustee Kretschman made the motion to approve the Technology and Student Activity fees as presented. Trustee Mullin seconded the motion and the Board unanimously approved the 2014-2015 fee budgets.

- 2014-2015 Auxiliary Enterprise Budgets:

  The College's auxiliary enterprise budgets are a component of the College's operating budget used to account for services that are designed to be self-supporting, ideally individually, but definitely as a collective. These auxiliary units do not receive public funding support from the County or State or from students in the form of dedicated per credit hour fees.

  These budgets include:
  - The College Bookstores operate in partnership with Barnes and Noble.
  - The Children’s Center at Central Campus is run by the College.
The Food Service and Vending operations run in partnership with CulinArt to include cafeteria operations at both campuses as well as boutique food services, kiosk-line operations in the Advanced Technology Center (The Portal), Parkhouse Hall (Park Place) and the Library (Books and Bytes).

The University Center physical facility at West Campus and the strategic college and university partnerships that are part of the Center at both campuses. The University Center is run by the College.

Trustee Kretschman motioned to approve the four (4) auxiliary enterprise budgets (Bookstore, Children’s Center, Food Service and Vending, and the University Center) as presented. Trustee Lowrie seconded and the Board unanimously approved.

- **2014-2015 Student Aid Budget:**
  The 2014-2015 Student Aid budget details the array of aid available to students from Title IV Federal financial aid including programs such as federal work study, Pell grants, and the Federal Direct Loan Programs. The Student Aid budget also includes State PHEAA grants and College Foundation scholarships.

Trustee Kretschman motioned to approve the 2014-2015 Student Aid Budget as presented. Trustee Clark seconded and the Board unanimously approved.

- **2014-2015 Operating and Capital Budgets:**
  President Stout provided the Board of Trustees with an overview of the operating and capital budgets.

  The proposed 2014-2015 operating budget reflects an increase of $1.25 million from the County (with $840,000 of this support targeted to fund “cash” capital projects). County appropriations reflect an increase of $410,000 over fiscal year 2014 and the non-operating funding reflects an increase of $840,000 over fiscal year 2014.

  Assumptions in calculating the FY2015 operating budget are:
  - FY15 credit enrollment is assumed to decrease 3% from FY14 levels
  - Overall enrollment mix is anticipated to stay the same (82.5% in-county, 14% out-of-county and 2.5% out-of-state, 1% dual enrollment) in FY15
  - A $4 (3.2%) increase in tuition and a $1 increase in the comprehensive fee
  - Non-credit enrollment assumes a 3% decrease, consistent with credit enrollment
  - No change to the FY15 Commonwealth Appropriation
  - An increase of $410,000 in the County Appropriation for operations
  - No salary increases for faculty, administrators, or support staff
  - FY15 benefits include an anticipated 20% increase in premiums in calendar 2015

  The College will continue to implement strategies to enhance revenues and reduce expenses including the following:
  - Voluntary Retirement Incentive Plan
  - Freeze hiring for targeted, positions
• Eliminate low-enrolled/high-cost programs
• Close buildings on weekends, between semesters, and during holiday periods
• Continue to maximize average class sizes
• Eliminate unprofitable continuing education programs.

The College will continue to invest in programs and strategies which support our mission and will help us achieve self-sufficiency, including:
• Culinary Arts Institute
• Virtual Campus
• University Center
• Expanding marketing and public relations to build brand identity
• Enhancing financial aid capacity
• Investing in professional development programs
• Building analytical capabilities
• Growing Workforce Development capacity
• Forging new strategic partnerships.

The proposed 2014-2015 capital budget of $10,706,691 provides funding for all of the College’s existing debt service and certain leases. Both the Commonwealth and County numbers reflect the ending of debt service payments associated with the 1999 bond issue (the final debt service payment occurs on May 1, 2014). Of note is the addition of capital funding from the County for the third phase of 140 College Drive, the Schuylkill Riverfront Heritage Center and the additional $840,000 of project-specific capital funding provided by Montgomery County.

Trustee Kretschman made a motion to approve the 2014-2015 General Fund Operating budget as presented. Trustee Brandon seconded and the Board unanimously approved.

Trustee Kretschman made a motion to approve the 2014-2015 Capital budget as presented. Trustee Cantor seconded and the Board unanimously approved.

Physical Plant Committee
Trustee Mullin reported for the Committee.

- Energy Procurement and Consulting Services
  On April 16, 2014 a request for proposal (RFP) for Energy Procurement and Consulting Services was posted to the College’s web site. On April 30th the College received four proposals. The submitted proposals were evaluated by an internal College Committee.

  The committee found World Energy to be the most responsive of the firms submitting proposals. Accordingly, the College recommends the selection of World Energy to act on behalf of the College to auction both our electrical and natural gas requirements, including energy from “green sources” for a two year period.
Trustee Mullin made the motion to approve the selection of World Energy to serve as the College’s energy procurement broker/consultant for a two year period beginning July 1, 2014. Trustee Cantor seconded and the Board unanimously approved.

- **Health Sciences Center Schematic Design Development:**
  Jaime Garrido provided the Board with an overview of the Health Sciences Center project. The College is continuing to work with Kimmel Bogrette and Kahler Slater on the project. The programming, schematic design and design development phases are now complete. The College is in the process of finalizing the vetting process for the design development phase.

  The presentation contained information on the proposed project design elements for the building exterior material and colors; building entry plazas and landscape; and initial design concepts for the building atrium space.

  This is an information item only and requires no action by the Board.

- **Health Sciences Center Architect Fee Recommendations:**
  The College has been pleased with the work of Kimmel Bogrette (KBA) and the progress made since September. The College has met with KBA and together reviewed the background of the fee negotiation and the errors that led to the mutual acceptance of the approved fee. The College and KBA have agreed on a proposed equitable adjustment to the fee of $100,000.

  The justification for the increase is a recognition of mutual errors in the fee negotiation. Further, the amount consists of two components; payment for additional work and payment for LEED services. The Payment for additional work is $20,000 for additional work represented by clinical partner space that was not originally contemplated in the project and $20,000 for expansion of scope related to Township land development requirements. The remaining $60,000 is for LEED certification services that should have been included in the fee that the Board initially approved.

  The College recommends this addition to the architectural contract to bring the total fee to $1,885,000.

Trustee Mullin motioned to approve the $100,000 increase in the fee agreement for architectural services provided by Kimmel Bogrette Architects for the Health Sciences Center to bring the total fee to $1,885,000. Trustee Cantor seconded and the Board unanimously approved.

**Curriculum Committee**
Trustee Kilkenny reported for the Committee.

- **Academic Program Review: Theatre Arts (A.A.):**
  The Theatre Arts (AA) underwent its first Academic Program Review in 13-14. This program was initially launched at the Central Campus in Fall 2009 and, with an additional faculty member in a shared position hired in 2013, has expanded most of its offerings to West Campus.
The Theatre Arts Program is designed to create an active, introductory experience for students into the collaborative fields which make-up the Theatre Arts, Acting and Producing. This program provides general education and disciplinary training which teach transferrable skills.

The alignment of the Theatre Arts (AA) Program with the Pennsylvania State Transfer and Articulation Oversight Committee (TAOC) statewide articulation standards has allowed for graduates to seamlessly transfer with junior status to Pennsylvania State System of Higher Education institutions.

Trustee Kilkenny motioned to approve the Theatre Arts Academic Program Review as presented. Trustee Montalbano seconded and the Board unanimously approved.

- **Academic Program Review: Municipal Police Academy:**
  The Police Academy underwent its first Academic Program Review. In 13-14, the Police Academy was repositioned to the Social Sciences Division as a result of integration of noncredit and credit programming.

  The Police Academy has the most rigorous curriculum in the Commonwealth of Pennsylvania, more demanding (academically and physically) than state requirements. This curricular strategy provides graduates with greater opportunities for success including gainful employment.

  Among key goals for next year is increasing diversity of the applicant pool and, in turn, the student body through proactive outreach to key leaders and organizations to form sustainable partnerships within minority communities.

  Integration of the Police Academy into the Division of Social Sciences will lead to availability of all College services to cadets and adoption/alignment of College systems including operational processes and academic support. The anticipated result will be increased student access and success as well as the ability to track progress of applicants/students/graduates among others.

  Trustee Kilkenny motioned to approve the Municipal Police Academy Academic Program Review as presented. Trustee Clark seconded and the Board unanimously approved.

- **Middle States Self-Study Update:**
  An update was provided to the Board on the progress of the Middle States Self-Study process. Work during the summer will include the completion of the second draft of the self-study report, the accreditation readiness roadmap, and the verification of the compliance documents.

  This was an information item only and required no action by the Board.
Personnel Committee
Trustee Montalbano reported for the Committee.

- Sexual Assault/Misconduct Prevention and Response:
  Rose Makofske provided the Board with an overview of the progress the Presidential Task Force on Sexual Assault has made on the proposed plan: Sexual Assault/Misconduct Prevention and Response. The team was charged with the following:
  1) Conduct a comprehensive review of all current policies, procedures and practices with respect to preventing and handling incidents of sexual misconduct on campus.
  2) Make modification and implementation recommendations for all such current policies, procedures and practices in order to ensure greater campus safety, fuller participation in campus programs and activities, and full compliance with the requirements of Title IX, the Campus Save Act, the Violence Against Women Act and the Clery Act.

Out of the report came the following:
  1) The identification and implementation of a regular training schedule of sexual misconduct educational programs, both general and specialized, (students and employees at large, identified and named campus security authorities, sexual assault investigators, sexual assault counselors, and sexual assault adjudicators) is the first recommendation of the President’s Task Force on Sexual Assault Prevention.
  2) The means by which the College’s resources and training opportunities are effectively communicated to the campus community as a whole is the second.

This was an information item only and required no Board action.

Chair’s Report

Chairman D’Aniello thanked everyone for their support throughout this past academic year and commended them for their support in attending activities and committee meetings.

Of note, Trustee D’Aniello asked everyone to place a hold on their calendars for a Board Retreat on September 15 from 10:00 a.m. to 3:00 p.m. before the Board meeting.

Old Business
There was no old business to report.

New Business
There was no new business to report.

Adjournment

The meeting was adjourned at 5:30 p.m.
Executive Session
The Board went into an executive session after the meeting to discuss personnel issues. No action was necessary from the session.

The next meeting is scheduled for Monday, September 15, 2014, 4:00 p.m., Rotelle Family Board Room, East House, Central Campus.

_________________________
Marcel Groen
Assistant Secretary
Board of Trustees Policy

SUBJECT: Student Code of Conduct

NUMBER: 4.1 PAGE: 1 OF: 18

DATE: June 16, 2014
Fall 2014 Implementation


Purpose

The primary purpose of the Student Code of Conduct is to guide students to understand their responsibilities in regard to appropriate behavior and respect for others in the College community. Students are expected to treat all members of the College community with dignity, respect, fairness, and civility and to behave in a responsible manner at all times both in and outside of the classroom.

Montgomery County Community College has established and will maintain a fair, equitable, and timely procedure for addressing student disciplinary matters and for ensuring that the rights of the students, the College community, and the community-at-large are protected. The College has established a Student Code of Conduct to describe behavior that is in violation of acceptable standards and the disciplinary procedures and sanctions for code violations.

Policy

Montgomery County Community College expects its students to conduct themselves in a manner that reflects credit upon the institution they represent. There are two basic standards of behavior required of all students:

1) they shall adhere to Montgomery County Community College policies, municipal, borough, county, state and federal laws; and
2) they shall not interfere with or disrupt the orderly educational processes of Montgomery County Community College.

The Student Code of Conduct applies to all students while at Montgomery Community College, on College premises, and/or while attending College-sponsored activities on or off campus. In certain circumstances, for example in the instance of sexual misconduct, off-campus misconduct at non-College-sponsored activities that have a continuing and disruptive effect on members of this College community, will also be actionable under this Student Code of Conduct.
Board of Trustees Policy

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

1. to create an environment that enhances the opportunity for learning;
2. to help ensure order in the College community;
3. to educate and guide students on appropriate behavior and respect for others in the College community;
4. to protect members of the community from harm due to the conduct of those members of the College community who fail to respect the rights of others; and
5. to ensure students due process when they have been accused of violating College rules and regulations.

Definitions

The terms used in this Code are defined below.

1. “College” means Montgomery County Community College.
2. “Student” includes all persons taking courses at the College, both full and part-time, as well as those participating in all on and off-campus College programs, and all other College-sponsored activities.
3. “College official” includes any person employed by the College, performing assigned administrative, professional, or support responsibilities.
4. “Faculty member” means any person employed by the College to conduct face-to-face and/or online classroom, lab, advising, counseling, library, or clinical activities.
5. “College premises” includes all land, buildings, facilities, parking lots, computer systems, vehicles, and other property in the possession of or owned, used, rented or controlled by the College.
6. “College-sponsored activity” means any activity on or off-campus that is initiated, aided, authorized, or supervised by the College.
7. “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, and Board of Trustees approved policies published on the College website.

8. “Accused student(s)” means the student(s) who are reported for violating the Student Code of Conduct.

9. “Complainant” is the member(s) of the College community or campus guest who report(s) a potential Student Code of Conduct violation.

10. “Judicial Officer” is a member of the Student Affairs staff, appointed by the Vice President for Student Affairs and Enrollment Management, to coordinate the student discipline and the Judicial Hearing Board processes. The Judicial Officer trains all Judicial Hearing Board members and alternates on proper hearing procedures. The Judicial Officer is responsible for fairness, impartiality, and maintaining order in the discipline process.

11. “Appeals Officer” is a senior faculty member or College official appointed by the Vice President of Student Affairs and Enrollment Management (or the College President when the Vice President serves as the Judicial Officer) to oversee the appeals process.

12. “Judicial Hearing Board” is the disciplinary body on each campus composed of two students and one alternate, two faculty and one alternate, and one counselor and one alternate. There are two Judicial Hearing Boards, one for each of Central and West campuses. The Judicial Hearing Board convenes to make disciplinary decisions for cases referred by the Judicial Officer or for which the student appeals the administrative disciplinary decision of the Judicial Officer about whether the Code of Conduct has been violated and to determine the appropriate sanction(s) for the violation(s). At the beginning of each academic year, the Vice President for Student Affairs and Enrollment Management selects Judicial Hearing Board members and alternates from a slate of nominees submitted by the Academic Deans, Student Affairs Directors, and the Student Government Association for each campus. Before a hearing convenes, the Judicial Hearing Board members elect a Chair who presides over the hearing and serves as the Hearing Officer.
13. “Hearing Officer” is the member of the Judicial Hearing Board elected by the Judicial Hearing Board to preside over a given individual case, as presented by the Judicial Officer.

14. “College Community” extends to anyone who either works or participates in any way at the College.

Procedures

Unacceptable Behaviour

Montgomery County Community College may initiate disciplinary proceedings for student violations including, but not limited to, a student who:

1. disrupts the orderly process of the College, including, but not limited to, disruptions of classes, events, or meetings, or interferes with the rights of others;
2. conducts himself or herself in a manner that interferes with College teaching, research, administration, disciplinary procedures, or other activities and public service functions;
3. physically, verbally (oral and/or written), and/or sexually assaults, threatens, abuses, harasses, stalks, retaliates, and/or endangers in any manner the health or safety of a person at the College;
4. discriminates, harasses, or retaliates against another student, campus visitor, staff, or faculty member (including, but not limited to, sexual, racial, and/or disability harassment) and/or creates an intimidating, hostile, or offensive educational environment;
5. obstructs or restrains the lawful movement of another and thereby causes personal or campus disorder;
6. damages, steals, defaces, destroys, or misuses College property; property belonging to a third party on a College-sponsored activity; or property belonging to a student, faculty, staff member, or campus visitor;
7. brings to campus or any College-related activity any weapon, firearm, explosive and/or facsimile weapons, 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;
8. is convicted of a criminal offense under municipal, local, state, or federal law that occurred on College premises or at an off-campus College-sponsored activity;
9. intentionally initiates or causes to be initiated any false report, warning or threat of fire, explosion, or other emergency;
10. knowingly gives false information in response to a request from College employees;
11. forges, alters, or misuses College documents or records (e.g. student identification cards, College forms, and transcripts) or takes unauthorized action in the name of the College;
12. violates Board of Trustees approved policies, College regulations, procedures, or administrative rules (e.g. Policy Against Sex Discrimination, Sexual Harassment, Sexual Violence and Retaliation; Clean Air Zone Policy; Acceptable Use of Technology Policy; Student Organization Handbook; College traffic and parking regulations);
13. fails to comply with directions of College employees, authorized officials, and/or campus safety officers acting in the performance of their duties;
14. attempts to, or possesses, has under their control, manufactures, delivers, distributes, sells, purchases, gives, uses, or is under the influence of any controlled substance, alcohol, or other illicit drugs (see the College’s Drug and Alcohol Abuse Prevention Policy);
15. misuses technology (including but not limited to, sending, distributing, posting, or displaying offensive, harassing, or threatening material and forging mail messages) and/or violates the College’s Acceptable Use of Technology Policy as it relates to use of College technology and computing systems;
16. possesses, duplicates and uses keys and/or enters or uses College facilities without authorization;
17. knowingly presents a worthless check or forging a money order in payment to the College or a College official, or fails to make satisfactory arrangement for the settling of a debt or account with the College;
18. participates in illegal gambling in any form;
19. litters, posts notices in non-designated spaces, and/or distributes or sells goods on campus without approval from the appropriate College personnel;
20. uses bicycles, skateboards, roller blades, or any other non-motorized vehicle or equipment (except wheelchairs) in buildings or in an unsafe, careless or reckless manner;
21. brings animals except for service animals or those used in the educational process inside College buildings and/or leaves animals unattended on campus;
22. engages in hazing or other forms of bullying behavior towards any member of the campus community;
23. tampers with the election process of College-recognized student organizations;
24. repeatedly violates College policies, procedures, or guidelines, and/or repeats a less serious breach of conduct; and/or
25. commits any other offense that disrupts the educational process of the College.

* Issues of academic dishonesty, cheating, plagiarism, and resulting grade appeals are dealt with under the policies outlined in the Student Academic Code of Ethics (http://www.mc3.edu/about-us/policies/110).

Classroom Dismissal by Faculty Member

In addition to adhering to the Student Code of Conduct, students are expected to follow classroom guidelines for behavior as articulated in the syllabus for each class. If a student is disruptive in class (i.e., his or her behavior is disruptive or inappropriate in the class setting and interferes with the teaching/learning process), a faculty member has the right to temporarily dismiss the student from class (not to exceed one class session). Students who have been dismissed from one class session must meet with their faculty member prior to attending the next class session.
If a faculty member finds it necessary to dismiss a student from a second class session or more, the appropriate division dean should be notified as soon as possible and an incident report should be sent to the Judicial Officer to initiate the student disciplinary process.

When the presence of the student in the class poses a threat of harm to themselves or to others, immediate removal from the classroom is to be invoked by the faculty member. Incidents that pose a threat of harm to the student or others must be immediately reported to the Public Safety Office.

The Judicial Officer may continue the temporary removal from the classroom until the initial investigation and/or Judicial Hearing Board process is complete. Dependent on the specific Student Code of Conduct infractions being investigated and the outcome of the disciplinary process, the Judicial Officer will work with the faculty member on conditions in which a student is permitted to return to class and the student must meet with the faculty member prior to doing so.

Sanctions

Violations of the Code of Conduct may result in one or more of the following sanctions.

1. **Disciplinary Warning**
   Written notice to the student that the conduct in question is in violation of a specified regulation of the Code of Conduct. It also serves as a warning that future misconduct could result in a more severe disciplinary action. A Disciplinary Warning may be issued by the Judicial Officer without the right of appeal or Judicial Hearing.

2. **Referral**
   A recommendation for specialized help or a specialized program. The Judicial Officer may recommend that the student seek specialized assistance (e.g. from a counselor,
mental health professional, physician, program, etc.) if appropriate. Failure of the student to comply with the terms of a referral may result in further disciplinary action.

3. **Educational Project Assignment**
   An assignment arranged so that the student will have the opportunity to observe and learn specific, appropriate behavior or valuable lessons relative to his or her own misconduct. A student may also be counselled to participate in a campus or community activity with rehabilitative value (e.g., a campus workshop, essay assignment, alcohol awareness seminar, etc.), and/or community service.

4. **Disciplinary Probation**
   A Disciplinary Warning with the added stipulation that if the student is found guilty of a violation of the College's Code of Conduct during a specified probationary period, the student's continued enrollment at the College will be in jeopardy. Disciplinary Probation may include Suspension of Privileges and/or use of specific College facilities. The probationary period is limited to a maximum of one year from the date of the written notification of the decision. A notation of Disciplinary Probation will be removed from the student’s record at the end of the probationary period, unless there are further Student Code of Conduct violations during that time period which result in further sanctions and/or an extension of the probationary period.

5. **Restitution**
   Compensation for loss, damages, or injury to, or misappropriations of, College property or the property of faculty members, College officials, students, or visitors to the College. Restitution may be attached to a student’s tuition bill and a hold placed on their account if not paid in the specified time frame as determined through the disciplinary process. A
student will not be permitted to enroll for the next semester of classes if the account is not paid.

6. **Suspension of Privileges**
   An elastic sanction that may impose specific limitations or restrictions to fit the facts of a particular case or offense. This sanction may be imposed for any length of time and may include, but is not limited to, suspension of eligibility for participation in a particular course section, in College activities, athletics, student clubs, and/or access to specific College facilities.

7. **Interim Suspension**
   Temporary exclusion from the College and College-sponsored activities pending results of an initial investigation and/or Judicial Hearing. This sanction is to be invoked by the Judicial Officer or Vice President of Student Affairs and Enrollment Management only when the presence of the student on campus poses a threat of harm to the student, to others, or to the continuance of normal College functions. A notation of an Interim Suspension will be removed from the student’s record at the point of final decision of the case.

8. **Withholding of Transcript or Degree**
   A sanction that may be imposed on a student who fails to pay a fine or debt owed to the College or who has a disciplinary case pending a final decision. The sanction terminates on payment of the fine or debt, or the final decision of the case.

9. **Administrative Hold**
   Precludes a student from registering, receiving transcripts, or graduating until clearance has been received from the Judicial Officer, based on the student’s completion of specified conditions, such as the return of property, completion of community service obligations, payment of restitution, etc.
10. **Disciplinary Suspension**
Exclusion from the College and College-sponsored activities for a specified period of time. Upon completion of the period of suspension, the student will be considered for re-admittance in accordance with any academic, Admissions Office, and/or program/degree standards that are in effect. Students on Disciplinary Suspension will have an Administrative Hold on their records and will be required to meet with the Judicial Officer upon return to the College. Disciplinary Suspension is limited to a maximum of one year from the date of the written notification of the decision. A Disciplinary Suspension sanction will remain on the student’s permanent academic record.

11. **Permanent Denial of a Montgomery County Community College Degree**
Permanently denies a student from receiving a degree from the College at any time. This sanction may be used in conjunction with Disciplinary Dismissal. A Permanent Denial of a Degree sanction will remain on the student’s permanent academic record.

12. **Disciplinary Dismissal**
Permanent exclusion from the College and College-sponsored activities. A Disciplinary Dismissal sanction will remain on the student’s permanent academic record.

**Disciplinary Procedures**

**Step # 1: Reporting the Violation**

Any member of the College community or guest may report a potential Student Code of Conduct violation. Reports should be made to Public Safety Officers, the Judicial Officer, the Vice President for Student Affairs and Enrollment Management, or if need be, any other College official or faculty member who will then report it to the above.

**Step # 2: Investigating the Incident**
Upon notification of a report of a potential violation of the Student Code of Conduct, the Judicial Officer investigates the incident. The investigation will be completed within five business days after the date of the incident. After completing the investigation, the Judicial Officer will either:

1. dismiss the allegation as being unfounded;
2. proceed administratively through the disciplinary process; or
3. resolve the allegation through other appropriate avenues available at the College.

Whenever possible, the Judicial Officer will attempt to resolve the problem informally through the administrative disciplinary process using mediation or conflict resolution.

Step #3: Notification

When investigating an alleged violation, a student shall be notified to appear and provide information to assist in the investigation through any of the following methods:

1. A sealed letter delivered to the student.
2. A letter mailed to the student’s address as listed with Enrollment Services. The student is responsible for keeping Enrollment Services apprised of his or her current home address.
3. A written communication sent to the student’s College email address.

From the date of the letter, message or communication, a student is afforded a grace period of three business days prior to the meeting with the Judicial Officer. If the student wants to schedule a meeting during the grace period, the student should contact the Judicial Officer for appointment availability. The communication shall also describe the alleged violation(s), provide information regarding the purpose for the meeting, and/or additional instructions to the student.

The Judicial Officer may place a student on disciplinary probation or determine an appropriate sanction if the student fails, without good cause, to comply with instructions in the notification.
letter or otherwise fails to attend a scheduled meeting. In addition, the Judicial Officer may proceed directly through the disciplinary process.

In the case the presence of the accused student on campus poses a threat of harm to the student, to others, or to the continuance of normal College functions, the Judicial Officer may invoke Interim Suspension, while the judicial proceedings take place.

Step # 4: Administrative Decision of a Violation

The Judicial Officer may administratively address any alleged violation by:

1. dismissing the allegation, if the student is found not responsible for violating the Student Code of Conduct; or
2. handling the case in an informal manner; and/or
3. initiating disciplinary proceedings; and/or
4. referring the matter to the Judicial Hearing Board.

During a meeting with a student, the Judicial Officer shall review the information in the Student Code of Conduct related to the case and the documentation obtained during the investigation. The purpose of the meeting is to hear and receive information and/or other evidence from the student.

If the Judicial Officer determines that the alleged violation should be addressed informally, the Judicial Officer may assign behavioral directives or sanctions to support compliance with the Student Code of Conduct. If assigned, the student will be required to comply with all directives specified in the administrative decision letter. In informal cases, a student will be required to sign an acknowledgement form stating that he or she will comply with the Student Code of Conduct
for the remainder of his or her tenure with the College. A student’s failure to comply with the directives will lead to further disciplinary action.

If a student is found responsible for a violation of the Student Code of Conduct and refuses the administrative decision of the Judicial Officer, the student has the right to request an appeal hearing with the Judicial Hearing Board.

If a student accepts the administrative decision of the Judicial Officer, he or she will sign a statement that he or she understands the violation(s), his or her student rights, the right to an appeal hearing or to waive the same, and the disciplinary sanction(s) imposed by the Judicial Officer. This statement must be signed no later than the third business day following the administrative decision of the Judicial Officer. Once this statement is signed, the student will not be allowed to appeal the administrative decision at a later date, and he or she will be expected to comply with all disciplinary sanctions listed in the administrative decision letter.

If a student does not sign an administrative decision acceptance statement or submit a signed written request for an appeal hearing to the Judicial Officer by the third business day, the original administrative decision issued by the Judicial Officer will stand. In addition, since the student did not submit a written request for an appeal hearing within the designated time period, the student will not be allowed to appeal at a later date, and he or she will be expected to comply with all disciplinary sanctions and/or obligations in the administrative decision letter.

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), and Title IX of the Education Amendments of 1972 (Title IX), information about the administrative decision of a student respondent will be also disclosed in writing to the student complainant in cases involving violence, sexual harassment, and/or sexual violence.

Step # 5: Judicial Hearing Board
In general cases, when a student submits a written request to appeal the administrative decision of a violation by the specified deadline, the student is entitled to appeal the decision to the Judicial Hearing Board. A student’s written request of appeal for violations of the Student Code of Conduct involving sex discrimination, sexual harassment, sexual violence and/or retaliation will follow the process outlined in the College’s Policy Against Sex Discrimination, Sexual Harassment, Sexual Violence and Retaliation and Grievance Procedure in accordance with Title IX (http://www.mc3.edu/about-us/policies/8147).

A case is referred to the Judicial Hearing Board either by the Judicial Officer when the investigation is complete or when an administrative decision is appealed by the student. The Judicial Hearing Board is the disciplinary body on each campus composed of two students and one alternate, two faculty members and one alternate, and one counselor and one alternate. The Judicial Hearing Board convenes to make disciplinary decisions for cases referred by the Judicial Officer or for which the student appeals the administrative disciplinary decision of the Judicial Officer about whether the Student Code of Conduct has been violated and to determine the appropriate sanction(s) for the violation(s).

Rights of Due Process

To protect students’ rights in regard to all proceedings which are referred, the Judicial Hearing Board must be conducted in a manner which ensures the accused student(s) adequate notice and a fair opportunity to be heard. The following elements must be included to guarantee due process.

1. 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.
2. Testimony—The right to personally give relevant statement, present evidence, and to have witnesses give testimony.
3. An impartial body to determine the facts and recommend appropriate sanctions. “Impartial” means someone who can render a fair and unbiased decision, notwithstanding what knowledge they may have of the facts, as long as they are not a direct participant.

The accused student(s) and the complainant(s) have a right to:

1. Examine and respond to evidence and testimony.**
2. Present evidence and testimony to support their case.**
3. Call witnesses or present evidence supporting the defense of the accused student and question and confront testimony and evidence in support or defense of the charges. A list of witnesses must be submitted to the Judicial Officer no later than one business day prior to the Judicial Hearing Board meeting.**
4. The complainant(s) and any witnesses have the right to have their name withheld by using the alias Complainant 1 or Witness 1 during the Judicial Hearing Board.
5. Choose one faculty member or College official to serve as an advisor to counsel them through the Judicial Hearing Board process. Advisors may speak privately with the students, but may not address the Board nor witnesses nor participate directly in the proceedings. Only a College faculty member or College official may act as an advisor during a Judicial Hearing. The name of the Advisor must be submitted to the Judicial Officer no later than one business day prior to the Judicial Hearing Board meeting.**
6. The accused student(s) have the right to appeal the decision of the Judicial Hearing Board (see Step # 7).

** Any accused student(s), complainant(s), witnesses, and/or advisors who are disruptive, unruly, impede the hearing, or do not follow the hearing guidelines may be asked to leave the hearing at the discretion of the Chair of the Judicial Hearing Board. Once these participants are removed, the hearing will resume in their absence and they shall have waived the right to continue in the process.
Step # 6: Judicial Hearing Board Process

All hearings are conducted by the Judicial Hearing Boards established on each of the College's two campuses (Central and West). Students taking courses at other sites or online will be referred to the Judicial Hearing Board closest to where they live. Hearings are closed to the public; the only participants will be the Judicial Hearing Board members, the complainant(s), the accused student(s), witnesses, advisors, and the Judicial Officer. Judicial/Discipline Hearings are held within five business days after the student receives notification of the charges or the appeal is received. Any requests for an extension of time must be made in writing to the Judicial Officer no later than one business day prior to the hearing. A maximum extension of five business days may be given based on the discretion of the Judicial Officer.

If the accused student(s) refuses to attend the Judicial Hearing, the hearing will be conducted and a decision rendered in their absence. Failure to attend will not result in an automatic guilty decision. The Judicial Hearing Board will review all available evidence and a decision will be made based on that evidence.

A recording of the Judicial Hearing will be made and remains the property of the College and will not be made public. Decisions are made by a majority vote of the Judicial Hearing Board. The Judicial Hearing Board Chair communicates the decision, with a brief rationale in writing to the Judicial Officer. The Judicial Officer notifies the accused student in writing of the decision, the right to appeal, and the appeal process within three business days of completion of the hearing.

Due to issues of confidentiality, the decision will only be communicated to the accused student(s), the Judicial Officer, and any College officials and/or faculty members who may need to deal with the case directly, with the exception of cases involving violence, sexual harassment, and/or sexual violence, in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), and Title IX of the Education Amendments of 1972 (Title IX), which require disclosure in writing to the student complainant.
Step # 7: Appealing the Judicial Hearing Board Decision

Only the accused student(s) has a right to appeal the decision. An appeal can only be submitted based on the following criteria.

1. The Hearing was not conducted fairly because the accused student was not given a reasonable opportunity to present their case to the Hearing Board.
2. The procedures for the Judicial Hearing Board were not properly followed.
3. The facts presented at the hearing were insufficient to establish responsibility for the violation.
4. The sanctions imposed were disproportionate to the nature of the offense(s).
5. New information, that was unavailable at the time of the hearing, has surfaced and would significantly impact the case. If there is any new information, the person hearing the appeal can either render an independent decision or refer the case back to the Judicial Hearing Board for further hearing.

Appeals, including a stated rationale using one of the above criteria, must be made in writing to the Vice President for Student Affairs and Enrollment Management within three business days from the time the student receives notification of the final decision from the Judicial Officer. The Vice President for Student Affairs and Enrollment Management will only grant an appeal if the rationale meets one or more of the above guidelines. If the appeal meets the above guidelines, the Vice President for Student Affairs and Enrollment Management will appoint an Appeals Officer to oversee the process and make an appeal decision. After reviewing the student's request for the appeal, the Judicial Hearing Board's report, the recording of the hearing, and any other evidence presented, the Appeals Officer makes the determination to uphold the appeal, deny the appeal, or send the case back to the Judicial Hearing Board for remand to correct procedural errors or to hear new evidence. An appeal decision will be made within five business days after the date the appeal and the rationale have been received by the Vice President for Student Affairs and Enrollment Management.
If the appeal is denied, the Hearing Board's decision stands. If the appeal is upheld, the Appeals Officer modifies the Judicial Hearing Board's recommendation and/or sanctions. If the case is sent back to the Judicial Hearing Board for remand, the Board reopens the case for the purpose of correcting identified procedural errors or considering new evidence. By a majority vote, the Judicial Hearing Board makes a decision to uphold the original determination of responsibility and/or sanction or to make a new decision. The student has the right to appeal the new decision to the Appeals Officer based on the grounds listed above.

The Appeals Officer has the final authority in the determination of all appeals, with the exception of sanctions of Permanent Denial of a Montgomery County Community College Degree and/or Disciplinary Dismissal, for which the student may exercise a final appeal to the College President, due to the severity and permanent nature of the sanctions. Appeals to the College President must be made in writing within three business days from the time the student receives notification of the final decision. The College President will only grant an appeal if the rationale meets one or more of the above guidelines. The College President will appoint an Appeals Officer, who will review the evidence and recommend a decision to the President within five business days.