

Montgomery County Community College Student Code of Conduct

I. PREAMBLE

Montgomery County Community College (the College) is committed to fostering an educational environment that is conducive to integrity, responsibility, mutual respect, academic inquiry, and thoughtful study and discourse. The student conduct program is an educational and developmental process that balances the interests of individual students with those of the College community. The program is housed within the Division of Institutional Effectiveness, under the Community Standards and Campus Belonging unit. The Office of Student Conduct and Community Standards (Student Conduct) is responsible for direct oversight, administration, and management of the program and all related processes.

Each member of the College community has responsibility for their own conduct and reasonable responsibility for the behavior of others. Students are expected to uphold and abide by certain standards of conduct that form the basis for this Student *Code of Conduct* (referred to as the *Code*). When students engage in behavior that may violate the *Code*, student conduct proceedings are used to uphold *the Code*.

The College student conduct process exists to protect the interests of the community by upholding community values and fostering personal accountability and responsibility. Educational sanctions, if imposed, are intended to challenge students' decision-making and to help them meet community expectations. When a student is unable to adhere to the College community expectations as outlined in the *Code*, the student conduct process may determine that the student should no longer belong in this community.

The student conduct process is designed to collect available relevant information and resolve alleged College policy violations in a prompt, thorough, reliable, fair, and impartial manner. Students' rights are afforded, and procedures in student conduct proceedings are conducted, in accordance with applicable laws and with fairness to all involved. Due process, as defined within these procedures, guarantees written notice of the allegations and an opportunity to be heard by an objective decision-maker. Any educational sanctions will be proportionate to the severity of the violation(s) and to the Respondent's cumulative conduct history.

II. DEFINITIONS

1. **Advisor:** Any person chosen by a Party, or appointed by the institution, to provide support and guidance throughout the Student Conduct Process. An Advisor may help the Party prepare for and attend meetings, interviews, or hearings and may assist with preparing an appeal. During meetings, interviews, or hearings, an Advisor may communicate with the Party they are supporting and ask questions about the process or applicable procedures but may not communicate directly with other Parties or witnesses, make arguments, speak on behalf of the Party, or otherwise represent the Party.
2. **Amnesty:** A limited protection from disciplinary action under *the Code* for certain policy violations, typically related to the personal use or possession of alcohol, drugs, or other substances, when an individual or group seeks emergency, medical, mental health, or safety assistance for themselves or others in good faith. Amnesty does not prevent the College from

requiring educational interventions and does not apply to other alleged policy violations, repeated misconduct, or criminal or civil matters.

3. **Appeal Request:** A request to review the outcome of a Formal Resolution on specific grounds. (See Section IX. H. for Appeals).
4. **Appeal Review Administrator:** An official that has the authority to review appeal requests in accordance with the prescribed College procedures as detailed in the *Code*. Typically, the Appeal Review Administrator is the Student Conduct Lead or designee.
5. **Business Days:** Days when administrative offices of the College are open for business purposes, whether classes are in session or not.
6. **College Official:** Any individual employed by the College, or performing a function on behalf of the College, acting within the scope of their employment or designated function including, but not limited to Administrators, Faculty, Staff, and Student Workers acting in their employment capacity.
7. **Complainant:** Any individual, group, or organization that was subjected to alleged misconduct as described in any College policy. There may be more than one Complainant for an alleged incident. An individual who reports or refers alleged misconduct is not automatically considered a Complainant.
8. **Conduct Administrator:** The Manager of Student Conduct and Community Standards, or a designee responsible for administering portions of the Student Conduct Process including, but not limited to, issuing notices, resolutions, and/or outcomes.
9. **Consent:** An affirmative, knowing, and voluntary decision to engage in a specific sexual act. Consent must be mutual, informed, and freely given. Consent may be given by words or actions, so long as those words or actions create clear, mutual agreement to engage in, and the conditions of, the specific sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent does not imply future consent. Consent may be withdrawn at any time. Silence or lack of resistance does not constitute consent. Consent cannot be given when a person is incapacitated by alcohol, drugs, or other substances, or when a person is unconscious, asleep, or otherwise physically incapable of giving consent. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, or intimidation. The definition of consent in the College's Sexual Misconduct Policy shall apply to all sex-based misconduct allegations.
10. **Education Program or Activity:** Any academic, non-academic, co-curricular, or employment-related program, activity, or environment over which the College exercises substantial control, including on-campus and off-campus locations, events, and the work environment of employees.
11. **Family Educational Rights and Privacy Act (FERPA):** A federal law that, among other things, defines student education records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records. FERPA applies to individuals and not to student groups or registered student

organizations so long as an individual's personally identifiable information is not included in such student group or registered student organization records.

12. **Finding:** A determination, based on the preponderance of the evidence standard (i.e., whether it is more likely than not), regarding whether the alleged conduct occurred as described. A finding addresses the factual question of what happened (a “finding of fact”).
13. **Final Determination:** A decision, based on the preponderance of the evidence standard and the findings of fact, regarding whether the conduct constitutes a violation of the *Code*. The Final Determination reflects the College’s conclusion as to responsibility.
14. **Generative Artificial Intelligence (GenAI):** Devices, tools, or systems that can perform tasks that typically require human intelligence, including but not limited to learning, reasoning, problem-solving and language understanding.
15. **Good Conduct Standing:** As used in the *Code*, Good Conduct Standing refers to a student’s status when they are compliant with the *Code* and have no outstanding disciplinary sanctions or unresolved misconduct allegations. A student in Good Conduct Standing is eligible to fully participate in College activities, including leadership roles, extracurricular programs, and academic opportunities. A student who is not in Good Conduct Standing may not be eligible for certain privileges and opportunities, such as holding office in student organizations, studying abroad, or receiving College honors or awards. The loss of eligibility for specific programs or opportunities will be determined independently by the respective College departments or organizations, within the scope of their programs, or as specified through the sanctioning process.
16. **Guest:** Any individual who is present on campus or at a College-sponsored event at the invitation or accompaniment of a student. Students are responsible for the behavior and conduct of their guests while on College property or at College functions.
17. **Interim Measures:** A temporary action or restriction imposed by the Conduct Administrator or designee, with consultation with appropriate College officials, prior to the resolution of an alleged policy violation and when necessary to protect the health or safety of individuals or the campus community, or to preserve the integrity of the Student Conduct Process. Interim Measures are administrative, not disciplinary, in nature and are generally limited to the least restrictive measures reasonably necessary under the circumstances. Such actions may remain in effect until the conclusion of the Student Conduct Process or until otherwise modified or lifted.
18. **Mutual Resolution:** A voluntary agreement between the Respondent and the College in which the Respondent accepts responsibility for the alleged policy violation(s) and agrees to specified sanctions. When choosing a Mutual Resolution, the Respondent waives the right to a formal resolution process and the right to appeal the outcome. Mutual Resolutions are generally not utilized in matters involving a Complainant.
19. **Party or Parties:** A collective term referring to the Respondent(s) and the Complainant(s) in a matter under the *Code*.

20. **Preponderance of the Evidence:** A standard of proof used in the student conduct proceedings that requires the evidence presented to demonstrate that an allegation is more likely true than not. This means that the evidence must show that there is greater than 50% evidence that the alleged violation occurred, based on the totality of the information available.
21. **Protected Class or Protected Characteristic:** Any characteristic for which a person is afforded protection against discrimination and harassment by law or College policy.
22. **Registered Student Organization (RSO):** Any student-led organization that has been approved as meeting the College's established Student Organization criteria and is recognized by the College.
23. **Reporter:** An individual who reports (submits, refers, etc.) information to the College regarding alleged conduct that may violate the *Code*. A Reporter may or may not be directly impacted by the alleged conduct and does not automatically become a Complainant by making a report.
24. **Respondent:** Any student who has been reported for an alleged violation of the *Code*. There may be more than one Respondent for an incident. In incidents involving Student Groups or RSOs, the president, director, team captain, or other member of student leadership will participate in the student conduct process on behalf of the organization with a maximum of three (3) individuals able to represent the organization.
25. **Student:** Any individual meeting one or more of the criteria below. The term applies to all campuses, sites, locations, and delivery methods of course or program offerings.
- a. **Admitted:** Any person who is admitted to the College and accepts an offer of admission to participate in any College program, course, or activity leading to enrollment, including but not limited to online or in-person orientation, continuing education orientation, or workshops.
 - b. **Enrolled:** Enrolled in any course or program offered by the College at the time any alleged violation(s) occurred.
 - c. **Active student:** Any person who has been enrolled at the College and continues to be associated with the College to complete the course or program in which the student was enrolled. "Active" status is determined by the College's Admissions and Academic Progression policies and is enforced by the Records and Registration Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.
 - d. **Dual enrollment:** Any student enrolled in a course or program at the College through the Dual Enrollment program. Jurisdiction over a Dual Enrollment student's conduct will be determined by the Manager or designee in consultation with appropriate officials at the student's home institution.

- e. Other policies regarding student status may apply to individual students and can be found under the Board of Trustees Approved Student Policies
<https://www.mc3.edu/about-mccc/policies-and-procedures/student-policies>

- 26. **Student Conduct Process:** The process set forth in the *Code* by which the College addresses alleged *Code* violations.
- 27. **Student Group:** Any number of students who are associated with the College and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in College-related activities. Student Groups include, but are not limited to, Student Government Association, sponsored student groups, musical or theatrical ensembles, sport clubs, the College newspaper, or athletic teams.
- 28. **Support Person:** Any person selected by a Complainant or Respondent to accompany a Party during the student conduct process. Support Persons may not directly participate, speak, comment, or make any type of representation or argument on behalf of the Party they are supporting. The availability of a Support Person will not unreasonably delay or interfere with the completion of the conduct process. A Support Person is distinctly different from an Advisor.
- 29. **Title VI:** A federal law, enacted as part of the Civil Rights Act of 1964, that prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Title VI ensures equal access to education and prohibits discrimination, harassment, and exclusion based on race, color, or national origin in educational programs and activities.
- 30. **Title IX:** A federal law, enacted as part of the Education Amendments of 1972, that prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. Title IX addresses issues such as sexual harassment, sexual violence, stalking, and gender-based discrimination, ensuring equal access to education for all students regardless of sex or gender.
- 31. **Violence Against Women Act (VAWA):** A federal law enacted in 1994 to address and combat violence against women, providing resources, support, and protections for victims of domestic violence, dating violence, sexual assault, and stalking. Section 304 of VAWA, specifically, requires colleges and universities to implement policies for preventing and responding to these crimes, including transparent reporting processes, educational programs, and clear procedures for disciplinary action.

Witness: An individual who is requested to participate in a student conduct process because that individual may have information related to the allegations or that would assist the conduct administrator in assessing credibility or has access to relevant evidence. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the allegations.

III. JURISDICTION

Students are provided with a copy of the *Code* in the form of a link on the College website annually. Hard copies are available upon request from Student Conduct. Students are responsible for reading and abiding by the provisions of the *Code*.

The *Code* and its processes apply to all Students', Student Groups', and RSOs' Behavior.

The College may choose to retain student conduct jurisdiction over Students who take a leave of absence, withdraw (fully or partially), or have graduated, for any alleged misconduct that occurred prior to the leave, withdrawal, or graduation.

The College is committed to respecting and upholding the rights of all students, including their rights to privacy, free expression, assembly, and due process, as defined in these procedures. The *Code* applies to behaviors that take place on property owned or controlled by the College, at College and Registered Student Organization-sponsored events, and may also apply off-campus when the Vice President of Institutional Effectiveness (VPIE) or designee determines the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of others.
- Any situation that significantly interferes with the rights, property or achievements of self or others or significantly breaches the peace and/or causes significant disruption.
- Any situation that is detrimental to the educational mission and/or interests of the College.
- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.

The VPIE or designee is the final jurisdiction authority.

The *Code* applies to actions taken either in-person or via electronic means, whether on- or off-campus. This includes emails, text messages, and communication or actions taken via other electronic or virtual platforms. It's important for students to understand that anything posted online, including on social media, blogs, websites, or chat rooms, is considered public. The student conduct process may be used to address online behavior that may violate the *Code*. The College does not regularly search for this information, but it may act if and/or when such information is brought to the attention of College officials. Most online speech by students not involving College networks or technology will be protected as free expression and not subject to the *Code*, with two notable exceptions:

- A true threat, defined as an intentional or reckless, serious expression that a speaker means to commit an act of unlawful violence or inflict bodily harm upon specific individuals.
- Speech posted online about the College or its community members that causes a substantial disruption to the College's educational operations. A substantial disruption means a material interference with the educational environment that impairs the College's ability to carry out its educational mission; mere discomfort, offense, or controversy generated by the content of speech does not constitute a substantial disruption.

There is no time limit on reporting violations of the *Code*; however, the longer someone waits to report an alleged violation, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations. The College accepts anonymous complaints regarding student conduct, but anonymity may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to file reports with Student Conduct, the College's Department of Campus Safety, or both as quickly as possible.

Alleged violations of federal, state, and local laws may also be investigated and addressed under the *Code*. The College will resolve all alleged violations of the *Code* and typically will not defer proceedings pending any external criminal or civil review. Students who are members of Student Groups or RSOs may be subject to the *Code* as a member of the organization and an individual Student. *Code* violations may be charged as collateral misconduct under other College policies, and in such cases, those procedures will be used in lieu of the procedures described herein.

The College complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and publishes an Annual Security Report containing crime statistics and security policies. Information about the College's Clery Act compliance and Annual Security Report is available at [insert link]. Reports of dating violence, domestic violence, sexual assault, and stalking are included in the College's Clery Act crime statistics.

IV. AUTHORITY

The President of the College delegates authority for student conduct to the Vice President for Institutional Effectiveness (VPIE). The VPIE has appointed the Student Conduct Lead (the Lead) and the Manager of Student Conduct and Community Standards (the Manager) to serve as the primary Conduct Administrators. In these roles, the Lead and the Manager are responsible for developing and implementing the policies and procedures used to administer the *Code*. The Lead and the Manager are responsible for notifying the College community of any substantial changes to this policy.

V. PROHIBITED CONDUCT

The College considers the behavior described in the following sub-sections to be in opposition to the core values set forth in the *Code*. It is a violation of this *Code* for any Student to engage in any of these behaviors or behavior that aids, attempts, assists, promotes, encourages, requires, conceals, or facilitates any act prohibited by the *Code*. Allowing, permitting, or providing an opportunity for a guest to violate College regulation is also prohibited. These violations are included in each section below and need not be cited separately.

Lack of familiarity with College policy or the *Code* is not a defense to a violation of the *Code*. Unless specifically noted in the policy definition, intent is not a required element to establish a violation of the *Code*. Additionally, intoxication or impairment from alcohol, drugs, or other substances is not a defense to a violation of the *Code*. Allegations meeting the definitions of sex discrimination or sex-based harassment under Title IX will be investigated and resolved in accordance with the Title IX and Sexual Misconduct Policy.

The College encourages community members to promptly report all incidents that involve the following behaviors to College officials.

1. **Alcohol:** Engaging in behaviors including, but not limited to:
 - a. Underage alcohol possession and/or consumption.
 - b. Alcohol possession and/or consumption except as expressly permitted by law and College policy.
 - c. Distributing, selling, manufacturing, producing, and/or serving alcohol, regardless of age, except as expressly permitted by law and College policy.
 - d. Possessing common source alcoholic beverage container(s) including, but not limited to, kegs, mini-kegs, coolers, beer balls, trashcans, and tubs, unless permitted by law and College policy.
 - e. Permitting any individual or group to consume alcohol in a space owned, occupied, or controlled by the host, except as expressly permitted by law and College policy.
 - f. Encouraging or facilitating excessive and/or rapid alcohol consumption including, but not limited to: keg stands, alcohol luges, beer bong, beer/water pong, and other drinking games.
 - g. Possession of an open alcohol container in or on a vehicle (e.g., automobile, motorcycle, bicycle, skateboard, scooter, golf cart, hoverboard, tractor), in open spaces, or in public except as expressly permitted by law and College Policy.
 - h. Engaging in Disruptive Behavior while under the influence of alcohol.
 - i. Operating or controlling a vehicle (e.g., automobile, motorcycle, bicycle, skateboard, scooter, golf cart, hoverboard, tractor) while under the influence of alcohol except as expressly permitted by law.
 - j. Behavior that violates the College Board of Trustee's Drug and Alcohol Abuse Prevention policy found here: <https://www.mc3.edu/about-mccc/policies-and-procedures/drug-and-alcohol-abuse-prevention>
2. **Animals:** Animals, except for service animals, are not permitted on campus except as permitted by law and College policy (see the Board of Trustee's Animal Services Policy at <https://www.mc3.edu/about-mccc/policies-and-procedures/service-animals>).
3. **Damage and/or Destruction of Property:** Intentional, reckless, and/or unauthorized damage to or destruction of College property, public property, or the personal property of another.
4. **Dangerous Objects:** Possession, use, sale, or distribution of explosives (including fireworks and ammunition), guns (including, but not limited to air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than three (3) inches, including the storage of any item that falls within the category of a dangerous object in a vehicle parked on College property except as expressly permitted by law and College policy (see the Board of Trustee's Weapons on Campus policy at <https://www.mc3.edu/about-mccc/policies-and-procedures/service-animals>).

5. **Dating Violence:** Violence committed by a Respondent who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
 - b. Dating Violence does not include acts covered under the definition of Domestic Violence

Allegations of Dating Violence may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.

6. **Discrimination:** Different treatment with respect to a person's employment or participation in an Education Program or Activity based, in whole or in part, upon the person's actual or perceived Protected Characteristic(s). Discrimination includes but is not limited to excluding a person from participation in, denying the person benefits of, or otherwise adversely affecting a term or condition of a person's participation in a College Program or Activity. Additional information can be found in the Board of Trustee's Non-Discrimination policy at <https://www.mc3.edu/about-mccc/policies-and-procedures/non-discrimination>. Allegations of Discrimination on the basis of sex may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.
7. **Disruptive Behavior:** Substantial disruption or obstruction of College operations, including but not limited to the obstruction of teaching, research, administration, and other College activities, as well as authorized non-College activities occurring on College property.
8. **Domestic Violence:** Violence committed by a Respondent who is a current or former spouse or intimate partner of the Complainant, or by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person's actions under the domestic or family laws of Pennsylvania. Allegations of Domestic Violence may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.
9. **Drugs and Other Substances:** Engaging in behaviors including, but not limited to:
- a. Possession, use, and/or consumption of drugs and/or other substances which may alter a student's mental state or impair a student's behavior except as expressly permitted by law and College policy. Drugs and/or other substances may include, but are not limited to cannabis, cocaine, heroin, lysergic acid (LSD), MDMA,

steroids, amphetamines, prescription medication, and/or over the counter medication.

- b. Possession and/or use of drug paraphernalia (e.g., any equipment, product, or material that is for making, using, or concealing prohibited drugs and/or other substances) including, but not limited to pipes, syringes, bongs, grinders, and scales, except as expressly permitted by law and College policy.
- c. Distributing, selling, manufacturing, producing, and/or serving drugs and/or other substances which may alter an individual's mental state or impair an individual's behavior except as expressly permitted by law and College policy.
- d. Permitting any individual or group to consume, possess, or use drugs or other substances in a space owned, occupied, or controlled by the host, except as expressly permitted by law and College policy.
- e. Operating or controlling a vehicle (e.g., automobile, motorcycle, bicycle, skateboard, scooter, golf cart, hoverboard, tractor) while under the influence of drugs or other substances except as expressly permitted by law.
- f. Engaging in Disruptive Behavior while under the influence of drugs and/or other substances which may alter a student's mental state or impair a student's behavior except as expressly permitted by law and College policy.
- g. Behavior that violates the College Board of Trustee's Drug and Alcohol Abuse Prevention policy found here: <https://www.mc3.edu/about-mccc/policies-and-procedures/drug-and-alcohol-abuse-prevention>

- 10. **Failure to Comply:** Failure to comply with the reasonable directive or request of a College Official, law enforcement officer, emergency responder, or any protective or "no-contact" order, and/or failure to identify oneself to these persons when requested to do so.
- 11. **False or Misleading Information:** Deliberately or purposefully providing false or misleading verbal or written information to any individual or purposefully omitting facts which are material to the purpose for which the information is provided.
- 12. **Falsification:** Forging, altering, or misusing any document, record, account, computer account, digital product, or instrument of identification.
- 13. **Fraudulent Identification:** Manufacturing, distributing, delivering, selling, providing, purchasing, using, or possessing any form of fraudulent identification.
- 14. **Gambling:** Wagering on prohibited/unlawful games of chance or skill, outcomes of games, contests, or other public events for money or another thing of value. Raffles, charitable games, pull tabs and jar games are permissible only in compliance with law and College policy.
- 15. **General Safety:** Engaging in behaviors including, but not limited to:
 - a. Intentionally or recklessly causing a fire, explosion, blocking emergency exits, permitting unauthorized entry, or other safety hazards.
 - b. Making a false report regarding an emergency including, but not limited to, a bomb threat, fire, or other emergency by activating an alarm or by any other means.

- c. Engaging in unauthorized possession, use, or alteration of any College-owned emergency or safety equipment.
 - d. Intentionally or recklessly throwing, dropping, or releasing any object or substance from a College building (e.g., balconies, railings, roofs, windows) or a vehicle without express authorization by a College Official.
 - e. Failing to follow emergency procedures during an actual emergency or drill including, but not limited to, evacuating a building or other structure during an emergency or during emergency drills.
 - f. Tampering with, damaging, disabling, interfering with, or misusing emergency equipment including, but not limited to, fire alarms, fire doors, fire extinguishers, fire sprinklers, fire hoses, or an emergency call box.
 - g. Engaging in the unauthorized use of any unpiloted aerial system (e.g., drone) on College premises or at College-related activities, except as expressly permitted by law and College policy.
16. **Harassment:** Engaging in behavior that is severe, pervasive, or persistent to a degree that interferes with a reasonable person's ability to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the College. Harassment may occur via written, electronic, verbal, or any other form of communication; or through physical presence; and includes, but is not limited to, bullying, cyberbullying, intimidation, or coercion. Harassment may be directed at an individual or group and may occur regardless of whether it is based on a protected characteristic. Harassment on the basis of sex may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>. Sexual Harassment includes:
- a. **Hostile Environment Sexual Harassment:** Unwelcomed conduct, on the basis of sex or that is sexual in nature, determined by a reasonable person to be so severe or pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
 - b. **Quid Pro Quo Sexual Harassment:** A person conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual contact.

For additional information please see the College's Sexual Harassment Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/sexual-harassment>

17. **Hazing:** Any intentional, knowing, or reckless act or action which has the potential to endanger the mental or physical health or safety of any individual as it relates to an individual's initiation, admission into, or affiliation with any Student Group or RSO. It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the Student Group or RSO, for a charge of hazing to be upheld. It shall not constitute an excuse or defense to the charge of hazing that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained. The actions of alumni, active, new, and/or prospective member(s) of

a Student Group or RSO may be considered hazing. Hazing is not confined to the Student Group or RSO with which the individual subjected to the hazing is associated. Allegations of hazing are considered under the reasonable person standard. Hazing includes:

- a. Acts that endanger the physical health or safety of an individual including, but not limited to, whipping; beating; paddling; caning; forced calisthenics; forced consumption of alcohol, drugs, food, or any other substances; exposure to the elements; sleep deprivation; kidnapping; abandonment; forced or coerced poor hygiene; or mutilation or alteration of parts of the body.
- b. Acts that endanger the mental health or safety of an individual including, but not limited to, personal servitude; forced or coerced exclusion from social contact; forced or coerced wearing of apparel which is conspicuous, out of character, and/or inappropriate; line-ups and berating; morally degrading behavior; or conduct that demeans, disgraces, degrades, humiliates, or embarrasses an individual.
- c. Acts that interfere with an individual's academic attendance or performance or other obligations including, but not limited to, religious or employment responsibilities.
- d. Acts that explicitly or implicitly encourage or require participation in activities that would constitute a violation of law or College Policy.
- e. Behavior that violates the College's Board of Trustees Anti-Hazing policy <https://www.mc3.edu/about-mccc/policies-and-procedures/anti-hazing>

18. Inappropriate Exposure to Content: Accessing, displaying, transmitting, distributing, or otherwise exposing others to content in a manner that a reasonable person would understand is inconsistent with the intended use of a College space, activity, resource, or program, or that unreasonably exposes unwilling individuals to the content or interferes with the educational environment. Inappropriate Exposure to Content may fall under the definition of Sexual Exploitation (see item #27) and may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.

19. Misuse of College Processes: Misuse, abuse, or interference with College processes including:

- a. Falsification, distortion, destruction, or misrepresentation of information or soliciting another to provide such information in the conduct process.
- b. Attempting to discourage an individual's participation in or use of the conduct process.
- c. Harassing, intimidating, and/or bribing a Conduct Administrator, Appeal Review Administrator, witness, or other individual involved in the Student Conduct Process prior to, during, and/or following a student conduct proceeding.
- d. Knowingly making a false complaint.

20. Misuse of Computing or Communication Resources: Failure to comply with College rules, regulations, policies, license agreements, and contracts governing network, software, and hardware use; abuse of communal computing or communication resources; use of computing or communication resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer or

communication security, harmful access or invasion of privacy. Misuse and/or other abuse of computer or communication facilities and resources including, but not limited to:

- a. Use of another individual's identification and/or password.
- b. Use of computing or communication facilities and resources to send obscene or threatening messages.
- c. Use of computing or communication facilities and resources in violation of copyright laws.
- d. Behavior that violates the College Board of Trustees Acceptable Use of Technology policy <https://www.mc3.edu/about-mccc/policies-and-procedures/acceptable-use-of-technology>

21. **Physical Harm:** Intentionally or recklessly causing physical harm to a person or animal or endangering the health or safety of any person or animal. Behaviors include, but are not limited to, scratching, biting, pulling, shoving, punching, slapping, kicking, or holding a person against their will.
22. **Public Exposure:** Includes deliberately and publicly exposing one's private body parts (breasts, buttocks, and genitals), public urination, defecation, streaking, and public sex acts.
23. **Retaliation:** Engaging in, or causing another to engage in, adverse action or threat of adverse action against any individual or group involved in the reporting, investigation, and/or resolution of an alleged College policy violation, because of that involvement. Retaliation can be committed by anyone and can take the form of behaviors including, but not limited to threats, intimidation, coercion, continued harassment, violence, or other forms of harm to others.

Allegations of Retaliation based on a protected characteristic will be addressed under the *Code*. Allegations of Retaliation based on sex will be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>

24. **Sexual Assault (Fondling):** The intentional touching of the clothed or unclothed genitals, groin, breasts, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purposes of sexual degradation, sexual gratification, or sexual humiliation. For the purposes of this definition, Fondling also includes instances where the Respondent caused or directed the Complainant's intentional touching of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the Complainant, for the purposes of sexual degradation, sexual gratification, or sexual humiliation. Fondling includes instances where the Complainant is incapable of giving consent because of their age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purposes of sexual degradation, sexual gratification, or sexual humiliation. Allegations of Sexual Assault (Fondling) may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.

25. **Sexual Assault (Incest):** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Pennsylvania law. Allegations of Sexual Assault (Incest) may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.
26. **Sexual Assault (Rape):** Penetration, no matter how slight, of the vagina or anus of a person, with any body part or object, or oral penetration of a sex organ of the Complainant, or by the Respondent's sex organ, or by a sex-related-object, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity. Allegations of Sexual Assault (Rape) may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.
27. **Sexual Assault (Statutory Rape):** Sexual intercourse with a person who is under the statutory age of 16 years old. Allegations of Sexual Assault (Statutory Rape) may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.
28. **Sexual Exploitation:**
- Any person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above,
 - for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Distributing (e.g., Airdropping, Snapchatting, displaying on a device for others to see) Authentic or Synthetic Non-Consensual Intimate Imagery (NCII)^{1,2}
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding

¹ Authentic Non-Consensual Intimate Imagery includes authentic (i.e., real) sexually explicit, nude, or intimate videos, photos, or audio recordings of an individual distributed without the consent of the individual depicted.

² Synthetic Non-Consensual Intimate Imagery includes videos, photos, or audio representations of an individual that have been digitally manipulated (i.e., faked) to depict an individual in a sexually explicit, nude, or intimate manner or saying sexual or explicit words/statements and distributed without the consent of the individual depicted. Synthetic NCII depicts sexually related actions or behaviors that never happened, or places identifiable individuals in pornographic, nude, or sexual situations without their consent.

the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent)

- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings

Allegations of Sexual Exploitation may be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.

29. **Solicitation:** The act of requesting, promoting, selling, distributing, or advertising goods, services, funds, memberships, or other materials on College property or at College-sponsored events without prior authorization, or in a manner inconsistent with College policies (see the Board of Trustee's Student Fundraising and Solicitation policy at <https://www.mc3.edu/about-mccc/policies-and-procedures/student-fundraising-and-solicitation>). Solicitation based on sex will be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>
30. **Stalking and/or Cyberstalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For this definition:
- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking and/or Cyberstalking on the basis of sex will be addressed through the College's Sexual Misconduct Policy <https://www.mc3.edu/about-mccc/policies-and-procedures/policy-on-sexual-misconduct>.

31. **Theft:** Engaging in the taking, misappropriation, or possession of College property or the property of another individual, Student Group, or RSO without permission, whether physical or digital property, including anything of value, goods, services, funds, and/or other valuables or possession of property that can reasonably be determined to have been stolen.
32. **Threats:** Engaging in intentional or reckless behavior that causes a reasonable expectation of damage to property, or injury to the health, safety, or well-being of any individual, Student Group, or RSO that is not otherwise protected by law. This behavior includes implied threats or acts that cause another individual a reasonable fear of harm. Threats may occur via physical actions, or written, electronic, verbal, or any other form of communication.
33. **Tobacco Use and Smoking:** Engaging in the use of any tobacco product or device including, but not limited to, cigarettes, cigars, e-cigarettes, vaping, hookah, or chewing tobacco within College property or vehicles as defined by College policy (see Board of Trustees Clean Air Zone policy: <https://www.mc3.edu/about-mccc/policies-and-procedures/clean-air-zone>).
34. **Unauthorized Assembly:** Causing, inciting, or participating in unapproved expressive activities that present a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.
35. **Unauthorized Entry or Access:** Unauthorized entry into, use of, or access to any College property (e.g., buildings, vehicles, structures, or facilities), including trespassing, propping or misuse of doors, unauthorized use of alarmed entrances or exits, or misuse of access privileges. This includes the unauthorized possession, duplication, or use of keys, access cards, or other access devices, as well as failure to promptly report a lost or stolen College identification card, key, or access credential. For additional information see the College's Board of Trustees Use of the College Facilities policy: <https://www.mc3.edu/about-mccc/policies-and-procedures/use-of-college-facilities>.
36. **Violation of Law:** Behavior that constitutes a violation of any federal, state, and/or local law; city or county ordinance; or when in another state or country, the laws of that state or country.
37. **Violation of College Policy:** Behavior that would constitute a violation of any College policy, rule, or regulation including, but not limited to those found in the Board of Trustees Approved Policies, the Student Life Handbook, the Student Athlete Handbook, Student Academic Code of Ethics.

VI. STANDARD OF PROOF

The College uses the preponderance of the evidence standard of proof when determining whether a *Code* violation occurred. This means that the College will decide whether, based upon the available information at the time of the decision, it is more likely than not that the Respondent violated the

Code.

VII. REPORTS OF GOOD FAITH AND AMNESTY

The College considers the health and safety of College community members and visitors to be a top priority. The College recognizes a student's concern for potential disciplinary action related to use or possession of alcohol, drugs, and/or other substances may hinder their actions in response to an emergency or medical situation. To alleviate those concerns and ensure that students and their visitors receive prompt, appropriate care, the College has adopted the following Responsible Action Protocol:

- Students are urged to contact emergency officials by calling the Department of Campus Safety (Blue Bell Campus: 215-641-6666, or phone extension 6666; Pottstown Campus: 610-718-1913, or phone extension 1913) or 911 to report the incident, to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so, and to meet with appropriate College officials after the incident and cooperate with any College investigation.
- Students who seek emergency or medical assistance, including, but not limited to, a mental health crisis, medical emergency, hazing, or sexual assault, for themselves or others will not face disciplinary action for personal use of alcohol, drugs, or other substances. This protection is also extended to individuals who are directly involved in the incident. Student(s) may be required to complete any educational program or activity assigned by the Manager or designee. This protocol does not provide protection for disciplinary action for other potential policy violations (e.g., damage and/or destruction of property, failure to comply, physical violence, sexual misconduct).
- Student Groups or RSOs who seek emergency or medical assistance, including, but not limited to, a mental health crisis, medical emergency, or sexual assault, for their members or guests will not face disciplinary actions for incidents involving alcohol, drugs, or other substances provided the group or organization followed the event and risk management procedures outlined in the Student Life Handbook. The Student Group or RSO will be required to complete any educational program or activity assigned by the Manager or designee. This protocol does not protect against disciplinary action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, hazing, physical violence, sexual misconduct, etc.).
- Although this protection is extended to individuals, Student Groups, and RSOs who are directly involved in an incident, this protocol does not apply to individuals, or those present, during an alcohol, drug, or other substance-related medical emergency who are found by College officials or law enforcement agencies.
- The Responsible Action Protocol is not intended to shield or protect Students, Student Groups, or RSOs that repeatedly violate College policy. In cases where repeated policy violations occur, the College reserves the right to take disciplinary action on a case-by-case basis regardless of how the incident was reported. Additionally, the College reserves the right to initiate the Student Conduct Process in cases involving egregious allegations.

- This protocol only provides amnesty from violations of College policy. It does not grant amnesty for criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.
- The Manager or designee will determine eligibility for amnesty under the Responsible Action Protocol during the initial review or investigation.

In summary, a student who is under the influence of alcohol, drugs, or another substance at the time of a mental health crisis, medical emergency, or sexual assault, should not be reluctant to seek assistance for that reason. When a Reporter, Respondent, or Witness to an incident of a mental health crisis, medical emergency, or sexual assault, participates in a good faith report, Student Conduct will not pursue disciplinary violations related to the impermissible alcohol or drug use against any of the involved student(s).

VIII. PARTY RIGHTS

A. Respondent Rights

Respondents have the right to be heard and to be treated fairly throughout the student conduct process. Respondents also bear the responsibility for participating in the student conduct process in a manner that demonstrates respect for the student conduct process and all people participating in that process. Respondents have the right to:

1. Be notified of the alleged violation(s) of College policy or procedure;
2. Be provided with advance notice of all meetings in which they are requested or entitled to participate and be notified of the purpose of those meetings;
3. Be accompanied by an Advisor and/or Support Person of their choice throughout the student conduct process;
4. Request reasonable accommodations to ensure full and equitable participation in the student conduct process;
5. Be informed of the available resolution options;
6. Be informed of campus and community resources available for support and assistance;
7. Submit information, including the names of witnesses, for consideration in the investigation;
8. Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;
9. Review, after any required redaction, all information to be considered in determining the outcome;
10. Provide a statement or respond to questions during the student conduct process;
11. Submit a written impact statement to be considered before an outcome is reached;
12. Request the VPIE, or their designee, consider removing the individual responsible for investigating or resolving an alleged violation from a case based on actual or perceived bias; and
13. Request one appeal within the College's process.

B. Complainant Rights

For allegations of non-sex-based stalking/cyberstalking covered by the Code, Complainant(s) have a similar set of rights as listed above, and as required by law.

IX. STUDENT CONDUCT PROCESS

The Student Conduct Process outlines how the College will proceed once it is made aware of allegations of student misconduct. The Process is designed to protect members of the College community from harm and to assure students' due process rights are upheld. The College's Student Conduct Process typically consists of the following phases: Preliminary Inquiry, Informational Meeting, Resolution, and Appeal. **Note that these phases may not occur in the order in which they are described below depending upon the allegations.**

The Conduct Administrator is responsible for receiving reports of alleged violations of the Code and administering the Student Conduct Process. This Process applies to all alleged violations of the Code.

College email is the College's primary means of communication with students. Students are responsible for all communication delivered to their College email address.

A. Reports:

Any individual may report alleged Student misconduct to Student Conduct. An online reporting form can be found on the Student Conduct webpage. The report should describe the alleged misconduct and identify the student(s) involved. Anonymous reports are accepted, but the information provided may give rise to a need to try to determine the Parties' identities. Anonymous reports typically limit the College's ability to investigate, respond, and provide a resolution depending upon what information is shared. Submitted allegations of misconduct will be reviewed by the Manager or their designee.

If there appears to be reliable information indicating that a violation may have occurred, the Conduct Administrator (typically the Manager) will initiate the Student Conduct Process. The College reserves the right to initiate the Student Conduct Process from anonymous reports. Reports may also be addressed through other procedures.

The College presumes reports of alleged policy violations are made in good faith. An outcome that finds the reported behavior does not constitute a violation of College policy, or that there is insufficient information to conclude that the incident occurred as reported, does not mean that the report was made in bad faith.

B. Interim Health and Safety Action (IHSA):

The Conduct Administrator or designee, in consultation with appropriate officials, may impose restrictions and/or remove a Respondent from its education program or activities pending the resolution of alleged Code violation(s) for the following reasons:

- A student represents a threat of serious harm to others.
- A student allegedly engaged in serious criminal activity.
- To preserve the integrity of an investigation.
- To preserve College property.

- To prevent significant disruption of, or interference with, the normal operations of the College.

Interim Measures may include, but are not limited to:

- Denial of access to College property, facilities, and/or events.
- Restrictions on attendance for in-person or online classes.
- Contact limitations with individuals or groups.
- Restrictions on participation in any other College activities or privileges for which the Respondent might otherwise be eligible.

At the Conduct Administrator's or designee's discretion, and in collaboration with the appropriate College official(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.

The Conduct Administrator or designee will notify the Respondent, and if applicable, the Complainant in writing of any Interim Measures. Except in cases of documented emergency circumstances involving an imminent threat to the health or safety of any individual, the Respondent will be provided an opportunity to be heard before Interim Measures take effect. In emergency circumstances, Interim Measures may take effect immediately upon notification, and the Respondent will have the opportunity to challenge the measures within twenty-four (24) hours of notification. Upon receipt of a challenge, the Student Conduct Lead will meet with the Respondent (and their Advisor, if desired) as soon as reasonably possible thereafter, and in no event later than three (3) College business days after receipt of the challenge, to allow them to show cause why the Interim Measure(s) should not be implemented or should be modified. Interim Measures may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Student Conduct Lead will communicate the final decision in writing, typically within three (3) College business days of the review meeting.

The Interim Measures review is not a review of the merits of the allegation(s), but rather an administrative process to determine solely whether the Interim Measures are appropriate. The outcome of the challenge review constitutes a final decision regarding Interim Measures unless the Respondent can later show why they are no longer warranted because conditions or circumstances have changed.

In circumstances in which the Respondent requests, in writing, that the Student Conduct Lead or designee remove themselves from the Interim Measures review based on actual or perceived bias, or the Student Conduct Lead or designee is otherwise unable to perform these duties, decisions regarding Interim Measures will be made by the VPIE or a designee.

Interim Measures may be implemented at any point in the process. Once in effect, the Interim Measures will remain in place until it is determined that they are no longer necessary.

C. Preliminary Inquiry

The Conduct Administrator will conduct a preliminary inquiry into the nature of the alleged misconduct, the information available, and the Parties involved. The preliminary inquiry is a neutral fact-finding process that is used to determine whether there is sufficient information to

warrant College action. Meetings or interviews with the Complainant and/or Witnesses may occur during any part of the Student Conduct Process, including before initiating the process or contacting the Respondent. If the Respondent is contacted about the allegations during the preliminary inquiry, the Respondent will be made aware of the initiation of the preliminary inquiry and that the allegations could result in the Student Conduct Process being initiated. The preliminary inquiry may result in any of the following:

1. **No Action:** If there is insufficient credible information to indicate a potential violation occurred, the Student Conduct Process will not be initiated. The information will be retained by the College to document that the matter has been reviewed.
2. **Educational Conversation:** If the information provided is concerning but does not reach the level of a potential policy violation (e.g., an incident that occurs outside of the College's jurisdiction, repeated low-level behaviors), College officials may have an educational conversation about the behavior with the Respondent.
3. **Informal Resolution:** A range of voluntary processes used to resolve conflicts and disputes independently or in conjunction with the Student Conduct Process, including facilitated dialogues, mediation, or restorative practices.
4. **Initiation of Conduct Process:** If there is reasonable cause to believe that a Respondent may have violated the *Code*, the Conduct Administrator will initiate the Student Conduct Process.

If the alleged behavior falls within the jurisdiction of another College process or department, the Manager or designee may collaborate with the appropriate process or department and/or refer the alleged behavior accordingly. Failure for any Party or Witness to participate in any portion of the student conduct proceedings will not unreasonably delay the student conduct proceedings or impact the validity of such proceedings, including reaching a determination regarding responsibility for alleged policy violations.

D. Notice

The Respondent will be provided with written notice of the allegations and their rights a minimum of two (2) College business days before an Informational Meeting, barring any exigent circumstances. The notice will include the following:

1. A description of the alleged behavior(s), the alleged policy violation(s), and any potential sanction(s) that could be imposed.
2. A link to the *Code*.
3. A link to the College procedures used to resolve the allegations.
4. The date, time, and location of the scheduled Informational Meeting or instructions for scheduling an Informational Meeting.
5. An explanation of the ability to have an Advisor and/or a Support Person of choice present throughout the Student Conduct Process.
6. The name and contact information for the Conduct Administrator assigned to resolve the allegations.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the Parties' College-issued email, or mailed to the Parties' local or permanent address(es) as indicated in official Recipient records. Once mailed, emailed, and/or received in-person, notice is presumptively delivered. While other methods may be used, College email is the College's primary means of communication with students.

E. Informational Meeting

All Respondents and Complainants (if applicable) are provided with an opportunity to attend an Informational Meeting with the Conduct Administrator responsible for resolving the allegations. During the Informational Meeting, the Conduct Administrator will:

- Explain process rights and the alleged violation(s)
- Discuss resolution options
- Provide an opportunity to review, after any required redaction, the information provided as the basis for the alleged policy violation(s)
- Answer questions about the policy or procedures

Although the Conduct Administrator may provide a range of possible outcomes for the alleged violation(s), they cannot guarantee that a specific outcome will occur.

During the Informational Meeting, the Respondent may select one of the available resolution processes (Administrative Conference or Formal Resolution). In certain circumstances, the Conduct Administrator may exercise their authority to select the resolution process. In the absence of a resolution option selection from the Respondent, the Conduct Administrator will determine the appropriate resolution process for the allegations. Failure to attend an Informational Meeting will not delay the student conduct proceedings or impact the validity of such proceedings.

F. Investigation

Depending upon the results of the Preliminary Inquiry, further investigation may be necessary before the Resolution phase of the process. The Investigation is a neutral fact-finding process that is used to interview available, relevant Parties and Witnesses and obtain relevant evidence. All investigations are thorough, reliable, impartial, prompt, and fair.

It is standard practice for the Conduct Administrator to create a record of all interviews pertaining to the Student Conduct Process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. Investigation interviews may take place throughout the Student Conduct Process.

Investigations may involve the following:

- Determining the identity of and contacting all involved Parties and potential Witnesses to participate in an investigation interview
- Identifying issues and developing a strategic investigation plan, including a Witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and Witnesses

- Conducting any necessary follow-up interviews with Parties or Witnesses
- Writing an investigation report that accurately summarizes the investigation, including interviews and evidence obtained

G. Resolution

Informal Resolution

To initiate Informal Resolution, a Respondent or Complainant may make such a request to the Conduct Administrator at any time prior to the Outcome Notification, or the Administrator may offer the option to the Parties. The Conduct Administrator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Approaches to Informal Resolution are detailed in this section.

It is not necessary to pursue an Informal Resolution first to pursue another resolution option. Any Party participating in Informal Resolution can withdraw from the Informal Resolution process at any time and initiate or resume another resolution option.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in another resolution option should Informal Resolution not be successful.

If an investigation is already underway, the Conduct Administrator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Prior to engaging in Informal Resolution, the Conduct Administrator will provide the Parties with written notice of the reported misconduct and any educational sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that the College will maintain and under which circumstances they may be released.

Informal Resolution Approaches:

1. **Case Dismissed:** If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end, and the case will be documented as dismissed.
2. **Accepted Responsibility:** The Respondent may accept responsibility for any or all alleged policy violations at any point during the Student Conduct Process. If the Respondent indicates an intent to accept responsibility for all alleged policy violations, and the matter involves a Complainant, the ongoing process may be paused, and the Conduct Administrator may determine whether Informal Resolution is an option.

If Informal Resolution is available, the Conduct Administrator will determine whether all Parties and the College are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Conduct Administrator implements

the accepted Finding that the Respondent is in violation of the *Code*, implements agreed-upon restrictions and remedies, and determines any other appropriate responses in coordination with other appropriate administrator(s), as necessary.

Once all Parties provide written agreement to all resolution terms, the resolution is final and not subject to appeal. When the Parties cannot agree on all terms of resolution, the Student Conduct Process will either begin or resume.

When a resolution is reached, the appropriate educational sanction(s) or responsive actions are promptly implemented.

3. **Alternative Resolution:** The College offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the Parties; indirect action by the Conduct Administrator or other appropriate College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Conduct Administrator has the authority to determine whether alternative resolution is available and/or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Conduct Administrator will determine whether additional individual or community remedies are necessary to meet the College's obligations in addition to the alternative resolution.

The Conduct Administrator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Student Conduct Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal Resolution agreement terms results in a failure to remedy a policy violation, the Conduct Administrator must consider whether to dissolve the agreement and reinstate the Student Conduct Process to remedy the impact as required by law or College policy. The results of matters resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the College will initiate or continue the Student Conduct Process to determine whether the *Code* has been violated.

Administrative Conference

If the assigned Conduct Administrator in consultation with the Student Conduct Lead determines the outcome for the alleged violation would likely not rise above disciplinary probation or include removal from a building, suspension, or expulsion, the Respondent may elect to have the allegations resolved through an Administrative Conference. An Administrative Conference takes place between the Respondent and a Conduct Administrator. Information from Witnesses, Complainants, or the Respondent may be collected through an investigation or submitted before the meeting. The Administrative Conference will primarily consist of the Respondent sharing their perspective on the reported behavior and responding to the Conduct Administrator's questions. An Administrative Conference may occur directly following an Informational Meeting or may be scheduled for a later date. If an Administrative Conference does not occur directly following an Informational Meeting, every effort will be made to schedule an Administrative Conference within five (5) College business days of the Informational Meeting.

In instances in which the Respondent accepts responsibility for alleged violation(s) of the *Code* during the Administrative Conference, the Respondent will be informed of the recommended sanction(s). If the Respondent accepts responsibility for the alleged violation(s) of the *Code* and agrees to the recommended sanction(s), then the Respondent may waive their right to a Formal Resolution and enter a Mutual Resolution, which consists of completing the sanction(s). Once the Respondent agrees with the terms of the Mutual Resolution, the outcome including responsibility and sanction(s), is final and is not eligible for appeal.

If a Mutual Resolution (decision of responsibility and sanction(s)) cannot be reached, the initial student conduct report, the results of any investigation, and information collected during the Administrative Conference, and all supporting documentation will be considered for resolution.

Following an Administrative Conference, the Conduct Administrator will determine in closed deliberation whether it is more likely than not that a violation occurred and determine appropriate sanction(s), if applicable.

If the Respondent does not wish to proceed with a Mutual Resolution or Administrative Conference, and/or after consultation with the Student Conduct Lead it is determined the sanction(s) for an alleged violation would be more serious than disciplinary probation or include removal from a building, suspension, or expulsion, the Respondent may elect to pursue Formal Resolution. The Formal Resolution process consists of an Administrative Hearing.

Formal Resolution

A Formal Resolution involves the presentation of information by Witnesses (as necessary) and provides an opportunity for the Respondent and Complainant (if applicable) to present information for review as part of the decision. The Formal Resolution process will determine whether it is more likely than not that a violation occurred and determine appropriate sanction(s), if applicable. A list of Witnesses, their relevance to the alleged violation(s), and their contact information must be submitted, in writing, to the Conduct Administrator no later than five (5) College business days after the Informational Meeting.

Administrative Hearing

An Administrative Hearing is conducted by an individual Conduct Administrator as determined by the VPIE, the Manager, or designee. In cases where suspension, expulsion, or removal from a building is a potential outcome, the Respondent(s) will have the right to pose relevant questions to the Complainant(s) and/or any witness(es), either directly or by submitting questions to the Conduct Administrator. The Conduct Administrator may exclude questions that are irrelevant, unduly repetitive, or harassing in nature. In all other cases, the Respondent(s) will be allowed to ask relevant questions of the Complainant(s) and/or any witness(es) at the discretion of the Conduct Administrator. In incidents involving an identified harmed Party, the Complainant(s) will also be allowed to ask relevant questions of the Respondent(s) and/or any Witness(es) under the same procedures. The College cannot compel anyone to attend a hearing. Lack of attendance by any Party or Witness will not unreasonably delay the hearing proceedings.

Hearing Procedures

The following guidelines apply to Administrative Hearings:

1. Hearings will be closed to the public. The Complainant, Respondent, and their respective Advisors and/or Support Persons are permitted to attend the entire hearing, except for deliberation.
2. In complaints involving multiple Complainants and/or Respondents, the Conduct Administrator or designee may determine that the hearings be conducted jointly. In joint hearings, separate determinations of responsibility will be made for each charge and each Respondent and for any patterns that are alleged. Any Respondent who wishes to have their hearing conducted individually must submit a written request to the Conduct Administrator at least three (3) College business days before the scheduled hearing. Based on the available information, the Conduct Administrator will determine whether to grant the request.
3. The Conduct Administrator or designee will arrange for Witnesses to attend the hearing and present relevant information. A Witness's failure to appear will not automatically require a delay or affect the validity of the proceedings. A decision will be made based upon the information presented during the investigation and hearing.
4. Parties and the Conduct Administrator will have the opportunity to question all Witnesses and Parties present (through the Conduct Administrator or designee and at the discretion of the Conduct Administrator).
5. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Conduct Administrator. Formal rules of evidence are not applicable. Pertinent records, exhibits, and written statements must be submitted to Conduct Administrator or designee within five (5) College business days following the Informational Meeting. The Conduct Administrator or designee may extend the deadline, if appropriate. If an extension is approved, the Conduct Administrator or designee will notify the Parties of this extension in writing.
6. All procedural questions are subject to the final decision of the Conduct Administrator or designee.

7. If the Respondent receives adequate notice of the hearing and fails to provide advance notice of their inability to attend, the hearing may proceed in the Respondent's absence. If the Respondent provides timely notice that they are unable to attend for good cause (e.g., unavoidable academic conflict or personal emergency), the hearing may be rescheduled.
8. The Conduct Administrator or designee may implement measures to address concerns related to personal safety and/or well-being for the Parties, Reporter, and/or Witnesses during the hearing. Such measures may include, but are limited to, participation by video conferencing or other appropriate technology, as determined by the Conduct Administrator or designee. To the extent possible, these arrangements will allow the participants to see and hear one another during the proceeding.
9. After the hearing, the Conduct Administrator or designee will deliberate in closed session and determine, using the preponderance of the evidence standard, whether the Respondent(s) violated the Code. If the Conduct Administrator or designee finds the Respondent(s) responsible for a policy violation, the Conduct Administrator or designee will assign appropriate sanction(s), considering applicable precedent, prior conduct history, and any other relevant pattern information.
10. There will be a single verbatim record, such as an audio recording, for all hearings. Deliberations will not be recorded. The record will be the property of the College and maintained according to the College's Record Retention Policy (see <https://www.mc3.edu/about-mccc/policies-and-procedures/records-and-retention>).

Outcome Notification

The Conduct Administrator or designee will typically send the written outcome notification to the Respondent and Complainant(s) (if applicable) via their official College email address within five (5) business days of the Administrative Conference or Formal Resolution, unless extenuating circumstances exist. The outcome notification will specify the Finding and Final Determination for each alleged policy violation, any sanction(s) that may result, which the College is allowed to share pursuant to federal or state law, and a detailed rationale supporting the outcome.

The outcome notification will also detail the right to appeal, the grounds for appeal, the steps to request an appeal, and when the outcome is considered final if no Party appeals.

Respondents who are found not responsible for violating the Code will not receive any sanctions and the Student Conduct Process will be concluded, unless a Party submits an appeal.

The outcome of a Student Conduct Process is part of the Respondent's education record and is protected from release under the Family Educational Rights and Privacy Act (FERPA), except under certain conditions (see <https://www.mc3.edu/about-mccc/policies-and-procedures/family-educational-rights-and-privacy-act> for more information. As allowed by FERPA, when a Respondent is accused of a policy violation that would constitute a "crime of violence," the College will inform the alleged Complainant in writing of the results of a hearing regardless of whether the College concludes that a violation was committed. Such release of

information may only include the Respondent's name, the relevant charges, the relevant Finding and Final Determination, and the relevant sanctions assigned (if applicable).

When the College determines through the Student Conduct Process that a Respondent violated a policy that would constitute a "crime of violence," the College may also release the above information publicly and/or to any third party upon request. FERPA defines "crimes of violence" to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and nonnegligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offenses
10. Non-forcible sex offenses

H. Appeal

Any Respondent or Complainant (if applicable) may request an appeal of an Administrative Conference or Formal Resolution by submitting a written request to the Appeal Review Administrator (noted on the Outcome Notification) subject to the procedures outlined below.

Grounds For Appeal Requests

Appeal requests are limited to the following grounds:

1. A substantive procedural error occurred that could potentially change the outcome (e.g., substantiated bias, conflict of interest, material deviation from established procedures).
2. New evidence that could potentially change the outcome and that was not reasonably available at the time of the Administrative Conference or Formal Resolution. A summary of this new evidence and its potential impact must be included. Note that this criterion may not be used by Parties who fail to provide information or chose not to attend and/or participate in the original proceeding they are appealing.
3. The sanctions imposed are substantially disproportionate to the severity of the violation or have a disproportionate impact on the Respondent, considering the nature of the violation and the Respondent's individual circumstances.

Appeal requests must be submitted in writing to the Appeal Review Administrator listed on the outcome notification within five (5) College business days of the Administrative Conference or Formal Resolution outcome notice, barring extenuating circumstances. Any exceptions are made at the discretion of the Appeal Review Administrator and will be communicated to the Parties in writing.

An appeal is not an opportunity for rehearing. Appeals are confined to a review of the written documentation or record of the original Administrative Conference or Formal Resolution, and pertinent documentation regarding the appeal grounds; however, Parties or Witnesses may be contacted if necessary. The original Finding, Final Determination, and/or sanction(s) are presumed to have been decided reasonably and appropriately. Accordingly, the burden rests with the appealing Party(ies) to demonstrate that one or more of the established grounds for appeal have been met. The Appeal Review Administrator must limit their review to the appeal grounds presented.

An appeal is not an opportunity for the Appeal Review Administrator to substitute their judgment for that of the Conduct Administrator or designee merely because of disagreement with the Finding, Final Determination, or sanction(s). Appeal decisions are deferential and will result in changes only where a compelling justification exists based on the stated grounds for appeal.

The Appeal Review Administrator is responsible for evaluating the content of the appeal request. The Parties may challenge the Appeal Review Administrator because of potential bias or conflict of interest, and the Appeal Review Administrator who cannot render an impartial decision must recuse themselves. The Appeal Review Administrator will make the determination as to the validity of any challenge or need for recusal. A new Appeal Review Administrator will be identified in the event a challenge or need for recusal is determined to be valid.

The Conduct Administrator or designee will also draft a response memorandum to the appeal request(s). When appropriate under procedure or law, the Appeal Review Administrator will share the appeal request with non-appealing Parties for response. All appeal request-related documents are shared with all Parties. The Appeal Review Administrator may consult with other members of the College on any procedural or substantive questions that arise.

The Appeal Review Administrator will provide a written response to the appeal request including a rationale for any decision. Every effort will be made to send follow-up correspondence to Parties within ten (10) College business days.

Upon review of the appeal-related documents, Appeal Review Administrator may respond as follows:

- Determine that the appeal does not meet the ground(s) outlined above, in which case the original decision stands.
- Determine that the appeal meets the ground(s) outlined and remand the case back to the original Conduct Administrator or designee to consider new information, reevaluate previous information, or follow other corrective instructions.
- Determine that the appeal meets the ground(s) outlined above and remand the case to a new Conduct Administrator or designee with specific corrective instructions.
- Determine the sanction(s) is/are disproportionate to the severity of the violation or have a disproportionate impact on the Respondent and recommend the sanction(s) be modified by the Conduct Administrator or designee.

Every opportunity to return the appeal to the original Conduct Administrator for reconsideration (remand) will be pursued. The presumptive stance of the College is that all decisions made, and sanctions imposed, by the Conduct Administrator or designee are to be implemented during an Appeal.

At the discretion of the VPIE or designee, and only under extenuating circumstances, the implementation of sanctions may be stayed pending review. Extenuating circumstances do not include proximity to graduation, the end of the term, or examinations. A stay may be granted only when the appeal clearly articulates a basis under the established grounds for appeal that, if supported by the record, would constitute a substantive procedural error, the discovery of compelling new evidence, or considerably disproportionate sanctions.

X. SANCTIONS

Sanctions are designed to foster personal growth, academic integrity, and an understanding of the College community's values. These sanctions serve not only as consequences for violating the *Code* but also as opportunities for students to learn from their decisions and to develop skills that will benefit them academically, personally, and professionally. Faculty maintain control over the academic consequences for academic misconduct violations within their course in accordance with the Student Academic Code of Ethics (<https://www.mc3.edu/about-mccc/policies-and-procedures/student-academic-code-of-ethics>). The Conduct Administrator or designee is responsible for determining all other sanctions. One or more of the following sanctions may be imposed upon any Respondent for any single violation of the *Code*:³

In determining appropriate sanctions, the Conduct Administrator or designee shall consider the totality of the circumstances, including any disability-related factors that may have contributed to the conduct. When a Respondent's disability may be relevant to sanctioning, the Conduct Administrator may consult with the College's Disability Services Office to identify appropriate educational interventions or accommodations in the sanctioning process, while maintaining appropriate confidentiality. Nothing in this section limits the College's ability to impose sanctions necessary to protect the safety of the campus community.

1. **Warning:** A formal statement that the conduct was unacceptable and a warning that any further violation of any College policy, procedure, or directive will result in more severe sanctions.
2. **Probation:** A designated period of time that includes the probability of more severe sanctions if the Respondent is found in violation of any College policy, procedure, or directive during the probationary period. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
3. **Suspension:** Separation from the College, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the Respondent is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the

³ Per VAWA regulations, sanctions for Stalking/Cyberstalking range from A to Z

time of suspension, on successfully applying for readmission, or upon general condition that the student is eligible to return if the College determines it is appropriate to re-enroll/readmit the student. The Respondent is typically required to vacate College property immediately upon notification of the action, though a deadline may be extended at the discretion of Conduct Administrator or designee. When suspended from the College, the Respondent is banned from all College property, functions, events and activities unless they have prior written approval from the Conduct Administrator or designee. This sanction may be enforced with trespass action as necessary. This sanction will be noted as a Conduct Suspension on the Respondent's official transcript for the duration of the suspension period.

4. **Expulsion:** Permanent separation from the College. The Respondent is banned from College property and the Respondent's presence at any College-sponsored activity or event is prohibited, whether on or off campus. This action may be enforced with a trespass action as necessary. This sanction will be noted as a Student Conduct Expulsion on the Respondent's official transcript.
5. **Restitution:** Compensation for repair or replacement costs for damaged personal or College property, including labor if any. This could also include labor costs and other expenses for failure to return a reserved space to its proper condition.
6. **Community and/or College Service:** For a Respondent to complete a specific supervised community and/or College service. The parameters of this service, including the amount of time to be completed, and how confirmation should be provided will be outlined in the outcome notification.
7. **Loss of Privileges:** The Respondent will be denied specified privileges or access for a designated period.
8. **Confiscation of Prohibited Property:** Items whose presence is in violation of College policy, procedure, rules, or regulations will be confiscated and will become College property. Prohibited items may be returned to the owner at the discretion of the Conduct Administrator, Department of Campus Safety, and/or designee.
9. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic advising or substance use screening, writing an apology letter, skills-building seminars, non-clinical case management, research or educational papers, etc.
10. **Educational Program:** Requirement to attend, present, and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the Respondent was found responsible. Audience may be restricted.
11. **Eligibility Restriction:** The Respondent is deemed "not in good standing" with the College for a defined period of time, typically not to exceed one (1) year, after which the Respondent is returned to "good standing." Specific limitations or exceptions may be granted by the Conduct Administrator or designee, and terms of this sanction may include, but are not limited to, the following:

- a. Ineligibility to hold any office in any Student Group or RSO, serve as a Captain on an Athletic team, or hold an elected or appointed office at the College; or
 - b. Ineligibility to represent the College to anyone outside the College community including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
12. **Deferred Suspension:** Establishes a fixed period of time, allowing the Respondent to complete the current academic term or semester. While the Respondent is allowed to remain enrolled, a Respondent is not permitted to represent the College or participate in any extracurricular activities. The specifics of the deferred suspension will vary based upon the violation and circumstances for each Respondent. Restrictions on the Respondent will include limiting participation in activities to those directly related to academic pursuits or the completion of academic requirements. This includes entering College buildings and attending or participating in College-sponsored events or activities, including athletic programs and events. The College will have the authority to impose additional conditions, restrictions, or sanctions during a period of deferred suspension.
13. **Withholding Diploma:** The College may withhold a Respondent's diploma for a specified period of time and/or deny a Respondent's participation in commencement activities as a sanction if the Respondent is found responsible for violating policy.
14. **Revocation of Degree:** While very rarely exercised, the College reserves the right to revoke a degree previously awarded by the College when there has been fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a Respondent prior to graduation.
15. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate.

XI. PARENTAL NOTIFICATION

The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly those involving alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be used with discretion by administrators when permitted by FERPA or with the written consent of the student.

XII. RECORDS

The Conduct Administrator or designee may place a hold on a student's account, registration, graduation, and/or diploma in any of the following situations:

- A. A Respondent is found in violation of the *Code* culminating in suspension or expulsion.
- B. A Respondent has been given IHSA(s) pending an investigation and resolution of alleged *Code* violations.
- C. A Respondent has failed to schedule or attend a required Informational Meeting, Administrative Conference, or Formal Resolution.
- D. A Respondent has failed to complete one or more sanctions by the assigned due date.

- E. An individual who is no longer attending the College exhibits disruptive behavior which is impacting the College community, and Student Conduct, VPIE, or designee determines that a review of the individual's file and meeting with the individual occur before the individual's re-enrollment.

In the event of serious misconduct committed while still enrolled but reported after the Respondent has graduated, or the Respondent withdraws during the student conduct process, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree or impose other appropriate consequences.

A. Record Retention

All student conduct records, both adjudicatory and non-adjudicatory, are maintained by Student Conduct for seven (7) years from the time of their closure, with the following exceptions:

1. Records of students placed on probation are maintained for a period of seven (7) years after the date on which the student completes their probationary status and is returned to good standing with the College.
2. Records of students who are subjected to suspension or expulsion are maintained permanently.

In compliance with FERPA, all student conduct proceedings and student conduct records are considered private, except as otherwise provided by law. Only individuals authorized by the student, Student Conduct, or the VPIE may have access to these records.

Exceptions for parental notification are provided in Section XI.

XIII. INTERPRETATION AND REVISION

The VPIE and/or Student Conduct are responsible for the development of procedural rules for administering the *Code*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the Parties involved, either by posting online and/or in the form of written communication. VPIE and/or Student Conduct may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in the *Code*. The VPIE and/or Student Conduct may make or approve minor modifications to procedure that do not materially jeopardize the fairness owed to any Party. Any question of interpretation of the *Code* will be referred to the VPIE and/or Student Conduct, whose interpretation is final. The *Code* will be reviewed and updated (if necessary) annually under the direction of the VPIE or designee with a comprehensive revision process being conducted every three (3) years. This *Code* is not intended to convey any rights beyond those framed by the background laws governing such codes, generally.

XIV. APPROVAL AND IMPLEMENTATION

The Student Code of Conduct will be reviewed on an annual basis with the Office of Student Conduct and Community Standards.

Student Code of Conduct implemented on September 8, 2026