



# **STUDENT CODE OF CONDUCT AND DISCIPLINARY/DISPUTE RESOLUTION PROCEDURES**

Last revised November 2, 2012

Approved by the Student Life Committee, College Assembly, and President - November 2012

**For a hard copy of this document, please contact the Office of the Dean of Student Affairs.**

# STUDENT CODE OF CONDUCT AND DISCIPLINARY/DISPUTE RESOLUTION PROCEDURES

	Page Number
I. Introduction .....	2
II. Student Code of Conduct .....	3
A. Violations of Code .....	3
B. Determination of Sanctions.....	4
1. Factors Considered in Determining Sanctions .....	5
2. Possible Sanctions.....	5
III. Disciplinary Procedures for Resolving Alleged Violations of the Student Code of Conduct .....	5
A. Filing of Complaint.....	5
B. Notification of Charges and Preliminary Investigation .....	5
C. Interim Action.....	5
D. Possible Outcomes of the Preliminary Investigation.....	6
E. Hearing Procedures.....	7
F. Notice of Decision.....	9
G. Appeals .....	9
IV. Disciplinary Records.....	10
V. Student Academic Complaints.....	11
VI. Student Non-Academic Complaints.....	12

## I. INTRODUCTION

The core values of William Rainey Harper College are Integrity, Respect, Excellence, and Collaboration. These values are the hallmark of the College and will be protected vigorously. When students choose to attend Harper College, they accept the rights and responsibilities of membership in the College's academic and social community. Each person has the right and ability to make personal decisions about his or her own conduct. Just as importantly, each person has the responsibility to live with the consequences of his or her decision-making.

Students have rights under the United States Constitution which may be exercised in the College, as in other public institutions. The law recognizes that these rights are subject to restraints that may be imposed because of the College's role and function. It is the policy of the Board of Trustees of William Rainey Harper College to respect the properly exercised rights of the students.

The Student Code of Conduct describes misconduct that is inconsistent with the essential values of Harper College. It lists procedures to respond to such behaviors, and it provides for sanctions that are intended to educate and to safeguard members of the College community. If you have any questions about this Code, please contact the Office of the Dean of Student Affairs (M219, 847-925-6846).

The term "school days" as used in this Code means those weekdays (Monday through Friday) when classes are in session.

For the purposes of this Code, a "student" is defined as an individual who applies for admission and who is accepted to register for courses (as indicated by being assigned a Harper ID number). The College may address allegations of a student's misconduct through the Code when the alleged violation occurs within two years after any of the following: application for admission, attempt to register for or attend one or more courses, or if the student is under sanction(s); so long as the College has not academically or disciplinarily permanently separated the student from the College. This may extend to incidents that occur during breaks within or between semesters of enrollment, as well as between the time of application to the College and registration or participation in courses.

The student conduct process may occur simultaneously, prior to, or following any criminal, employment, or other proceeding. A student charged with violating the Code of Conduct may not avoid the conduct process by withdrawing from the College. Student conduct proceedings may continue without the student's participation, and/or a hold may be placed on the student's record until the matter is resolved.

Individuals enrolled solely as Continuing Education students are expected to uphold the standards of behavior outlined in this Code. Additional guidelines for behavior may be provided by Continuing Education. Individuals who violate these standards are subject to action at the discretion of the Dean of Continuing Education or his/her designee. Such action may include restricting and/or dismissing students from Continuing Education programs or activities.

## II. THE STUDENT CODE OF CONDUCT

### A. Violations of Code

Whenever a student commits or attempts to commit a violation of the Student Code of Conduct as set out below on the College campus, or at an activity, function or event sponsored or supervised by the College, discipline and sanctions may be imposed on the student. Discipline may also be imposed whenever a student commits a violation of this Student Code of Conduct off campus, if the misconduct adversely affects the College community or the pursuit of its educational objectives. Violations of the Student Code of Conduct include but are not limited to:

1. Possession, use or distribution of an illegal or controlled substance, or look-alike drug.
2. Unauthorized and/or illegal possession, use or distribution of any alcoholic beverage.
3. Theft of property or services.
4. Intentional or willful and wanton destruction of property.
5. Assault and/or battery.
6. Conduct which constitutes harassment or abuse that threatens the physical or mental well-being, health or safety of any individual.
7. Gender-based or sexual misconduct. (For definitions and examples, please see the *Guide to Gender Based & Sexual Misconduct*.)
8. Possession or use of weapons or explosive devices.
9. Trespassing on College property or other unauthorized use of College property or services.
10. Abuse of College computer, network, or other technology system resources, including unauthorized distribution of copyrighted material including through peer-to-peer or "P2P" file sharing and other violations of the Acceptable Use Guidelines as published in the Student Handbook and updated from time to time on the College website.
11. Academic dishonesty, including cheating, plagiarizing or furnishing false information on such forms as transcripts or applications for admission.
12. Disrupting the peace, the education process or related activity.
13. Failure to comply with the directions of an authorized College employee or representative who is performing his/her duties.
14. Any conduct that constitutes a violation of the terms of any discipline imposed in accordance with this procedure, or any form of retaliation toward a complainant or any participant in an investigation or conduct process. Retaliation will not be tolerated.
15. Any conduct that constitutes a violation of handbooks, contracts, or behavioral agreements specific to College programs or activities.
16. Any conduct that constitutes a violation of a federal or state law, local ordinance or College rule or regulation.

## B. Determination of Sanctions

In keeping with the essential values of Harper College, sanctions are designed to promote the College's educational mission. Sanctions may also serve to promote safety or to deter students from behavior that harms, harasses, or threatens people or property. Some behavior is so harmful or disruptive to the College community or to the educational process that it may require more serious sanctions, such as removal from specific courses or activities, suspension from Harper College, or expulsion. More than one sanction may be recommended.

### 1. Factors Considered in Determining Sanctions

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

- a. The nature of the violation(s).
- b. Prior violations and disciplinary history.
- c. Mitigating circumstances surrounding the violation.
- d. The student's motive or purpose for engaging in the behavior.
- e. Sanctions which have been imposed in similar cases in the past.
- f. The developmental and educational impact on the student.

### 2. Possible Sanctions

Multiple sanctions may be imposed, including but not limited to one or more of the following:

- a. **Expulsion:** Expel a student from the College, a program, course, or activity on a permanent basis.
- b. **Suspension:** Suspend a student from the College, a program, course or activity for a specified period of time.
- c. **Prohibition on Re-enrollment:** Bar a student from re-enrolling in the College, a program, course or activity for a specified or unlimited period of time, if a student withdraws prior to being suspended or expelled.
- d. **Conditional Enrollment or Re-enrollment:** Condition a student's enrollment or re-enrollment on his or her taking or refraining from specific actions.
- e. **Disciplinary Probation Status:** Place a written reprimand in the student's file admonishing him/her about the conduct and warning that further conduct in violation of the Student Code of Conduct may result in additional sanctions.
- f. **Community and/or College Service:** A student may be offered an opportunity to complete a specified number of hours of community and/or College service.
- g. **Educational Requirements:** A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.

- h. **Remedial Action:** An agreement between the student and the Office of the Dean of Student Affairs that the student shall pursue specific remedial action.
- i. **Probation and/or Restrictions:** The withdrawal of specified privileges or restrictions on action for a definite period of time (i.e., restriction from entering specific College areas and/or all forms of contact with certain person(s)).
- j. **Restitution:** A payment to compensate an injured party for financial harm, in cases involving misconduct such as theft, destruction of property or deception.
- k. **Reprimand:** A formal letter of warning or final warning shall be placed in the student's file.

### III. **DISCIPLINARY PROCEDURES FOR RESOLVING ALLEGED VIOLATIONS OF THE STUDENT CODE OF CONDUCT**

The College encourages students, faculty, and staff to resolve disputes informally in appropriate cases. Contact the Office of the Dean of Student Affairs to learn more about College-facilitated procedures for informal dispute resolution.

#### **A. Filing of Complaint**

Any person may allege a violation of the Student Code of Conduct by completing a "Student Code of Conduct Referral Form" and submitting it to the Office of the Dean of Student Affairs. The College reserves the right to initiate a student conduct process based on available information, even if a formal complaint has not been received. The complaint shall describe the conduct in question and, if known, the name of the person or persons alleged to have engaged in that conduct. The filing of a complaint assumes that the complainant desires to initiate the inquiry that may result in official disciplinary action against the alleged violator.

#### **B. Notification of Charges and Preliminary Investigation**

Upon receiving a complaint, the Dean of Student Affairs will designate a Resolution Coordinator. The Student Conduct Officer serves as the primary Resolution Coordinator and Hearing Officer for complaints of student misconduct. The Dean of Student Affairs or his/her designee may appoint additional faculty or staff as Resolution Coordinators, Investigators, or Hearing Officers as needed. The Resolution Coordinator will conduct a preliminary investigation of the complaint, inform the student in writing of the charge(s) against him or her (including the specific provision(s) of the Student Code of Conduct alleged to have been violated), and request that the student participate in a mandatory meeting with the Resolution Coordinator. The purposes of the mandatory meeting are to review the charge(s) and possible sanctions in the event that the student is found to have committed the violation(s) in question; to provide the student with an opportunity to respond to the charge(s); and to review discipline and dispute resolution procedures and the student's rights in connection with those procedures. The complainant will also be provided with a comparable meeting opportunity. In any investigation or conduct meeting, a student may request to bring an advisor, whose function is to support and advise the student, NOT to represent him/her.

#### **C. Interim Action**

The Dean of Student Affairs and/or Resolution Coordinator may impose interim action prior to a hearing and/or while an investigation or conduct process is occurring. Such action is reserved for those cases when it is necessary to protect the health, welfare, or safety of a student or of the community, if the student poses a threat of significant disruption to the

educational process and/or the normal operations of the College, or if the student cannot be located and/or does not participate in the conduct process.

In that event, the Resolution Coordinator shall send written notice of such measures to the student at his or her last known address by certified mail, return receipt requested. The notice shall state the specific action imposed and the reason for the action, as well as the instructions to request a hearing on the decision. If a student would like to request a hearing on interim action(s), he/she must submit a request in writing no later than five school days from the date of the letter. A timely hearing will be scheduled with an appropriate hearing body. This proceeding will be limited to determining 1) the reliability of the information regarding the student's alleged behavior and 2) whether the alleged behavior meets the above described criteria for interim action. Failure to request a hearing by the deadline provided constitutes a waiver of a hearing on the interim action, but is not an indication of responsibility.

#### **D. Possible Outcomes of the Preliminary Investigation**

The Resolution Coordinator will determine the most appropriate resolution and/or adjudication format, which include:

##### **1. Insufficient Cause**

If the Resolution Coordinator finds insufficient cause to charge a student with violating the Student Code of Conduct, and/or if the investigation indicates that the student is not responsible for the violations, he/she will be informed of that in writing by the Resolution Coordinator.

##### **2. Mediation**

In appropriate cases, the Resolution Coordinator may coordinate a mediation process with the complainant and the accused student. Mediation is a voluntary process in which the parties involved meet with a trained, neutral third party to discuss and design a resolution of the issues in concern. Mediation often results in a written agreement that is drafted and signed by both parties. Mediation will not ordinarily be used to resolve sexual assault complaints.

##### **3. Informal Resolution**

The student and the Resolution Coordinator may agree to resolve the matter informally. In that event, the student and the Resolution Coordinator shall review the charges and the student shall accept responsibility for the charged violations of the Student Code of Conduct. The student and the Resolution Coordinator may then discuss a plan for resolving the issues involved in the misconduct, which may include agreed-upon sanctions. A student who elects to resolve the charge(s) with the Resolution Coordinator shall, after being informed of his/her rights, sign a written waiver of a formal hearing and a written acceptance of the responsibility and the specified sanction(s) imposed.

##### **4. Formal Hearing**

The student may proceed to a formal hearing. A campus Resolution Board hearing consists of a hearing before a five-person panel, and is held in accordance with the procedures described below. An administrative hearing consists of a hearing with one or more College staff or faculty designated as hearing officers by the Dean of Student Affairs. Examples of situations where administrative hearings may be used include:

- When a student chooses not to participate in a conduct process; or

- When a student and a Resolution Coordinator agree on the finding of responsibility, but do not agree on the sanction(s), and the recommended sanction(s) does not include suspension or expulsion; or
- When the complainant and the accused student in a sexual misconduct case (or other case of a similarly sensitive nature) both prefer to have the hearing conducted by a smaller hearing body; or
- When a Resolution Board cannot be convened in a timely fashion.

## **E. Hearing Procedures**

*The following outlines the general procedures for hearings. The hearing body/officer reserves the right to adjust procedures as appropriate, depending on the nature of the case. For example, the hearing body or hearing officer may direct that witnesses, other than the complainant and the accused student, be excluded from the hearing room except when they are providing testimony. Likewise, the hearing officer may require the opposing parties to submit cross-examination questions in writing in sensitive cases, to be reviewed and propounded to the witness by the hearing officer.*

### **1. Composition of Board; Votes Required for Action**

**Resolution Board:** The Resolution Board will consist of three faculty members and two students designated by the Student Life Committee; provided, however, that in the event that the Student Life Committee is unable to convene because the hearing will occur during summer or due to other circumstances beyond its control, the Chair of the Student Life Committee or the Resolution Coordinator will designate three faculty or staff members and two students to constitute the Resolution Board for the case. An alternate faculty member and an alternate student member will be designated for and shall attend each hearing. The affirmative vote of four members of the Resolution Board shall be required to take action.

**Administrative:** Administrative hearings may be conducted by one or more faculty/staff members appointed by the Dean of Student Affairs. In most cases, the Student Conduct Officer serves as the hearing officer for administrative hearings unless he/she has been involved in the investigation of the complaint. In cases involving more than one hearing officer, a simple majority vote of the hearing officer(s) shall be required to determine responsibility and sanction(s).

### **2. Notice of Hearing**

The Resolution Coordinator will inform the student of the hearing date and time by certified mail, return receipt requested, sent at least five school days prior to the hearing date. The notice will enclose a description of the procedures to be followed at the hearing.

### **3. Conduct of Hearing**

All hearings shall be held in closed session.

The Dean of Student Affairs and/or Student Conduct Officer will ensure that all Hearing Officers and Resolution Board members have been trained adequately. Prior to the hearing, members of the Resolution Board shall agree to and sign the "Resolution Board Member Responsibilities" form, and shall designate one member as Chair to facilitate the proceedings.



Resolution Board hearings (excluding deliberations) may be recorded and the audio or a transcription will become part of the appropriate student record(s) and will be subject to campus records policies.

An accused or complaining student may at his or her expense have an attorney or other support person present to advise the student, but the advisor may not otherwise participate in the hearing. If the student does not attend, but the Office of the Dean of Student Affairs has proof of notice to the student of the hearing, the hearing body may choose either to proceed with the hearing, or to reschedule the hearing to another date.

No later than the commencement of the hearing, the charged student shall be provided with a copy of any document which the complainant intends to present as evidence during the complainant's case.

The complainant(s) and the charged student may make brief opening statements to the hearing body.

The complainant(s) shall first present evidence. The charged student may cross-examine any of the complainant's witnesses in attendance and may review any written evidence presented by the complainant(s).

The charged student may then present evidence to refute or otherwise to defend against the charges. The complainant(s) may cross-examine any of the student's witnesses in attendance and may review any written evidence presented by the student.

At the close of the charged student's case, the complainant shall have an opportunity to present evidence in rebuttal of the student's presentation.

The hearing body may, at any time, direct questions to the parties or their witnesses.

The hearing body may receive all relevant oral or written evidence without regard to the legal rules of evidence, provided such evidence is relevant to a determination of whether the student committed the violation(s) of the Student Code of Conduct with which he or she has been charged, and would be relied upon by reasonably prudent persons in the conduct of their affairs.

If during its preliminary investigation of the complaint, the Office of the Dean of Student Affairs has reasonably determined that a witness to or having knowledge of the alleged violation would be subject to physical or mental harassment or reprisal if requested to testify in person or be identified by name at a hearing before the hearing body, the witness may be asked to prepare a written summary of his or her testimony, including a statement of the reason for the witness' absence from the hearing and a statement verifying that the contents of the summary are true. If an imminent fear of reprisal exists, the Resolution Coordinator may also present a written statement in which the witness' identity has been concealed.

The complainant(s) and the student may make closing statements at the conclusion of the hearing concerning the issues of whether the student has committed the charged violation(s) of the Student Code of Conduct, and if so, what sanctions should be imposed for the misconduct involved.

At the conclusion of the parties' presentations, the hearing body shall declare the hearing closed, shall excuse the parties and their representatives, and shall then deliberate and determine:

1. Whether or not it has been shown, by a preponderance of the evidence, that the student committed the charged violation(s) of the Student Code of Conduct; and

2. If so, what sanctions are appropriate.

After the hearing body determines whether the student has committed the violation(s) charged, it may review the student's academic and disciplinary records only for the limited purpose of determining the appropriate sanction(s).

The hearing body shall render and forward its written findings and decision to the Resolution Coordinator within 10 school days after the end of the hearing.

#### **F. Notice of Decision**

The Resolution Coordinator shall provide to the student written notice of the final resolution of charged violation(s). The written notice shall be sent to the student by certified mail, return receipt requested, or by receipted-for personal delivery, within 10 school days of the student's signature of a written waiver of formal hearing and a meeting with the Resolution Coordinator, or within 10 school days of the Resolution Coordinator's receipt of the written findings and decision of the hearing body. In cases alleging violations under II.A.7: Gender-based or sexual misconduct, the complainant will also receive comparable notice of the relevant finding(s) and related sanction(s).

The written notice to the student shall include:

1. The specific provision of the Student Code of Conduct that was violated;
2. The sanction(s) imposed and the date(s) on or periods for which they are in effect;
3. A statement of the student's right to appeal in writing to the Dean of Student Affairs; and
4. A statement that failure to file a request for such an appeal within the time provided in Part III.G below shall be deemed a waiver of the right to an appeal.

#### **G. Appeals**

An appeal of the result of an administrative or Resolution Board hearing may be filed based on the following grounds:

1. Proper procedures were not followed.
2. There is new relevant evidence not reasonably available at the time of the hearing or the imposition of the sanction(s).
3. The evidence does not clearly support the finding(s).
4. The sanctions are inappropriate relative to the violation.

In cases alleging a violation of II.A.7: Gender-based or sexual misconduct, both the accused student and the complainant have the right to appeal the finding(s) of responsibility and/or sanctions based on the above criteria. An appeal must be submitted in writing to the Dean of Student Affairs within 10 school days of the student's receipt of notice of the decision from the Resolution Coordinator. The Dean of Student Affairs will render and cause a decision to be sent to the student within 10 school days after receipt of the appeal. If the results of the review by the Dean of Student Affairs (if applicable) are unsatisfactory to the student, the student may appeal in writing to the Provost within 10 school days after receipt of the Dean of Student Affairs' response. The Provost or designee will cause a written response to be sent to the student within 10 school days after the receipt of the appeal. The decision of the Provost or designee is final.

#### IV. DISCIPLINARY RECORDS

The College will maintain disciplinary records as part of the student's education record in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C.S. §1232g ("FERPA").

No earlier than seven years following the resolution of any conduct complaints (including fulfillment of any relevant sanctions), a student's conduct record may be purged in accordance with campus procedures if there is no longer an administrative value to the record **and** the individual's relationship to the campus has ended.

A student's education record, including disciplinary records, will be disclosed only with written consent of the student's parents or the eligible student (in the case of a student 18 years of age or older), except as otherwise allowed pursuant to FERPA and its implementing regulations. Examples of appropriate disclosures of disciplinary records without consent include disclosure of information:

- To other school officials within the institution when there is a legitimate educational interest in the information in order to exercise or complete their responsibilities on behalf of the institution;
- Concerning disciplinary action taken against the student for conduct that poses a significant risk to the safety or well-being of that student, other students, or other members of the school community to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student;
- Regarding any violation of any federal, state, or local law, or of any rule or policy of the institution governing the use or possession of alcohol or controlled substance to a parent or legal guardian of a student if the student is under the age of 21 and the institution determines that the student has committed a disciplinary violation with respect to such use or possession; and
- To complainants in cases alleging violations of II.A.7: Gender-based or sexual misconduct. The complainant has a right to be informed of the outcome, essential findings, and relevant sanctions, in writing;
- The name, nature of the violation and the sanction, for any student who is found in violation of a College policy that is also a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, and kidnapping/abduction. The College *may* release this information publicly, and *will* release this information to the complainant in any of these offenses, regardless of outcome.

Final results of any disciplinary proceeding include only the name of the student, the violation committed, and any sanction imposed by the College on that student and may include the name of any other student, such as a victim or witness, only with the consent of that other student. The sanction imposed means a description of the disciplinary action, the date of its imposition, and its duration. The violation committed means the institutional rules or codes of conduct sections that were violated and any essential findings supporting the institution's conclusion that the violation was committed.

## **V. STUDENT ACADEMIC COMPLAINTS**

As members of the educational community, students have the right to express their concerns regarding the assessment of their academic progress through the grading process. Students shall express these concerns initially by contacting the appropriate faculty/staff member within 10 school days of the occurrence giving rise to the concerns, and requesting a conference to informally discuss the concerns.

If the concerns are not resolved to the student's satisfaction after the informal discussion, the student may submit a complaint in writing to the department chair, coordinator or director of the faculty/staff member involved within 10 school days after the informal discussion, or within 10 school days after the initial contact, whichever is later. In filing the written complaint, the student may request to meet with the department chair, coordinator or director. The written complaint must specify the specific complaint(s) together with the desired resolution(s).

The department chair, coordinator, or director who receives the complaint shall review it and respond in writing to the student within 10 school days after receiving the complaint or after holding the (optional) requested meeting, whichever is later.

If the student is not satisfied with the results of the departmental review, he or she may then appeal in writing to the dean of the appropriate division (if applicable) within 10 school days after receipt of the written departmental response. The dean shall review and respond in writing to the student's appeal within 10 school days of the date on which the appeal is received.

If the results of the review by the dean (if applicable) are unsatisfactory to the student, the student may appeal in writing to the Provost within 10 school days after receipt of the dean's written response. The student may request a meeting with the Provost. The Provost or designee shall issue a written response to the student within 10 school days after receipt of the appeal or after holding the (optional) requested meeting, whichever is later. The decision of the Provost shall be final.

## **VI. STUDENT NON-ACADEMIC COMPLAINTS**

The Dean of Student Affairs or designee shall be responsible for responding to complaints from students on non-academic issues. These issues include, but are not limited to, refunds, admissions, withdrawals, transcripts, and use of facilities.

Students shall express their concerns initially by contacting the faculty/staff member within 10 school days of the occurrence giving rise to the concerns, and requesting a conference to informally discuss the concerns.

If the concerns are not resolved to the student's satisfaction after the informal discussion, the student may submit a complaint in writing to the department chair, coordinator or director of the faculty/staff member involved within 10 school days after the informal discussion, or within 10 school days after the request to meet with the department chair, coordinator or director. The written complaint must specify the specific complaint(s) together with the desired resolution(s).

The department chair, coordinator, or director who receives the complaint shall review it and respond in writing to the student within 10 school days after receiving the complaint or after holding the (optional) requested meeting, whichever is later.

If the student is not satisfied with the results of the departmental review, he or she may then appeal in writing to the dean of the appropriate division (if applicable) within 10 school days after receipt of the written departmental response. The dean shall review and respond in writing to the student's appeal within 10 school days of the date on which the appeal is received.

If the results of the review by the dean (if applicable) are unsatisfactory to the student, the student may appeal in writing to the Provost within 10 school days after receipt of the dean's written response. The student may request a meeting with the Provost. The Provost or designee shall issue a written response to the student within 10 school days after receipt of the appeal or after holding the (optional) requested meeting, whichever is later. The decision of the Provost shall be final.