

# WILLIAM RAINEY HARPER COLLEGE

## STUDENT CODE OF CONDUCT & RESOLUTION PROCEDURES

### PHILOSOPHY & AUTHORITY

William Rainey Harper College (“Harper College” or “College”) encourages the intellectual and personal growth of its students as scholars and as citizens. The College has both the authority and responsibility to maintain a campus community where the educational programs can flourish for all students and where individual rights, personal and collective safety, and College operations are appropriately protected. It is a choice to attend Harper College and by doing so, students assume the obligations (including standards for behavior) imposed by the College.

Harper College students and student organizations are expected to act in accordance with the policies, rules, regulations, laws, and requirements of Harper College, municipalities and counties, the State of Illinois, and the United States. The policies and procedures set forth in this document are designed to be educational, fundamentally fair, and to provide students with the procedural protections that are appropriate for campus conduct proceedings. Students should be aware that they are responsible not only for the *intent* of their behavior, but also for the *impact* of their actions. The student conduct policies and procedures are designed to provide an educational and developmental process that balances the interests of individual students with the interests of the Harper College community.<sup>1</sup>

### RELATIONSHIP BETWEEN STUDENT CONDUCT & THE VIOLATION OF LAW

The campus student conduct process is an educational and administrative process – it is not designed to mirror a court of law, but to further the educational mission of the College. This includes both maintaining a safe educational environment as well as furthering the learning and development of individual students. As a result, the College may set forth behavioral expectations for students that may be higher than those found in criminal law. Participants in the campus conduct process should be aware that while they are afforded the procedural protections provided in this document, they do not have the same rights that might be afforded to a citizen participating in a criminal court proceeding. Due process, as defined within these procedures, assures written notice and a resolution with an objective decision-maker. The campus student conduct process, as well as the possible outcomes, are different than those in a criminal or civil court proceeding. For those situations where a student’s behavior may be a violation of law as well as College policy, the student conduct process may occur simultaneously, prior to, or following any criminal, employment, or other proceeding.

### ACKNOWLEDGEMENTS

Harper College would like to acknowledge the following as resources for this document:

- Edward N. Stoner II and John Wesley Lowery, “Navigating Past the ‘Spirit of Insubordination’: A Twenty-First Century Model Student Code of Conduct with a Model Hearing Script,” *Journal of College and University Law*, 31(1), (2004): 1-78.
- *The General Order on Judicial Standards of Practice and Substance in Review of Student Discipline in Tax-Supported Institutions of Higher Education*, 45 F.R.D. 133 C.F.R. (1968).
- Professional resources and guidance from the Association of Student Conduct Administration (ASCA), the Association for Title IX Administrators (ATIXA), the National Association for Behavioral Intervention and Threat Assessment (NABITA), and TNG consulting (formerly the NCHERM Group, LLC).
- The Student Codes of Conduct and related procedures from: Arizona Western College, Bowling Green State University, College of DuPage, Joliet Junior College, Moraine Valley Community College, Oakton Community College, The University of Florida, Waubensee Community College, and Wright State University

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<sup>1</sup> The Student Code of Conduct & Disciplinary Procedures are subject to change without notice. The current version can be found at: <https://www.harpercollege.edu/services/conduct/index.php>

### **AUTHORITY**

In accordance with Board Policy 05.25.00, this Code outlines the behavioral expectations for students and the procedures for determining and addressing violations. The Dean of Students or designee has the ultimate authority for interpretation of this Code, including the determination of a person's status with the institution in a particular situation. The Dean of Students or designee is also responsible for designating appropriate College officials to serve the College in one or more roles in the student conduct process, including but not limited to investigator, hearing body/panel and appeals officer. In the case that a College official is not available to serve in an assigned role, that official's designee will take on the authority described for the duration of unavailability.

### **JURISDICTION**

A student's behavior may be subject to the student conduct procedures whenever the student commits or attempts to commit a violation of the Student Code of Conduct on property belonging to or under control of Harper College, or at an activity, function or event sponsored or supervised by the College. In addition, if a student commits a violation of this Code while off-campus (including through technology or social media), the student's behavior may be subject to the student conduct process if the behavior adversely affects:

- the College community;
- the mission or reputation of the College;
- the ability of an individual member of the campus community to pursue their Harper College education and/or employment (including the creation of a hostile environment); or
- a function or operation of the College (including directives issued in response to a health, safety, or other campus emergency).

The College may address allegations of a student's misconduct through the Code whenever the student is reasonably perceived as attempting to interact with the campus as a student, including while the student is serving a disciplinary sanction (other than expulsion) from the institution. 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.

When students engage in misconduct as members of a student organization (as defined by the Department of Student Engagement), they may be held accountable as individual students and the student organization may also be held accountable. Student organizations may face consequences through the Department of Student Engagement, as well as through application of the Student Code of Conduct to members who are found responsible for violating its provisions.

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 as described in this document without the student's participation, and/or a hold prohibiting further registration and/or release of transcripts may be placed on the student's record at the discretion of the Dean of Students until the matter is resolved.

### **COMMUNITY AND CONTINUING PROFESSIONAL EDUCATION**

Individuals enrolled solely as Community and/or Continuing Professional Education students are expected to uphold the standards of behavior outlined in this Code. Given the diverse forms of delivery of Community and/or Continuing Professional Education opportunities, additional guidelines for behavior may be provided by Community and/or Continuing Professional Education offices. Individuals who violate these standards are subject to action at the discretion of the Dean of Community Education or their designee. Such action may include restricting and/or dismissing students from Community and/or Continuing Professional Education programs or activities.

## DEFINITIONS

College:	William Rainey Harper College, also known as “Harper College” or “College.”
Student:	Any individual who applies for admission and who is accepted to register for courses (as indicated by being assigned a Harper College ID number).
Faculty:	Any person employed by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
College Official:	Any person employed or designated by the College to perform a specific function on its behalf.
Member of the College Community:	Any person who is a student, College official, or any other person employed by the College. A person’s status in a particular situation shall be determined by the person designated to have authority to interpret this Code.
Business Days:	Those workdays (during scheduled business hours) when the College is <b>open</b> .
School Days:	Those workdays (during scheduled business hours) when <b>classes are in session</b> .
Complainant:	A person who is alleged to be the victim of conduct that could constitute a violation of the Code.
Reporting Party:	A person who reports a concern of a possible violation of the Code.
Respondent:	A student who is alleged of violating the Code and provided with the opportunity to respond to the complaint.
Support Advisor:	A person who supports a complainant or respondent as the complainant/respondent participates in the conduct process. The support advisor’s supporting role is limited to conferring with and advising the student directly. The support advisor may not participate in the conduct process as a representative or advocate for the student and may not speak on the student’s behalf. The College also reserves the right to have additional representatives present to advise the College officials during the student conduct process. Students seeking a support advisor may request a list from the Student Conduct Officer of potential advisors who have received training about the campus conduct process.
Student Conduct Officer	The Harper College official authorized to investigate and adjudicate and/or make recommendations regarding suspected student violations of the Student Code of Conduct.
Hearing Body/Panel:	The person(s) who make a determination of responsibility and/or issue sanctions regarding suspected student violations of the Student Code of Conduct where suspension or expulsion is being considered.
Sanction:	A consequence imposed as a result of a finding of responsibility.
Standard of Proof:	The standard of proof used in all student conduct proceedings to determine if a violation occurred is the preponderance of the evidence, also known as more likely than not, or more than 50%.
Outcome(s):	The finding of responsible or not responsible for each alleged violation, as well as any sanction(s) imposed.

## STUDENT RIGHTS & RESPONSIBILITIES

*While the campus conduct process is different than criminal or civil proceedings, the following rights are provided to students, along with the expectation that students fulfill their responsibilities in the process. Students or others who fail to respect the rights of others or the process may be excused from a meeting or proceeding, and the process will continue in their absence.*

<b>Student Rights</b>	<b>Student Responsibilities</b>
To be treated with respect and dignity	To treat others with respect and dignity
To be informed of the policies and procedures in the Student Code of Conduct, published online and available in hardcopy from the Office of the Dean of Students	To review and abide by the Student Code of Conduct, including both policies and procedures
To be provided with notice of charges, if the student conduct process is initiated, and to be informed of the procedures for resolution	To review the notice of charges and seek clarification if there are any questions about the process.
To be provided with an opportunity to respond to the charges and be heard through the appropriate resolution process	To follow the process as outlined by the College.
To be free from compulsory self-incrimination regarding behaviors that may also be the subject of criminal charges. The decision not to share information does not automatically establish a presumption of responsibility.	To understand that, if the student chooses not to participate, the conduct process will still proceed and decisions about responsibility and any sanctions will be made based on the available information
To have a support advisor of choice present with him/her/them to support/offer advice in any student conduct hearing or meeting. Students seeking an advisor can request a list of potential support advisors (i.e., faculty and staff who are familiar with the student conduct process) or bring a person of their choosing.	To notify the College if a support advisor will be present, and to understand that if the support advisor does not comply with the College's expectations, the support advisor will be asked to leave the proceeding or meeting, which will continue without the support advisor's presence
To identify witnesses to the incident(s) being investigated or reviewed	To present only those witnesses who have relevant information, within the guidelines presented by the College
To have their educational records related to the conduct process maintained as confidential except as permitted by law or College policy, and to inspect and review student conduct records, in accordance with FERPA	To understand the College's recordkeeping policies and procedures and that personally identifiable information concerning other students may be prohibited from disclosure.
To have the information reviewed by an objective party who will use the preponderance of the evidence standard of proof	To understand that the conduct process is designed to be educational, not adversarial, and that it is different than a court proceeding
To request appeals based on the grounds described in this Code	To adhere to all required procedures regarding appeals

## BEHAVIORAL EXPECTATIONS FOR STUDENTS

Students are expected to uphold college policies towards the pursuit of their educational objectives. The College reserves the right to set and communicate reasonable standards of behavior as needed. The following behaviors are prohibited. Examples are provided to illustrate the specific prohibition and are not intended to be all-inclusive.

**1. Threatening behavior - behavior that intentionally or recklessly causes physical or emotional harm or otherwise threatens or endangers the physical or emotional health or safety of any person.**

*Examples include:*

- a. Physical violence – use of a weapon, hitting, kicking, pushing, shoving, beating, or other such activity resulting in or intended to cause physical harm.
- b. Making a threat(s) of violence (including through verbal, non-verbal, written or electronic/virtual communications, including via social media) that does or could cause(s) a reasonable expectation of harm to the health or safety of a specific person or group of people.
- c. Bullying, defined as repeated and/or severe behavior that is aggressive and likely to intimidate or intentionally hurt, control, or degrade another person physically or mentally.
- d. Hazing, defined as acts likely to cause physical or psychological harm or social exclusion or humiliation.

**2. Discrimination and/or harassment based on race, color, religion, sex, national origin, ancestry, age, marital status, sexual orientation, physical or mental disability, unfavorable discharge from military service, or any other legally protected status.**

**3. Sex-based misconduct, including sexual harassment, sexual violence, domestic violence, dating violence and stalking, as defined in the College’s Policy Prohibiting Sex-Based Misconduct and its implementing Procedures.**

*Reports of alleged sex-based misconduct will be processed according to the Procedures Implementing the College’s Policy Prohibiting Sex-Based Misconduct, which can be found at the following link <https://www.harpercollege.edu/about/consumerinfo/title-ix/campus-policy/index.php>. Upon receipt of a report of a report of alleged sex-based misconduct, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it, which may include action pursuant to the Student Code of Conduct & Resolution Procedures.*

**4. Retaliation, including intimidation, threats, harassment or other adverse action taken or threatened against a reporting party, complainant or any other participant in the student conduct process.**

**5. Risk of the safety of the campus community.**

*Examples include:*

- a. Illegal or unauthorized possession or use of weapons, including but not limited to firearms, explosive devices, knives longer than 3 inches, tools or equipment, or any other object used to threaten or cause harm. This includes violation of the College’s procedures related to the Illinois Concealed Carry Act.
- b. Making a threat of violence (including verbal, written, non-verbal, or electronic/virtual, including via social media) that causes a reasonable expectation of harm to the health or safety of the campus.
- c. Behavior that can put physical safety at risk, including but not limited to:

- a. Reckless driving;
- b. Possessing flammable chemicals or fireworks or tampering with smoke detectors;
- c. Climbing on roofs;
- d. Intentional misuse of tools, equipment, or lab supplies;
- e. Leaving minors unattended on campus; or
- f. Knowingly putting others at risk of a contagious disease.

**6. Conduct that interferes with the services of the College or the property of the College or others.**

*Examples include:*

- a. Misuse, theft, or unauthorized use of College services, property, or funds (including funds from a club or organization).
- b. Trespassing or unauthorized access to physical or virtual/cyber property or services of the College.
- c. Attending classes without being registered for them, other than during the first week of the course or with permission from the instructor.
- d. Theft of the property of a member of the College community.
- e. Intentional destruction of property.
- f. Use of recreational or outdoor equipment indoors (including, but not limited to, skateboards, hoverboards, bicycles, etc.), or reckless use of equipment outdoors.
- g. Having an animal in a campus building, other than in accordance with College policy governing animals on campus, such as service animals individually trained to perform tasks for the benefit of an individual with a disability.

**7. Disruption (substantial or repeated interference) of any operation of the College, including but not limited to teaching, research, administration, technology, meetings or proceedings, or any other College activity.**

*Examples include:*

- a. Prohibiting classroom instruction or learning from occurring.
- b. Prohibiting College sponsored events from occurring.
- c. Infringing on the rights of other members of the College community, including violations of policies or procedures pertaining to expressive activity and/or the use of social media. See [Free Speech and Expressive Activities Policy and Procedural Guidelines](#) and [Social Media Policy \(Board Policy Manual 7.23.00\)](#).
- d. Leading or inciting others to interrupt scheduled or normal activities within any campus building or area.
- e. Obstructing the free flow of pedestrian or vehicular traffic on College property or at a College sponsored or supervised event.

**8. Illegal, unauthorized, or irresponsible substance use.**

*Examples include:*

- a. Illegal or unauthorized possession, manufacturing, distribution, use, or evidence of impairment due to marijuana, heroin, narcotics, or any other illegal or controlled substance or look-alike drug except as expressly permitted by law and College policy.
- b. Illegal or unauthorized possession, manufacturing, distribution, use or evidence of being under the influence of alcohol, except as expressly permitted by College policy. No person under 21 years of age may possess or consume alcoholic beverages, under any circumstances.
- c. Illegal possession or use of prescription medications.
- d. Public intoxication, vomiting, or other such effects of irresponsible substance consumption.
- e. Smoking tobacco products, using e-cigarettes, or any other violation of the College's Smoke-free campus policy.

## **9. Academic dishonesty in an academic course or program.**

*Examples include:*

- a. Cheating: Accessing, using, or attempting to use unauthorized assistance, materials, information, or study aids in any academic exercise, including the unauthorized use of Artificial Intelligence, Large Language Models, or Chat types of tools.
- b. Plagiarism: Reproducing or utilizing someone else's words or ideas as one's own work without accurate acknowledgment in any academic exercise, or submitting a substantial portion of the same academic work more than once or in multiple courses without permission.
- c. Facilitating Academic Dishonesty: Permitting or participating in an act that creates an unearned advantage for someone, including participating as a proxy for another member of the College community in any academic exercise; before, during, or after enrollment as defined by Jurisdiction.
- d. Fabrication: The invention or falsification (providing untrue) of information, data, citation, or research in any academic exercise.
- e. Unauthorized collaboration: Receiving assistance, providing assistance, or other sharing of work without permission; or conspiring with another or others to do so, including the unauthorized use of Artificial Intelligence, Large Language Models, or Chat types of tools.
- f. Misuse of Academic Materials: Destroying, stealing, or otherwise making inaccessible test, laboratory, or other academic materials; the unauthorized acquisition of, duplication of, or distribution of materials belonging to Harper College, any College department, or any College employee; and the use of another agency or third-party in selling, trading, or distributing of academic materials or intellectual property without permission or in violation of copyright standards.
- g. Bribes, Favors, or Coercion: Bribing or attempting to bribe, promising a favor, or coercing or making a threat related to a grade in an academic exercise; or conspiring with another or others to do so.
- h. Failing to adhere to the published ethical and professional standards of a course or program of study, including those standards related to experiential courses and learning such as internships or clinical practices.

## **10. Dishonesty.**

*Examples include:*

- a. Providing intentionally false or fraudulent information or submitting a false report in any form to any College employee, or office.
- b. Forgery, alteration, or misuse of any College record, document, or form.
- c. Bribing or attempting to bribe, promising a favor, quid pro quo, or coercing/ making a threat in order to influence another person's participation or impartiality in any official College business; or conspiring with another or others to do so.
- d. Misrepresentation of one's identity, including taking another person's place in an exam, placement test, or any other academic or officially recognized College activity.
- e. Misuse of the College's copyrighted content, marketing materials, and trademarks.

**11. Unauthorized or irresponsible use of a College computer, the College network, or other technology system resources.**

*Examples include:*

- a. Unauthorized reproduction or distribution of copyrighted material or other information which may be considered proprietary, including duplication or piracy of copyrighted software or other academic materials.
- b. Unauthorized access, transfer, or misuse of equipment, files, labs, or any other technological resource.
- c. Use of another individual's account identification, user login, or password.
- d. Violation of any College computing or technology policy, including use of College technology resources to violate a law.

**12. Unauthorized use of personal electronic devices; impermissible use of social media.**

*Examples include:*

- a. Audio, photograph, or video recording of any person without that person's prior knowledge or consent if such a recording is likely to cause injury or distress. This includes, but may not be limited to, recording in locker rooms, changing areas, or restrooms.
- b. Audio, photograph, or video recording of any person when it is not permitted by law or College policy. This includes recording in classrooms or meetings and recordings of any proprietary materials/information, unless granted permission by the instructor or facilitator such as to provide an ADA/504 or similar approved accommodation.
- c. Use of a cell phone or other electronic device in a manner that disrupts educational activities, classrooms, offices, or other usual College operations.
- d. Recordings of any online course instructions or materials or other web-based events, unless granted permission by the instructor or facilitator, such as to provide an ADA/504 or similar approved accommodation.
- e. Engaging in any social media activity which is likely to substantially and materially interfere with the requirements of appropriate discipline in the operation of the College, or which otherwise violates [Social Media Policy \(Board Policy Manual 7.23.00\)](#) or other related procedures and guidelines.

**13. Failure to comply.**

*Examples include:*

- a. With the directions of an authorized College employee or representative who is performing their duties, or with a communicated College policy or procedure.
- b. With any published reasonable guidelines for use of labs, offices, waiting areas, classrooms, or other common campus spaces, including the student center (This includes all directives issued in response to health, safety, and other campus emergency response situations).
- c. Any conduct that constitutes a violation of the student conduct process or any sanction imposed in accordance with this procedure.
- d. Any conduct that constitutes a violation of any College handbooks, program guidelines, rules, or regulations.
- e. Evidence of violation of any local, state, or federal law, when substantiated through the student conduct process, or when such conduct results in violation of another behavioral expectation in the Code or appears to pose a reasonable threat to the campus community.



## REPORTING STUDENT MISCONDUCT

The College encourages students, faculty, and staff to resolve conflicts informally and at the lowest level. When that is not possible or appropriate, any member of the campus community may report alleged student misconduct using the College's online reporting form, which can be found at the following link:

**[Report A Concern](https://www.harpercollege.edu/services/conduct/report/index.php)** : <https://www.harpercollege.edu/services/conduct/report/index.php>

The report should describe the misconduct and identify the student(s) involved in the incident. Reports will be reviewed by staff in the Office of the Dean of Students and, if there appears to be reliable information indicating that a violation may have occurred (i.e., complaint), the student conduct process will be initiated, creating a conduct case. The College also reserves the right to initiate a case without a formal complaint, and to investigate anonymous reports. When appropriate, reports may also be addressed through the [Harper Early Alert Team \(HEAT\)](#) procedures or through other non-conduct procedures.

### CULTURE OF REPORTING

As the College is concerned about threats to personal or collective safety, including any form of sex-based misconduct, all reports will be taken seriously and reviewed. If a student may have violated another aspect of the Student Code of Conduct (such as consuming alcohol underage) and is concerned about consequences for him/her/them self when reporting a more egregious incident (such as sex-based misconduct or a threat of violence), the reporting student should be assured that the College's interest is in addressing the more egregious behavior and maintaining the safety of individuals and the campus. Pending no threat to safety or other such compelling reason, other behaviors may be addressed through alternative means (such as informal discussions or referrals to counseling).

## PRELIMINARY ACTIONS

A preliminary investigation may be necessary in order to determine if there is credible information that warrants charging a student with violating the Code. Preliminary meetings with the reporting party, complainant and/or witnesses may occur prior to initiating the student conduct process or contacting the accused student. If the accused student is contacted about the case during the preliminary investigation, the accused student will be made aware of the initiation of a preliminary investigation and that the incident *could* result in a student conduct process being initiated.

The preliminary investigation and review may result in any of the following:

- **Case Not Pursued:** If there does not appear to be credible information to indicate a violation occurred, the case will not be pursued through the formal student conduct process. The information may still be retained by the College to document that the situation was reviewed.
- **Informal Response:** If the situation is concerning but does not rise to the level of a suspected Code violation (such as an incident which occurs outside of the College's jurisdiction, or repeated low-level behaviors), there may still be an institutional response without formal conduct charges. For example, the student may be asked to meet with a staff member to discuss the situation prior to registering for courses, may be requested to participate in a mediated conversation, or may receive a letter informing him/her/them that the behavior, were it to occur on Harper's campus, would constitute a violation.
- **Initiation of Conduct Process:** If it appears that a student may have violated the Code, and that the suspected violation occurred within the College's jurisdiction, the conduct process will be initiated.

## INTERIM ACTION

In some cases, an interim suspension prior to the final resolution of the case may be necessary. This may be imposed upon initial receipt of a report, when the College becomes aware of a concern, or at a later time in the student conduct process. An interim suspension may be issued when:

- A student poses a direct threat to the health, welfare, or safety of students or members of the College community; and/or
- The student poses a threat of significant disruption to the educational process and/or the normal operations of the College.

In the event of an interim suspension, the student will be provided with written notice of the interim suspension, which will usually be provided electronically but may be delivered by other means such as U.S. mail or in person. The interim suspension notice will include the reason(s) for the interim suspension and any specific terms of the interim suspension, as well as instructions regarding how to appeal the interim suspension decision. A student seeking to appeal an interim suspension may do so by submitting a written appeal request no later than 5 school days from the date of the student's receipt of the notice of interim suspension. The review of an interim suspension decision 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 appeal the interim suspension within the required 5 school day timeline constitutes a waiver of an appeal on the interim suspension but will not constitute an indication of responsibility for the charges.

## NOTICE OF CHARGES

If there appears to be credible information indicating a student may have violated the Code, the College will issue written notice of the charge(s) to the accused student. This notice includes:

- The provision(s) of the Code that the student is charged with violating (i.e., "charges");
- A link to the Student Code of Conduct where the student can learn about the process;
- Whether the case will be resolved through a hearing or investigation method;
- Instructions as to how to proceed after the notice, such as:
  - How to schedule or otherwise participate in a hearing, including the opportunity to schedule the hearing or initial interview meeting at least 5 days after the date that the notice of charges was sent (unless the student and the hearing officer mutually agree to an earlier date and time or there is a health or safety emergency necessitating an earlier meeting);
  - How to review the case information;
  - How to provide information, including witnesses, regarding the incident in question;
- The right to bring a support advisor to any student conduct meeting or hearing.

## GENERAL PROCEDURAL GUIDELINES

The standard of proof used in making decisions in student conduct matters, including in all findings of responsibility, is the “preponderance of the evidence” or “more likely than not” standard. This means that when all available information is considered, the College official or hearing body determines whether it is more likely than not that a violation occurred, based on what a reasonable person would consider.

The College will communicate with participants in the student conduct process mainly via email through the use of an online case management system and the student’s Harper College email address. Depending on the circumstances of a given situation, communications may occur through other means, such as through phone, U.S mail, or delivered in person.

Any participating complainant or respondent may bring a support advisor to accompany him/her/them in student conduct meetings, including hearings and interviews, to serve as a support person to him/her/them. The advisor’s role is limited to providing support, advice and/or guidance to the complainant or respondent; the advisor may not speak on the complainant or respondent’s behalf. Students will be required to provide advance notice that an advisor will be attending a meeting or hearing, including notice of whether such a person is an attorney. Students may also be required to sign a release granting permission for the advisor to have access to the student’s education records.

The College, as it deems appropriate, may extend any deadline or timeframe provided in these Resolution Procedures and may postpone the scheduled date for any proceeding, meeting or hearing, if circumstances so warrant. Where a party (complainant or respondent) requests and extension of time or postponement of a scheduled date and the College grants the request, the College will afford the extension or postponement on an equal basis to both parties.

## RESOLUTION OPTIONS

There are several forms of resolution available, depending on the nature of the charges and circumstances surrounding the alleged incident. Other than as described below, the Dean of Students or designee will determine the most appropriate resolution option to be used in a given case. The College’s investigators, hearing officials, and hearing bodies will conduct all proceedings in a fair, impartial, and timely manner.

### **ACADEMIC DISHONESTY**

Incidents of academic dishonesty which occur within the context of a specific course are resolved by the academic department in accordance with the College Academic Honesty Policy, which can be found [here](#). In such a case, the instructor or academic department determines if academic dishonesty occurred, and what the academic penalty should be. Possible outcomes within the course include but are not limited to a lower grade on the assignment or in the course, a zero for the assignment/exam, the opportunity to re-submit an assignment, or an F in the course. A student who receives an academic penalty is not permitted to withdraw from the course in order to avoid it. Students may follow the Academic Complaint Process (*see page 17 of this document*) to appeal or challenge an instructor’s or a department’s decision. All reports of academic dishonesty should be reported to the Student Conduct Officer for documentation purposes. Alleged incidents of academic dishonesty occurring outside of a specific course should be referred to the Student Conduct Officer and will be processed via the student conduct process. Students who are reported to have engaged in academic dishonesty in more than one course may also be subject to charges through the student conduct process.

### **SEX-BASED MISCONDUCT**

Reports of alleged sex-based misconduct will be processed according to the College's Policy Prohibiting Sex-Based Misconduct and its implementing Procedures, which can be found at <https://www.harpercollege.edu/about/consumerinfo/title-ix/campus-policy/index.php>

Upon receipt of a report of a report of alleged sex-based misconduct, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it, which may include action pursuant to the Student Code of Conduct & Resolution Procedures.

### **STUDENT ORGANIZATION MISCONDUCT**

Reports of alleged misconduct by student organizations may be processed through one of the resolution methods outlined in this Code, and/or they may be referred to the Department of Student Engagement for administrative review and response, in lieu of or in addition to the student conduct process.

### **INCIDENTS INVOLVING MULTIPLE STUDENTS**

In incidents where multiple students have been charged with engaging in alleged misconduct, the Dean of Students or designee will determine the best form of resolution that balances the protection of privacy of students' education records as well as the institutional resources available to provide a timely and fair resolution.

### **STUDENTS WITH SPECIAL RELATIONSHIPS TO THE COLLEGE**

Students who are athletes, student leaders, student workers, or hold other unique relationships with the College whose behaviors violate the Student Code of Conduct may also face consequences outside of the student conduct process if their behaviors violate NJCAA guidelines, employment expectations, Department of Student Engagement procedures, or other pertinent standards. Employees who enter into a relationship with the College as students and whose alleged misconduct occurs in the context of the relationship as a student may also be held accountable through the student conduct process. In cases involving a respondent who is both a student and a College employee, Human Resources will be consulted to determine the appropriate response.

## **INVESTIGATION AND DISCIPLINARY MEETING PROCEDURES**

Upon receiving a referral and initiating the formal conduct process, the Student Conduct officer will conduct an investigation, which will include an opportunity for the respondent to participate in a Disciplinary Meeting with the Student Conduct Officer. Disciplinary Meetings will be conducted in accordance with the following procedures:

1. The respondent will receive written notice of the Disciplinary Meeting in advance of the meeting.
2. The respondent will have the opportunity to hear and address the information gathered during the investigation and provide a response.
3. If the respondent elects not to attend the Disciplinary Meeting or otherwise fails to participate in the Student Conduct process, the Student Conduct Officer may complete their investigation based on the information reasonably available.

At the conclusion of the investigation, the Student Conduct Officer will determine whether the information gathered indicates that the respondent has violated the Code. For alleged violations that will not result in suspension or expulsion, the Student Conduct Officer will make the disciplinary determination and will provide the respondent with written notice of the determination and any

associated sanctions. The written notice will include information about the respondent's right to appeal the determination and the process for doing so.

For alleged violations that could result in suspension or expulsion, the Student Conduct Officer will make a preliminary recommendation regarding responsibility, which will then be considered by a Hearing Panel, pursuant to the Hearing Guidelines below.

## PANEL HEARING GUIDELINES

For conduct matters where suspension or expulsion are possible sanctions, a panel hearing will be conducted. A panel hearing provides the College with a panel of members of the College community who collectively review the case information and issue a finding of responsible or not responsible for each alleged violation, as well as sanctions to be imposed under the authority of the Office of the Dean of Students. Panel hearings are composed of three members – one student, one faculty member, and one staff member. Panels with diverse perspectives and experiences are desired; and panel members are selected based on scheduling availability from a pool of trained volunteers. The Dean of Students reserves the right to determine whether an individual is qualified to serve on panel hearings. The College also reserves the right to have the College's legal counsel attend a hearing when deemed appropriate by the Dean of Students. Panel hearings may be recorded. Recordings will be retained by the institution for the purposes of the appellate hearing body's review.

A student respondent who wishes to accept responsibility for the charges and the associated sanction(s) recommended by the Student Conduct Officer may request that the panel hearing not be held. Any such request should be directed to the Student Conduct Officer in accordance with any procedures outlined in the written notice of hearing.

*The following outlines the general procedures for hearings. In order to provide the College with the most effective hearing process, the hearing body/panel reserves the right to adjust procedures as appropriate, including setting appropriate time limits, depending on the nature of the case. The hearing process provides the opportunities for a complainant and/or respondent to:*

Review information about the charge(s) and resulting disciplinary investigation.

- Share their perspective regarding what occurred.
- Describe any effects of the incident, including both harm and learning that may have occurred.

Respondents (and complainants, where applicable) will be provided notice of the hearing date and time at least five school days prior to the hearing date. The notice will include a description of the procedures to be followed at the hearing. The respondent and complainant (where applicable) will have the opportunity to provide a written statement about the alleged incident prior to the hearing but must provide these by any deadline(s) provided by the College. The basic hearing agenda consists of:

- Introductions and guidelines from the panel chair.
- Complaint is reviewed.
- Investigation summary and recommendations of Student Conduct Officer presented.
- Information shared by the complainant (where applicable).
- Information shared by the respondent.
- Information shared by witnesses.
- Closing comments from the complainant (where applicable) and the respondent.

During the hearing, questions may be asked by the hearing body at any time. In situations where physical safety or reasonable fear for retaliation exists, the College reserves the right to adjust the hearing format, including having police present and/or using technology to allow parties to participate in a manner that preserves physical safety.

All hearings occur in a closed session. A respondent and respondent's advisor may be present for all of the information shared at the hearing. If an individual chooses not to participate in any part of the hearing, the hearing will continue. The respondent and complainant and their advisors will be excused after the closing comments before the hearing body begins its deliberations.

During deliberations, the hearing body will determine:

1. whether or not it has been shown, by a preponderance of the evidence, that the accused student(s) committed the charged violation(s) of the Student Code of Conduct, and
2. if so, what sanctions are appropriate.

Within ten school days of the conclusion of the hearing, the hearing body will provide the Student Conduct Officer (or designee) with notice of its findings, rationale, and sanctions (if applicable).

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## WRITTEN NOTICE OF OUTCOMES

The Student Conduct Officer will provide written notice of the final resolution of charged violation(s) within ten school days of the Conduct Officer's receipt of the decision issued by the hearing body. The written notice is customarily provided electronically and includes:

1. Each charged violation(s) and the determination of whether or not the accused student is responsible for committing the violation;
2. A rationale of the findings;
3. The sanction(s) imposed and the deadlines or time periods for which they are in effect;
4. A statement of the right to file an appeal and process for doing so;
5. A statement that failure to file a request for such an appeal within the required timeframe shall be deemed a waiver of the right to an appeal.

## SANCTIONS AND STIPULATIONS

Sanctions and stipulations are designed to promote the College's educational mission and to promote safety or to deter students from behavior that harms, harasses, or threatens people or property. Some behavior may be 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 and/or stipulation may be imposed in a case. The following factors are generally considered when determining sanctions and/or stipulations for a particular case:

- The nature of the violation(s).
- Prior findings of responsibility and sanction(s).
- Mitigating circumstances surrounding the violation.
- The student's motivation(s) for engaging in the behavior.
- Impacts of the behavior.

- Sanctions which have been imposed in similar cases in the past.
- The developmental and educational impact on the student.

### **Sanctions**

The following sanctions pertain to a student's relationship with the College and provide a form of consistency for the College in responding to acts of misconduct. One or more of these may be issued when a student has been found responsible for violating the Code:

**Warning** – written notice to the student that the behavior is not acceptable at Harper College and that additional incidents may result in more severe sanctions.

**Disciplinary Probation** – a period of time (which may be indefinite) during which a student is under warning that any other violation of College policy may result in suspension. Disciplinary probation may also prohibit a student from participating in certain college activities or programs, as it is considered notice that the student is not in good standing due to behavior.

**Suspension** – a defined period of time during which a student is not permitted to engage in any of the privileges, courses, organizations, events, or activities associated with being a student at Harper College. During the period of suspension, a hold designating such will be placed on the student's account and transcript prohibiting registration, enrollment, attendance, or ability to earn credit for any credit or non-credit courses offered by Harper College. This also prohibits receipt of a degree or certificate from Harper College during this time. This suspension does not prevent a student from attending another college or university, transferring any otherwise qualifying credits back to Harper at a later date, or receiving copies of Harper College transcripts reflecting academic credits previously earned. Once the period of suspension has been completed, the hold will be lifted from the student account, provided the student has completed any other requirements required prior to return. During the period of suspension, the student is also banned from Harper College property unless otherwise stated.

**Expulsion** – the indefinite termination of a student's status at the College. This prohibits engagement in any of the privileges, courses, organizations, events, or activities associated with being a student at Harper College. This does not prohibit the transferring of credits earned to another college or university, but the expulsion is designated permanently on the academic transcript. Unless otherwise stated, the student is also indefinitely banned from Harper College property. This is the most egregious sanction that Harper College can impose upon a student. Expulsion is designed to be a permanent separation from the institution; however, in those rare cases where an expelled student seeks to return to Harper College at a later date after making significant behavioral changes, the student may petition for reinstatement. A petition for reinstatement may be submitted no earlier than 5 years after the date that the expulsion goes into effect. The petition should be submitted in writing to the Dean of Students and should describe 1) what actions the individual has taken to learn from the situation and prevent the behaviors from re-occurring, and 2) what educational pursuits the individual seeks at Harper College. The Dean of Students will convene a committee of faculty and staff to review the petition and provide a recommendation for the Dean's consideration. The Dean will make a decision and provide written notice of the decision to the student. If the student's petition for reinstatement is denied, the student may re-petition once one year has passed. There is no appeal process relative to decisions regarding petitions for reinstatement.

**Conditional Re-Enrollment** – A hold is placed on the student's account, prohibiting re-enrollment until certain activities or sanctions are completed. The student may also be under behavioral restrictions upon enrollment.

**Restriction of Access or Privileges** – Prohibition on accessing a specific area or building of campus, and/or prohibition from participating in certain activities. This sanction may or may not affect a student’s ability to take a specific course, but it typically allows for the pursuit of educational programs overall.

**Ban from Campus** – prohibition on accessing any Harper College property, including satellite campuses.

### Stipulations

In lieu of, or in addition to, the sanctions above, the following stipulations may be imposed to maximize the learning of a specific student. These stipulations take into account the student’s learning style and stage of development, as well as the unique factors of a given situation. Multiple stipulations may be imposed, including but not limited to one or more of the following:

- a. **Reflective Activity:** An activity designed to promote reflection by the student about their behavior and its impacts. Examples can include: writing assignments, interviews, research projects, etc. Completion will be based on fulfilling the objective requirements of the assignment, not on whether the student adopts or expresses a particular perspective or point of view.
- b. **Counseling Assessment:** Completion of an assessment with a licensed care provider as well as documentation of learning about possible resources for follow up.
- c. **Restitution:** Payment to a harmed party, such as to repair or replace vandalized property.
- d. **Community and/or College Service:** Completion of a designated number of hours of service on campus or in the community.
- e. **Meetings with College Resources:** Meeting with a College employee or office to learn about resources offered to support students.

## APPEALS

The College offers the opportunity to appeal the outcomes of student conduct determinations as described below. An appeal is not a re-hearing of the case, but an evaluation of whether the ground(s) for an appeal are present and require an alteration of the outcome of the case and/or the association sanction(s). Not participating in a conduct process is not grounds for an appeal. Appeals of student conduct determinations may be requested based only on one or more of the following:

1. A procedural error that substantially altered the outcome(s) of the case;
2. There is new, relevant evidence not reasonably available at the time the student conduct determination was made that would substantially alter the outcome(s) of the case; and/or
3. The sanction(s) are disproportionate with the violation.

Appeals addressing one or more of the above grounds must be submitted in writing to the Dean of Students within ten school days of the student’s receipt of the notice of outcome. A designated appellate officer will review the appeal and will provide a response to the student within ten school days after receipt of the appeal. If the grounds for appeal are determined to be founded, the appellate officer may adjust the finding(s) and/or the sanction(s).

## STUDENT CONDUCT RECORDS

The College maintains student conduct records as part of student education records in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C.S. §1232g (“FERPA”). Students may request to



review their student conduct record by contacting the Office of the Dean of Students, in writing. For additional information regarding FERPA and education records, please see <https://www.harpercollege.edu/about/consumerinfo/ferpa.php>

## STUDENT ACADEMIC COMPLAINT PROCESS

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 ten (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 ten (10) school days after the informal discussion, or within ten (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 ten (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 ten (10) school days after receipt of the written departmental response. The dean shall review and respond in writing to the student's appeal within ten (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 ten (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 ten (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.

If a student wishes to have a complaint considered through this process but does not follow the steps as outlined, (such as the student sends an appeal to the Provost prior to the individual or departmental review), the student will be referred back to the steps in this process unless the Provost or Dean believes there is a compelling reason to consider it (e.g. the individual or departmental response did not occur within the 10 school days or the instructor is also the department chair).

*Students with questions about this process or how to contact the appropriate individuals can contact the Student Conduct Officer for more information.*

## STUDENT NON-ACADEMIC COMPLAINT PROCESS

This section outlines the procedures through which students may file complaints regarding non-academic issues. These issues include, but are not limited to refunds, admissions, withdrawals, transcripts, and use of facilities.

**Note:** In situations where there is a separate, existing complaint process, students are required use that existing process in place of this process. For example, appeals of the student conduct process are outlined elsewhere in this Code, and complaints regarding financial aid determinations are handled through the Office for Financial Assistance.

For concerns involving faculty/staff members, students are encouraged to attempt to resolve their concerns informally with the faculty/staff member involved before initiating a complaint pursuant to this process. Where a formal complaint is subsequently filed, the College designee assigned to review the complaint may also attempt to resolve the matter informally.

A student who wishes to file a complaint pursuant to this process should submit their complaint in writing to the Student Conduct Officer within ten (10) school days of the incident/occurrence giving rise to the student's complaint. The student's written complaint must describe the nature of the student's concerns, along with the student's desired resolution(s).

Upon receipt of the student's written complaint, the Student Conduct Officer will forward the written complaint to the appropriate College designee assigned to review the complaint. As part of the complaint process, the student may request to meet with the College designee assigned to review the complaint. Any such request must be specifically included in the student's written complaint that is submitted to the Student Conduct Officer. The College designee may also request a meeting with the student if the College designee determines that a meeting is warranted. After reviewing the student's written complaint and/or meeting with the student, the College designee will make a determination regarding the complaint, which may include an associated resolution. The College designee will provide the student with written notice of the determination and any associated resolution within ten (10) school days after making the determination.

If the student is not satisfied with the determination of the College designee, the student may appeal the determination in writing to the Provost or designee within ten (10) school days after receipt of the written determination notice. Appeals must be based on one or both of the following grounds:

1. A procedural error that affected the outcome of the matter; and/or
2. There is new, relevant evidence not reasonably available at the time the determination was made that would substantially alter the outcome(s) of the matter.

The student's written appeal must state the basis for the appeal. In the student's written appeal, the student may request a meeting with the Provost or designee. The Provost or designee may also request a meeting with the student if the Provost or designee determines that a meeting is warranted. After reviewing the student's written appeal and/or meeting with the student, the Provost or designee will make a determination regarding the appeal, and will provide the student with written notice of the appeal determination within ten (10) school days after making the determination. The decision of the Provost or designee shall be final.

If a student wishes to have a complaint considered through this process but does not follow the steps as outlined, (i.e., the student sends a written appeal to the Provost or designee prior to the Dean or designee's review), the student will be referred back to the steps in this process.

*Students with questions about this process or how to contact the appropriate individuals can contact the Student Conduct Officer for more information.*