

3354-1-30-03.5 Student Conduct Code and Student Judicial System

(A) Introduction

- (1) The College is committed to providing high quality, accessible and affordable education within a student-centered environment. To maintain high standards, the College must furnish an atmosphere conducive to student and education growth, as well as one that encourages civility. The Student Conduct Code is established to foster and protect the mission of the College, to promote the scholarly and civic development of the students in a safe and secure learning environment, and to protect the people, properties and processes that support the College and its' mission.
- (2) The Student Conduct Code identifies prohibited conduct and clarifies when the code applies to student behavior.
- (3) The Student Judicial System establishes the disciplinary process for alleged violations of the Student Conduct Code. Student Conduct hearings are administrative procedures and do not follow specific steps or methods used in civil or criminal proceedings.

(B) Jurisdiction

- (1) The Student Conduct Code applies to the on-campus conduct of all Students and Registered Student Organizations, including conduct using the College's computing or network resources. The Student Conduct Code also applies to the off-campus conduct of Students and Registered Student Organizations in direct connection with:
 - (a) Academic course requirements or any credit or non-credit experiences, such as internships, field trips, study abroad trips, clinicals or practicums;
 - (b) Any activity sponsored, conducted, or authorized by the College or by a Registered Student Organization;
 - (c) Any activity that causes substantial destruction of property belonging to the College or members of the College community, or causes or threatens serious harm to the safety or security of members of the College community; or
 - (d) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.
- (2) Each student shall be responsible for his/her conduct, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a student has ceased to be enrolled).
- (3) The College reserves the right to administer the Student Conduct Code and proceed with the Student Judicial System even if the student withdraws from the College, is

no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

- (4) Students continue to be subject to city, state, and federal laws while at the College, and violations of those laws may also constitute violations of the Student Conduct Code. In such instances, the College may proceed with College disciplinary action under the Student Conduct Code independently of any criminal proceedings involving the same conduct and may impose sanctions for violation of the Student Conduct Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the Student Conduct Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- (5) If sanctioned, a hold may be implemented which will impact a student's ability to conduct any current or future business to include enrollment, obtain transcripts, or graduation.

(C) Definitions

- (l) These definitions apply to both the Student Conduct Code and the Student Judicial System.
 - (a) Accused Student - Any person defined as a Student who has been accused, in an incident report, of violating college rules, regulations, or policies.
 - (b) Advisor- a person, chosen by the Accused Student or Complainant, at their own expense, who advises/supports them through the Student Judicial Process. The Advisor is not permitted to represent the Accused Student or Complainant in the Student Judicial System or participate directly in the proceedings (examples of Advisors include but are not limited to parents, attorneys, etc.).
 - (c) Appeal -The method by which a decision can be challenged; all appeals must be submitted in writing to the Office of Student Affairs, and may be denied if not in accordance with Student Judicial System procedures.
 - (d) Appellant - a Student who appeals the decision of a Student Conduct Administrator.
 - (e) Appellate Board - An unbiased group of three (3) administrators authorized by the Executive Vice President, Access, Learning, and Success, or their designee, in accordance with the Student Judicial System procedures to hear appeals of Conduct Meetings and/or Level One Hearings.

- (f) Business day - A day that falls on or between Monday through Friday, excluding any date that is a College holiday; winter leave day; or day that the College is closed for weather, emergency, or any other reason.
- (g) Charge - Formal accusation of specific violation(s) of the Student Conduct Code.
- (h) College - Cuyahoga Community College District, all College locations, and College sponsored events or activities.
- (i) College official - Includes any person employed by the College, performing assigned administrative or professional responsibilities, including campus police and safety services.
- (j) College premises - Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
- (k) Complainant - Person providing information in an incident report alleging that a student violated College rules, regulations, or policies.
- (l) Conduct Code - Document that contains and explains College rules, regulations, policies, and procedures for addressing student behavior.
- (m) Conduct Meeting - Presentation of charges, fact finding and investigation of alleged conduct incident by the Student Conduct Administrator.
- (n) Expunge- elimination of a student disciplinary file, or redaction of a person's name from a disciplinary file.
- (o) Faculty member - Any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
- (p) Incident Report/ Public Report - Written or electronic statement or report provided from a Complainant to the Office of Student Affairs.
- (q) Level One Hearing- Meeting conducted with Student Conduct Administrator involving both the Accused Student and Complainant, either separately or together. Both parties may have the assistance of an Advisor.
- (r) Member of the College Community - Any person who is a student, visitor, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Student Conduct Administrator.

- (s) Persona Non Grata - A person who has been deemed detrimental to the College community and is no longer permitted to frequent or be present in any or specified College locations.
- (t) Plagiarism - The use of published or unpublished words, ideas, or other work that is not your own without full and clear acknowledgment of the source. Examples of plagiarism include, but are not limited to:
 - (i) Using someone else's information (regardless of whether you choose to quote or a paraphrase) without citing the source.
 - (ii) Failing to use quotation marks when quoting a source word-for-word.
 - (iii) Failing to cite a paraphrased source.
 - (iv) Submitting work prepared by another person or agency engaged in the selling of term papers or other academic materials.
 - (v) Copying any information from an Internet site (or other source) without properly acknowledging the source.
- (u) Preponderance of the Evidence - The standard used in determining if an Accused Student is responsible for a Student Conduct Code violation; specifically it must be found that it is "more likely than not" that the alleged behavior/conduct occurred and was in violation of College rules, regulations, or policies.
- (v) Registered Student Organization - Any number of persons who have complied with the formal requirements for College recognition.
- (w) Decision Letter- written decision from the Student Conduct Administrator that explains the outcome, and sanction, if any, of a Conduct Meeting or Level One Hearing.
- (x) Revocation - The process in which a College degree, certificate or license can be revoked.
- (y) Student Conduct Administrator - Any person or persons authorized by the Executive Vice President, Access, Learning, and Success, or their designee.
- (z) Student - All persons who have applied, registered or are taking credit or non-credit classes at the College, either full time or part time, to pursue training, certification, undergraduate, or professional studies. Persons who withdraw after allegedly violating the Student Conduct Code, who are not officially enrolled for a particular term but who have a continuing academic relationship or educational interest with the College, or who have been notified of their acceptance for admission are considered "Students".

- (aa) Tenure - Used to describe any period of active enrollment at any College location.
- (bb) Witness - Any person who has direct information regarding an alleged incident.

(D) Prohibited Conduct

Any student found to have engaged, or attempted to engage, in any of the following conduct while within the College's jurisdiction, as set forth in 3354-1-30-03.5(8), will be subject to disciplinary action by the College.

- (1) Academic Dishonesty - Acts of dishonesty, including but not limited to the following:
 - (a) Cheating, Plagiarism, or other forms of academic dishonesty.
 - (b) Furnishing false information to any College official, faculty member, or office.
 - (c) Forgery, alteration, or misuse of any College document, record, or instrument of identification.
 - (d) Resubmitting a portion of one's own prior work, unless explicitly permitted to do so by the instructor in the current course.
- (2) College Rules - Violation of any College policy, procedure, directive, or other requirement (including without limitation requirements set forth in the Student Handbook) published in hard copy or available electronically.
 - (a) Unauthorized possession, duplication, or use of keys or other modes of entry to any College premises or unauthorized entry to or use of College premises.
 - (b) Unauthorized use of College supplies or equipment for personal purposes.
 - (c) Violating campus traffic rules or regulations or obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
- (3) Controlled Substances - Violation of the College's Alcohol, Drugs and Tobacco Policy (3354:1-20-05) or any related College procedure.

- (4) Destruction/Misuse of Property
 - (a) Destroying, defacing, tampering with, materially altering or otherwise damaging property not one's own. This includes but is not limited to: doors, windows, elevators, swipe card mechanism, restroom equipment, vending machines, signs, College vehicles, computer equipment, classroom equipment, etc.
 - (b) Creating a condition that endangers or threatens property not one's own.
- (5) Disorderly Conduct - Actions that are disorderly, lewd or indecent; breach of peace; or aiding, abetting, or procuring another person to break the peace, disrupt or obstruct teaching, research, administration, disciplinary procedures, and/or College activities or functions.
 - (a) Verbal abuse, threats, intimidation, bullying, harassment or coercion.
 - (b) Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; or leading, inciting, or attempting to lead or incite others to disrupt the schedule and/or normal College activities, whether on or off College premises (this includes social networking sites and virtual environments).
- (6) Gambling - Gaming or betting for money or other possessions on College property or in any College operated or managed facility.
- (7) Harassment
 - (a) Threatening or intimidating a person thereby creating a rational fear within that person.
 - (b) Engaging in a course of conduct or repeatedly committing acts directed at another person that would seriously annoy a rational person.
 - (c) Creating a condition that endangers or threatens the health, safety, or welfare of another person.
 - (d) Physically restraining or detaining another person, or removing any person from any place where he or she is authorized to remain.

- (8) Hazing - Doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, that endangers the mental or physical health or safety of a student for the purpose of initiation, admission into, affiliation with, or as condition for continued membership in, a group or organization. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. The express or implied consent of the victim will not be a defense.
- (9) Student Judicial System - Abuse of the Student Judicial System, including but not limited to:
 - (a) Failure to obey the notice from a Student Conduct Administrator or other College official to appear for a meeting or hearing as part of the Student Judicial System.
 - (b) Falsification, distortion, or misrepresentation of information before a Student Conduct Administrator.
 - (c) Disruption or interference with the orderly conduct of a student activity.
 - (d) Initiation of a Student Conduct Code proceeding in bad faith.
 - (e) Using harassment, intimidation, threats, force, or coercion while attempting to discourage an individual's proper participation in, or use of, the Student Judicial System.
 - (f) Attempting to influence the impartiality of a member of the Student Judicial System.
 - (g) Harassment (verbal or physical) and/or intimidation of a member of the Student Judicial System prior to, during, and/or after a Student Judicial System proceeding.
 - (h) Failure to comply with the sanction(s) imposed under the Student Judicial System.
 - (i) Influencing or attempting to influence another person to commit an abuse of the Student Judicial System.
- (10) Laws - Violation of any federal, state, local or other applicable law.
- (11) Physical Violence - Physical abuse, including but not limited to: Punching, slapping, kicking, or otherwise striking any person(s) and/or other conduct whether or not it threatens or endangers the health, safety and/or welfare of any person.
- (12) Reasonable Request - Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons as-and when requested to do so.

- (13) Recording Privacy - Any use of electronic or other devices to make an audio, photographic or video record of any person without the person's consent, when such a recording is likely to cause injury, distress or damage to reputation. This includes, but is not limited to, taking video or pictures of another person in a gym, locker room, restroom, or classroom. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.
- (14) Sexual Misconduct - Unwelcome conduct of a sexual nature which includes sexual violence and sexual discrimination.
 - (a) Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to substance influence or intellectual or other disability.
 - (b) Acts include but are not limited to rape, sexual assault, sexual battery, and sexual coercion.
- (15)) Theft - Using, taking, and/or possessing property or services that are knowingly not one's own and/or without permission of the owner.
- (16) Weapons - Illegal or unauthorized possession, use, or distribution of firearms, explosives, other weapons, or dangerous chemicals or other materials on College premises or use of any such item, even if legally possessed, in a manner that harms or threatens others.

(E) Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Conduct Code (more than one of the sanctions listed may be imposed for any single violation):

- (1) Behavioral Requirement - Required activities including, but not limited to seeking academic or personal counseling, substance abuse screening, written apology, etc.
- (2) Discretionary Sanctions - Work assignments, essays, services to the College, or other related discretionary assignments.
- (3) Dismissal - Separation of the student from the College for a definite period of time, after which the student is eligible to request, in writing, permission of the Student Conduct Administrator to be readmitted. Such permission may be granted or denied in the sole discretion of the Student Conduct Administrator. Additional conditions for readmission may be specified, including without limitation, the completion of the normal application process.

- (4) Eligibility Restriction - Student deemed not in good standing for conduct purposes for a specific time period. Restriction may include:
 - (a) Ineligibility to hold an office in any Registered Student Organization or hold an elected or appointed office at the College.
 - (b) Ineligibility to represent the College in any way including participating in a study abroad program, attending conferences or representing the College at an official function, event or competition.
- (5) Expulsion - Permanent separation of the student from all College locations, events and activities.
- (6) Fines - Reasonable fines may be imposed.
- (7) Loss of privileges - Denial of specified privileges for a designated period of time. Student may be denied specific privileges or be restricted to a specific mode of coursework.
- (8) Probation - A written reprimand. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student violates any College rules during the probationary period.
- (9) Revocation of admission and/or degree - Admission to the College or a degree awarded from the College, may be revoked for dishonesty, fraud, misrepresentation, or other violation of the College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- (10) Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. This is not a fine but rather a repayment for the value of property or loss of service due to damage or loss inflicted.
- (11) Suspension - Temporary separation of the student from the College or specific activities/events, buildings or locations for a definite period of time, after which the student is deemed eligible to return. Eligibility for readmission may be contingent upon satisfactory or specific condition imposed at time of suspension.
- (12) Warning - Official notice in writing or verbally given to the student that the student is violating or has violated the Student Conduct Code. Such warning will be recorded in student conduct record.
- (13) Withholding degree - The College may withhold awarding a degree otherwise earned until the completion of the Student Judicial System process, including completion of all sanctions imposed, if any.

- (14) Group sanctions - The following sanctions may be imposed upon groups or Registered Student Organizations found to have violated the Student Conduct Code:
- (a) One or more of the sanctions listed above.
 - (b) Deactivation, de-recognition, loss of all privileges (including status as a Registered Student Organization), for a specific time period.

(F) Family Educational Rights and Privacy Act (FERPA)

The College complies with the Family Educational Rights and Privacy Act of 1974 in the maintenance of student education records. Disciplinary records fit within the purview of FERPA. For more information about FERPA at the College, see Procedure on student education records (3354:1-30-02.2).

(G) Student Judicial System- Charges, Interim Suspension, Conduct Meetings, Level One Hearings, Decision Letter

- (1) Bringing Charges
- (a) Any Member of the College Community may file an Incident Report accusing a student of violating the Student Conduct Code. Incident Reports must be submitted in writing to the Office of Student Affairs at any campus or through an electronic reporting tool made available through the Office of Student Affairs (as may be made available).
 - (b) Incident Reports should be submitted immediately following the alleged violation, but no later than ninety (90) calendar days, except where longer timeframes are required by law. After this 90-day timeframe (or longer timeframe required by law), no Incident Report may be submitted without the prior written permission of the Executive Vice President, Access, Learning, and Success, or their designee, who may grant or deny such permission at their sole discretion.
 - (c) Upon receipt of an Incident Report, the Office of Student Affairs that receives the report will determine which campus will process the Incident Report.

- (d) The Student Conduct Administrator will determine if the allegations contained in the Incident Report are within the parameters of the administration of the Student Conduct Code. The Student Conduct Administrator may conduct an initial investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties.
 - (e) The Student Conduct Administrator shall present all Charges in written form to the Accused Student.
 - (t) A time shall be set to discuss the Charge during a Conduct Meeting, not more than ten (10) Business Days after the Accused Student has been notified of the Charge(s). Maximum time limits for scheduling a Conduct Meeting may be extended at the discretion of the Student Conduct Administrator.
- (2) Interim Suspension
- (a) After an Incident Report has been filed, the Student Conduct Administrator may impose an interim suspension, but only if the Student Conduct Administrator determines the suspension to be appropriate to:
 - (i) Protect the safety and well-being of members of the College community or to protect College property.
 - (ii) Protect the Complainant and/or Accused Student's own physical or emotional safety and well-being.
 - (iii) Prevent or deter disruption of, or interference with, the normal operations of the College.
 - (b) During the Interim Suspension, an Accused Student may be denied access to all or part of the College (including classes) and/or all other College activities or privileges for which the Accused Student might otherwise be eligible, and be deemed Persona Non-Grata, as the Student Conduct Administrator may determine.
 - (c) The Interim Suspension does not replace the Student Judicial System process.
 - (d) The Accused Student will be notified in writing of the Interim Suspension and the reasons for the Interim Suspension. The notice should include the time, date, and place of the Conduct Meeting and/or Level One Hearing at which the Accused Student may show cause as to why his or her Interim Suspension should be discontinued.
- (3) Conduct Meeting(s) Presentation of charges to the Accused Student which includes but is not limited to fact finding and investigation of the conduct issue which can occur in one meeting or over the course of multiple meetings. Upon the conclusion of the Conduct Meeting(s) the Student Conduct Administrator, in their sole, reasonable discretion, will either (i) issue a Decision Letter or (ii) proceed to a Level One Hearing.

- (4) Level One Hearings - Level One Hearings shall be conducted by the Student Conduct Administrator according to the guidelines below:
- (a) Level One Hearings will be conducted in private, but communications in such hearings should not be considered confidential.
 - (b) The Complainant and the Accused Student have the right to be accompanied by an Advisor of their choice. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, Advisors may be present but are not permitted to participate in the Level One Hearing.
 - (c) The Student Conduct Administrator will determine if Level One Hearings involving more than one Accused Student are conducted either separately or jointly.
 - (d) The Student Conduct Administrator, at his or her discretion, may permit the Complainant and/or other Witnesses to attend the Level One Hearing.
 - (e) Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Administrator at his or her discretion.
 - (f) All procedural questions are subject to the final decision of the Student Conduct Administrator.
 - (g) The Student Conduct Administrator's determination shall be made on a Preponderance of the Evidence standard.
 - (h) Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Judicial System process.
 - (i) The Student Conduct Administrator shall create a record, this may include all, more or a combination of video, audio or written record of the Level One Hearing. The record shall be the property of the College.
 - (j) If an Accused Student fails to appear for his or her scheduled Level One Hearing, the hearing will continue in accordance with the Student Judicial System process. The Accused Student will be provided the decision in writing and held accountable for any finding of responsibility and all resulting sanctions.

- (k) The Student Conduct Administrator may accommodate concerns for the personal safety and well-being of the Complainant, Accused Student, and/or other witness during the Level One Hearing. Appropriate accommodations will be made as determined by the Student Conduct Administrator.

(5) Decision Letter

- (a) Upon the conclusion of a Conduct Meeting and/or Level One Hearing, the Student Conduct Administrator shall prepare and issue a Decision Letter.
- (b) In each case in which a Student Conduct Administrator determines that an Accused Student has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. Following the Conduct Meeting and/or Level One Hearing, the Student Conduct Administrator shall notify the Accused Student and the Complainant, if permitted by law, in writing of the determination and any sanction(s) imposed, if applicable.

(H) Appeals

- (a) Appellate Board Panel. The Appellate Board Panel shall consist of three (3) of the following individuals from a cross section of the campuses: Student Affairs Deans and Assistant Deans, Academic Affairs Deans and Assistant Deans, Associate Deans, full time faculty, and/or staff members at Director level and above.
- (b) Appeal Process
 - (i) A decision reached by the Student Conduct Administrator or a sanction imposed by the Student Conduct Administrator may be appealed by the Accused Student and, in the case of Title IX related conduct, the Complainant may also appeal a decision or sanction which was imposed, within ten (10) Business Days of the date the Student Conduct Administrator's Decision Letter is issued. The Appeal shall be limited to a review of the record of the Conduct Meeting and/or Level One Hearing and supporting documents for one or more of the following purposes:

- i. To determine whether the Conduct Meeting and/or Level One Hearing was conducted fairly in light of the Charge and information presented, and in conformity with prescribed procedures. Any inquiry into fairness shall consider, at a minimum, whether the Accused Student had a reasonable opportunity to prepare and to present a response to the Charge. Deviations from prescribed procedures will not be a basis for sustaining an appeal unless such deviations might reasonably have led to a different decision and/or different sanctions than were imposed.
 - ii. To determine whether there were facts presented that, if believed by the Student Conduct Administrator, were sufficient to establish that a violation of the Student Conduct Code occurred.
 - iii. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the Accused Student was found to have committed.
 - iv. To consider whether the Conduct Meeting and/or Level One Hearing should be reopened to allow the Student Conduct Administrator to review newly available information. The Appellate Board may direct a re-opening of the Conduct Meeting and/or Level One Hearing to review newly available information if and only if the Appellate Board determines that:
 1. The Appellant neither knew nor should have known such information at the time of the Conduct Meeting and/or Level One Hearing;
AND
 2. The information could reasonably be expected to alter the decision made by the Student Conduct Administrator.
- (c) Appellate Board Decision- Following the Appeal, the Appellate Board shall advise the Accused Student and the Complainant, in cases in which the Complainant had the ability to appeal a decision, in writing of the Appellate Board's determination(s).

- (i) If the Appellate Board overturns the decision of the Conduct Meeting or Level One Hearing, the matter will be returned to the Student Conduct Administrator for re-opening of the Conduct Meeting or Level One Hearing, as applicable. In accordance with the ruling of the Appellate Board, the Student Conduct Administrator shall reconsider the Conduct Meeting or Level One Hearing determination and/or sanction(s). The Student Conduct Administrator shall then issue a Decision Letter in accordance with this procedure. The Decision Letter may be appealed as any other Conduct Meeting or Level One Hearing, in accordance with this procedure.
- (ii) If the Appellate Board upholds the decision of the Conduct Meeting and/or Level One Hearing, the matter shall be considered final and binding upon all involved.

(I) Process to Expunge Student Conduct Code Records

- (a) A student wishing to remove disciplinary actions from his/her education record must provide a written request to the Student Conduct Administrator at the campus of their enrollment that administered the discipline, no less than two years after the sanction has been completed. The request must include the following information:
 - (i) Student's full name at the time of attendance/disciplinary action;
 - (ii) Student number;
 - (iii) Disciplinary record for which student is requesting removal;
 - (iv) Date of disciplinary action; and
 - (v) Reason for request; please describe and document any actions that represent personal growth that you have taken that support your request to expunge your conduct record. Examples of personal growth include mentoring, community service, academic growth, personal counseling, etc. Please explain where/how you believe you have grown as a person and provide any additional documentation that supports that growth.
- (b) Requests received will be reviewed by a College-Wide panel consisting of student affairs deans, administrative deans, and faculty.

- (c) The student will be advised in writing of the panel decision. Expulsion, dismissal, revocation of degree or any sanctions related to cheating or plagiarism may not be expunged.

Effective date: May 11, 2020

Prior Effective date(s): June 10, 2008; June 1, 2014

Procedure amplifies: 3354:1-30-03