

The Community College of Baltimore County

Code of Conduct

PREAMBLE

CCBC is a multi-ethnic community comprised of students, faculty, staff and administrators. This community recognizes the need to establish a code of conduct that contains rules and regulations that promote growth and development, guide student actions, and define sanctions that will be imposed when rules and regulations are violated. For the benefit of the community at large, these regulations limit certain behaviors and activities. They also protect the health, welfare, safety, rights and property of the college. Any student whose conduct violates this Code of Student Conduct will be subject to disciplinary action up to and including suspension or expulsion.

Ultimate authority for student discipline is vested in the Board of Trustees by The Community College of Baltimore County Charter. Disciplinary authority may be delegated to college administrators, faculty members, committees, and organizations, as set forth in appropriate policies, rules, or regulations adopted by the Board. Students may be asked to assume positions of responsibility in the enforcement of the student code of conduct so that they might contribute their skills and insights to the resolution of disciplinary cases.

RATIONALE

1. The primary purpose for the imposition of discipline in the college setting is to protect the campus community. Consistent with that purpose, reasonable efforts will be made to foster the personal, educational and social development of those students who are held accountable for violations of college regulations.

PURPOSE OF THE DISCIPLINARY SYSTEM

2. People grow and mature in communities. Living in a community requires depending upon the knowledge, integrity and decency of others. In turn, the best communities help individuals mold habits and values that will enable them to achieve the highest personal satisfaction, including the satisfaction associated with helping to make a better world. This Code protects the multi-ethnic community at each campus of The Community College of Baltimore County (CCBC). It fosters the CCBC commitment to excellence and equity, and affirms the shared values that make respect for diversity possible.

STUDENT RIGHTS AND RESPONSIBILITIES

3. *Unlawful Discrimination*

Right: No student shall be subject to unlawful discrimination on the grounds of age, ethnicity, national origin, gender, sexual orientation, or disability in any activity sponsored by the college on or off the college grounds.

Responsibility: Students shall not engage in unlawful discrimination against other students or faculty members. Every student shall treat all members of the college community with respect and courtesy.

4. *Freedom of Expression and Inquiry*

Right: Students have First Amendment rights to freedom of expression and inquiry. Such freedom is protected in order to build a community dedicated to the pursuit of truth, grounded in respect for diversity and civil discourse.

Responsibility: Students must express themselves in a civil and lawful manner that does not materially or substantially disrupt the operation of the college, or interfere with the rights of others.

5. *Freedom of Association*

Right: Students have the right to freedom of association.

Responsibility: Students are responsible for respecting the rights of others to freedom of association. When assembling and expressing their views, students must do

so in a manner which does not materially or substantially disrupt the educational process or the operations of the college.

6. *Freedom from Arbitrary and Capricious Grading*

Right: Students have the right to be free from arbitrary or capricious grading, and to seek appropriate review of legitimate grievances, as specified in college regulations.

Responsibility: Students are responsible for achieving reasonable standards of performance and behavior established for each course.

7. *Right to Privacy*

Right: Students have rights to privacy, inspection and challenge of their educational records, as provided by the Family Educational Rights and Privacy Act of 1974.

Responsibility: Students have responsibility to respect the established privacy rights of others, including the privacy of educational records belonging to other students.

8. *Freedom of the Press*

Right: Students may publish news and commentary in accordance with established First Amendment standards.

Responsibility: Students may not misuse college property (including computer resources) or the college name for unauthorized purposes. Students are responsible for adhering to pertinent state and federal law, including laws regarding defamation, obscenity, copyright infringement, invasion of privacy, prohibited harassment, ethnic intimidation, and threats of violence. Students shall adhere to established standards of journalistic ethics, including a commitment to honest reporting, and a responsibility to allow diverse views to be heard.

9. *Freedom of Speech*

Right: Students have the right to express their views on matters affecting college life, in accordance with established procedures for campus governance.

Responsibility: Students have the responsibility to encourage a diversity of views, and to follow democratic procedures designed to create a climate of reasoned discourse and action.

10. *Freedom from Harassment*

Right: Students have the right to be free from unlawful intimidation or coercion, including sexual harassment.

Responsibility: Students are responsible for respecting the rights of others to be free from unlawful intimidation or coercion, including sexual harassment.

PROCEDURAL PROTECTIONS FOR STUDENTS

11. Students accused of disciplinary violations are entitled to the following procedural protections:

- a. To be informed by the Office of the dean of Learning & Student Development of the charges against them, and the identity of the complainant.
- b. To be allowed to request an informal resolution of the case.
- c. To be allowed at least three business days to prepare for a disciplinary conference and five business days to prepare for a hearing.
- d. To hear and respond to evidence upon which a charge is based.
- e. To call and engage relevant witnesses.
- f. To be assured of confidentiality, in accordance with the terms of the Family Educational Rights and Privacy Act of 1974.
- g. To be allowed to request that any person conducting a disciplinary conference, or serving as a hearing board member or hearing officer, be disqualified on the ground of personal bias.
- h. To be considered innocent of the charges until proven responsible by clear and convincing evidence.
- i. To be informed by the appropriate academic dean in matters related to academic dishonesty (Page **XX** (insert page number of student handbook), Section 19-K). Academic integrity allegations are resolved in a separate Code of Academic Integrity.

CODE OF CONDUCT DEFINITIONS

12. *When used in this Code:*

a. the term "aggravated violation" means a violation which resulted or possibly could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal college or college-sponsored activities.

b. the term "group" means a number of persons who are associated with each other, but who have not complied with college requirements for registration as an organization.

c. the terms "institution" and "college" mean The Community College of Baltimore County, and all of its undergraduate or professional departments and programs.

d. the term "organization" means a number of persons who have complied with college requirements for registration.

e. the term "reckless" means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal college or college-sponsored activities.

f. the term "student" means any person for whom the college maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974, and related regulations.

g. the term "college premises" means buildings or grounds owned, leased, operated, controlled or supervised by the college.

h. the term "weapon" means firearms, explosives, metal knuckles, knives with blades more than 3 inches long, or any other instrument or substance identified as a weapon by Maryland state law.

i. the term "college-sponsored activity" means any activity on or off college premises that is specifically initiated or supervised by the college.

j. the terms "will" or "shall" are used in the imperative sense.

INTERPRETATION OF REGULATIONS

13. The purpose of publishing disciplinary regulations is to give students general notice of prohibited behavior. This Code is not written with the specificity of a criminal statute.

INHERENT AUTHORITY

14. The college reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Such action may include taking disciplinary action against those students whose behavior off college premises indicates that they pose a substantial danger to others.

VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW AND COLLEGE REGULATIONS

15. Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and of this Code. Disciplinary action at the college will normally proceed during the pending of criminal proceedings, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

INTERIM SUSPENSION

16. The campus dean of Learning and Student Development or a designee at any CCBC campus may suspend a student from the college for an interim period pending disciplinary or criminal proceedings, or medical evaluation. The interim suspension shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student at the college poses a substantial and immediate threat to him/herself or to others or to the stability and continuance of normal college functions.

17. A student suspended on an interim basis shall be given a prompt opportunity to appear personally before the dean of Learning and Student Development or a designee in order to discuss the following issues only:

- the reliability of the information concerning the student's conduct, including the matter of his or her identity;
- whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on college premises poses a substantial and immediate threat to himself or herself or to others or the stability and continuance of normal college functions.

STANDARDS OF CLASSROOM BEHAVIOR

18. Primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a hearing or disciplinary conference, as set forth in Part 25 of this Code.

PROHIBITED CONDUCT

19. CCBC expects that its students will adhere to high standards of good citizenship. The following misconduct is subject to disciplinary action as determined by the campus dean of Learning and Student Development:

- a. Intentionally or recklessly causing physical harm to any person on college premises or at college-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.
- b. Sexual assault or sexual harassment, as defined in published college regulations.
- c. Unauthorized use, possession or storage of any weapon on college premises or at college-sponsored activities

d. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on college premises or at college-sponsored activities.

e. Any act or omission committed on or off campus that constitutes a serious criminal offense. A serious criminal offense is defined as an action that Maryland state law identifies as a felony and which indicates that the student constitutes a substantial and continuing danger to the safety or property of the college or members of the campus community.

f. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.

g. Unauthorized distribution or possession for purposes of distribution of any controlled substance or illegal drug on college premises or at college-sponsored activities.

h. Intentionally furnishing false information to the college.

i. Making, possessing, or using any forged, altered, or falsified identification on college premises, or at college-sponsored activities; making, possessing, or using any forged, altered, or falsified college document, on or off-campus.

j. Intentionally interfering with the freedom of expression of others on college premises or at college-sponsored activities.

k. Academic dishonesty: Academic integrity allegations are resolved in a separate Code of Academic Integrity available in the offices of the academic deans.

l. Theft of property or of services on college premises or at college-sponsored activities; knowing possession of stolen property on college premises or at college-sponsored activities.

m. Intentionally or recklessly destroying or damaging the property of others on college premises or at college-sponsored activities.

n. Engaging in disorderly or disruptive conduct on college premises or at college-sponsored activities which interferes with the activities of others, including studying, teaching, research and college administration.

- o. Failure to comply with the directions of college officials, including campus police officers, faculty, and professional staff acting in performance of their duties.
- p. Violation of published college regulations or policies, compiled by the deans of Student Development on each CCBC campus.
- q. Use, possession or sale of any controlled substance or illegal drug on college premises or at college-sponsored activities.
- r. Unauthorized use or possession of fireworks on college premises.

SANCTIONS

20. Sanctions that may be imposed for any violations of this Code may include:

- a. Warning: notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- b. Censure: a written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student's academic transcript for up to one year.
- c. Restitution: repayment to the college or to an affected party for damages resulting from a violation of this Code.
- d. Disciplinary Probation: exclusion from participation in privileged or extra-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the college. Notice of this action may appear on the student's academic transcript for up to two years.
- e. Suspension: exclusion from college premises, and other privileges or activities, as set forth in the suspension notice. Notice of this action may appear on the student's academic transcript for up to four years.
- f. Expulsion: permanent termination of student status, and exclusion from college premises, privileges and activities. This action will be recorded on the student's

academic transcript, but may be removed by the dean of Student Development and Enrollment Management after five years, for good cause.

g. Other Sanctions: other sanctions may be imposed instead of, or in addition to, those specified in sections (a) through (f) of this part. For example, students may be offered the option of voluntary withdrawal rather than a suspension. Service or research projects may also be assigned.

21. Repeated or aggravated violations of any section of this Code may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

22. Attempts to commit acts prohibited by this Code may be punished to the same extent as completed violations.

STANDARDS OF DUE PROCESS

23. Students subject to expulsion or suspension from the college will be entitled to a hearing before a student/faculty hearing board, appointed in accordance with policies adopted on each CCBC campus. Students subject to lesser sanctions for non-academic misconduct will be entitled to an informal conference, as set forth in Part 30 of this Code.

24. The purpose of campus disciplinary proceedings is to provide a fair evaluation of an accused student's responsibility for violating college regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the college may result.

CASE REFERRALS

25. Any person may refer a student or a student group or organization suspected of violating this Code to the dean of Learning and Student Development of the campus where the alleged misbehavior occurred.

26. Those referring cases are normally expected to serve as the complainant, and to present relevant evidence in hearings or conferences. The complainant may request the assistance of a Community Advocate, as set forth in part 37 of this code.

CONFERENCE AND HEARING BOARD REFERRALS

27. The dean of Learning and Student Development or a designee will conduct a preliminary review to determine whether the alleged misconduct might result in expulsion or suspension from the college. Students not subject to suspension or expulsion will be entitled to an informal disciplinary conference with the dean of Learning and Student Development or a designee, as set forth in Part 30 of this Code. Students who are subject to suspension or expulsion will be entitled a hearing before a campus hearing board.

28. Students referred for a hearing by the dean of Learning and Student Development or a designee may elect to have their cases resolved in accordance with Part 30 of this Code. Such an election must be in writing affirming that the student is aware a hearing is being waived. The full range of sanctions may be imposed, including suspension or expulsion from the college.

29. The dean of Learning and Student Development or a designee may defer proceedings for alleged minor violations of this Code for a period not to exceed 90 days. Pending charges may be withdrawn thereafter, at the discretion of the dean or designee.

DISCIPLINARY CONFERENCES

30. Students accused of non-academic offenses that may result in penalties less than expulsion or suspension are subject to a disciplinary conference with the dean of Learning and Student Development, or designee. The following procedural protections are provided to respondents in disciplinary conferences:

a. written notice of the specific charges at least three business days prior to the scheduled conference.

b. reasonable access to the case file prior to and during the conference. The case file consists of materials which would be considered "educational records," pursuant to the Family Educational Rights and Privacy Act of 1974; personal notes of college; staff members or complainants are not included.

c. an opportunity to respond to the evidence and to call relevant and necessary witnesses.

d. a right to be accompanied by a Community Advocate, as provided in part 37 of this Code.

CCBC HEARING BOARDS

31. Each CCBC campus will establish a hearing board, as specified in Part 23 of this Code. The dean of Learning and Student Development shall be responsible for training and providing administrative support to the board.

32. The dean of Learning and Student Development may establish an ad hoc hearing board whenever the regular hearing board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. An ad hoc hearing board shall be comprised of one faculty member, appointed by an academic dean, and two students, appointed by the dean of Learning and Student Development.

33. Both the findings and the sanctions determined by the hearing board shall be regarded as recommendations to the dean of Learning and Student Development of the CCBC campus where the case was heard.

34. Members of any CCBC hearing board who are charged with a violation of this Code or with a criminal offense may be suspended from their positions by the dean of Learning and Student Development during the pending of the charges against them. Members found responsible of any such violation or offense may be disqualified from any further participation in the college judicial system.

HEARING BOARD PROCEDURES

35. The following procedural guidelines shall be applicable in hearings conducted by the CCBC Hearing Board:
- a. The dean of Learning and Student Development will appoint a hearing officer. The hearing officer, who may be chosen from outside the college, shall conduct the hearing. He or she may participate in Board deliberations and discussions, but shall not vote.
 - b. The dean of Learning and Student Development or a designee shall give respondents notice of the hearing date and the specific charges against them at least five business days in advance. Respondents shall be given reasonable access to the case file, which will be retained in the Office of the dean of Learning and Student Development.
 - c. The hearing officer may subpoena relevant witnesses, after consultation with the dean of Learning and Student Development. Subpoenas must be personally delivered or sent by certified mail, return receipt requested. College students and employees are expected to comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship, or substantial interference with normal college activities, as determined by the president of the campus where the case is being heard.
 - d. Respondents who fail to appear after proper notice will be deemed to have pled "No Contest" to the charges pending against them. Nonetheless, the complainant will be required to present a case.
 - e. Hearings will be closed to the public. An open hearing may be held, in the discretion of the hearing officer, if requested by the respondent.
 - f. The hearing officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the accused student, who disrupts a hearing may be excluded by the hearing officer.
 - g. Hearings shall be tape recorded or transcribed.

h. Any party may challenge a board member or the hearing officer on the ground of personal bias. Board members may be disqualified by the hearing officer, or upon majority vote of the voting members, conducted by secret ballot. The hearing officer may be disqualified by the dean of Learning and Student Development.

i. Witnesses shall be asked to affirm that their testimony is truthful, and may be subject to charges of violating this Code by intentionally providing false information to the college.

j. Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses and the public shall be excluded during Board deliberations, which shall not be recorded or transcribed.

k. The charges against the respondent must be established by clear and convincing evidence.

l. Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing officer shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

m. Complainants and respondents shall be accorded an opportunity to ask relevant questions of those witnesses who testify at the hearing.

n. Board members may take judicial notice of matters which would be within the general experience of college students and faculty members.

o. A determination of responsibility shall be followed by a supplemental proceeding in which either party may submit relevant evidence or make relevant statements concerning the appropriate sanction to be imposed. The past disciplinary record of the accused student will only be supplied to the board during the supplementary proceeding.

p. Any determination of responsibility will be supported by brief written findings that will be placed in the case file and made available to the student

respondent before a final decision is rendered by the dean of Learning and Student Development.

MEDIATION

36. Mediation is encouraged as an alternative means to resolve most disciplinary cases. The dean of Learning and Student Development shall inform complainants and accused students in writing about the availability of mediation resources, including resources offered by county agencies. The dean, in the exercise of his or her discretion, may decline to process a complaint until the parties in a non-academic misconduct case make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, any mediated settlement must be approved by the dean of Learning and Student Development.

COMMUNITY ADVOCATES

37. The dean of Learning and Student Development or a designee shall be responsible for soliciting nominations, screening, appointing and training students who will serve as Community Advocates. Community Advocates may be assigned to advise complainants or respondents in Judicial Board hearings. The role of Community Advocates will be limited to consultation.

STUDENT GROUPS AND ORGANIZATIONS

38. Student groups and organizations may be charged with violations of this Code.

39. A student group or organization and its officers may be held collectively and individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

40. The officers or leaders or any identifiable spokesman for a student group or organization may be directed by the dean of Learning and Student Development to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the dean's order shall

be considered a violation of this Code, both by the officers, leaders or spokesmen for the group or organization and by the group or organization itself.

41. Sanctions for group or organization misconduct may include revocation or denial of registration or recognition, as well as other appropriate sanctions.

APPEALS

42. A decision by a CCBC hearing board is a recommendation to the dean of Learning and Student Development of the CCBC campus where the hearing was held. Respondents will be provided copies of the board decision, and given three business days to provide written comments to the dean of Learning and Student Development before a final decision is made.

43. The imposition of sanctions will be deferred during the pending of the dean's review, unless, in the discretion of the dean, the continued presence of the student on the campus poses a substantial threat to him/herself or to others, or to the stability and continuance of normal College functions.

44. A final appeal may be made to the campus president. Only two sanctions may be appealed – extended suspension or expulsion. If the student is dissatisfied with the outcome of the decision, he or she may request a final appeal to the president through the dean of Learning and Student Development, in writing within ten (10) days from the date of notification of the decision from the dean. The campus president, after reviewing all evidence and the summary of the hearing will communicate his/her decision to the student in writing within ten (10) days.

TRANSCRIPT ENCUMBRANCES

45. In pending cases that could result in suspension or expulsion, a temporary encumbrance will normally be placed on a student's records by the dean of Learning and Student Development.

46. Permanent notation of disciplinary action will be made on the transcript whenever a student is expelled. Transcript notations of disciplinary action will also be made if a suspension is implemented, although students may petition for removal of the

notation when the suspension period has expired. Such a petition may be granted in the discretion of the dean of Learning and Student Development or the dean's designee. Factors to be considered in reviewing petitions for removal of any notation after suspension include the present demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the severity of any resulting damage, injury or harm.

DISCIPLINARY FILES AND RECORDS

47. Case referrals will result in the establishment of a disciplinary file in the name of the accused student, which shall be voided if the student is found innocent of the charges. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record. Voided files will normally be destroyed after three years.

48. The files of students found responsible of any charges against them will normally be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action. Disciplinary records may be reported to third parties, in accordance with college regulation.

49. Disciplinary records may be voided by the dean of Learning and Student Development for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:

- a. the present demeanor of the student.
- b. conduct of the student subsequent to the violation.
- c. the nature of the violation and the severity of any damage, injury, or harm resulting from it.