

3.1 CODE OF CONDUCT

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The Core Values and Behavioral Expectations of Delaware County Community College

The College considers the behavior described in the following subsections as inappropriate for the College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. Delaware County Community College encourages its students, faculty, staff, and administrators to report to College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in the Student Conduct Process.

Integrity

College students exemplify honesty, honor, and a respect for the truth in all of their dealings. Behavior that violates this value includes but is not limited to:

1. Falsification.

Knowingly furnishing false information to or about any College official acting in performance of their duties. This includes but is not limited to: false reporting of emergencies and/or furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification, or financial instruments.

2. Academic Dishonesty.

Acts of academic dishonesty as outlined in the Academic Honesty Policy (<https://www.dccc.edu/about/about-college/policies/academic-honesty>).

3. Unauthorized Access.

Unauthorized access to any owned or leased College building or space (i.e., keys, cards, etc.), unauthorized possession, duplication or use of means of access to any Delaware County Community College building or failing to timely report a lost College identification card or key.

4. Collusion.

Action or inaction with another or others to violate the Code of Student Conduct.

5. Trust.

Violations of positions of trust within the community.

6. Election Tampering.

Tampering with the election of any College-recognized student organization.

7. Taking of Property.

Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables.

8. Stolen Property.

Knowingly taking or maintaining possession of stolen property.

Community

College students build and enhance their community. Behavior that violates this value includes, but is not limited to:

9. Disruptive Behavior.

Substantial disruption of College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus.

10. Rioting.

Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.

11. Unauthorized Entry.

Misuse of access privileges to College premises or unauthorized entry to or use of College buildings, owned or leased, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building.

12. Trademark.

Unauthorized use (including misuse) of College or organizational names and images.

13. Damage and Destruction.

Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another.

14. OIT and Acceptable Use.

Violating the College Acceptable Use and Computing Policy, found online at: dccc.edu/oit/policies (<http://dccc.edu/oit/policies>).

15. Gambling.

Gambling as prohibited by the laws of the Commonwealth of Pennsylvania. Gambling may include raffles, lotteries, sports pools, and online betting activities.

16. Weapons.

Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nunchucks, throwing stars, or knives with a blade of longer than 2.5 inches that a reasonable person not view as a pocket-knife or tool, including the storage of any item that falls within the category of a weapon in a vehicle parked on owned or leased College property. Parking lots at facilities used by the College, including schools, may have similar or additional expectations. Authorized exceptions for on-duty police officers and Municipal Police Academy cadets are outlined in the Possession or Weapons on Campus Policy (<https://www.dccc.edu/about/about-college/policies/possession-weapons-campus-policy>).

17. Tobacco and Smoking.

Use of any tobacco product on campus per the Tobacco-Free Campus Policy (<https://www.dccc.edu/about/about-college/policies/tobacco-free-campus-policy>) or use of electronic cigarettes (i.e. vaping) or similar products on campus.

18. Fire Safety.

Violation of local, state, federal, or campus fire policies including, but not limited to:

- Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
- Failure to evacuate a College-#controlled building during a fire alarm;
- Improper use of College fire safety equipment;
- Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions.

19. Ineligible Pledging or Association.

Pledging or associating with an unauthorized student organization without having met eligibility requirements established by the College.

20. Animals.

Animals, with the exception of animals that provide assistance (e.g., seeing-eye dogs), are not permitted on campus except as permitted by law.

21. Wheeled Devices.

Skateboards, roller blades, roller skates, bicycles, and similar wheeled devices are not permitted to be used inside College buildings or on athletic facilities including but not limited to tennis courts, basketball courts, and fields. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage.

Social Justice

Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing college community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

22. Discrimination.

Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, gender expression, race, citizenship, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities.

23. Harassment.

Any unwelcome conduct based on actual or perceived status including: sex, gender, gender expression, race, citizenship, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status. Any unwelcome conduct should be reported to campus officials who will act to remedy and resolve reported incidents on behalf of the victim and community.

- **Hostile Environment** - Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive (or persistent), and objectively

offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from the College's educational or employment program or activities.

24. Retaliatory Discrimination or Harassment.

Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

25. Abuse of Conduct Process.

Abuse or interference with, or failure to comply with, College processes including conduct and academic integrity hearings including, but not limited to:

- Falsification, distortion, or misrepresentation of information;
- Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
- Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- Failure to comply with the sanction(s) imposed by the campus conduct system;
- Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect

College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

26. Harm to Persons.

Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

27. Threatening Behaviors:

- **Threat** - Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property;
- **Intimidation** - Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

28. Bullying and Cyberbullying.

Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

29. Hazing.

Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene, to prevent, (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy. See the Delaware County Community College Anti-Hazing Policy (<https://www.dccc.edu/about/about-college/policies/anti-hazing-policy>) for more information.

30. Intimate Partner/Relationship Violence.

Violence or abuse by a person in an intimate relationship with another.

31. Stalking.

Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.

32. Sexual Misconduct.

Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation.

33. Public Exposure.

Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

Responsibility

College students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:

34. Alcohol.

Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law, or being intoxicated on College premises or when representing the College at off-campus events.

- **Empty Container** - Possession of containers that previously contained alcoholic beverages. Empty containers will be considered an open container and deemed as proof of consumption and a violation of the alcohol policy. The policy applies to all students, regardless of age;
- **Common Source** - Possession of common source containers, whether full or empty, of alcohol such as kegs, beer balls, or boxed wine;
- **Drinking Games** - Participation in and/or being in the presence of drinking games or activities that encourage rapid consumption of alcohol;
- **Possession** - Possession of alcoholic beverages by anyone including persons 21 years of age or older on College property;
- **Consumption** - Consumption of alcoholic beverages or possession of an open container by anyone including persons 21 years of age or older on College property. This includes but is not limited to; public space within academic buildings, athletic venues/buildings, tailgating, etc.;
- **Intoxication** - Intoxication by any person, regardless of age. Social drinking must never be undertaken to the detriment of, or in violation of, the rights of others. As such, students are reminded that it is their responsibility to be sober at all times. The College will not tolerate public drunkenness since intoxicated students act in a manner inconsistent with the values of the college, pose a threat to themselves, and can make life unpleasant for those with whom they live. Any student found in an intoxicated condition will be subject to appropriate sanctions. Determination as to whether or not a student is intoxicated may be made on the basis of the following factors including, but not limited to whether a student is: unable to walk without assistance, speaking incoherently, unconscious, vomiting, emitting a strong odor of alcohol, behaving in a loud and/or disorderly manner;
- **Sale/Distribution** - Sale, distribution, or provision or attempts to sell, distribute or provide alcoholic beverages to or by anyone

including persons 21 years of age or older on College property. This includes hosting a party where alcohol is present and/or being consumed without administrative approval.

35. Drugs.

Use, possession, and/or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law.

- **Paraphernalia** - Possession of paraphernalia including any item typically used to inhale/ingest/inject/mask drugs, regardless of whether the item has been used for illegal purposes;
- **Possession** - Possession of drugs;
- **Use** - Use of drugs;
- **Prescriptions** - Misuse, abuse, and/or sale of prescription drugs;
- **Distribution** - Distribution (any form of exchange, gift, transfer or sale) of drugs;
- **Co-Conspirator/Aiding** - Serving as a co-conspirator in drug related activity on campus; includes aiding in and/or knowingly endorsing acts of distribution.

36. Failure to Comply.

Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

37. Financial Responsibilities.

Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

38. Other Policies.

Violating other published College policies or rules.

39. Health and Safety.

Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

40. Violations of Law.

Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process.

Code of Conduct - Process

Introduction to Student Conduct Process

The Delaware County Community College community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the Delaware County Community College community.

A community exists on the basis of shared values and principles. At Delaware County Community College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

- **Integrity:** Delaware County Community College students exemplify honesty, honor and a respect for the truth in all of their dealings.
- **Community:** Delaware County Community College students build and enhance their community.
- **Social Justice:** Delaware County Community College students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- **Respect:** Delaware County Community College students show positive regard for each other, for property and for the community.
- **Responsibility:** Delaware County Community College students are given and accept a high level of responsibility to self, to others and to the community.

A student's decision to enroll at Delaware County Community College indicates that they accept an invitation to participate, not only in their personal growth and development, but also in the growth and development of our community. Students also accept the rights and responsibilities of membership in this community. The choice to become a member of this community implies the commitment to accept the rights and responsibilities of that membership, and students' participation in the process of developing the individuals and community we seek. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the Code of Student Conduct.

The student conduct process at the College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision maker. No student will be found in violation of College policy without information showing that it is **more likely than not** that a policy violation occurred, and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student. This standard indicates that the evidence presented is greater than 50% likely to be true; this standard is lower than the "beyond a reasonable doubt" standard.

Interpretation and Revision

The College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check the College's website for the updated versions of all policies and procedures. The Code of Student Conduct will be updated annually with a comprehensive revision process being conducted every five years. Final review and approval of the Code of Student Conduct will be approved by the Board of Trustees.

Any question of interpretation of the Code of Student Conduct will be referred to the Chief Student Affairs Officer, whose interpretation is final.

Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the

parties involved, either by posting online and/or in the form of written communication. The Chief Student Conduct Officer may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Chief Student Conduct Officer may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party.

Distribution

Students at Delaware County Community College are provided a copy of the Code of Student Conduct annually in the form of a link on the College website. Hard copies are available upon request from the Office of Student Conduct. Students are responsible for having read and abiding by the provisions of the Code of Student Conduct.

Definitions

- The term "**College**" shall refer to the community of faculty, staff, and students at Delaware County Community College, as well as to premises and facilities.
- The term "**student**" shall include any person currently enrolled, in the process of registration, or who will be registered for an academic term, course, program, or activity at the college.
- The term "**faculty member**" shall mean any person employed by the college who holds academic rank or performs teaching or research duties.
- The term "**staff member**" shall mean any person employed by the College who is not considered faculty.
- The term "**College premises/facilities**" shall mean all buildings or grounds owned, leased, operated, controlled, or supervised by the College or any other recognized College affiliates.
- The term "**organization**" shall mean a group of persons (i.e.- clubs, groups, teams) who have complied with College requirements for registration or recognition.
- The term "**College (sponsored) activity**" shall mean any activity, on or off campus, which is initiated, aided, funded, authorized, or supervised by the College.
- The terms "**will**" and "**shall**" are to be used in the imperative sense, not imparting a choice.
- The term "**may**" is to be deemed permissive, imparting a choice.
- The term "**College official**" includes all full, part-time, and contracted employees, including paid law enforcement hired for specific College events.
- The following terms refer to individuals holding those positions and/or their designee: "**Vice President for Student Affairs**" and "**Director of Student Conduct.**"

Record Keeping & Family Educational Rights and Privacy Act (FERPA)

FERPA Statement

The Delaware County Community College's Family Educational Rights and Privacy Act of 1974 (FERPA) Statement can be found at the following link: 3.9 Student Confidentiality (https://catalog.dccc.edu/policies-procedures/student-services/3_9/).

Legitimate Educational Interest and Student Affairs

The Division of Student Affairs often receives requests for Student Discipline Records from other employees of the College. The Division of Student Affairs will not ordinarily share Student Disciplinary Records with other employees without first obtaining written permission from the student to release those Student Disciplinary Records. In some circumstances, where there is a legitimate educational interest (i.e.,

Athletics, academic divisions) or where federal or state law allows the College to release Student Conduct Records without a student's permission, the College may exercise its right to do so. An example would be the College's Parental Notification Policy for alcohol or drug violations. In addition, the Chief Student Affairs officer or their designee may consult with administrators whose offices oversee extra-curricular and/or co-curricular activities sponsored within the College. The College shall endeavor to comply with all applicable laws and regulations relating to record retention, and in order to meet this objective the College reserves the right to modify or amend these policies, as it deems advisable or appropriate.

FERPA and Student Conduct

The Family Educational Right to Privacy Act (FERPA), administered by the U.S. Department of Education, states that it is permissible for the college to notify the parents or guardians of underage students (below 21) when those students are found responsible for alcohol and other drug-related offenses. The College endorses the concept that the student, parents/guardians and the college are in a partnership in which each partner has the responsibility to promote a healthy and productive educational experience for the student.

The college imposes disciplinary policies and procedures in order to provide a positive learning experience for the student, protect the campus community, and maintain an environment conducive to learning. Students who have violated college's alcohol and/or drug policies can benefit from candid discussion with their parents/guardian concerning the specifics of their disciplinary violations and how their use of alcohol and/or drugs can detract from their educational goals.

In support of this philosophy, parents and/or guardians of underage students may be notified when the student is found responsible for an alcohol or other drug related offense and a sanction of disciplinary probation or a more severe disciplinary sanction is imposed.

Notification of Outcomes - Victim

Please note, as allowed by FERPA, when a community member reports a student for violating the code of conduct regarding a "crime of violence" or forcible or non-forcible sex offense, the College may inform the reporter of the final result of the hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable).

Disciplinary Records

Disciplinary sanctions, including suspension and expulsion, do not appear on a student's academic transcript, but they are a part of the student's educational record with the College. Student conduct records are kept with Student Affairs with the exception of records from proceedings under the College's Sexual Misconduct Policy, which are kept with the College's Title IX Coordinator. Conduct records are kept with the College for a minimum of seven years. A College official will only release student conduct information under guidelines of the Family Educational Rights and Privacy Act (FERPA) and/or upon receipt of a signed and dated written consent form from the student which must specify the time frame along with the party to whom the disclosure may be made. All requests may be made either in person or via email to the Chief Student Conduct Officer.

Moreover, Delaware County Community College does not consider records exclusively relating to treatment provided by physician, psychiatrist, psychologist, counselor or other recognized professionals

or paraprofessionals and disclosed only to individuals providing treatment(s) as part of students' educational records.

Athletics Department Notification

The Division of Student Affairs has the right to notify coaches of violations by student athletes; coaches may also be notified of the resulting college sanction. The coach and/or the Chief Athletics Officer can add to that sanction as they deem appropriate; these additional actions may include, but are not limited to, sitting out of practice and/or athletic competitions. Coaches are not always notified in the event of a student conduct case; coaches should initiate this contact if they would like more information. Typically, when student athletes reach probationary status, the Chief Student Affairs Officer and/or their designee will work in tandem with the Athletic Director and/or their designee to review the student's situation and to develop an appropriate response regarding their continued athletic participation.

Student Rights and Responsibilities Within the College Community

Student Rights

Supporting these expectations described in the mission, all student members of Delaware County Community College community have certain rights. These include:

- The right to learn, including the right of access to ideas, the right of access to facts and opinions, the right to express ideas, and the right to discuss those ideas with others in a civil, non-hostile environment.
- The right to not be discriminated against on the basis of race, ethnicity, color, sex, gender, gender identity, sexual orientation, religion, national origin, age or disabilities in its programs, activities, hiring, or the admission of students.
- The right of peaceful coexistence, including the right to be free from violence, force, threats, abuse, and the right to move about freely.
- The right to be free of any action that unduly interferes with student rights and/or a supportive learning environment.
- The right to express opinion, which includes the right to respectfully state agreement or disagreement with the opinions of others and the right to an appropriate forum for the expression of opinion.
- The right of privacy, which includes the right to be free of unauthorized search of personal spaces.

Student conduct standards at Delaware County Community College should not be equated to state or federal criminal codes. Even in cases involving suspension or expulsion, our aims include education and student development as well as a just consequence. Consequently, our processes—grounded in fundamental fairness—are focused on disciplined and courteous truth-seeking, not adversarial procedures. We conduct investigatory proceedings, conferences and hearings, not trials.

In student conduct procedures, students have:

- The right to be informed of charges of misconduct,
- The right to adequate time to prepare a response to the charges,
- The right to hear evidence in support of the charges,
- The right to present evidence against the charges, and such other procedural rights as are provided in this policy.

Student Rights within the Conduct Process

Students facing possible student conduct action for alleged violations of College policy and other community standards established by the College, including but not necessarily limited to the rights and

responsibilities listed in this document, are entitled to the following procedural rights:

- The right to be notified of charges against them with sufficient detail.
- The right to know the nature and source of the evidence that will be used against them.
- The right to present evidence and witnesses relevant to their defense.
- The right to freedom against compulsory self-incrimination.
- The right to confidentiality, to the extent permitted by, and consistent with, applicable federal and state law.
- The right of the student to have an adviser present during all parts of the conduct process, including an attorney. Upon request, the College may provide an adviser (not necessarily legal counsel) to provide consultation. Advisers may not speak on behalf of the student.

Students' Responsibilities

Along with rights come certain responsibilities. Students at the College are expected to act consistently with the values of the College community and to obey local, state, and federal laws. Students also have the:

- The responsibility for knowledge and observance of established college policies and other information presented in official college publications or electronic resources.
- The responsibility for assuming the consequence of one's own actions and holding oneself and others accountable for the Code of Student Conduct.
- The responsibility to honor and allow for free discussion, both in and out of the classroom, which represents the scholarly nature of an academic community.
- As stated in the College's non-discrimination policy, Delaware County Community College does not discriminate on the basis of sex, gender, gender expression, race, citizenship color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status in its programs, activities, hiring, or the admission of students.

Jurisdiction

The Code of Student Conduct and the student conduct process apply to the conduct of individual students and College-affiliated student organizations. For the purposes of student conduct, the College considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the College. An individual shall be considered to no longer have a continuing educational interest if they have gone longer than one calendar year without enrollment in any course.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student, impacting their ability to re-enroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the College may invoke these procedures. Should the former student be found responsible, the College may revoke that student's degree.

Student Conduct

The Code of Student Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply to off-campus conduct when the Chief Student Conduct Officer or designee determines

that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College.

Student Conduct - Online

The Code of Student Conduct may be applied to behavior conducted online, via email or another electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online.

Student Conduct - Organization

An organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be the involvement of each individual and the organization.

Extended Coverage of Student Conduct

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to high school dual-enrollment and continuing education programs by contractual agreements. Visitors to and guests of Delaware County Community College may seek resolution of violations of the Code of Student Conduct committed against them by members of the College community.

Time Limits of Reporting

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for Delaware County Community College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Anonymous Complaints

Though anonymous complaints are permitted, doing so may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or Safety and Security.

Methods of Communication

Delaware County Community College email is the College's primary means of communication with students. Students are responsible for all

communication delivered to their Delaware County Community College email address.

Authority of Conduct Officer

The Chief Student Affairs Officer is vested with the authority over student conduct by the President. The Chief Student Affairs Officer appoints a Chief Student Conduct Officer to oversee and manage the student conduct process. The Chief Student Affairs Officer and Chief Student Conduct Officer may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process. The Chief Student Conduct Officer or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

Any incident involving a student(s) who withdrew from their courses and/or the College may still be investigated. The student(s) may be processed through the conduct system immediately or may be deferred until before the student re-enrolls with the college.

Federal, State, and Local Laws

Alleged violations of federal, state, and local laws may be investigated and addressed under the Code of Student Conduct. When an offense occurs over which the College has jurisdiction, the Delaware County Community College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Chief Student Affairs Officer or their designee. Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. In such situations, the College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

Overview of the Conduct Process

This overview gives a general idea of how the College's campus conduct proceedings work, but it should be noted that not all situations are of the same severity, complexity, and/or recidivism. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of College policies.

Prior to Conduct Hearing

- **Documentation of Incident:** Once notice is received from any source (victim, Safety and Security, 3rd party, online, etc.), the College may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the documented incident and gather information.
- **Preliminary Inquiry:** The College conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:
 - A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would

not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the Code);

- A more comprehensive investigation, when it is clear more information must be gathered;
- A formal complaint of a violation and/or the responding student charged with violating one or more policies in the Code of Conduct and to attend a hearing.
- **Interim Action:** The Chief Student Affairs Officer or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the Code of Student Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College. A student who receives an interim suspension may request a meeting with the Chief Student Affairs Officer or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a campus hearing. During an interim suspension, a student may be denied access to College campus, facilities, events, classes, and/or all other College activities, or privileges for which the student might otherwise be eligible. At the discretion of the Chief Student Conduct Officer or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to minimize the impact on the responding student.
- **Notification of Charges and Hearing:** Upon receipt of reports of alleged Student Code of Conduct violations (<https://www.dccc.edu/about/about-college/policies/student-code-of-conduct>), students will receive notification of charges of an alleged violation of the Student Code of Conduct. This written notification is typically received within five business days of the submission of the report. The timeline for receipt of initial notification of a conduct charge may be delayed for situations that occur during College break periods. This written notification will outline the date of the alleged incident, the violations of the Student Code of Conduct with which the student is being charged, and other relevant information to appropriately notify the student of the incident and charges in question. In most cases, the letter will also designate a pre-arranged hearing date. It is the student's responsibility to either attend the pre-arranged appointment designated in their notification or to set up an appointment with the hearing officer within 24 hours of notification.

Written notification may occur via the student's College email account. Students are required to check their email on a regular basis (minimally, every 48 hours) to ensure prompt receipt of messages. If a student does not attend their scheduled hearing, the administrative hearing officer or Conduct Board can render a decision without the student's participation.

Accommodations for Students with Disabilities

The Division of Student Affairs is willing to accommodate students with disabilities during the conduct process. The responsibility is placed on the student to contact the Office of Disability Services to provide a written document outlining the accommodations the Conduct Officer will need to meet.

Please note: The approved accommodations shall align with the academic accommodations on file.

By federal law, a person with a disability is any person who:

1. has a physical or mental impairment;
2. has a record of such impairment; or
3. is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning.

A student requesting an accommodation regarding a conduct hearing/meeting must follow the appropriate process for requesting an accommodation through the Office of Disability Services. The Office of Disability Services will make a determination regarding the request and notify the appropriate parties.

Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities Act of 1990 requires that priority consideration be given to the specific methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.

Flow Chart of Students with Disabilities in the Conduct Process

Types of Conduct Hearing Meetings & Conduct Violation Resolution Options

Administrative Hearing

This is a meeting with the Chief Student Conduct Officer or designee who shall serve as the hearing officer. In certain situations, other College officials may be present as part of this hearing.

- The charged student has the opportunity to review and during the hearing can comment on the documentation of the case.
- The charged student has the right to an advisor of their own choosing, including attorneys. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the hearing officer and suggest questions to their advisee.
- The charged student will be provided the opportunity to discuss their side of the documented incident. The conduct officer may ask additional questions to better understand the incident.
- The hearing officer will make a decision, based on the facts of the case, on whether or not to hold a student responsible for the alleged policy violation(s) on a more likely than not standard of evidence and determine resulting sanctions, if any. The hearing officer may or may not be able to provide the student with an immediate decision regarding their case. When incidents involve multiple parties, the hearing officer may need to meet with additional individuals prior to rendering a decision. Students will receive a final letter outlining the outcome of the hearing within 15 business days (3 weeks) of the hearing.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. The party bringing the complaint may request that the Chief Student Conduct Officer reopen the investigation. This decision shall be in the sole discretion of the Chief Student Conduct Officer and will only be granted for extraordinary cause.

Conduct Board Hearing

This is a formal, recorded process that occurs in front of the Conduct Board. Cases may be heard by the Conduct Board at the discretion of the Chief Student Conduct Officer. These cases may involve individuals: a)

with significant prior conduct histories; b) with charges that could lead to suspension/expulsion; and/or c) who have been charged with violations that impact the College community as a whole.

- During the hearing process, the charged student has the opportunity to review and comment on the documentation of the case and to question all witnesses and present witnesses and evidence on his/her own behalf.
- The charged student has the right to an advisor of their own choosing, including attorneys. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.
- After reviewing the case with the student charged, the members of the Conduct Board will deliberate in private to make a decision, based on the facts of the case and the outcome of the board hearing, whether or not to hold a student responsible for the alleged policy violation on a more likely than not standard of evidence; the Conduct Board will determine resulting sanctions (if any).
- Students will receive a final letter outlining the outcome of the hearing within 15 business days (3 weeks) of the hearing. A conduct board hearing can only occur when a trained Board is available to hear a case.
- Composition of the Conduct Board and Hearing Panel. The Conduct Board is composed of at least two students and at least three faculty, staff, or administrators. A pool of members will be trained to serve on the Conduct Board in the event that additional students are needed to discern cases going before the Conduct Board or if there is a conflict of interest.
- The Chief Student Conduct Officer will be responsible for assembling the Hearing Panel according to the following guidelines:
 - The membership of the Hearing Panel is selected from a pool of students, faculty, and staff/administrative Conduct Board members appointed and trained by the Chief Student Conduct Officer.
 - For each complaint, a Hearing Panel will be chosen from the available pool, and is typically composed of one student, one faculty member, and one staff member. Availability may determine a different composition for the Hearing Panel. The Chief Student Conduct Officer appoints the chair of the Hearing Panel, who assures that College procedures are followed throughout the hearing.

Conflict Resolution Options

The Chief Student Conduct Officer has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Chief Student Conduct Officer may also suggest that complaints that do not involve a violation of the Code of Student Conduct be referred for mediation or other appropriate conflict resolution. The College Student Conduct process may not be used for the adjudication of cases involving the relationships or interactions between two parties that do not involve alleged violations of the Code of Student Conduct. Students will receive a final letter outlining the resolution within 10 business days (2 weeks) of the meeting.

Summary Hearing

This is an abbreviated version of an Administrative Hearing that is called by the Chief Student Affairs Officer and/or their designee, to immediately address and resolve the case if:

- A student's continued presence constitutes an immediate threat of harm to other individuals or the underlying behavior otherwise renders the student unqualified to remain on campus.
- Deemed necessary to protect the safety and security of campus and integrity of the conduct process.

Immediate campus restrictions and/or sanctions may be put in place in the cases of a summary hearing. In the cases of summary hearings, a student may not receive an initial letter outlining charges against them. Students will receive an outcome letter outlining the charges, outcome of the hearing, and options for appeal.

Amnesty

The Chief Student Conduct Officer has discretion to determine if a student facing Code of Conduct violations may be exempt from receiving formal sanctioning under certain circumstances under the guidelines below. However, students may be required to still participate in an educational conversation or other activities in lieu of being found responsible for a conduct violation. The situations may include:

- **For Victims:** The College provides amnesty to victims who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.
- **For Those Who Offer Assistance:** To encourage students to offer help and assistance to others, College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Chief Student Conduct Officer, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.
- **For Those Who Report Serious Violations:** Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.
- **Safe Harbor:** The College has a Safe Harbor rule for students. The College believes that students who have a drug and/or addiction problem deserve help. If any College student brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, the college reserves the right to consider a conduct complaint will be pursued.

Abuse of amnesty requests can result in a decision by the Chief Student Conduct Officer not to extend amnesty to the same person repeatedly. Students will receive a final letter outlining the outcome of their amnesty status within 15 business days (3 weeks) of the meeting.

Notification of Outcomes - Victim:

As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the College will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the alleged student's/responding

student's name, the violation committed, and the sanctions assigned (if applicable).

Definitions of Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the Code of Student Conduct:

- **Warning:** An official written notice that the student has violated one or more College policies and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.
- **College Conduct Probation:** The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be required.
- **College Conduct Suspension:** Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from College property, functions, events, and activities without prior written approval from the Chief Student Conduct Officer. This sanction may be enforced with a trespass action as necessary.
- **College Expulsion:** Permanent separation from the College. The student is banned from College property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
- **Restitution:** Compensation for damage or theft caused to the College or any person's property. This could also include situations such as failure to return borrowed College property or a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- **Fines:** Monetary charges placed on a student's account due to behavior.
- **Service Requirements:** For a student or organization to complete specific supervised College service at the College or within the surrounding community.
- **Loss of Privileges:** The student will be denied specified privileges for a designated period of time. This could include restricted access to certain College offices, buildings, or locations, and/or College services.
- **Confiscation of Prohibited Property:** Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Chief Student Conduct Officer and/or Safety and Security.
- **Educational Sanction and/or Activity:** A student is required to perform a positive action for the College community by completing a campus work assignment, writing a letter of apology, completing an educational program, or an educational reflection and/or paper, etc.
- **Parental Notification:** The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.
- **Removal from Class:** When a student's classroom behavior is inappropriate and allowing the student to remain in the class would

cause a significant disruption to the instructor's teaching ability as well as the educational environment of the other students, a student may be withdrawn from a class.

- **Assessment Requirements (On or Off Campus):** A student may be required to complete a specified assessment relative to the violation committed. All assessment reports shall be submitted to the Dean of Counseling and Completion Services or designee and will become part of the student's conduct record. Any cost associated with these assessments will be the responsibility of the student.
- **Eligibility Restriction:** The student is deemed "not in good standing" with the College for a specified period of time. Specific limitations or exceptions may be granted by the Chief Student Conduct Officer and terms of this conduct sanction may include, but are not limited to, the following:
 - a. Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or
 - b. Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- **Revocation of Degree:** The College may revoke a previously earned degree should the College be made aware of misconduct committed while still enrolled but reported after the accused student has graduated.
- **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Chief Student Conduct Officer or designee.
- **Group Sanctions:** The following sanctions may be imposed upon groups or organizations found to have violated the Code of Student Conduct: Deactivation, derecognition, loss of all privileges including status as a College registered group/organization, for a specified period of time and/or one or more of the sanctions listed above.

Failure to Complete Conduct Sanctions: All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or a hold on the student's account preventing future registration.

Appeals

A student has the right to one appeal of conduct outcomes and/or sanctions; multiple appeals are not allowed. Appeals are not re-hearings and they are not granted on the basis of disagreement with the decision of the original hearing. Upon receipt of the outcome letter, a student will have up to five business days to file an appeal. All appeals need to be submitted to the following website:

https://cm.maxient.com/reportingform.php?DelawareCountyCC&layout_id=20 (https://cm.maxient.com/reportingform.php?DelawareCountyCC&layout_id=20)

Appeals will typically be heard by the original hearing officer's direct supervisor; however, the Chief Student Affairs Officer may designate another as necessary. The Chief Student Affairs Officer may also refer appeals of Administrative and Summary Hearings to the Conduct Board.

The following chart will determine who reviews the submitted appeal:

Initial Hearing Officer:

Appeals Heard By:

- Director of Student Conduct # Vice President of Student Affairs
- Student Conduct Board # Vice President of Student Affairs
- Assistant Dean of Academic Division # Dean of Academic Division
- Academic Dean of Academic Division # Vice President of Academic Affairs
- Vice President of Academic Affairs # Chief of Staff
- Vice President of Student Affairs # Chief of Staff

A student may appeal only on the following grounds:

1. The hearing was not conducted in the manner provided under the Code of Conduct.
2. There was insufficient evidence to establish responsibility.
3. There is new and substantial information not previously considered in the disciplinary process. There is new evidence that exonerates, clears the student, or puts the conduct situation into a different context.
4. The student witnessed or experienced bias or discrimination during the conduct process.
5. The sanction(s) imposed or other measures taken are too severe based on the evidence of record.

Students are to clearly make their case in their written appeal, identifying for which of the above grounds they are appealing. If the written appeal does not meet one of the five criteria noted above, the student will be notified in writing that the request for appeal is denied and the initial decision and sanction(s) will remain in effect. To be considered, written appeals should provide sufficient detail for the reason for the appeal. Lack of sufficient information contained within a written appeal is grounds for denial.

If the appeal meets at least one of the criteria above, most appeals will be reviewed and decided within 20 business days (4 weeks) of the receipt of the appeal. The student will receive written notification of the decision from the appropriate appeals officer. In some instances, the appeals officer may request a meeting with the student appealing a decision; however, such meetings are not necessary for an appeal to be considered and decided upon.

The individual who receives and decides on the appeal may choose one of three options:

1. The appeal is granted, and the sanctions are overturned.
2. The appeal is granted, and the sanctions are modified.
3. The appeal is denied, and the sanctions remain in effect.

At the discretion of the Chief Student Conduct Officer, imposition and completion of sanctions *may* be postponed.