Your conduct at Delaware County Community College should reflect favorably on you and the College. Regulations have been developed to serve as guidelines for conduct within the College community and are designed to enhance the educational objectives of those associated with the College.

The College reserves the right to deny admission to any applicant, to discontinue the enrollment of any student, or to withhold the degree of any student, if, in the opinion of the Vice Provost for Student and Instructional Support Services (hereafter referred to as Vice Provost), a future association is not in the best interest of the student or the College.

Definitions
1. The term “College” means Delaware County Community College.
2. The Vice Provost is that person designated by the College President to be responsible for the administration of the Student Code of Conduct. The Director of Student Conduct, herein referred to as the Director, is designated as the person responsible for the day to day implementation and administration of the Student Code of Conduct within the established regulations, including the development of procedures that ensure due process.
3. The term “student” includes all persons taking courses at the College, either full-time or part-time, as well as those participating in all outreach programs, non-credit courses, off-campus programs, and other College sponsored activities. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered “students”. This Student Code of Conduct does apply to all locations of the College.
4. The term “faculty member” means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
5. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
6. The term “member of the College community” includes any person who is a student, faculty member, administrator, or staff member or any other person employed by the College or contracted by the College. A person’s status in a particular situation shall be determined by the Vice Provost or designee.
7. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the College (including adjacent streets and sidewalks).
8. The term “organization” means any number of persons who have complied with the formal requirements for College recognition.
9. The term “Student Conduct Board” means any person or persons authorized by the Vice Provost to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.
10. The term “Student Conduct Administrator” means the Director or any College official authorized on a case-by-case basis by the Vice Provost to impose sanctions upon any student(s) found to have violated the Student Code of Conduct. The Vice Provost may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of the Student Conduct Board. The Vice Provost may authorize the same Student Conduct Administrator to impose sanctions in all cases.
11. The term “Student Conduct Committee” is the group of students, faculty, administrators, and support staff authorized to hear cases in which the accused student wishes to contest an in violation finding by or appeal a sanction given by a Student Conduct Administrator.

12. The term “shall” is used in the imperative sense.

13. The term “may” is used in the permissive sense.

14. The term “policy” means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, College web page and computer use policy, handbooks, catalogs, and policy manuals.

15. The term “complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the College community submitted the charge itself.

16. The term “acused student” means any student accused of violating the Student Code of Conduct.

**Reporting Violations**
Any member of the College community may bring alleged violations of the Student Code of Conduct to the attention of the Director or the Director of Safety and Security by completing an incident or behavioral report.

**Proscribed Conduct**
Jurisdiction of the College’s Student Code of Conduct:

The Student Code of Conduct shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the ending of any educational relationship with the College, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after the ending of any educational relationship with the College). The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice Provost shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis.

Ignorance of any of the policies may not be used as an excuse for a violation.

**VIOLATIONS**
1. Forgery or alteration of College identification cards or College records
2. Deliberate destruction of, damage to, malicious misuse of, or abuse of College property or any individual’s private property physically located on College-owned or controlled property or when representing the college at off-campus events
3. Assault upon another person while on College premises or when representing the College at off-campus events
4. Sexual misconduct that involves:
   a. Deliberate touching of another's sexual parts without consent;
   b. Deliberate sexual invasion of another without consent;
   c. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at substantially increased risk of sexual injury; or
   d. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual's (I) academic pursuits, (II) College employment, (III) participation in activities sponsored by the
College or organizations or groups related to the College, or (IV) opportunities to benefit from other aspects of College life.

5. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community, including the bookstore and cafeteria, or other personal or public property, on or off campus.

6. Lewd, obscene, or indecent conduct on College premises or when representing the College at off-campus events

7. Illegal and/or unauthorized manufacture, sale, possession, or use of alcoholic beverages, narcotics, marijuana, hypnotics, sedatives, tranquilizers, stimulants, hallucinogens, and other harmful or habit-forming drugs and chemicals

8. Intoxication on College premises or when representing the College at off-campus events

9. Obstruction or disruption of teaching, research, administrative disciplinary procedures, or other College activities, including the College’s public service functions or other authorized activities on College premises or when representing the College at off-campus events

10. Actions that intimidate, harass, or interfere with the rights of other members of the College community or with the normal functioning of the College or when representing the College at off-campus events. Harassment is any conduct, verbal or physical, on or off campus, that has the intent or effect of unreasonably interfering with an individual or group’s employment or educational pursuits at the College or that creates an intimidating, hostile or offensive work or learning environment. It is the creation of a hostile or intimidating environment in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual’s work or education. For the purposes of this policy, the term “harassment” includes, but is not necessarily limited to, intimidation, unwelcome slurs, jokes, comments and other verbal, graphic or physical conduct.

11. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy and acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

12. Participation in or organization of any unauthorized activities on College premises or when representing the College at off-campus events

13. Unauthorized entry to or use of College premises

14. Possessing, using, or threatening others with firearms, explosives, hazardous materials or weapons on College premises or at College-sponsored activities, except by authorized law enforcement officers either on duty or otherwise acting in accordance with the requirements of their position. Note that the term “weapon” shall include any object or substance that is designed to, or used to, or reasonably can be used to, inflict physical harm, cause injury or incapacitate.

15. Violations of rules or policies regarding privileges extended to College students by other colleges through formal arrangements

16. Failure to comply with directions of College officials including completion of conduct sanctions or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

17. Gambling on College premises

18. Violations of parking regulations

19. Violations of the College’s tobacco free regulations

20. Theft or other abuse of computer facilities and resources, including but not limited to:
   a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose
   b. Unauthorized transfer of a file
   c. Use of another individual’s identification and/or password
d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official

e. Use of computing facilities and resources to send obscene or abusive messages

f. Use of computing facilities and resources to interfere with normal operation of the College computing system

g. Use of computing facilities and resources in violation of copyright laws

h. Any violation of the College Computer Use Policy. https://www.dccc.edu/oit/policies

21. Disorderly conduct on College premises or when representing the College at off-campus events
22. Violation of any federal, state or local law.
23. Violation of any College or departmental regulation or policy.

Initial Review
The Director considers an allegation, weighs the information, and determines if a violation may have occurred. If no violation has occurred, the allegations are dismissed and, if necessary, the accused student is informed. If a violation may have occurred, the Director proceeds according to the respective regulations, procedures and this Student Code of Conduct. The accused student shall be notified that an alleged violation may have occurred and to schedule a meeting to be given an opportunity to be heard and is referred to the Student Code of Conduct.

The Vice Provost may suspend a student from the College or from a particular class for an interim period which may be prior to any proceedings or process. Such interim suspension shall become effective immediately a) to ensure the safety and well-being of members of the College community or preservation of College property; b) to ensure the student’s own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College in the opinion of the Vice Provost.

A student suspended on an interim basis must meet with the Director before he or she is permitted to return to class(es). At the meeting, the reasons for the suspension will be discussed and a determination will be made if the suspension will be lifted provided the student no longer poses a threat to others or to the stability and continuance of normal College functions.

College conduct proceedings may be instituted against a student for conduct that may involve criminal conduct and this Student Code of Conduct without regard to the status of civil or criminal litigation in any court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Vice Provost or designee. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

COLLEGE DECISION-MAKING

Review Process
The Director is responsible for the initial review of allegations involving the Student Code of Conduct. The Director or designee will determine if the accused student will be charged with a violation of the Student Code of Conduct. If the accused student wishes to contest the charges, the accused student may elect to go in front of the Student Conduct Committee. Otherwise the Director’s or designee’s decision based on a preponderance of the information (more likely than not) is final and sanctions will be imposed. In the event of a conflict among students, mediation or other conflict-resolution procedures may be facilitated.

Sanctions
When found in violation, one or more of the following sanctions may be imposed:
1. **Letter of Warning** – A notice in writing to the student that the student has violated the Student Code of Conduct.
2. **Restitution** - Student must restore property or personal relationship with others; otherwise the student is denied certain privileges or will have activities restricted.
3. **Disciplinary Probation** - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate the Student Code of Conduct during the probationary period. Student may also be prohibited from representing the College or participating in student activities.
4. **Fines** – In accordance with the severity of the violation and the harm to the College, monetary fines may be imposed.
5. **Removal from Class** – When a student’s classroom behavior is inappropriate that 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 administratively withdrawn from a class.
6. **Dismissal** - Separation of the student from the College and prohibition of entering College premises for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
7. **Expulsion** – Permanent termination of the student’s enrollment from the College and prohibition of entering College premises.
8. **Other sanctions** – Consistent with the severity of the violation, additional or alternate sanctions, including but not limited to, restrictions on participation in certain College-sponsored activities, oral or written apologies, educational activities/projects, attendance at counseling sessions, and/or participation in College or community service.

Failure to respond to any communication from the College when behavior is under review may result in a decision being made in the student’s absence. It is the responsibility of the student to ensure that he or she has updated contact information with the Student Record’s Office, including address and telephone number and to check and reply to his or her College e-mail address.

**REGULATIONS GOVERNING DISCIPLINARY HEARINGS**

The Student Conduct Committee hears cases and appeals of sanctions for violations and makes recommendations to the Vice Provost. The Committee consists of members of the College community including students, faculty, administrators, and support staff appointed by the Deans, the Student Government Association in consultation with the Vice Provost. The Committee notifies the Director or Vice Provost, and the accused student, in writing, of its findings including the reasons for its decisions based on the preponderance of the information (more likely than not) and if needed its recommendations for sanctions. The Student Conduct Committee establishes its own procedures for conducting hearings.

**Appeals**

Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the Student Conduct Hearing and supporting documents for one or more of the following purposes:

a. To determine whether the Student Conduct Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
b. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred.

c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.

d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Hearing.

If the student does not exercise his or her right to appeal, the decision is final.

A student who receives a sanction from the Director may appeal it within seven days from the notification of the sanction by requesting that the case be heard by the Student Conduct Committee.

A student who is found in violation by the Student Conduct Committee may appeal it to the Provost within seven days of the sanction. The Provost’s decision is final.

As noted under the Definitions section, a victim is afforded the same right to appeal.

**Student Status**
- The status of the accused student cannot be changed by the Director or designee during the course of the hearing unless the continued presence of the student on campus poses a substantial threat to himself/herself or others or to the stability and continuance of normal College functions. The Student Conduct Committee guarantees that student confidentiality will be guarded to the fullest extent possible; therefore, hearings are closed to the public.
- A case cannot be heard by the Student Conduct Committee less than one week after notification of the charges.

**Due Process**
The hearing procedures include the basic elements of due process as follows:
- The right to be notified of the charges and the opportunity to be heard.
- 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.
- The right of the student to call witnesses and to ask questions of other witnesses
- The right of the student not to answer questions
- A decision based solely on information presented at the hearing
- Decisions will be based on a preponderance of information (more likely than not)
- At a conduct hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply

**ADMINISTRATION OF CONDUCT RECORDS**
A student’s previous conduct record should not be used in determining whether or not a student is in violation but may be used in determining sanctions after a student is found in violation. The college maintains a record of all disciplinary actions taken.

Access to a student’s discipline record is controlled by the Director in accordance with College, state, and federal regulations. It is made available to other persons only with the consent of the student(s) involved or in accordance with College, state, and federal laws and regulations.

5/30/2013