

Community College of Philadelphia
Student Code of Conduct

Proposed Revision to Article IV

Article IV: Judicial Policies

1. Charges and Hearings

- a.) Students are expected to abide by College rules and regulations both inside and outside the classroom. The College believes that a strong system of disciplinary procedures that includes both formal and informal approaches will facilitate reporting, and resolution of, complaints.
- b.) Any member of the College community may file charges for misconduct against any student. Charges should be submitted as soon as possible after the event takes place, preferably within 24 hours of the occurrence. Unless warranted by exceptional circumstances, the submitting of charges shall not exceed 30 days.
- c.) The Judicial Affairs Officer may conduct an investigation to determine whether the charges have merit and/or whether they can be disposed of administratively by mutual consent of the parties involved through an informal disciplinary procedure. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Judicial Affairs Officer may later submit the case to the Judicial Hearing Committee for a formal hearing.
- d.) In the event of a major incident, the Office of Security should be contacted immediately. Security shall investigate the incident to determine the best course of action. Security shall submit an incident report as soon as possible after the event takes place, preferably within 24 hours of notice of the occurrence.
- e.) All charges shall be presented to the accused student in writing. A time shall be set for a hearing, normally, not less than five (5) nor more than fifteen (15) school weekdays after the student has been notified. The time limits for the scheduling of hearings may be extended at the discretion of the Judicial Affairs Officer. A student may request to waive the minimum time limit of five (5) school weekdays in order to have a hearing sooner, but must do so in writing.

2. Informal Disciplinary Procedures

- a.) Informal disciplinary procedures are appropriate when all parties involved voluntarily agree to engage in a conciliation and mediation process.
- b.) Informal procedures shall include resolution of the incident, including appropriate sanctions.
- c.) When a resolution is reached that is satisfactory to all concerned parties (complainant, the charged student, and Judicial Affairs Officer), the disciplinary process shall be terminated. However, if a case cannot be resolved satisfactorily through the informal disciplinary procedures, it shall be forwarded to the Judicial Hearing Committee for a formal hearing.
- d.) Whenever appropriate, minor violations committed on College property or during off campus College-sanctioned events shall be dealt with through an informal disciplinary process.
- e.) Depending on the incident, the Judicial Affairs Officer may either meet with the complainant and the charged student to resolve the issue or refer the student to a member of the Community College of Philadelphia counseling staff for mediation.

3. Formal Hearings

- a.) Formal hearings shall be conducted by the Judicial Hearing Committee according to the following guidelines:

- i. In hearings involving more than one accused student, the Chairperson of the Judicial Hearing Committee, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
 - ii. The complainant and the accused have the right to be assisted by any advisor they choose, including designated advisors from the College. The advisor may be an attorney; in such cases, the individuals engaging such advice are responsible for any expenses that they incur. Whenever the complainant and/or the accused decide to have representation at the hearing, he/she must inform the Judicial Affairs Officer at least seventy-two (72) hours prior to the scheduled hearing. The complainant and/or the accused is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a judicial body. If the advisor attempts to directly participate in the hearing, the advisor shall be directed to leave. If he/she refuses, the hearing shall be discontinued and adjudication left to the discretion of the Judicial Hearing Committee, as applicable.
 - iii. The complainant and the accused shall have the privilege of presenting witnesses and engaging in reasonable examination by directing questions to the Chairperson at the judicial hearing. Members of the Judicial Hearing Committee may also engage in the questioning of the parties and witnesses and may also consider evidence from other witnesses and interested parties.
 - iv. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the Judicial Hearing Committee at the discretion of the Chairperson.
 - v. All procedural questions are subject to the final decision of the Chairperson of the Judicial Hearing Committee.
 - vi. After the hearing, the Judicial Hearing Committee shall determine whether the student has violated each section of the Student Code which the student is charged with violating.
 - vii. The Judicial Hearing Committee's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- b.) Except in the case of a student charged with failing to obey the summons of the Judicial Affairs Officer or College official, no student may be found to have violated the Student Code solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.

4. Sanctions

- a.) Any one or more of the following sanctions may be imposed upon any student found to have violated the Student Code:
 - i. Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - ii. Probation – A written reprimand for violation of specified regulations. Probation lasts for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
 - iii. Loss of Privileges – Denial of specified privileges for a designated period of time.
 - iv. Fines – Monetary fines may be imposed.
 - v. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - vi. Discretionary Sanctions – Work assignments, service to the College or other related discretionary assignments (Such assignments must have the prior approval of the Judicial Affairs Officer).
 - vii. Academic sanctions assigned by faculty.

- viii. College Suspension – Separation of the student from the College for a designated period of time, after which the student may apply for readmission to the College. Conditions for readmission may be specified.
- ix. College Expulsion – Permanent separation of the student from the College. Expulsion requires the approval of the College President.
- b.) More than one of the sanctions listed above may be imposed for any single violation.
- c.) Progressive Discipline – Students who violate the Student Code of Conduct on separate occasions are subject to more severe sanctions with each repeated offense, even though the violations may be similar in nature.
- d.) Other than College expulsion, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the confidential disciplinary record. Cases involving the imposition of sanctions other than College suspension or expulsion shall be expunged from the student’s confidential disciplinary record five (5) years from graduation or last date of attendance.
- e.) The following sanctions may be imposed upon groups or organizations:
 - i. Those sanctions listed above in Section 4a.) i. through vi.
 - ii. Deactivation and loss of all privileges, including College recognition, for a specified period of time.
- f.) In each case in which a Judicial Hearing Committee determines that a student has violated the Student Code, the sanction(s) shall be determined and imposed by the Judicial Affairs Officer.
- g.) In cases in which persons other than, or in addition to, the Judicial Affairs Officer have been authorized to serve as the judicial body, the recommendation of all members of the judicial body shall be considered by the Judicial Affairs Officer in determining and imposing sanctions. However, the Judicial Affairs Officer is not limited to imposing the sanctions recommended by the judicial body.
- h.) Following the hearing, the Judicial Affairs Officer shall advise the accused in writing of his or her determination and of the sanction(s) imposed, if any, within five (5) school weekdays. At the same time, the student shall be informed of his/her right to appeal and provided with: (1) Appeals Form A; (2) written information about the appeals procedures; (3) and the names and College locations and telephone numbers of the Student Appeals Advisors.

5. Interim Suspension

In certain circumstances, the Vice President for Student Affairs, or a designee, may impose a College suspension prior to the hearing before a Judicial Hearing Committee.

- a.) Interim suspension may be imposed only: 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 a definite threat of disruption of or interference with the normal operations of the College.
- b.) During the interim suspension, students shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible as the Vice President for Student Affairs or the Judicial Affairs Officer may determine to be appropriate.

6. Informal Procedures for Handling Disruptive Behavior and Obstruction of Teaching in the Classroom

Any behavior that threatens or disrupts the normal academic process must be discouraged and stopped. Interference with faculty of the College in the performance of their duties must be regarded as unacceptable and a disregard for the rights of other students in the class. When such behavior occurs in the classroom, it will be managed promptly following these procedures:

- a.) The student shall be asked and given an opportunity by the instructor to stop the specific disruptive behavior immediately. This may include asking the responsible student to step outside the classroom for a brief, private conversation to explain that such disruptive behavior will not be tolerated.
- b.) If the disruptive behavior persists, the instructor may ask the responsible student to leave class for that class period. When necessary, the College's security personnel will be called to escort the student out of the classroom. Faculty may also consult with the respective Department Head for assistance in managing the behavior.
- c.) If upon return to the subsequent class session the student continues to exhibit disruptive behavior, the instructor may for a second time ask the responsible student to leave the class. When necessary, the College's security personnel will be called to escort the student out of the classroom.
- d.) Following a second removal from class, the instructor shall immediately complete a Behavioral Reporting Form, which will be forwarded to the Judicial Affairs Officer. In the report, the instructor may request an interim period of removal from class.
- e.) When the nature or severity of an incident makes it inappropriate to allow a student to return to a classroom, as determined by the Judicial Affairs Officer, the student may be subject to an interim period of removal from class pending the outcome of formal hearing.

7. Disciplinary Records

All records of disciplinary action shall remain confidential and separate from academic records. Such records shall be maintained in the Office of the Dean of Students and shall not be available to unauthorized persons on campus or to any person off campus, without the student's expressed written permission. Exceptions shall be made only under the conditions specified in the Family Education Rights and Privacy Act of 1974, as amended, and under a court order or subpoena. All records of case decisions shall be maintained by the Office of the Dean of Students for five (5) years from graduation or last date of attendance.

STUDENT APPEALS PROCEDURE

1. Student Appeals Committee

In the interest of due process for students, the College has established and maintains a Student Appeals Committee and an appeals process.

- a.) The Student Appeals Committee shall be composed of four students appointed by the recognized Student Government Association or such office or committee as represents the interest of all Community College of Philadelphia students; four faculty members shall be appointed by the Faculty Federation; and four administrators shall be appointed by the President of the College.
- b.) In appointing representatives to the Appeals Committee, the three appointing bodies named above will consider College-wide balance. The intention is to have a Committee dedicated to the fair administration of the appeals process, and able to grasp collectively a full range of academic and disciplinary appeals issues. The principle of balance may place members on the Committee from a range of disciplines and fields of study.
- c.) The three appointing bodies are encouraged to appoint alternates, as well as members, to the Appeals Committee and draw upon the pool of active alternates in appointing new members. Active alternates are those who have gained perspective and experience by attending hearings and meetings of the Committee.
- d.) Terms of office for Student Appeals Committee members will be as follows: members will serve four-semester terms, staggered so that the term of one of the four delegated members

will end each semester and, except in the case of reappointments, a new member will begin each term.

2. Appeals Advisors

In consultation with the Division Deans, Appeals Advisors will be assigned to assist students with the appeals process. Student Appeals Advisors will lend orientation and assistance to students wishing to make use of the College appeals process. It will be the work of an Appeals Advisor to help the student evaluate his or her case, inform the student about preparing his or her supporting materials, and act as an advisor, but not an advocate, during any hearings held for the student. The student may be accompanied to a hearing by a Student Appeals Advisor or another consultant of his/her choice. Appeals Advisors are not permitted to participate in appeals hearings.

3. Appeals Hearings

- a.) Appeals hearings will generally be held with at least five (5) school weekdays' advance notice to the parties concerned.
- b.) Appeals Committee members will be given time to read written appeals materials before hearing the student and other witnesses.
- c.) All documents generated in earlier stages of an appeal will be made available to the Committee.
- d.) Hearings will be informal, without sworn testimony or active participation of advisor, legal counsel or other consultant, but with full opportunity for the student and others concerned in the case to present relevant arguments and information.
- e.) The Appeals Committee may schedule more than one hearing date and time if it is presented with new evidence for which the student appellant, legal counsel, or the concerned faculty members or administrators may need time to prepare an appropriate response. If necessary, Committee deliberations may be continued on another day.
- f.) Administrative support will be given to the Student Appeals Committee as needed, for correspondence, copying, and controlled distribution of documents and maintenance of records.

4. Appeals Procedure for Disciplinary Matters

- a.) When a student has been informed of a disciplinary decision in his/her case, the student may abide by the decision or, within five (5) school weekdays, complete and submit Appeals Form A to the Student Appeals Committee, through the Office of the Dean of Students. Appeals Form A encompasses the student's appeal and the rationale for the appeal, including an attached narrative which describes in detail the circumstances that led to the disciplinary action. In filing Form A, the student also makes a commitment to attend the interview or other hearings that shall be held on the appeal.
- b.) In cases involving a reprimand or probation, the Student Appeals Committee will arrange and hold a hearing not later than ten (10) school weekdays after receiving the student's written appeal. When the College's disciplinary action involves suspension or expulsion, the Student Appeals Committee will arrange and hold a hearing for the student not later than five (5) school weekdays after receiving the student's written appeal, with the following exceptions:
 - i. If the Vice President for Student Affairs chooses to allow a suspended student to attend classes pending the outcome of an appeal, the hearing will be held within ten (10) school weekdays after the Student Appeals Committee receives the student's written appeal.
 - ii. If the student intends to submit additional supportive documentation so extensive that Student Appeals Committee members cannot fairly evaluate it during a hearing, the

student may expect a hearing to be scheduled as much as three (3) school weekdays later than the day such documentation is received by the Committee.

- c.) The Student Appeals Committee, in conducting a hearing, will consider all information submitted by the student appellant, the College, and the relevant witnesses, and will inform the student and the Judicial Affairs Officer of its decision promptly and informally, as well as in writing within five (5) school weekdays.
- d.) If the student disputes the decision of the Student Appeals Committee, the student may, within ten (10) school weekdays after a decision has been rendered, petition the President of the College for a review of that decision. The decision of the President shall be final.