

## **Student Code of Conduct (Current Process)**

### **Article III: Proscribed Conduct**

#### **1. Conduct – Rules and Regulations**

Any student found to have violated the Student Code of Conduct including, but not limited to, the following is subject to the disciplinary sanctions outlined in Article IV:

- a.) Dishonesty (see Article I, number 15).
  - i. Furnishing false information to any College official, faculty member or office.
  - ii. Forging, altering, or misusing of any College document, record, or instrument of identification.
  - iii. Tampering with the election of any College-recognized student organization.
- b.) Disrupting or obstructing class by the use of (including but not limited to) electronic devices such as cell phones, pagers, portable CD's and electronic games, of teaching, research, administration, or disciplinary proceedings. This includes:
  - i. College activities, on or off-campus, in all locations.
  - ii. Authorized non-College activities, occurring on College property.
- c.) Physically abusing, assaulting, verbally abusing, threatening, intimidating, harassing, coercing and/or engaging in other conduct which is threatening or endangering to the health or safety of any person.
- d.) Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or removing or using College property for personal, political, or social purposes without authorization or permission.
- e.) Hazing, defined as any 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, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
- f.) Failing to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- g.) Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
- h.) Violating published College policies, rules or regulations.
- i.) Violating federal, state or local law on College premises or at College sponsored or supervised activities.
- j.) Using, possessing or distributing narcotic or other controlled substances except as expressly permitted by law.
- k.) Public intoxication. Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and College regulations.
- l.) Illegal or unauthorized possession of firearms, explosives, knives, other weapons, or dangerous chemicals on College premises.
- m.) Participating in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any

- campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- n.) Obstructing the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
  - o.) Conduct which is disorderly, lewd, or indecent; conduct which involves a breach of the peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions participated in or sponsored by the College.
  - p.) Theft and/or other abuse of computer time, including but not limited to:
    - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
    - ii. Unauthorized transfer of a file.
    - iii. Unauthorized use of another individual's identification and/or password.
    - iv. Use of computing facilities to interfere with the work of another student, faculty member or College official.
    - v. Use of computing facilities to send obscene or abusive messages or to use College computers to visit lewd and indecent web sites.
    - vi. Use of computing facilities to interfere with normal operation of the College computing system.
  - q.) Abuse of the Judicial System including, but not limited to, the following:
    - i. Failing to obey the summons of a judicial body or College official.
    - ii. Falsifying, distorting, or misrepresenting information before a judicial body.
    - iii. Disrupting or interfering with the orderly conduct of a judicial proceeding.
    - iv. Instituting a judicial proceeding knowingly without cause.
    - v. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
    - vi. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
    - vii. Harassing (verbally or physically) and/or intimidating a member of a judicial body prior to, during, and/or after a judicial proceeding.
    - viii. Failing to comply with the sanction(s) imposed under the Student Code.
    - ix. Influencing or attempting to influence another person to commit an abuse of the judicial system.
  - r.) Smoking in any building, including classrooms, restrooms, laboratories or other internal spaces on campus.
  - s.) Gambling or holding a raffle or lottery on the campus or at any College function without proper College and other necessary approval.

## 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.
- b.) Any member of the College community may file charges for misconduct against any student. Charges shall be prepared in writing by a member of the Office of Security, or, in the case of an academic offense, by the appropriate department head and directed to the Judicial Affairs Officer. 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. The Judicial Affairs Officer will determine whether he or she hears the case or refers it to the Judicial Hearing Committee.
- c.) All charges shall be presented to the accused student in written form. A time shall be set for a hearing, normally, not less than five (5) or more than fifteen (15) school days 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 days in order to have a hearing sooner, but must do so in writing.
- d.) 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 on a basis acceptable to the Judicial Affairs Officer. 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 serve in the same matter as the judicial body or a member thereof.
- e.) The College believes that a strong system of disciplinary procedures that includes both formal and informal approaches will facilitate reporting, and resolution of, complaints. Informal disciplinary procedures are appropriate when all parties involved voluntarily agree to engage in a conciliation and mediation process. Informal procedures shall include resolution of the incident, including appropriate sanctions. 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 Affairs Officer for a formal hearing. Whenever appropriate, minor violations committed in the general College environment shall be dealt with through an informal disciplinary process. 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 students to a member of the Community College of Philadelphia counseling staff for mediation.
- f.) Formal hearings shall be conducted by a judicial body according to the following guidelines:
  - i. Hearings normally shall be conducted in private. However, at the request of the accused student, and subject to the discretion of the chairperson, observers may attend but shall not have the privilege of participating in the hearing.

- ii. In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
  - iii. 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 Affairs Officer or the Judicial Hearing Committee, as applicable.
  - iv. The complainant and the accused shall have the privilege of presenting witnesses and engaging in reasonable examination by directing questions to the chair at the judicial hearing. Members of the judicial body may also engage in the questioning of the parties and witnesses as well as considering evidence from other witnesses and interested parties.
  - v. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
  - vi. All procedural questions are subject to the final decision of the chairperson of the judicial body.
  - vii. After the hearing, the judicial body shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated each section of the Student Code which the student is charged with violating.
  - viii. The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- g.) Except in the case of a student charged with failing to obey the summons of a judicial body 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.

## **2. 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 is 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 – Previously established 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. College Suspension – Separation of the student from the College up to and including one year, after which the student may apply for readmission to the College. Conditions for readmission may be specified.
  - viii. College Dismissal – Separation of the student from the College for more than one year and up to and including five years, after which the student may apply for readmission to the College. Conditions for readmission may be specified. Dismissal requires the approval of the College President.
  - ix. College Expulsion – Permanent separation of the student from the College. Expulsion requires the approval of the College President.
  - x. Academic sanctions assigned by faculty.
- 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 record. Cases involving the imposition of sanctions other than College suspension, dismissal or expulsion shall be expunged from the student’s confidential record five (5) years after final disposition of the case.
  - e.) The following sanctions may be imposed upon groups or organizations:
    - i. Those sanctions listed above in Section 2a.) i. through vi.
    - ii. Deactivation-Loss of all privileges, including College recognition, for a specified period of time.
  - f.) In each case in which a judicial body determines that a student has violated the Student Code, the sanction(s) shall be determined and imposed by the Judicial Affairs Officer. 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. In his or her consideration of appropriate sanctions, the Judicial Affairs officer is not limited to those recommended by members of the judicial body. 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 days.

### **3. 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 body.

- 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.

#### **4. Disciplinary Records**

All records of disciplinary action shall remain confidential and separate from academic records. Such records shall be maintained in the Office of Student Life 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 Student Life for a minimum of three (3) years after the final resolution of the case.

#### **5. Informal Procedures for Handling Disruptive Behavior in the Classroom**

The classroom is the focal point for teaching and learning at the College. It is imperative that any behavior that threatens or disrupts the normal academic process be discouraged and stopped. 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.
- b.) If the disruption persists, the instructor may ask the responsible student to step outside the classroom for a private conversation during which he/she tells the student which behavior(s) will not be tolerated and asks him/her 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.
- c.) Before the student is allowed back to the subsequent class session, he/she must work with the instructor to reach a solution. The student may utilize one or more of the following reconciliation and mediation steps:
  - i. meet with the instructor, or
  - ii. meet with the appropriate Department Chair, or
  - iii. meet with a member of Community College of Philadelphia's counseling staff.

In all cases, a faculty member should document the incident and inform his/her department chair of the student's disruptive behavior.

- d.) After mediation steps cited above have been followed, if the disruptive behavior is repeated after the student returns to the classroom, 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. The instructor will immediately complete an incident report with the Office of Security, and a copy will be forwarded to the Dean of Students. In the report, the instructor may request an interim period of removal from class pending the outcome of formal disciplinary action.

- 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 disciplinary action.

## STUDENT APPEALS PROCEDURE

1. 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 or such office or committee as represents the interest of all Community College of Philadelphia students; four faculty members appointed by the Faculty Federation; and four administrators 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.
  - e.) In consultation with the Division Deans, the Student Appeals Committee will appoint, from three areas of the College community, three Appeals Advisors. The Committee will evaluate the work of these advisors annually, through review of their contact with the Committee and through questionnaires submitted by student appellants.
  - f.) 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, as a facilitator but not an advocate, attend 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.
  - g.) Appeals hearings will generally be held with at least five (5) school weekdays' advance notice to the parties concerned. Appeals Committee members will be given time to read written appeals materials before hearing the student and other witnesses. All documents generated in earlier stages of an appeal will be made available to the Committee. 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. 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. After long hearings, Committee deliberations may be continued on another day.
- h.) Secretarial support will be given to the Student Appeals Committee as needed, for correspondence, copying and controlled distribution of documents and maintenance of records.

## **2. Appeals Procedure for Disciplinary Matters**

- a.) The Vice President for Student Affairs is authorized to take disciplinary action when a student violates the rules which govern acceptable behavior and the proper use of College facilities. The action may take one of the following forms: reprimand, probation, suspension, dismissal, or expulsion. The Vice President for Student Affairs investigates the alleged violation and informs the involved student of his/her disciplinary decision, and the reason for it. This notification is made preferably in person but also in writing; if notification is not made in person, it will be made by certified mail. At the same time, the Vice President for Student Affairs also informs the student of his/her right to appeal and provides the student with: (1) Appeals Form A; (2) written information about the appeals procedures; (3) the names and College locations and telephone numbers of the Student Appeals Advisors and the Chairperson of the Student Appeals Committee. In addition, the Vice President for Student Affairs sends the Student Appeals Committee a copy of the letter of disciplinary action sent to the student.
- b.) When a student has been informed of a disciplinary decision taken 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 Student Life. 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.
- c.) 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 digest it during a hearing, the student may expect a hearing to be scheduled as much as three (3) working days later than the day such documentation is received by the Committee.
  - iii. 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 Vice President for Student Affairs of its decision promptly and informally, as well as in writing (within five (5) school weekdays). The decision of the Student Appeals Committee in disciplinary actions shall be final unless the student appeals. The student may, within ten (10) school weekdays after a decision has been rendered, petition the President for a review of that decision.