

Title:	Student Code of Conduct
Initial Action:	5/27/93
Board Agenda:	93-033, 08-031, 14-071, 18-014, 21-055
Last Revised:	04/19/18
Policy:	04/19/18
Procedure:	04/19/18
Last Reviewed:	12/9/14
Effective:	October 27, 2021
New Review:	August 2024
Responsibility:	Student Services

STUDENT CODE OF CONDUCT

I. RATIONALE

These Student Code of Conduct Procedures are designed to protect the college community through the imposition of discipline within the college setting. Reasonable efforts will be made to foster the personal and social development of students who have been found responsible for violations of college policies or regulations.

II. INHERENT AUTHORITY

The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Vice President for Student Services and Enrollment Management, has authority for all matters related to student discipline at the College. The Director of Student Life is the Vice President for Student Services and Enrollment Management's primary designee in all matters related to student discipline and this code. A substitute designee may be appointed in appropriate circumstances.

III. INTERPRETATION OF PROCEDURES

Disciplinary procedures are written to provide students with notice of prohibited conduct. However, this code should be interpreted broadly and does not contain an exhaustive list of prohibited conduct. The Director of Student Life is responsible for interpreting and answering questions related to this code. To the extent this policy conflicts with the College's Sexual Misconduct policy, the Sexual Misconduct policy governs.

IV. STANDARDS OF DUE PROCESS

Students subject to disciplinary action will be entitled to an administrative conference as set forth in section XIII. The focus of inquiry in disciplinary proceedings is to determine the level of involvement and culpability of those accused of engaging in prohibited conduct. Deviations from prescribed procedures do not invalidate a decision or proceeding, unless significant prejudice to a respondent or the College is established. The College has discretion to modify these procedures.

V. VIOLATIONS OF LAW

Students may be accountable under civil and criminal law – as well as to the College – for conduct that violates federal, state, and/or local laws. Ordinarily, disciplinary action at the College will advance while external proceedings are pending. Results of external proceedings do not control proceedings under this code.

VI. JURISDICTION

This code covers prohibited conduct that occurs: (a) on college-owned, leased, or operated property; (b) at college-sponsored activities, whether on- or off- campus; and (c) while a student is conducting business on behalf of the College. Where the College's interest is implicated, the Director of Student Life, or designee, will determine whether such conduct should be addressed pursuant to this code.

VII. TERMS AND DEFINITIONS

- A. Administrative conference: Meeting(s) between the Director of Student Life, or designee, and a student, or a representative of a student club/organization, accused of conduct prohibited under section IX.
- B. Advisor: An individual designated by a student or student club/organization charged with prohibited conduct (a “respondent”) to assist the student or student club/organization with the disciplinary process. The advisor may confer with the respondent before or during disciplinary proceedings, but may not speak on the respondent's behalf before or during the disciplinary proceeding, and may not delay or disrupt the proceeding.
- C. Business day: Monday through Friday during administrative office hours of 8:00 a.m. to 4:30 p.m. unless the College is closed.
- D. College: Cecil College.
- E. College property: All real or personal property, electronics, land, buildings, or facilities that are owned, leased, used or operated by the College.
- F. College official: Any person employed by the College, performing assigned administrative or professional responsibilities.
- G. College-sponsored activity: Any activity on- or off- campus which is initiated, aided, authorized, or supervised by the College.
- H. Complainant: A person who submits a report alleging that a student committed prohibited conduct.
- I. May: Used in the permissive sense.
- J. Academic community: Any person who is a student or employee of the College, or a visitor on college property.

- K. Preponderance of the evidence: It is “more probable than not” that the prohibited conduct occurred.
- L. Policies: Includes all written board of trustees and college policies, procedures, rules and/or regulations.
- M. Respondent: A student or recognized student club/organization accused of conduct prohibited by this code.
- N. Student: An individual who is registered for any credit, noncredit, or continuing education course offered by the College for the current or a future term.
- O. Student club/organization: A group that has completed the process to be an official, recognized club/organization through the Student Life Office.

VIII. PROHIBITED CONDUCT

- A. Knowingly or recklessly causing harm or threatening to cause harm to any person.
- B. Sexual misconduct or sexual harassment, including any sexual act or sexual contact, without consent (i.e., intercourse, oral sex, unwanted touching of an intimate part of another person, or an attempt of any of the above). For purposes of this policy, consent means an affirmative indication of a voluntary agreement to engage in the particular sexual act or conduct in question. Consent cannot be obtained through the use of force, threat, or intimidation. Consent cannot be given by someone who is intoxicated and/or incapacitated by drugs or alcohol or for any other reason so as to be unable to effectively communicate an unwillingness to consent or understand the nature of the conduct being engaged in. Silence does not necessarily constitute consent. Each case will be judged on its particular facts.

Alleged conduct that is subject to review under the College’s *Sexual Discrimination and Harassment Policy* will be reviewed under that policy.

- C. Harassment or intimidation such as physical or psychological harassment or abuse of any member of the college community or of any guest. Harassment is behavior that either is intended to, or actually does, inflict harm or emotional distress or provoke a violent reaction. Harassment may include use of racial, ethnic, sexual, religious, or personal slurs or epithets, or other threatening, intimidating, hostile, or abusive treatment of any person or group of persons in the college community.
- D. Misappropriating or misusing college funds or college property.
- E. Disrupting or obstructing the learning environment or any college activity.
- F. Abusing a person in any manner, including but not limited to, physical, verbal, sexual, threats, intimidation, bullying, and/or any conduct which threatens or endangers the health or safety of any person.
- G. Attempting theft or actual theft of college property, college services, or property of another person.

- H. Unauthorized recording of classroom discussions, presentations or images, including pictures of individuals or instructional materials, or unauthorized reproduction or uploading of such recordings to any web or online environment.
- I. Knowingly or recklessly causing damage to or destructing college property or the property of another, or threatening to cause damage or destruction to college property or the property of another person.
- J. Possessing stolen property on college property.
- K. Misusing or damaging fire safety equipment.
- L. Initiating, or causing to be initiated, any false report, warning or threat of fire, explosion or other emergency.
- M. Committing an act which potentially 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 an organization (hazing). The express or implied consent of the victim to such an act(s) shall not be a defense to a charge of misconduct. Inaction or no reporting by those in the presence of such an act(s) shall be considered an act of misconduct.
- N. Committing a serious criminal offense, which is an action that Maryland state law identifies as a felony and which indicates that the student constitutes a substantial and continuing danger to the safety or property of the College or members of the campus community.
- O. Failing to comply with a directive of a college official or law enforcement officer acting in performance of their duties.
- P. Unauthorized possession, duplication or use of keys or access devices to any college property, or unauthorized entry to, or use of, college property.
- Q. Illegally using, possessing, manufacturing, or distributing any drug or controlled substance or paraphernalia used for taking drugs.
- R. Using, possessing, manufacturing, or distributing alcoholic beverages, except as expressly permitted and authorized by the College in writing. Alcoholic beverages may not, in any circumstance, be possessed, used or distributed to or by any person under 21 years of age.
- S. Unlawfully being under the influence of alcohol or other drugs while on college property.
- T. Possessing a firearm (unless a government or college police officer authorized and required to carry a firearm), other weapons or explosives, or dangerous chemicals on college property.

- U. Intentionally furnishing false information to the College including soliciting, making, possessing, or using any forged, altered, or falsified identification on college premises, or at college-sponsored activities; soliciting, making, possessing, or using any forged, altered, or falsified college document, on or off-campus.
- V. Abusing or interfering with the student code of conduct system.
- W. Participating in an unauthorized activity that disrupts the operations of the College and/or infringes on the rights of others.
- X. Obstructing the free flow of pedestrian or vehicular traffic on college property or at college-sponsored or -supervised functions.
- Y. Committing conduct that is disorderly, lewd or indecent; committing a breach of peace; or aiding, abetting or procuring another person to act in a disorderly, lewd or indecent manner, or to commit a breach of peace on college premises or at functions sponsored by, or participated in by, the College or members of the academic community.
- Z. Violating of any college policies, procedures, rules and/or regulations.
- AA. Violating of any federal, state or local law on college property or property used by the College.
- BB. Failing to comply with a disciplinary sanction imposed pursuant to this code.
- CC. Abusing a position of trust.
- DD. Leaving any child/children unattended on Cecil College property. (Child is defined as under the age of eighteen, who is not registered as a credit or continuing education student at the College.)
- EE. Unauthorized entry or attempted entry to any college facility without authority or against the will of the occupant or the individual in charge of the facility. Includes, but is not limited to, unauthorized use or occupation of any part of college property (e.g., gaining access to roofs or balconies or using a window as a means of entrance or exit) and unauthorized possession, duplication, or use of ID Card or keys to any college premises.
- FF. Soliciting another person to commit any offense(s), and/or attempting to commit any offense(s) mentioned in this code.

IX. INTERIM SUSPENSION

The Director of Student Life, or designee, may suspend a student for an interim period when there is reason to believe that the student's continued presence on college property poses a threat to the health and safety of the student or others, or impedes the normal operations of the College.

When the Director of Student Life, or designee, places a student on interim suspension, the student shall have the right to file an appeal with the Vice President for Student Services and Enrollment Management, or designee, challenging the appropriateness of the suspension. The

appeal must be submitted in writing, either by mail or electronically, to the Vice President for Student Services and Enrollment Management within five (5) business days after the date of the notice of the suspension, and should explain why the suspension is inappropriate. The Vice President for Student Services and Enrollment Management, or designee, shall review the appeal and provide a written decision to the student who filed the appeal within five (5) business days. The Vice President for Student Services and Enrollment Management's decision is final on the issue of the interim suspension.

X. DISCIPLINARY SANCTIONS

The following sanctions may be imposed upon any respondent found to have committed conduct prohibited under this code. More than one sanction may be imposed for a single violation.

- A. Verbal reprimand: The student is informed of the inappropriateness of the behavior.
- B. Written warning: The student is placed on written notice that further prohibited conduct may result in more severe disciplinary action
- C. Disciplinary probation: A designated period of time, stated in writing, during which, if the respondent is found to commit additional prohibited act(s) of misconduct, more severe disciplinary sanctions may be imposed.
- D. Loss of privileges: Documented denial of any privilege for a designated period of time.
- E. Restitution: Compensation to an individual negatively impacted by misconduct for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- F. Assignments/services: Including, but not limited to, essays, service to the College, letters of apology, conferences, mediation, or other reasonable assignments or services.
- G. Order of no contact/access: A written order specifying the forms of contact that are prohibited, with whom, the areas where access is limited and the period of time the order shall be effective.
- H. Withholding academic credentials: The College may withhold academic credentials or transcripts otherwise earned until the completion of any matter initiated against a respondent under these procedures.
- I. No-Trespass Order: Prohibits an individual from all property owned, leased or operated by the College as well as college-sponsored activities.
- J. Disciplinary suspension: Separation from the College for a definite period of time, after which the respondent is eligible to re-enroll. The suspension will be communicated in writing and conditions for re-enrollment specified. Students serving disciplinary suspension are barred from all college property for the duration of the suspension.

- K. Expulsion: Permanent separation from the College. During an expulsion, the respondent shall be prohibited from coming onto any college property and from attending any college sponsored activity.
- L. Revocation of admission and/or degree or certificate: Admission to, or a degree awarded from the College may be revoked and rescinded for fraud, misrepresentation or other act(s) of misconduct in obtaining admission and/or a degree or certificate.
- M. Other appropriate action: Where applicable, the adjudicating body may impose any sanction deemed necessary to remedy the effects of the prohibited conduct.

XI. DISCIPLINARY PROCEDURES

Complaints of Prohibited Conduct

- A. Any member of the college community may file a complaint concerning conduct proscribed by this code. Complaints must be filed within 15 business days after the individual learns or should have reasonably learned of the alleged misconduct. If a complaint is not filed within the prescribed time, it will be deemed waived. However, similar misconduct may be considered pursuant to this code even if a complaint pertaining to those similar acts was not timely filed. Moreover, nothing shall preclude the College from taking any action that the College determines is necessary to ensure the health and safety of the campus community regardless of the timing of a complaint.
- B. No later than five (5) business days after receipt of a complaint, the Director of Student Life, or designee, shall initiate an investigation. The accused student must receive notice of the investigation and be advised of the need to schedule a preliminary interview. The accused will also be informed of the charge and the identity of the complainant. For purposes of this code, written communication must be delivered by regular, certified mail, college-issued electronic mail, or such other method as may be reasonable to provide the student with timely communications. This investigation must include communication with the complainant, respondent and material witness(es), if any, and a review of any relevant documents.
- C. If there is not a sufficient factual basis to substantiate the alleged misconduct, in the sole discretion of the Director of Student Life, or designee, no further action pursuant to this code will take place, the case shall be closed, and all parties notified.
- D. If a sufficient factual basis exists to substantiate the allegations of prohibited conduct, in the sole discretion of the Director of Student Life, or designee, then the accused student must be notified in writing of the intention to take action under the Code, and the charges to be pursued.

XII. DEFERRAL OF PROCEEDINGS

The Director of Student Life, or designee may, at their sole discretion, defer an investigation and the disciplinary proceedings for alleged violations of this code for a period not to exceed 60 calendar days. Pending charges may be dismissed during or upon completion of the deferral

period, in the Director of Student Life's, or designee's, sole discretion, depending upon the respondent's behavior and compliance with measures that may be required during the deferral period.

XIII. ADMINISTRATIVE CONFERENCE

A. Notice of Administrative Conference

1. Within five (5) business days of the determination of sufficient cause to substantiate an allegation of misconduct, the Director of Student Life, or designee, will schedule a date for an administrative conference and notify the respondent of the conference date, time and location. For purposes of this section, delivery means hand-delivery, U.S. mail, certified, or electronic mail.
2. The notice will inform the respondent of the specific provisions of the code they have been alleged to have violated, the date, time and location of the conference, and the procedures that are applicable throughout the process.
3. The date and time of the conference will take into consideration the respondent's academic schedule. However, the seriousness of the allegations will take precedence concerning the conference scheduling. Any request to reschedule the conference by the respondent will be made to the Director of Student Life, or designee, 24 hours prior to the scheduled date of the administrative conference. Requests not made in a timely manner will not be considered.
4. Failure to attend a scheduled administrative conference (unless the respondent has previously notified the Director of Student Life or designee and a request to reschedule has been approved) will result in a decision being made in the absence of the respondent.

B. Administrative Conference Procedures

1. The administrative conference will provide the opportunity for the Director of Student Life, or designee, to outline the allegations to the respondent, and share all relevant information (charging party, witnesses and documents) they presently have regarding the allegations. Respondent will have an opportunity to address the allegations and provide information relevant to the allegations or defense of same.
2. At the conclusion of the administrative conference, based on the investigation conducted and information gathered, the Director of Student Life, or designee, will determine, using a preponderance of the evidence standard, whether the respondent engaged in conduct prohibited under section VII.
3. If there is not a sufficient factual basis to substantiate that the student engaged in prohibited act(s), in the sole discretion of the Director of Student Life, or designee, no further action under these procedures will occur, the case will be closed, and the complainant and respondent will be notified of this decision.

4. If there is a sufficient basis to substantiate that the student committed the prohibited act(s), in the sole discretion of the Director of Student Life, or designee, the student will be found responsible for the corresponding charge(s) and determine the sanction to be imposed as outlined in section X. Notice of the outcome will be issued as soon as reasonably possible.

XIV. APPEALS

- A. **Right of Appeal:** An appeal of the decision regarding findings and/or sanctions may be made by the Respondent to the Vice President for Student Services and Enrollment Management based on: (i) new information that significantly alters the findings; (ii) evidence of improper procedure; or (iii) severity of sanctions. If the charges involve sexual harassment or sexual misconduct, a Complainant has a right to appeal on the same bases. No other bases for appeals are permitted.
- B. **Appeal Petition:** An appeal petition must be filed in writing to the Vice President of Student Services and Enrollment Management, within five (5) business days after notice of the decision imposed by the Director of Student Life, or designee is received. Email is presumed received the date on which it was sent. If the request is not received within that time, the decision(s) shall stand. The petition must consist of a detailed written statement specifying the precise grounds for appealing and detail the supporting facts. The petition must be signed by the individual filing the appeal or sent using the individual's college issued email account.
 1. For the purpose of evaluating the severity of sanctions, the Vice President of Student Services and Enrollment Management, or designee, will consider only the evidence contained in the record made during the administrative conference. The Vice President must uphold the determination if there is a reasonable basis for the sanction imposed, and if not, will impose a more appropriate sanction.
- C. **Appellate Procedures:** The review of the appeal is closed to the public. Only persons providing relevant information will be permitted to participate. In the course of the proceedings, the Vice President of Student Services and Enrollment Management, or designee, will ask questions, and will permit the individual who has filed the appeal to outline the grounds for appeal. The Director of Student Life, or designee, will address the merits of the appeal on behalf of the College and respond to any questions. At the conclusion of the proceeding, the Vice President will make a decision and, within a reasonable amount of time, communicate that decision to the student in writing.

XV. DISCIPLINARY FILES AND RECORDS

Access to any student's disciplinary or other records is governed by the provisions of the Family Educational Rights and Privacy Act of 1974. Authorized, identified college officers, faculty members or the student will have access to disciplinary records. Results of disciplinary proceedings for alleged violations of this code will be disclosed to the charging party if the prohibited conduct involves the use, or attempted use, or threatened use of physical force or harm against the person or property of another. Student disciplinary records maintained in the

office of the Director of Student Life will be accorded the same protection and guaranteed confidentiality as those in college administrative offices.

Referrals to the Director of Student Life may result in a disciplinary file being created in the name of the respondent. The file of a student found responsible of a violation will be retained as a disciplinary record for six years from the date of the letter providing notice of final disciplinary action. In cases of expulsion, revocation or withholding of degree, the record will be retained in perpetuity. In cases where the accused student withdraws from the College, the record will be maintained permanently. Recordings or transcripts of disciplinary hearings in which an accused student is found responsible will be retained for 12 months following the conclusion of any available appeal and then destroyed.

XVI. STUDENT RIGHTS AND RESPONSIBILITIES

A. Unlawful Discrimination.

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

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

B. Freedom of Expression and Inquiry.

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

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

C. Academic Integrity.

Right: Students have the right to expect a learning environment where academic integrity is valued and respected.

Responsibility: Students are responsible for demonstrating academic integrity and shall not engage in or condone acts of academic dishonesty.

D. Freedom of Association.

Right: Students have the right to freedom of association.

Responsibility: Students are responsible for respecting the rights of others to freedom of association. When assembling and expressing their views, students must do so in a manner which does not materially or substantially disrupt the educational process or the operations of the College.

E. Freedom from Arbitrary and Capricious Grading.

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

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

F. Right to Privacy.

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

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

G. Freedom of the Press.

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

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

H. Freedom of Speech.

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

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

I. Freedom from Harassment.

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

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