

COMMUNITY COLLEGE OF VERMONT

STUDENT CODE OF CONDUCT POLICY AND PROCEDURES

July 1, 2019

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See also:

*Academic Honesty Policy
Complaint Resolution
Computing Network Use
for Recreational or
Entertainment Purposes
Substance Use and
Abuse Policy
Visitor Policy
Weapons Policy
VSC Policies 311, 311-A, 314, and
502*

PURPOSE

Community College of Vermont (CCV) is committed to providing a healthy, safe, and respectful teaching, learning, and work environment. All members of CCV are responsible for conducting themselves in a manner that contributes to a civil environment conducive to learning, inquiry, and discourse. While balancing the interests of individual students with the interests of the CCV community, the College has established this Student Code of Conduct to communicate its expectations and to establish appropriate responses and procedure when behavior deviates from these standards.

Students are responsible for knowing and understanding the contents of this Code. Students are responsible for abiding by the laws governing CCV and are expected to observe standards of conduct set by the College.

SCOPE OF JURISDICTION

1. Conduct that occurs at CCV academic centers and in all CCV classes is covered by this policy. The Code also applies to conduct of students at academic course requirement sites and at off-site College-sponsored activities. The Student Code of Conduct may also be applied off-campus when it is determined that student conduct may jeopardize the safety and well-being of the CCV community or the operations of the College.
2. The Code applies to conduct that occurs in-person, online or via telephone or electronic means including but not limited to online classes, texting, Internet, social media, etc.
3. Students are subject to local, state, and federal law while at the College, and violations of those laws may also constitute violations of the Student Code of Conduct. CCV may independently proceed with the student conduct process while criminal/civil proceedings are in progress, and will not be influenced based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn.
4. Each student shall be responsible for their conduct while enrolled in courses at CCV, both full-time and part-time, credit and non-credit. Persons who are not officially enrolled for a particular term but who have a continuing academic relationship with the College are considered "students." The Code shall apply to conduct even if the student is no longer in classes or subsequently fails to meet the definition of "student" while a discipline matter is pending.

5. Students, faculty, staff, trainers, training participants, visitors and guests of the College are protected under the Student Code of Conduct and may initiate reports of Code violations.

STUDENT RIGHTS AND RESPONSIBILITIES

Community College of Vermont recognizes that its students have certain rights as members of the College community and bear certain responsibilities as well.

1. Students have the right to freedom of speech, assembly, advocacy, and inquiry. Students are responsible for complying with all College policies, procedures, rules, and regulations.
2. Students have the right to offer opposing opinions and to reserve judgment about their views, beliefs, personal opinions, academic evaluations, political affiliations, and educational records. Students are responsible for exercising their right of personal expression in a manner that is not disruptive or defamatory and for respecting the rights of others.
3. Students have the right to participate in, or receive the benefits of any educational program or activity provided by CCV regardless of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, sex, marital status, mental or physical disability, national origin, race, religious affiliation, sexual orientation, or veteran status and any other category protected by federal, state, or local law.
4. Students have the right to participate in any student group without discrimination. Student groups are responsible for not discriminating against others.
5. Students have the right to participate in the evaluation process of academic courses, programs, and services. Students understand that faculty determine the content and teaching methodologies used to meet and assess course essential objectives. Students are responsible for meeting all established requirements for each course in which they enroll.
6. Students have the right to due process as it relates to College and VSCS policies, procedures, rules, and regulations, including, but not limited to, student conduct and Title IX policies.
7. Students have the right to file academic or general complaints against any College employee who has, in a student's opinion, violated College policies, procedures, rules, or regulations. Students are encouraged to speak with any academic advisor to discuss concerns.
8. Students are responsible for following College policies and procedures.

DISRUPTIVE CLASSROOM BEHAVIOR

Disruptive Classroom Behavior is conduct that substantially interferes with or obstructs the teaching and learning process in the context of a classroom or educational setting.

1. Primary responsibility for managing the classroom environment rests with the faculty. Faculty members have the right and responsibility to maintain an environment conducive to learning where discussion and expression of all views relevant to the subject matter of the class are recognized as necessary to the educational process.
Examples of disruptive classroom behavior include but are not limited to:
 - a. Inappropriate use of electronic devices including cell phones, laptops, tablets, electronic pads, video, or recording devices, etc.
 - b. Inappropriate comments or personal insults, conveyed orally or in writing, including communications within emails, and online course venues.
 - c. Persistent speaking without being recognized or interrupting other speakers.
 - d. Behavior that distracts the class, such as sleeping, holding private conversations, excessive or frequent tardiness, frequent leaving and entering the classroom, etc.
 - e. Conduct that distracts or intimidates others in a manner that interferes with instructional activities.

- f. Refusal to comply with the reasonable directions of a faculty member.
2. Civil expression of disagreement with the faculty member or other students during times when the faculty member permits discussion is not in itself disruptive behavior and is not prohibited.
3. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class meeting. Excluding or removing a student from the classroom for more than one class meeting, involuntary withdrawal from the class, or more serious sanctions require the due process set forth under Resolution Process.
4. Any faculty or staff member who asks a student to temporarily leave a classroom or exclude a student from an online educational activity must:
 - a. immediately notify their supervisor and appropriate administrative office staff on duty about the incident and the action taken, and
 - b. document the behavior violation and the action taken by completing the College's [Student Code of Conduct Incident Form](#).
 - c. Asking a student to temporarily leave a classroom or excluding a student from an online educational activity initiates the formal student conduct resolution process.

Informal Resolution of Disruptive Classroom Behavior

- a. Informal resolution is intended to provide recourse for a faculty member to address disruptive behavior. The goal is to provide the student/s the opportunity to modify the behavior to conform to the behavioral standards established by the faculty member.
- b. If the behavior of the student/s, in the judgement of the faculty member, willfully disrupts the teaching and learning process, the faculty member should issue the student/s a warning, explaining that such behavior is unacceptable and instructing the student/s on the behavior that is required in the future.
- c. In some instances, faculty may wish to ask a coordinator of teaching and learning or coordinator of student advising to assist with an informal resolution. Faculty are expected to actively participate in informal resolution conversations, which will likely necessitate meeting outside of class time.
- d. Faculty are responsible for keeping notes about their actions to address disruptive classroom behavior, including verbal and written warnings. When submitting a formal conduct complaint, faculty will be asked to provide the date(s) and the nature of the warning(s) they provided to the student/s.

Formal Resolution of Disruptive Classroom Behavior

- a. Should the student refuse to meet with the faculty member or the disruptive class behavior does not cease, the faculty member will complete a [Student Code of Conduct Incident Report Form](#) available on the College website and on Teach@CCV.
- b. To address alleged egregious disruptive behavior, faculty may elect to forgo an informal resolution and submit a conduct complaint using the [Student Code of Conduct Incident Form](#).
- c. The Student Code of Conduct procedures for resolution and appeals will apply.

PROHIBITED CONDUCT

1. **Discrimination, Harassment, and Sexual Violence** – this Code shall not be used to address complaints of discrimination, sexual harassment and sexual violence, including Title IX

offenses, such as rape, sexual assault, domestic and dating violence, and stalking. Those complaints shall be investigated according to [VSCS Polices 311 and 311-A](#). For more information, please contact CCV's Title IX Coordinator.

2. **Acts of Dishonesty** - including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. Those incidents will be addressed and shall follow the procedures as described in the [Academic Honesty Policy](#);
 - b. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instrument;
 - c. Having false or misleading information furnished to the College through a third party on behalf of the student; and/or
 - d. Forgery, alteration, or misuse of any College document, record, or instrument identification.
3. **Disorderly or Disruptive Conduct** – abusive, indecent, unreasonably loud, or otherwise disorderly conduct (e.g., causes alarm, concern, or nuisance) that interferes with College activities, College staff or faculty, or with the legitimate activities of any member of the College community.
4. **Intimidation** – conduct that threatens, intimidates, harasses, or endangers the health of a person, or causes reasonable apprehension of such harm or threat.
5. **Endangering Behavior** – intentionally, knowingly, or recklessly causing physical harm to any person.
6. **Theft** – attempted or actual theft of property of the College or property of a member of the CCV community or other personal or public property.
7. **Destruction of Property** – attempted or actual destruction, defacing, tampering with, materially altering or otherwise damaging property not one's own; and/or creating a condition that endangers or threatens property not one's own.
8. **Trespassing/Unauthorized Entry** – unauthorized entry or providing another person unauthorized access which includes to CCV premises, buildings, offices, information systems, unauthorized possession or duplication of keys for any College premises, or continued occupation of any CCV premises after being requested to leave by any College official.
9. **Controlled Substances, Alcohol, and Tobacco** -as described in the [Substance Use and Abuse Policy](#).
10. **Weapons and Fire/Explosive Devices** – as described in the [Weapons Policy](#).
11. **Retaliation** – a student shall not retaliate against any member of the College Community who files an incident report or who brings forward a complaint or concern; intimidation of complainants shall be considered retaliation.
12. **Unauthorized Use and Abuse of Computer Facilities and Resources** – as described in the [VSCS Computing and Telecommunications Technology Conditions of Use](#) and [Computing Network Use for Recreational or Entertainment Purposes Policy](#).
13. **Abuse of the Student Conduct System** – including but not limited to:
 - a. Failure to respond to a written summons letter of College official(s) within the specified time frame;
 - b. Falsification, distortion, or misrepresentation of information before College administrators;
 - c. Disruption or interference with the orderly conduct of an investigation or a student conduct proceeding;

- d. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
 - e. Harassment and/or intimidation and/or attempt to influence the impartiality of College administrators involved with a student conduct proceeding;
 - f. Failure to comply with the sanction(s) imposed under the Student Code of Conduct; and/or
 - g. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
14. **Violation of any Federal, State, or Local Laws; and College Rules and Procedures** – an act of omission that constitutes a violation of federal, state or local laws and/or College policy and procedure, which is not otherwise covered in this Code.
15. **Serious Threatening Behavior** – any communication or action, including those in written or electronic form, conduct, or gesture, directed toward any member of the CCV community that causes reasonable apprehension of the safety and well-being of others.
- a. In situations where an incident of behavior poses an imminent and/or serious threat to the safety and well-being of others, a student may, at the discretion of the faculty and/or staff member in charge at the time of the incident, be excluded immediately and temporarily from the class, academic center, or College activity. Local law enforcement authorities may be contacted for help with the removal of the student.
 - b. Any faculty or staff member who temporarily excludes a student from a classroom, academic center, or College activity must:
 - i. immediately notify their supervisor and appropriate administrative office staff on duty about the incident and the action taken, and
 - ii. document the behavior violation and the action taken by completing the College's [Student Code of Conduct Incident Form](#).
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PROCEDURES FOR CONDUCT RESOLUTION PROCESS

A formal student conduct resolution process is initiated once a report is filed against a student (the respondent) by a member of the College community (the complainant).

This policy is not intended to prevent members of the College community from attempting to resolve matters informally.

Submitting a Conduct Report

1. Any member of the College community may submit a report involving student behavior. An account of the behavior or incident shall be prepared in writing and submitted through the electronic Code of Conduct Incident Report form found on the College website and on Teach@CCV. Reports may be submitted up to eight (8) days after an incident has occurred but should be submitted as soon as possible after the event takes place, preferably within 48 hours of occurrence. Those reporting the incidents are generally expected to participate in the disciplinary process and provide information relevant to the matter.

Interim Measures

1. The College reserves the right to take any necessary and appropriate steps to protect the safety and well-being of the College community. Under certain circumstances during the Student Code of Conduct process interim measures may be imposed by the Dean of Student

- Affairs or designee including, but not limited to, no-contact orders, restriction or loss of privileges, or interim suspension. The College reserves the right to issue an interim suspension when it reasonably concludes that a student:
- a. Poses a threat to others;
 - b. Substantially disrupts or interferes with the normal operations of the College;
 - c. Poses a threat to College property or equipment;
 - d. Engages in off-campus conduct that adversely affects the College community; and/or
 - e. Is charged with a crime in violation of state or federal law.
2. During an interim suspension, a student is prohibited from entering upon any CCV property, participating in online class or training, and participating in any CCV activities.

Preliminary Review

1. All Code of Conduct reports will be evaluated by the Associate Dean of Students and/or a Regional Director and/or the designee to determine if a policy violation of the Student Code of Conduct has allegedly occurred. The evaluation may involve a review of the available evidence, respondent's prior conduct history, interview of witnesses, interview of the complainant(s), interview of the respondent, and/or request for additional information.
2. If it is determined that a policy violation did not occur, no charges will be filed and the complaint will be dismissed.
3. If it is determined that a policy violation may have allegedly occurred, charges will be filed and the case will be assigned to the appropriate College administrator (ACA).

Procedures for Conduct Meetings

1. The following procedural protections are provided to students referred for disciplinary action in the Conduct Meetings:
 - a. **Notice of specific charges** - If it is determined that a policy violation may have allegedly occurred, the assigned College administrator (ACA) will present notice of charges of the Student Code of Conduct to the respondent by phone or in written form. All written correspondence will be sent to respondent's CCV email account and/or permanent mailing address on file. The notice of charges shall include a request for a meeting to discuss the incident report.
 - i. The respondent has seven (7) business days to respond to the request for a conduct meeting with the ACA, to generally be held within ten (10) days of the request. The ACA may determine whether the meeting will take place in-person, by phone, or by other electronic means. Time limits for scheduling of student conduct meetings may be extended at the discretion of the Associate Dean of Students, Regional Director, or designee.
 - ii. If the respondent, with notice, does not respond to the request for a conduct meeting or does not appear for a scheduled meeting, the ACA will consider the available evidence when making their decision. The student's absence will not be a factor in the determination. The College may place an administrative hold on a student's account until the student conduct process is complete.
 - b. **An opportunity to respond to the evidence.**
 - c. **A right to be accompanied by an advisor** - The respondent may bring an advisor of their choosing to the conduct meeting. The advisor may be a College employee, student, friend, or family member. The advisor may speak only to the student advisee. A respondent's advisor may not conduct a defense nor speak on behalf of the accused student nor make

- any presentation to the ACA. In the event the respondent selects an advisor who is an attorney, the College needs to be notified 72 hours in advance of the scheduled meeting. If the respondent elects to bring an advisor who is an attorney, the College may also have an attorney present at the meeting.
2. Strict rules of evidence shall not apply to student conduct meetings. Oral and documentary evidence may be considered if it is the kind which responsible persons are accustomed to relying on in serious matters. The ACA may, however, exclude irrelevant or unduly repetitious evidence.
 3. Recording the conduct meeting proceedings is prohibited without the expressed consent of the ACA and the student.
 4. "Preponderance of evidence" is the evidentiary standard used in resolving a student code of conduct complaint. The standard is met if the proposition is more likely to be true than not (i.e., more probable than not). Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true.
 5. Upon resolution, the ACA will present the alleged policy violation determination and sanction(s) to the respondent in writing to the respondent's CCV email account. If the respondent's email account is suspended, written communications will be sent to the personal email address on file and/or the permanent mailing address on file.
 6. Upon resolution, the ACA will notify the complainant of the determination. Generally, additional information about sanctions can only be shared with complainants on a "need to know" basis. The amount of information to be shared may vary based on the particular circumstances.

SANCTIONS

The following range of sanctions, which are not exhaustive, may be imposed upon any student found to be in violation of the Student Code of Conduct. Any combination of sanctions may be imposed for any single violation. Sanctions are not necessarily progressive in nature.

1. **Verbal Reprimand** – The lightest form of disciplinary action. A verbal warning may be documented in writing.
2. **Written Reprimand** – An official written notice to a student that their conduct is in violation of College rules or regulations and will not be tolerated.
3. **Restrictions/Loss of Privileges** – Restriction or loss of privileges as a student for a specified period of time, including but not limited to: attending College classes, events and/or activities; accessing College Property or specifically designated areas; or participating in College organizations.
4. **Community Service** – A student may be required to perform community service as a condition of attendance at the College.
5. **Educational Sanction** – A student may be assigned an educational sanction, including but not limited to: preparing a reflection paper or apology letter, developing and presenting an educational seminar, participating in training programs, and/or completing an online education program.
6. **Restitution** – The assessment of financial charges or other forms of recompense for any damage or loss of incurred by the College or any members of the College community.
7. **Probation** – A student's status at the College is in jeopardy due to one or more violations of the Code of Conduct. For the duration of a stated probationary period, a student must comply with College rules and regulations or other stipulated conditions or requirements.

Unless expressly authorized by the ACA, a student on probation may not represent the College in any context or participate in student organizations.

8. **Suspension** – Temporary removal from the College or a program, without financial reimbursement, for a specified period of time, typically one (1) to two (2) years. A suspended student may not enter College property and loses all privileges to participate in any CCV activities.
9. **Dismissal** – Separation from the College or a program without financial reimbursement. After a period of at least five (5) years, a dismissed student may petition the Dean of Student Affairs in writing for permission to be reinstated at the College.
10. **Expulsion** – Permanent separation from the College or program without financial reimbursement. An expelled student may not be readmitted to the College or a program and a notation of expulsion from the College may be placed on the student’s official transcript.

APPEALS

1. Any disciplinary determination arrived through a conduct meeting and resulting in suspension, dismissal, or expulsion may be appealed. A student waives their right to an appeal if the student elects not to participate in or misses the scheduled conduct meeting.
2. The appeal must be made, in writing, to the Dean of Student Affairs or a designee within seven (7) business days of the announcement of findings/sanction(s) and specifically describe the grounds with which the appeal is being sought.
3. An appeal may be sought on the following grounds:
 - a. On a claim that the decision was not supported by a preponderance of the evidence presented;
 - b. On a claim of new evidence or information material to the case that was not known at the time of the conduct meeting and which reasonably could have affected the decision of the ACA; and/or
 - c. On a claim that the sanction(s) is grossly disproportionate to the severity of the misconduct.
4. The Dean of Student Affairs or designee has the discretion to either consider the appeal or convene an appeals panel of three (3) persons – a dean and two (2) additional College administrators. The decision of the Dean of Student Affairs, designee, or appeals panel is final.

RECORDS

1. A disciplinary file in the name of the respondent will be established for all disciplinary sanctions. If the respondent was not found to have violated the Student Code of Conduct, a record of the complaint will be maintained but will not be made available for disclosure. Files are maintained in accordance with the Family Educational Rights and Privacy Act (FERPA).
2. Disciplinary files may be voided for a good cause by the Dean of Student Affairs.
3. Findings and sanctions shall become part of a student’s disciplinary record. Upon request (i.e., transfer applications and employment background checks), the College will disclose disciplinary findings/sanction(s) for a period of seven (7) years from the date the finding was imposed except in cases where the respondent is suspended, dismissed, or expelled. Findings for these respondents will be retained permanently and the timeline for disclosure

has no expiration. Information contained in these files is confidential and may be released only in accordance with applicable federal and state laws.

4. Records of all disciplinary actions will be filed with the office of the Dean of Student Affairs.