

## **5.2.1 Policy on Student Conduct**

### **Section 1: Student Conduct Philosophy**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well-being of society. This Policy is intended to ensure that members of the College community are able to pursue their goals in an atmosphere free from unreasonable interference or threat of interference.

This Policy is also intended to foster the development of important values, including accountability, responsibility, fairness, respect for self and others, appreciation of personal freedoms and a recognition of the importance of physical safety in the College community. Compliance with the Policy provides an opportunity to develop and practice skills in leadership, group process, decision making and ethical and moral reasoning. Students who demonstrate these values and possess these skills are more likely to find success and fulfillment in their academic, professional, family and personal endeavors.

This Policy sets forth a number of expectations for student conduct and prescribes procedures for enforcement. Since students are assumed to be at various stages of moral and social development, sanctions imposed should attempt to assist students in their growth and development, wherever possible. However, the paramount consideration must always be to protect members of the College community and the educational process from harm.

### **Section 2: Application of the Student Conduct Policy**

This Policy applies to student conduct on campus and on other property or facilities owned, controlled or used by the College. It also applies to student conduct on premises not owned, controlled or used by the College if the off-campus conduct impairs College-related activities or affairs of another member of the College community or creates a risk of harm to any member or members of the College community.

Conduct on or off College premises that is prohibited by federal, state or local law, codes and ordinances is also covered. Students who engage in behavior prohibited by law may be subject to civil or criminal sanctions as well as to the sanctions of this Policy.

Additionally, where a court of law has found a student to have violated the law, a College has the right to impose the sanctions of this Policy even though the conduct does not impair the College-related activities of another member of the College community and does not create a risk of harm to the College community. The decision to exercise this right will be in the sole discretion of the President or his/her designee.

For purposes of the Policy on Student Conduct, a “student” is any person who has registered for at least one (1) course, credit or non-credit, at the College. Student status continues in effect for two (2) calendar years after the conclusion of the last course in which the student was registered, unless the student has formally withdrawn from the College, graduated or been expelled.

### **Section 3: Expectations for Student Conduct**

Consistent with the Student Conduct Philosophy set forth in Section 1 of this Policy, students are expected to:

1. Demonstrate respect for the College community by acting in accordance with published Board policies and College rules and regulations;
2. Demonstrate academic integrity by not engaging in conduct that has as its intent or effect the false representation of a student's academic performance, including but not limited to:
  - a. cheating on an examination,
  - b. collaborating with others in work to be presented, contrary to the stated rules of the course,
  - c. plagiarizing, including the submission of others' ideas or papers (whether purchased, borrowed or otherwise obtained) as one's own,
  - d. stealing or having unauthorized access to examination or course materials,
  - e. falsifying records or laboratory or other data,
  - f. submitting, if contrary to the rules of a course, work previously presented in another course, and
  - g. knowingly assisting another student in any of the above, including an arrangement whereby any work, classroom performance, examination, or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed;
3. Demonstrate respect for the property of the College and of others by not damaging or destroying or attempting to damage or destroy such property, and by not possessing or attempting to possess such property without authorization, including unauthorized entry to or use of College premises;
4. Demonstrate respect for others by:
  - a. refraining from conduct that constitutes a danger to the personal health or safety of other members of the College community and guests or licensees of the College, including intentionally causing or attempting to cause injury;
  - b. refraining from conduct that obstructs or seriously impairs or

- attempts to obstruct or seriously impair College-sponsored or College-authorized activities; and
- c. refraining from harassment, which is defined as conduct that is abusive or which substantially interferes with a person's pursuit of his or her customary or usual affairs;
5. Demonstrate respect for others by refraining from sexual misconduct (see the Sexual Misconduct and Relationship Violence Statement);
  6. Be truthful in all matters and not knowingly make false statements to any employee or agent of the Board or the College with regard to a College-related matter, nor forge, alter or otherwise misuse any document or record;
  7. Comply with the directions of College staff members acting within the scope of their employment responsibilities;
  8. Contribute to a safe and healthy learning and working environment by refraining from the unauthorized possession or use of weapons or dangerous instruments as defined by law and pursuant to Board Policy, and by refraining from possessing or using other objects in a manner that causes harm, threatens or endangers oneself or others;
  9. Respect oneself and others in the community by refraining from knowingly possessing, using, transferring, selling or being under the influence of any controlled substance, as defined by law, or possessing or consuming alcoholic beverages unless specifically authorized, pursuant to Board Policy. Use or possession of a drug authorized by prescription from a licensed medical practitioner is not covered by this statement;
  10. Refrain from any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge or without his/her expressed consent;
  11. Conduct oneself in a civil and respectful manner, both within and outside the College.

Students may be sanctioned for behavior that is not in accordance with the above-stated expectations.

#### **Section 4: Sanctions**

The prior conduct record of a student shall be considered in determining the appropriate sanction for a student who has been found to have violated any part of Section 3 of this Policy. Sanctions shall be progressive in nature; that is, more serious sanctions may be imposed if warranted by the prior conduct record of the student.

A “sanction” may be any action affecting the status of an individual as a student taken by the College in response to a violation of this Policy, including but not limited to the following:

1. “Expulsion” is a permanent separation from the College that involves denial of all student privileges, including entrance to College premises;
2. “Suspension” is a temporary separation from the College that involves denial of all student privileges, including entrance to college premises for the duration of the suspension, and may include conditions for reinstatement;
3. “Removal of College privileges” involves restrictions on student access to certain locations, functions and/or activities but does not preclude the student from continuing to pursue his/her academic program;
4. “Probation” is a status that indicates either (a) serious misconduct not warranting expulsion, suspension or removal of College privileges, or (b) repetition of misconduct after a warning has been imposed;
5. A “Warning” is a written notice to the student indicating that he or she has engaged in conduct that is in violation of Section 3 of this Policy and that any repetition of such conduct or other conduct that violates this Policy is likely to result in more serious sanctions;
6. “Community restitution” requires a student to perform a number of hours of service on the campus or in the community at large.

## **Section 5: Procedures**

The following procedures shall govern the enforcement of this Policy:

1. Information that a student may have violated this Policy should be submitted to the Dean of Students or other designee of the President (hereinafter referred to as “the Dean”), normally within thirty (30) days of the date of a possible violation or within thirty (30) days of the date that the facts constituting a possible violation were known.
2. Upon receipt of information relating to a possible violation, the Dean may immediately place restrictions on or suspend a student on an interim basis if, in the judgment of the Dean, the continued presence of the student at the College or continued participation in the full range of college activities poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process.

- a. "Interim restrictions" are limitations on the student's participation in certain College functions and activities, access to certain locations on campus or access to certain persons, that do not prevent the student from continuing to pursue his/her academic program. A student upon whom the Dean has placed interim restrictions shall be afforded written reasons for the restrictions, as well as the time period during which the interim restrictions shall apply. The decision of the Dean regarding interim restrictions shall be final.
  - b. "Interim suspension" is the temporary separation of the student from the College that involves the denial of all privileges, including entrance to College premises. Prior to imposing an interim suspension, the Dean shall make a good faith effort to meet with the student. At this meeting, the Dean shall inform the student of the information received and provide the student an opportunity to present other information for the Dean's consideration. Based upon the information available at that time, the Dean shall determine whether the student's continued presence on campus poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process. A student suspended on an interim basis by the Dean shall be provided written reasons for the suspension and shall be entitled to an administrative conference or a hearing as soon as possible, normally within ten (10) business days from the date the interim suspension was imposed. The decision of the Dean regarding an interim suspension shall be final.
3. Following the imposition of interim restrictions or interim suspension, if any, the Dean shall promptly investigate the information received by meeting with individuals who may have knowledge of the matter, including the accused student, and by reviewing all relevant documents. If upon the conclusion of the Dean's investigation, the Dean determines that there is insufficient reason to believe the student has committed a violation of any part of Section 3 of this Policy, the Dean shall dismiss the matter and shall so inform the student in writing.
  4. If, upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the student has committed a violation of any part of Section 3 of this Policy and, after considering both the possible violation and the prior conduct record of the student, that a sanction of less than suspension or expulsion is appropriate, the Dean shall schedule an administrative conference with the student. The student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the student shall have the opportunity to present information for the Dean's consideration. At the conclusion of the administrative conference, the Dean shall determine whether it is more likely than not that the student has violated the Policy and, if so, impose a sanction less than suspension or expulsion. The Dean shall provide the student with a written explanation for the determination. The decision of the Dean shall be final.
  5. If, upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the student has committed a violation of any part of Section 3 of

this Policy and, after considering both the violation and the prior conduct record of the student, that a sanction of suspension or expulsion is appropriate, the Dean shall provide the student with reasonable written notice of a meeting and shall inform the student that his/her failure to attend the meeting or to respond to the notice may result in the imposition of the maximum permissible sanction. At the meeting, the Dean shall provide the student with a written statement that shall include the following:

- a. a concise statement of the alleged facts;
  - b. the provision(s) of Section 3 that appear to have been violated;
  - c. the maximum permissible sanction; and
  - d. a statement that the student may resolve the matter by mutual agreement with the Dean, or may request a hearing by notifying the Dean in a writing, which must be received by 5:00pm on the following business day.
6. If the student requests a hearing, he/she is entitled to the following:
- a. to be heard, within five (5) business days, or as soon as reasonably possible, by an impartial party or panel whose members shall be appointed by the Dean;
  - b. if the Dean appoints an impartial panel, to have a student on the panel, if requested by the student;
  - c. to appear in person and to have a nonlawyer advisor. However, if there is pending at the time of the hearing a criminal matter pertaining to the same incident that is the subject of the hearing, a lawyer may be present for the sole purpose of observing the proceedings and advising the student concerning the effect of the proceedings on the pending criminal matter;
  - d. to hear and to question the information presented;
  - e. to present information, to present witnesses and to make a statement in his or her behalf; and
  - f. to receive a written decision following the hearing.

(See Section 6 for additional procedures regarding sexual misconduct.)

7. As used herein, the term "impartial" shall mean that the individual was not a party to the incident under consideration and has no personal interest in the outcome of the proceedings. Prior to the commencement of the hearing, the student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.
8. The written decision of the impartial party or panel shall specify whether, based on the information presented, it is more likely than not that the student committed the violation(s) reported and shall state the sanction to be imposed, if any. The written decision shall be provided to the student.

9. Sanctions imposed by an impartial party or panel are effective immediately. The President may, for good cause, suspend imposition of the sanctions imposed by the impartial party or panel to allow the student time to prepare a written request for review. If a written request is received, the President may continue to suspend imposition of the sanctions until he has reviewed and acted on the student's request.
10. A written request for review of the decision of the impartial party or panel must be received by the President within three (3) calendar days after the student is notified of the decision and must clearly identify the grounds for review. The review by the President is limited to the record of the hearing, the written request and any supporting documentation submitted with the request by the student. The decision of the impartial party or the panel shall be upheld unless the President finds that:
  - a. a violation of the procedures set forth herein significantly prejudiced the student; and/or
  - b. the information presented to the impartial party or panel was not substantial enough to justify the decision; and/or,
  - c. the sanction(s) imposed was (were) disproportionate to the seriousness of the violation.
11. Decisions under this procedure shall be made only by the college officials indicated.

## **Section 6: Additional Hearing Procedures for Sexual Misconduct Cases**

In any hearing conducted pursuant to Section 5, paragraph 6 of this Policy and involving allegations of sexual misconduct, the accuser and the accused student shall each have the right to:

- a. be accompanied by a support person during the hearing (see Section 5, paragraph 6c of this policy regarding limited right to have a lawyer present.); and
- b. receive a written report from the Dean indicating the determination of the impartial party or panel and the sanction(s) imposed on the accused student, if any.

## **Section 7: Miscellaneous**

The written decision resulting from an administrative conference or a hearing under this Policy shall become part of the student's educational record and shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). While student educational records are generally protected from disclosure by FERPA, there are a number of exceptions to this rule. Students should be aware that a record concerning his/her behavior while a student at the College may be shared with other colleges or

universities to which the student may subsequently wish to transfer or be admitted. Similarly, prospective employers may require a student to provide access to his/her College records as part of the employment application process. A record of having been sanctioned for conduct that violates Section 3 of the Policy may disqualify a student for admission to another college or university, and may interfere with his/her selection for employment.

Any question concerning the interpretation or application of this Policy on Student Conduct should be referred to the President or his/her designee.

### **Section 8: Publication of Student Conduct Policy**

This Policy shall be published in College catalogs and student handbooks and should be distributed in other ways that are likely to ensure student awareness of the Policy.

### **Section 9: Policy Review**

Five years following adoption of this Policy, and as often thereafter as the Chancellor shall deem appropriate, the Chancellor shall designate a committee to review the Policy on Student Conduct, as necessary.

### **Sexual Misconduct and Relationship Violence Statement**

To insure that each member of the Connecticut Community College community has the opportunity to participate fully in the process of learning and understanding, the Connecticut Community Colleges strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the Colleges to provide safety, privacy and support to victims of sexual misconduct and relationship violence.

**Sexual Misconduct** is defined as:

- Non-consensual sexual intercourse, which includes any sexual intercourse (anal, oral, or vaginal), however slight, with any body part or object, by a man or a woman, without effective consent.
- Non-consensual sexual contact, which includes sexual touching, however slight, with any object, by a man or a woman, without effective consent.
- Sexual exploitation, which includes non-consensual, unjust or abusive sexual advantage taken by a student of another, for his or her own advantage or benefit, or to benefit or advantage any one other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual intercourse, non-consensual sexual contact or sexual harassment. Examples of sexual exploitation include, but are not limited to:

prostitution, videotaping consensual sex without a partner's consent, peeping tommy and knowingly transmitting sexually transmitted infections without a partner's knowledge.

### **Definition of Consent**

Consent must be informed, freely and actively given, involving an understandable exchange of affirmative words or actions, which indicates a willingness to participate in mutually agreed upon sexual activity. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. Consent may not be given by a minor or by any individual who is incapacitated, whether voluntarily or involuntarily, by drugs and/or alcohol. Past consent of sexual activities does not imply ongoing future consent.

**Stalking** is defined as:

Any behaviors or activities occurring on more than one (1) occasion that collectively instill fear in the victim and/or threaten her/his safety, mental health and/or physical health. Such behaviors or activities may include, but are not limited to, whether on or off campus, non-consensual communications (face to face, telephone, e-mail, etc.), threatening or obscene gestures, surveillance or being present outside the victim's classroom or workplace.

**Relationship Violence** is defined as:

- Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
- Threat of abuse, which can include but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse, which can include but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's pets and humiliating another person.
- Sexual harassment, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:
  - sexual flirtation, touching, advances or propositions
  - verbal abuse of a sexual nature

- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, pictures or photographs
- sexual jokes
- stereotypic comments based upon gender
- threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.

The definitions contained in this statement are in addition to any applicable provisions of state law.

### **Confidentiality**

While the College will treat reports of sexual misconduct and relationship violence seriously and with sensitivity for all concerned, the College can not assure complete confidentiality in all instances with respect to such information, particularly when that information pertains to an offense or an alleged offender that may affect the safety of others on campus or is mandated to be reported.

### **Time for Reporting**

Normally reports must be received by the Dean of Students or other designee of the President within thirty (30) days of the date of a possible violation or within thirty (30) days of the date the facts constituting a possible violation were known. However, the College recognizes that the decision to file a report of sexual misconduct or relationship violence is difficult and may take some time. Because memories may fade and witnesses may become inaccessible, the sooner information is gathered, the greater is the ability of the College to effectively investigate and resolve the matter fairly to all parties concerned.

(Adopted October 18, 1976; amended February 19, 1979, April 20, 1981, July 20, 1981, November 16, 1987, and February 26, 1990, and entirely replaced *February 26, 2007*)