

# Student Conduct Code

## Fall 2019

### **Parkland College Student Conduct Code extracted from the Student Policies and Procedures Manual**

#### **Preamble**

In assisting students to develop responsible behavior, the Student Conduct Code has been developed to play a complementary role to counseling, guidance, and other forms of student development actions. At the same time, the college has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for its students and through the regulations of the use of its facilities.

Discipline will be administered so as to guarantee procedural fairness to an accused student. The regular disciplinary procedures and standards of conduct, including the student's right to appeal a decision, will be clearly formulated and communicated in advance. Disciplinary procedures may vary in formality with the gravity of the offense and the sanctions that may be applied. Some Student Conduct Code violations may be adjudicated informally under prescribed procedures.

Parkland College will adhere to procedural fair play by requiring that in all situations the student be informed of the nature of the charges against him or her, and that he or she be given a fair opportunity to refute them.

#### **Article I: Definitions**

- a. The term Parkland College means Parkland College District 505. The term "Parkland College" includes all land, building, facilities, and other property in the possession of or owned, used, or controlled by Parkland College (including adjacent streets and sidewalks).
- b. The term "student" includes all persons taking courses at Parkland College, both full-time and part-time, credit or noncredit. Persons who are not officially enrolled for a particular term but who have a continuing relationship with Parkland College are considered "students".
- c. The term "faculty member" means any person hired by Parkland College to conduct classroom activities, including counselors and librarians who hold faculty status.
- d. The term "Parkland College official" includes and person employed by Parkland College, performing assigned administrative or professional responsibilities.
- e. The term "member of Parkland College community" includes any person who is a student, faculty member, Parkland College official, or any other person employed by Parkland College.
- f. The term "complainant" means any person who submits a charge alleging that a student violated the Student Conduct Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Conduct Code as are provided to the complainant, even if another member of the college community submitted the charge itself.
- g. The term "respondent" means any student accused of violating the Student Conduct Code.

- h. The term “organization” means any number of persons who have complied with the formal requirements for Parkland College Student Government Recognition.
- i. The term “Student Conduct Committee” means any person or persons authorized by the Vice President for Student Services to determine whether a student has violated the Student Conduct Code and to recommend imposition of sanctions.
- j. The term “student conduct advisor” means a Parkland College official authorized in a case-by-case basis by the dean of students to impose sanctions upon students found to have violated the Student Conduct Code. The dean of students may authorize the student conduct advisor to serve simultaneously as a student conduct advisor and the sole member or one of the members of a Student Conduct Committee. Nothing shall prevent 1) the dean of students from authorizing the same student conduct advisor to impose sanctions in all cases or 2) the dean of students to serve as the student conduct advisor.
- k. The term “Appellate Board” means any person/persons authorized by the dean of students to consider an appeal from a Student Conduct Committee’s determination that a student has violated the Student Conduct Code or from the sanctions imposed by the student conduct advisor.
- l. The term “shall” is used in the imperative sense.
- m. The term “may” is used in the permissive sense.
- n. The Dean of Students is that person designated by the Parkland College Vice President for Student Services to be responsible for the administration of the Student Conduct Code.
- o. The term “policy” is defined as the written regulations of Parkland College as found in, but not limited to, the college catalog and Parkland College Student Policies and Procedure Manual.
- p. The term “cheating” includes but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the Parkland College faculty or staff; or (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- q. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

## **Article II: Judicial Authority**

- a. The Vice President for Student Services or the chairperson of the PCA Student Affairs Committee shall determine the composition of the Student Conduct Code Committee and Appellate Boards and determine which Student Conduct Committee, student conduct advisor, and Appellate Board shall be authorized to hear in each case.
- b. The Dean of Students shall develop policies for the administration of the student conduct program and procedural rules for the conduct of hearings which are not inconsistent with provisions of the Student Conduct Code. The Dean of Students will also facilitate the training of Student Conduct Advisors and Student Conduct Committee Members
- c. Decisions made by a Student Conduct Committee and/or student conduct advisor shall be final, pending the normal appeal process.

### Article III: Proscribed Conduct

a. Jurisdiction of Parkland College

Generally, Parkland College jurisdiction and discipline shall be limited to conduct which occurs in Parkland College premises and other officially recognized off-campus locations or events in which Parkland College is represented as a sponsor or participant. Conduct that adversely affects the Parkland College community and/or the pursuit of its objectives may be included and adjudicated, however, regardless of location and said conduct. It is the sole discretion of the dean of students to decide on a case by case basis whether the Student Conduct Code shall be applied to conduct occurring off campus. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, which may include conduct occurring before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, and even conduct not discovered until after a degree is awarded.

b. Conduct – Rules and regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV, Section B.

1. Acts of dishonesty, included but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty covered under the Student Policies and Procedures Manual;
  - b. Furnishing false information to any Parkland College official, faculty member, or office;
  - c. Forgery, alteration, or misuse of any Parkland College document, record, or instrument of identification;
  - d. Tampering with the election of any Parkland College recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Parkland College activities, including its public service functions on or off campus, or other authorized non-Parkland College activities, when the act occurs on Parkland premises. (Hearings associated with faculty-initiated Administrative Removal from the Classroom Due to Student Behavior will follow a separate hearing procedure as outlined under the Classroom Contract section).
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers health or safety of any person. This is to include acts or threats to one's personal safety and/or life.
4. Attempted or actual theft and/or damage to property of Parkland College or property of a member of the Parkland College community or other personnel or public property, on or off campus.
5. Hazing, defined as an 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. The express or implied consent of the victim will not be a defense, nor will apathy or acquiescence in the presence of hazing.
6. Failure to comply with directions of Parkland 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.

7. Unauthorized possession, duplication, or use of keys to Parkland College premises or unauthorized entry to or use of Parkland College premises.
8. Violation of any Parkland College policies, rules, or regulations published in hard copy or available electronically on the Parkland College premises.
9. Violation of federal, state, or local law on Parkland College premises or at Parkland College sponsored or supervised activities.
10. Use, possession, manufacture, or distribution of illegal drugs or controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages on property, or intoxication at any college sponsored event on or off campus, or appearance on campus while under the influence of intoxicants. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, look-alike weapons, or dangerous chemicals on Parkland College premises or use of any such item, even if legally possessed, in a matter that harms, threatens, or causes fear to others.
13. Participation in campus demonstration which disrupts the normal operations of Parkland College and infringes on the rights of other members of the Parkland 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.
14. Obstruction of the free flow of pedestrian traffic inside or outside the facilities or vehicular traffic on Parkland College premises or at Parkland College sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on Parkland College premises or at functions sponsored or participated in by Parkland College. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio, video, or photographic record of any person while on Parkland College premises without his/her prior knowledge, or without his/her effective consent when such a record is likely to cause injury or distress.
16. Theft or other abuse of computer facilities and resources, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change contents, or for any other purpose;
  - b. Unauthorized transfer of a file or software;
  - c. Unauthorized use of another individual's identification and password;
  - d. Use of computing facilities to interfere with the work of another student, faculty member, or Parkland College official;
  - e. Use of computing facilities to send obscene or abusive messages;
  - f. Use of computing facilities to interfere with normal operation of any Parkland College computing system;
  - g. Use of computing facilities and resources in violation of copyright laws;
  - h. Violation of the Parkland computer/e-mail use policies
17. Abuse of the student conduct system, including but not limited to:

- a. Failure to obey the notification from a Student Conduct Committee or Parkland College official;
  - b. Falsification, distortion, or misrepresentation, if information before a Student Conduct Committee;
  - c. Disruption or interference with the orderly conduct of a student conduct proceeding;
  - d. Interruption of a student conduct proceeding knowingly without cause;
  - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
  - f. Attempting to influence the impartiality of a member of the Student Conduct Committee prior to, and/or during the course of the student conduct proceeding;
  - g. Harassment (verbal or physical) and/or intimidation of a member of the student conduct system and/or a Student Conduct Committee prior to, during, and/or after a student conduct proceeding;
  - h. Failure to comply with the sanction(s) imposed under the Student Conduct Code;
  - i. Influencing or attempting to influence another person to commit an abuse of the student conduct system
18. Violating special safety regulations that are necessary to govern various facilities and activities of the college.
19. Violating the Sexual Discrimination, Harassment, and Misconduct policy of the college (Separate investigation and adjudication procedures exist for this policy).
20. Violating the policy on harassment/discrimination of students.
- c. Violation of law and Parkland College discipline
- 1. Parkland College administration may institute disciplinary proceedings against a student charged with violation of a law that is also a violation of this Student Conduct Code, for example, if both violations result from the same factual situation, without regard the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.
  - 2. When a student is charged by federal, state, or local authorities with a violation of law, Parkland College will not request or agree to special consideration for that individual because of his or her status as a student. However, if the alleged offense is also the subject of a proceeding before a Student Conduct Committee under the Student Conduct Code, Parkland College may advise off-campus authorities of the existence of the Student Conduct Code and how such matters will be handled internally within the Parkland College community. Parkland College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
- d. Interim Suspension
- a. In certain circumstances, the Dean of Students may impose an interim suspension prior to a student's hearing before a Student Conduct Committee.

- e. A student will be subject to involuntary interim suspension from Parkland College, if it is determined, by clear and convincing evidence, that the student:
  - a. Engages or threatens to engage in behavior which poses a danger of causing physical harm to self or others.
  - b. Engages or threatens to engage in behavior which would cause significant property damage, or directly and substantially impedes the lawful activities of others.
  - c. Engages or threatens to engage in behavior which significantly disrupts or obstructs teaching and learning.
  - d. Failure to comply with requested psychiatric evaluation as set forth in the involuntary withdrawal section below.
    - a. Interim suspension process
      - i. A letter of investigation will be prepared and delivered to student involved either personally, by parkland email and/or by certified US mail.
      - ii. This letter will contain:
        - 1. A summary of the conduct being investigated
        - 2. The date, time, and location of a meeting with the Dean of Students to discuss the potential interim suspension. This meeting will give the respondent an opportunity to be heard with regard to the potential interim suspension.
      - iii. The meeting to discuss the potential interim suspension will be scheduled no earlier than 2 business days from the sending of the investigation letter.
    - b. Within 2 business days after the conclusion of this meeting, the student will be delivered a letter either personally, by parkland email and/or by certified US mail that indicates the outcome of the meeting – whether or not the interim suspension will be imposed. This disposition letter will be sent whether or not the student chooses to attend the meeting regarding potential interim suspension.
    - c. These standards do not preclude removal from Parkland College, in accordance with provisions of other college rules or regulations.
    - d. During the interim suspension, students shall be denied access to the campus (including classes - in-person, online, hybrid, and any other delivery mode) and/or all other Parkland College activities or privileges for which the student might otherwise be eligible. A Ban Notice will be prepared and processed with the student through the Department of Public Safety.

- e. The student may participate in the ongoing conduct processes at Parkland by contacting the Department of Public Safety before doing so.
- f. An interim suspension will last until the conclusion of the conduct investigation and any subsequent Student Conduct processes.
- g. Standards and procedure for involuntary administrative withdrawal

*Standards for withdrawal*

1. A student will be subject to involuntary administrative withdrawal from their course(s) and/or Parkland College, if it is determined:
  - i. The student has been suspended or expelled as a result of a student conduct hearing and has exhausted all appeals to which they are entitled, or.
  - ii. At the conclusion of the final step of the faculty-initiated Administrative Removal from the Classroom Due to Student Behavior Procedure, or.
  - iii. By preponderance of the evidence, the student lacks the ability to comply with the published Parkland College policies, rules, and regulations as a result of a mental disorder.

*Procedures for administrative withdrawal related to mental health*

2. The Dean of Students may refer a student for evaluation by an independent licensed psychiatrist chosen by Parkland College, if the dean of students reasonably believes that the student may meet this criteria. Parkland will incur all expenses for the initial evaluation. The student will assume future costs associated with evaluation, hearing, etc.
3. Students referred for evaluation in accordance with this part shall be so informed in writing, either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The evaluation must be completed within five (5) business days from the date of the referral letter, unless an extension is granted by the dean of students in writing. Students may be accompanied by a licensed psychologist or psychiatrist of their choice, who may observe, but not participate in the evaluation process. Legal representation will not be permitted.
4. Any pending disciplinary action may be withheld until the evaluation is completed, at the discretion of the dean of students.
5. A student who fails to complete the evaluation in accordance with these standards and procedures may be subject to interim suspension, as set as set forth above, or referred for disciplinary action, or both.
6. A student accused of violating the Parkland College student code may be diverted from the student conduct process and withdrawn in accordance with these standards, if the student, as a result of a mental disorder:
  - a. Lacks the capacity to respond to pending student conduct charges; or
  - b. Did not know the nature or wrongfulness of the conduct at the time of the offense.
7. Students subject to conduct charges (section iv above) who wish to introduce relevant evidence of any mental disorder must so inform the dean of students in writing at least two (2) business days prior to any student conduct hearing. If the dean of students determines that the information provided may have merit, the case shall then be resolved in accordance with these

standards and procedures. Thereafter, if it is determined that the student does not meet the criteria set forth in section IV above, the case will be returned to the student conduct process. Evidence of any mental disorder may not be admitted into evidence or considered by the Student Conduct Committee in any student conduct proceeding.

#### *Interim withdrawal*

8. An interim administrative withdrawal may be implemented immediately if a student fails to complete an evaluation, as provided by paragraphs 5 and 6 of these standards and procedures. Also, an interim withdrawal may be implemented immediately if the dean of students determines that a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger of:
  1. Causing serious physical harm to the students or others; or
  2. Causing significant property damage, or directly and substantially impeding the lawful activities of others.
9. A student subject to an interim withdrawal shall be given written notice of the withdrawal either by personal delivery or by certified mail, and shall be given an opportunity to appear personally before the dean of students two (2) business days from the elective date of the interim withdrawal, in order to review the following issues only:
  1. The reliability of the information concerning the student's behavior;
  2. Whether or not the student's behavior poses a danger of causing imminent, serious physical harm to the student or others, causing significant property damage, or directly and substantially impeding the lawful activities of others;
  3. Whether or not the student has completed an evaluation, in accordance with these standards and procedures.
10. A student subject to interim withdrawal may be assisted in the proceeding specified in paragraph 10 by a family member and a licensed psychologist or psychiatrist, or in lieu of a licensed psychologist or psychiatrist, by a member of the faculty or staff of Parkland College. Furthermore, the student may be accompanied by a legal counsel, although the role of counsel will be limited to providing legal advice to the student. Students will be expected to speak for themselves whenever possible. Associated costs for legal counsel or licensed psychologists or psychiatrists shall be incurred by the student.
11. An informal hearing, as provided in paragraph 3, will be held within seven (7) school days after the student has been evaluated by the proper mental health professional. Such evaluation should be undertaken within two (2) school days after the student submits a proper request for an appointment. The student will remain withdrawn on an interim basis pending completion of the informal hearing, but will be allowed to enter upon the campus to attend the hearing, or for other necessary purposes, as authorized in writing by the dean of students.



### *Informal Hearing*

12. Students subject to an involuntary withdrawal shall be accorded an informal hearing before the dean of students. The following guidelines will be applicable.
13. Students will be informed of the time, date, and location of the informal hearing, in writing, either by personal delivery or by certified mail, at least two (2) business days in advance.
14. The entire case file, including an evaluation prepared pursuant to paragraph 5 of these standards and procedures, and the name of the prospective witnesses, will be available for inspection by the student in the dean of students' office during normal business hours. The file, which should be available at least two (2) school days before the informal hearing, need not include the personal and confidential notes of any institutional official or participant in the evaluation process.
15. The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The dean of students shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
16. The student may choose to be assisted by a family member and a licensed psychologist or psychiatrist or, in lieu of a licensed psychologist or psychiatrist, by a member of the faculty or staff of Parkland College. Furthermore, the student may be accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student.
17. Those assisting the student, except for the legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.
18. Whenever possible, the student will be expected to respond to questions asked by the dean of students. Students who refuse to answer due to concerns about incrimination may be informed that they dean of students could draw a negative inference from their refusal, which might result in their dismissal from the institution, in accordance with these standards and procedures.
19. The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.
20. The mental health professional who prepared the evaluation pursuant to paragraph 5 of these standards and procedures may be expected to appear at the informal hearing, and to respond to relevant questions, upon request of any party, if the dean of students or designee determines that such participation is essential to the resolution of a dispositive issue in the case.
21. The dean of students or designee may permit a Parkland official and the mental health professional who prepared the evaluation to appear at the informal hearing and to present

evidence in support of any withdrawal recommendation. Such evidence will not be presented by legal counsel for the college.

22. The informal hearing shall be tape recorded by the dean of students or designee. The tape(s) shall be kept with the pertinent case file for as long as the case file is maintained by the institution.
23. A written decision shall be rendered by the dean of students within five (5) school days after the completion of the informal hearing. The written decision, which should be mailed or personally delivered to the student, should contain a statement of reasons for any determination leading to involuntary withdrawal. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement.
24. The decision of the dean of students shall be final and conclusive and not subject to appeal.

*Deviations from established procedures*

25. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

*\*Adapted from "The Dismissal of Students with Mental Disorders," by Gary Pavela, J.D.*

These standards do not preclude removal from Parkland College, in accordance with provisions of other college rules or regulations.

**Article IV: Judicial Policies**

- A. Charges and hearings
  1. Any member of the Parkland College community may file a complaint against any student for misconduct. Complaints should be prepared in writing and directed to the Dean of Students who is responsible for the administration of the Parkland College student conduct system. Any complaints should be submitted as soon as possible after the event takes place, preferably within 5 business days.
  2. A member of the Parkland College community may receive a complaint from a person who is not a member of the Parkland College community as defined in this code. Those complaints should be immediately forwarded to the Dean of Students. Complaints presented to the dean of students by persons "outside" of the Parkland community will be evaluated for possible disposition action under the provisions of the Student Conduct Code.
  3. The Dean of Students or their designee may conduct an investigation to determine if the complaint has merit and/or if they can be disposed of administratively or through mediation with the consent of the parties involved. Such disposition shall be final and there shall be no subsequent proceedings provided all parties adhere to the agreed upon sanctions. If the charges cannot be disposed of by mutual consent or if either party does not adhere to the agreed upon sanction(s) or the charges result from a violation of a major offense, the Dean

of Students may officially charge the student and refer the case to the student conduct advisor who shall proceed with a disciplinary hearing.

B. Charges referred to student conduct hearing

1. All charges that will be referred to a student conduct hearing shall be presented to the accused student in written form and mailed to the student's local address of record using certified mail as well as emailed to their Parkland student email account. An attempt to meet with the student in person to present the charge letter will also be made by the Dean of students.
2. The charge letter will also notify the student of a required meeting with the Student Conduct Advisor. This meeting shall take place no more than 3 business days after the sending of the charge letter by Parkland email. The purpose of the meeting will be to review the student conduct process and discuss scheduling of the rest of the process.
3. The scheduling of the hearing will be done by the Student Conduct Advisor, in consultation with the accused student. This consultation will happen at the required meeting when a time shall be set for a hearing, not less than 5 nor more than 10 business days after the date that the student has met with the Conduct Advisor.
4. In extreme cases, maximum time limits for scheduling of meetings and hearings may be extended, at the discretion of the Dean of Students.
5. At the meeting with the Student Conduct Advisor, the accused student shall be presented with a summary of the documentation. In addition, the accused student shall be allowed to examine any pertinent information that will be presented in the hearing. At a student conduct hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply.
6. Hearing shall be conducted by the Student Conduct Committee under the following guidelines:

1. Hearing Guidelines

a. Composition of the Committee

- i. Two students selected from a pool of students approved and trained by the Dean of Students. If absolutely necessary to expedite the hearing, one student may be used.
- ii. Two employees of the college selected from a pool of employees appointed by the Parkland College Association Senate. This pool will perform as an ad hoc subcommittee of the Student Affairs Committee of the Senate.
- iii. The chair will be the student conduct advisor or his or her designee. This position will be nonvoting except in tie votes.
- iv. Other college policies may dictate a variance of this committee composition to include specially trained members – both faculty and students. Composition is dictated by that policies procedure.

- b. The hearing shall be private, (restricted to committee members, the complainant, the charged party(ies) the charges parties' advisors, and witnesses). Admission of any person to the hearing shall be determined at the discretion of the dean of students and normally with the consent of the accused student.

- c. In hearings involving more than one accused student, the Student Conduct Advisor, at his or her discretion, may permit the hearings concerning each student to be conducted jointly.
  - d. The involved parties shall have the right to be assisted by any relative, Parkland College student, Parkland College employee, or any other designee who serves as an advisor. The advisor's role is limited to advising the student. The complainant and the accused are responsible for presenting their own cases, and therefore, advisors are not permitted to speak to committee members during a hearing or participate directly in any hearing before a Student Conduct Committee.
  - e. To ensure the student understands his or her rights, the "Garrity Procedures" will be read to the accused student prior to questioning and/or allowing the student to make a statement.
  - f. There shall be a single verbatim record, such as a tape recording, of all formal proceedings during a discipline hearing. The record shall be the property of Parkland College.
  - g. The complainant, the accused, and the Student Conduct Committee shall have the privilege of presenting witnesses. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the Student Conduct hearing. Witnesses will provide information to, and answer questions from, the Student Conduct Committee. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. Questioning will be conducted by the Student Conduct Committee with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.
  - h. A Student Conduct Committee, at the discretion of the chairperson, may present pertinent records, exhibits, and written statements for consideration.
  - i. All procedural questions during the hearing are subject to the final decision of the chairperson of the Student Conduct Committee.
  - j. After the hearing, the Student Conduct Committee shall determine using the preponderance of evidence standard (by the majority vote) whether the student has violated each section of the Student Conduct Code which the student is charged with violating.
  - k. The accused student will be notified of his or her right to appeal.
7. If an accused student, with notice, does not appear before a Student Conduct Committee hearing, the information in support of the charges shall be presented and considered, even if the accused student is not present.
  8. The Student Conduct Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing through the use of written statements or other means, where and as determined in the sole judgement of the student conduct advisor to be appropriate.

### C. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:
  - a. Warning – A notice in writing to the student that the student is violating or has violated the Student Conduct Code and if the conduct continues more stringent sanctions shall be imposed.
  - b. Probation – Probation is for a designated period of time and includes probability of more severe disciplinary sanctions if the student is found to be violating any conduct code during the probationary period.
  - c. Loss of privileges – Denial of specified privileges for a designated period of time.
  - d. Fines – Previously established and published fines may be imposed.
  - e. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. Discretionary sanctions – Work assignments, service to Parkland College, or other related discretionary assignments (such assignments must have the prior approval of the student conduct advisor or vice president for student services).
  - g. Administrative Withdrawal – Removal of the student from one or more Parkland College courses.
  - h. Parkland College suspension – Separation of the student from Parkland College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - i. Parkland College expulsion – Permanent separation of the student from Parkland College. Student may petition for reentry after a minimum of one (1) academic year has elapsed since imposition of expulsion.
  - j. Revocation of admission and/or degree – Admission to, or a degree awarded from, the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - k. Withholding degree – The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than Parkland College expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions and Parkland College suspension. Parkland College expulsion records may be expunged upon written request by the student to the student conduct advisor or dean of students.
4. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above in B1, a through f.
  - b. Deactivation – Loss of all privileges, including Parkland College recognition, for a specified period of time.
5. In each case which a Student Conduct Committee determines that a student has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the student

conduct advisor. In cases in which persons other than or in addition to the student conduct advisor have been authorized to serve as the Student Conduct Committee, the recommendation of all members of the Student Conduct Committee shall be considered by the student conduct advisor in determining sanctions. The student conduct advisor is not limited to sanctions recommended by members of the Student Conduct Committee.

#### D. Report of Hearing

1. The Conduct Advisor or Dean of Students shall write the final report to be completed within 72 hours of the decision. The report shall consist of the following:
  - a. A copy of the charges.
  - b. The summary judgement of the Student Conduct Committee whether a student has violated the Student Conduct Code for each charge and the sanction(s) imposed.
  - c. Any specific actions that the student must complete as part of any sanction.
  - d. Guidelines for the appeal process.

#### E. Appeals

1. A decision reached by the Student Conduct Committee or a sanction imposed by the student conduct advisor may be appealed by accused students or complainants to an Appellate Board within 10 school days of the decision. Such appeals shall be in writing and shall be delivered to the dean of students or the student conduct advisor. A student utilizing the Student Conduct hearing appeal process is restricted from using the Student Grievance hearing process for the same occurrence. The student may use the Student Grievance process, however, if the grievance has no parties or changes related to the conduct process that is being appealed.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes.
  - a. To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party reasonable opportunity to prepare and present information that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations.
  - b. To determine whether the decision reached regarding the accused student was based on substantial information; that is, whether the facts in the case were sufficient to establish that a violation of the Student Conduct Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
  - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct hearing.

3. If an appeal is upheld by the Appellate Board, the matter shall be remanded to the original Student Conduct Committee and student conduct advisor for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s).
4. In cases involving appeals by students accused of violating the Student Conduct Code, review of the sanction by the Appellate Board may not result in more severe sanction(s) for the accused student.
5. In the event the student disagrees with the decision of the Appellate Board, the student may file a final appeal to the Vice President for Student Services. After receipt of the Appellate Board's decision, the student may file in writing the reason for the appeal to the Vice President within five (5) school days. The Vice President shall have the option of hearing the matter or not and may remand the matter if the Vice President's finding is inconsistent with the Appellate Board's decision.

#### **Article V: Interpretation and Revision**

- a. Any question of the interpretation regarding the Student Conduct Code shall be referred to the dean of students or student conduct advisor.
- b. The Student Conduct Code shall be reviewed every two (2) years under the direction of the Dean of Students.
- c. If any provision in this Student Conduct Code is or shall at any time be contrary to or unauthorized by federal or state law, then such provisions shall not be applicable, performed, or enforced except to the extent permitted by law.

*Note: The Parkland College Student Conduct Code is based on the work of Edward N. Stoner, II and John Wesley Lowery (2004). See the Journal of College and University Law, Vol. 31, No. 1, published by the National Association of College and University Attorneys and the Notre Dame Law School.*