

**MASSACHUSETTS COMMUNITY
COLLEGE SYSTEM**

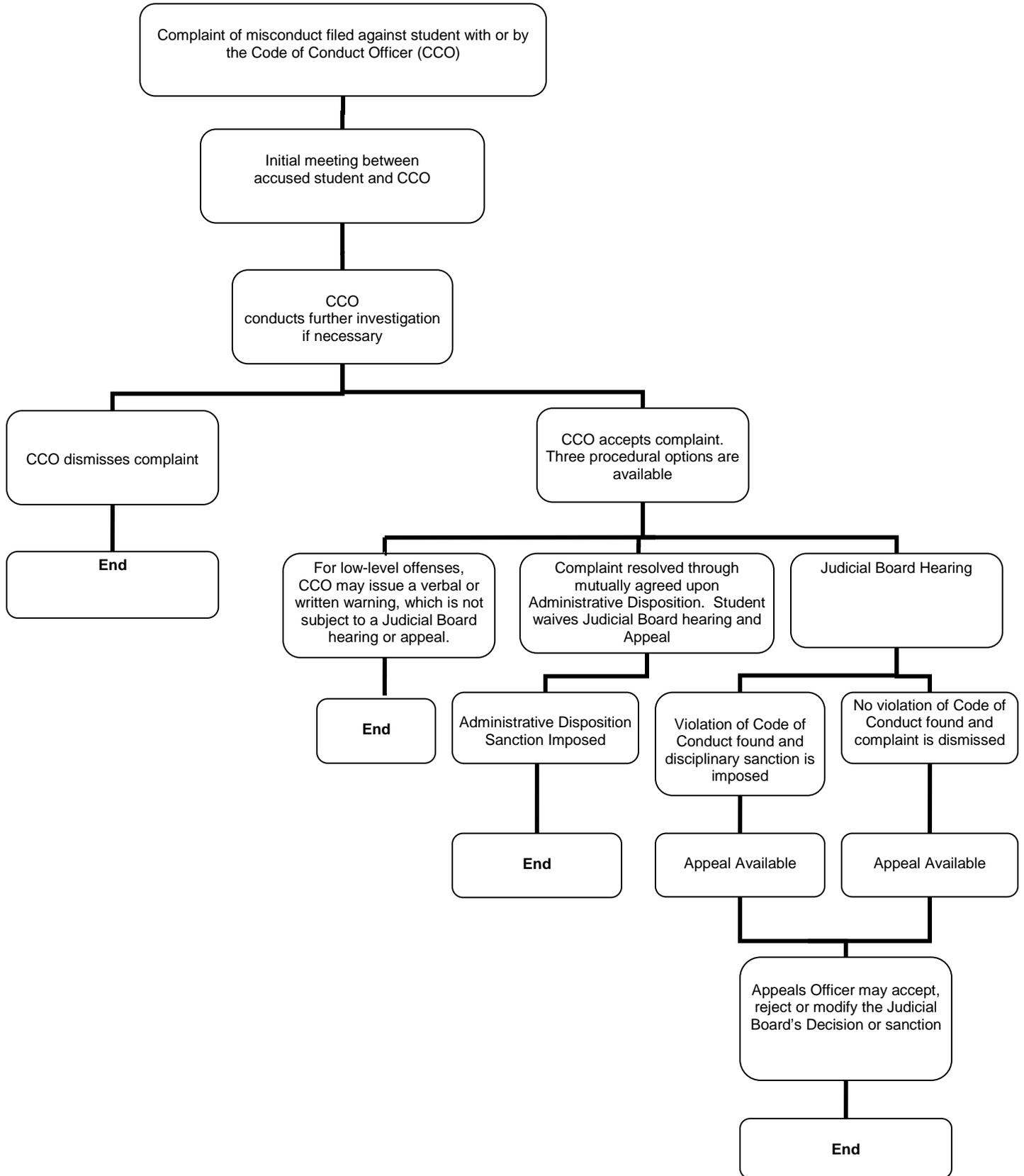
STUDENT CODE OF CONDUCT

ISSUED: APRIL 2008
REVISED: FEBRUARY 2010
EFFECTIVE: SEPTEMBER 1, 2010

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Overview of Judicial Process



DEFINITIONS

Accused Student – The student who is alleged to have violated the College’s Student Code of Conduct.

Administrative Disposition – A resolution of a complaint, which is mutually agreed upon by the CCO and the Accused Student. An administrative disposition shall result in an Accused Student waiving his/her right to a Judicial Board hearing or Appeal.

Appeals Officer – The College’s Vice President of Student Services or designee

Code of Conduct Officer (CCO) – The College Official charged with the responsibility of administering the College’s Student Code of Conduct.

College Property – Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks.

Complaint – An allegation of a violation of the Code of Conduct, which is filed with or by the CCO.

Day – As used in this policy, shall mean a calendar day. The number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the CCO may extend the time limits at his/her discretion with notice to both parties in writing.

Judicial Board – Members of the College community selected by the Code of Conduct Officer to conduct a hearing when it has been determined by the CCO that a violation of the Student Code of Conduct has occurred. Members of the Judicial Board shall act in a fair and impartial manner.

Student – Includes all persons taking courses at the College, 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.”

DISCIPLINARY OFFENSES

A student shall be subject to disciplinary action under this policy for engaging in acts including, but not limited to:

1. Physical violence or the threat thereof and/or any conduct that threatens or endangers the health or safety of any person.
2. Creating or false reporting of bombs.
3. Extortion - The use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means to obtain property from someone else without his/her consent.
4. Unauthorized use of fire alarm or fire equipment.
5. Unauthorized or illegal gambling.
6. Hate Crimes as defined under state or federal law.
7. Hazing as defined under state or federal law.
8. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises.
9. Conduct resulting in a violation of the College's Computer/Technology Acceptable Use and/or Email Policies.
10. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties, including failure to identify oneself when requested to do so.
11. Violation of College's drug and/or alcohol policies.
12. Breach of peace; including disorderly, lewd, or indecent conduct, or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, by the College.
13. Defacement or destruction of College property.
14. Acting in a manner that interferes with or disrupts the normal and/or safe operation of the College, including but not limited to disrupting or interfering in the educational process.
15. Harassment (verbal or physical) and or intimidation of a member of the College Community.
16. Acts of dishonesty, including but not limited to the following:
 - a. Forgery, alteration, or misuse of any College document, record, or instrument of identification;
 - b. Furnishing false information to any College official, faculty member or office; or
 - c. Disrupting or tampering with the election of any College recognized student organization.

17. Acts of academic dishonesty, including but not limited to the following:
- a. Use of any unauthorized assistance in taking quizzes, tests, or examinations;
 - b. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or
 - c. The acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
 - d. Plagiarism, which is defined as 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.
 - Taking credit for work done by another person or doing work for which another person will receive credit.
 - Copying or purchasing other's work or arranging for others to do work under a false name.
18. Abuse of the Disciplinary process, including but not limited to:
- a. Falsification, distortion, or misrepresentation of information before a Judicial Board.
 - b. Disruption or interference with the orderly conduct of a judicial proceeding.
 - c. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - d. Attempting to influence the impartiality of a member of a Judicial Board prior to, and/or during the course of, the judicial proceeding.
 - e. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a judicial proceeding.
 - f. Failure to comply with the sanction(s) imposed under the Student Code.
 - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
19. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
20. Unauthorized solicitation, including but not limited to sale of goods and services for personal profit.
21. Unauthorized activity that constitutes forgery.
22. Violation of State or Federal Laws not otherwise enumerated herein.
23. Violation of published College policies, rules, or regulations not otherwise enumerated herein.

Discipline in the Classroom or on College Property

Disrupting or interfering in the educational process is prohibited under this policy. If a student engages in disruptive conduct in the classroom or anywhere on campus, a faculty member or other college employee may address and informally resolve the matter without filing a complaint under the Code. A faculty member or other college employee may exercise his/her right to immediately remove a disruptive student from a class meeting or other college area. On the first occasion when a student is removed from a classroom or other college area, the faculty member or other college employee is strongly encouraged to notify the CCO. In all subsequent cases of removing a student from a classroom

or other college area, the faculty member or other college employee shall notify the CCO. A faculty member or other college employee may seek the assistance of college security if necessary to remove the student from the class meeting or other college area. If the removal of a student from the classroom is intended to be permanent, a complaint under this policy shall be filed with the CCO by the faculty member. The CCO can exercise his/her discretion to allow the accused student to attend class during the disciplinary process upon consultation with the faculty member and the Chief Academic Officer or his/her designee.

Off Campus Behavior

The College reserves the right to take disciplinary action against a student for off-campus conduct when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its objectives and mission, and/or if a student is charged with a violation of state or federal law. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Interim Suspension

The College reserves the right to issue an interim suspension when it reasonably concludes that a student poses a threat to: (a) him/herself or others; (b) College property or equipment; or (c) disrupts or interferes with the normal operations of the College. During an interim suspension, a student is prohibited from entering upon College's property or participating in any College activities.

Complaints Alleging Sexual Harassment or Discrimination

Claims of discrimination or sexual harassment shall be pursued under the College's Affirmative Action Plan. For claims of discrimination or sexual harassment, please contact the **College's Affirmative Action Officer, Victor Santos, Assistant Vice President of Human Resources. Mr. Santos' office is located in the Nickerson Administration Building, Room 106, phone extension 4307.**

CODE OF CONDUCT DISCIPLINARY PROCESS

The Disciplinary Process is initiated once a complaint is filed against a student by a member of the College community or by the CCO. This policy is not intended to prevent members of the College Community from attempting to resolve matters informally. Failure to cooperate with the College's investigation of an alleged Code of Conduct violation will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action.

1. Disciplinary Process

- a. All complaints under the Code of Conduct shall be filed with or by the CCO.
- b. When the CCO files or receives a complaint alleging that a student has acted in a manner which may be in violation of the Code, the CCO initiates the disciplinary process by meeting with the Accused Student, putting him/her on notice of the alleged violation and providing him/her an opportunity to respond to the allegations. The CCO may conduct a further investigation if necessary.
- c. If the CCO determines that a violation exists, three procedural options are available.
 - (1) Verbal or Written Warnings - For low-level offenses, the CCO may issue a verbal or written warning to the Accused Student. Warnings shall not be subject to a hearing before a Judicial Board or an appeal.
 - (2) Administrative Disposition - Under an Administrative Disposition, the Accused Student and the CCO mutually agree upon a disciplinary remedy. By accepting the Administrative Disposition, the Accused Student waives his/her right to a hearing before the Judicial Board or an appeal.
 - (3) Judicial Board Hearing - When an Administrative Disposition cannot be reached, the CCO shall refer the alleged violation to the Judicial Board for a hearing. Please see Section 2 below for Judicial Board rules.

Failure to cooperate with the College's investigation of an alleged Code of Conduct violation, which includes appearing before a Judicial Board or College official if summoned to do so, will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action.

2. Judicial Board Hearing

- a. A hearing with the Judicial Board shall be scheduled by the CCO not later than thirty (30) days following an Accused Student's request for a hearing.
- b. A written Statement of Charges shall be presented to the Accused Student not less than five (5) days prior to the hearing.
- c. A Judicial Board hearing is an administrative hearing. The rules of evidence do not apply.

- d. In a matter involving more than one Accused Student, the Judicial Board may permit at its discretion individual hearings for each Accused Student.
- e. The Accused Party has the right to be accompanied by any advisor of his/her own choosing and at his/her own expense. The advisor may be an attorney. An advisor's role is limited to advising the Accused Student directly. An advisor is not permitted to participate directly in the hearing.

3. Conduct of Hearing

- a. A hearing is normally conducted in private.
- b. There shall be a record created of all hearings. The record shall be the property of the College.
- c. All procedural questions are subject to the final decision of the Judicial Board.
- d. Admission of any person(s) to the hearing shall be at the discretion of the Judicial Board.
- e. A hearing shall proceed as follows:
 - The CCO presents the Statement of Charges on behalf of the College. The CCO may present documents, materials and/or witnesses in support of the Statement of Charges.
 - Accused Student responds to the Statement of Charges. The student may present documents, materials and/or witnesses in response to the Statement of Charges.
 - Following the parties' presentations, the Judicial Board may question each party, their witnesses and/or review all information presented. The Judicial Board has the discretion to request additional documents, materials or information from either party.
 - While direct cross-examination by the parties is not permitted, each party will be given the opportunity to question the other by presenting questions through the Judicial Board. If the Board determines a question is relevant, the other party will be asked to respond.
 - The Board shall have a final opportunity to question the parties.
- f. After the hearing, the Judicial Board shall determine by majority vote whether the Statement of Charges has been proven.
- g. In reaching its decision, the Judicial Board shall determine whether it is more likely than not that the Accused Student violated the Code of Conduct based on the information presented.
- h. Within fifteen (15) days of the conclusion of a hearing, the Judicial Board shall issue a written decision outlining its findings and disciplinary action, if any, to the parties.

4. **Sanctions**

A student found in violation of the College's Code of Conduct shall be subject to one or more of the following sanctions:

- a. Verbal or Written Warning
- b. Restrictions/Loss of Privileges
- c. Community/Educational Service
- d. Restitution
- e. Probation
- f. Suspension
- g. Expulsion

The intent of the College is to impose sanctions in a progressive manner, beginning with the least punitive sanction. However, depending on the nature and severity of a student's violation the College reserves the right to impose any of the above-referenced sanctions at any time.

5. **Appeal**

- a. Within five (5) days of receiving the Judicial Board's decision, either the CCO or the Accused Student may appeal the Judicial Board's decision to the College's Appeals Officer.
- b. An appeal must be in writing and be based on a credible claim that: the hearing was not conducted in conformity with the Code of Conduct; the decision was not supported by a preponderance of the evidence presented; the sanction imposed was not appropriate in light of the Judicial Board's decision; or new evidence exists, which was not presented at hearing because it was not reasonably known to the Accused Student at that time, and which is sufficiently relevant such that it could alter the Judicial Board's decision.
- c. The Appeals Officer shall issue a written decision within ten (10) days of receiving the appeal. The Appeals Officer may accept, reject or modify the Judicial Board's decision or sanction.
- d. The Appeals Officer's decision shall be final.