

PROCEDURE #	<i>VII-007 (Page 1 of 10)</i>
TITLE	<i>Student Code of Conduct</i>
TYPE	Student Services
RATIONALE	Establish definitions and parameters of acceptable student conduct and procedures for handling alleged violations of the student code
APPROVED	February 15, 2007 (Updated April 14, 2022) (Updated October 13, 2022)

PROCEDURE

Student Conduct Defined

The College recognizes that students are both citizens and members of the academic community. As citizens, students enjoy the same freedoms and rights that all citizens enjoy -- freedom of speech and assembly, freedom of association, freedom of the press, right of petition, and right of due process. As members of the academic community, students are expected to conduct their affairs in accordance with the standards set forth in this Student Code of Conduct. Because the College must maintain its credibility as an institution of higher education, it has established and maintains standards of academic honesty against which students are regularly evaluated in the performance of their course work.

Upon enrolling in the College, each student assumes an obligation to conduct themselves in a manner compatible with the College's function as an educational institution and to comply with the laws enacted by Federal, State, and local governments. If this obligation is neglected or ignored by the student, the College must, in the interest of fulfilling its function, institute appropriate disciplinary action. This procedure is intended to address conduct that has happened within the educational environment as well as associated programs and activities, and does not address off-campus conduct not associated with the College's programs and activities.

Examples of Misconduct

Examples of misconduct which may be subject to disciplinary action, including disciplinary probation, suspension, and expulsion are as follows:

1. Academic Dishonesty

Plagiarism – The unauthorized use of materials not written or created by the person claiming authorship. Plagiarism includes but is not limited to the following:

- a. Turning in a written essay produced by someone else.
- b. Collaborating on a written assignment without the specific approval of the instructor.
- c. Borrowing materials from any source--professional or amateur--and turning them in as original.
- d. Failure to acknowledge through appropriate citations any words, ideas, research, graphics, etc. produced by someone other than the person claiming authorship.

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Cheating – Dishonest acts committed while being tested or evaluated. Cheating includes but is not limited to the following:

- a. Copying from another person's tests or assignments.
- b. Using unauthorized test aids such as notes, drawings, books, etc., during an examination.
- c. Submitting a paper which was turned in to another instructor in another class to fulfill part of that course's required work--unless agreed upon ahead of time by the instructor of the second course.
- d. Aiding another student in dishonesty, such as producing written work or sharing information during a test period.
- e. Fabricating research or source materials.
- f. Stealing, buying, or somehow obtaining a test from an instructor's work area or computer files.

2. Interference with the Educational Mission of the College

Sabotage – Interference with or destruction of the work or property of another person, including the misuse of computers. Sabotage includes but is not limited to the following:

- a. Forgery, alteration, or misuse of College documents, records, or identification.
- b. Use, possession, or distribution of alcohol, narcotics, or dangerous drugs except as permitted by law and College regulations.
- c. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including its public service functions, or of other authorized activities on College premises.
- d. Theft or damage to property of the College or of a member of the College faculty, of a College student, or of a campus visitor.
- e. Unauthorized entry to or use of College facilities.
- f. Knowingly furnishing false information to the College.
- g. Conduct which adversely affects the student's ability to function as a member of the academic community.
- h. Misuse of computers including but not limited to:
 - 1) Unauthorized entry into a file to use, read, or alter it
 - 2) Unauthorized transfer of a file
 - 3) Downloading licensed software
 - 4) Abuse of computer time
 - 5) Infecting computers with a virus.

3. Behavioral Misconduct

Misconduct – Violation of College rules/policies or State/Federal laws. Behavioral misconduct includes but is not limited to:

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- a. Failure to identify one's self when requested by College officials or failure to comply with directions of College officials acting in the performance of their duties.
- b. Physical abuse, harassment including sexual harassment, or conduct by any student at College sponsored or supervised functions, which threatens or endangers the health and safety of any person or creates a hostile or offensive educational environment for any person. Students who believe themselves victims of harassment or discrimination, including but not limited to sexual harassment or sexual assault, should refer to Board Procedure VII-012 Complaints Alleging Discrimination or Harassment Based on Age, Ancestry, Color, Creed, Disability, Genetic Information, Marital Status, National Origin, Race, Religion, Gender Identity or Expression, Sexual Orientation, or Veteran Status, as well as Discrimination on the Basis of Sex and/or Board Procedure VII-012.1 Jefferson College Title IX Sexual Harassment Procedure and Grievance Process.
- c. Disorderly or immoral conduct or expression, breach of the peace and aiding or inciting another to breach the peace, or infringement upon the rights of others either on College-owned property or at College-sponsored or supervised functions.
- d. Possession or use of firearms, explosives, dangerous chemicals, or other weapons on College-owned or controlled property or at College-sponsored functions, except as permitted by law and College regulations.
- e. Dressing or personally appearing in a manner which unduly disturbs a classroom, instructional activity, or other College activity.

Rules of Procedure for Violations of the Student Code of Conduct

1. Preamble

The following Rules of Procedure shall be followed in any disciplinary proceedings for violations of the Student Code of Conduct. These Rules of Procedure are intended to ensure that appropriate due process is provided in student disciplinary proceedings and to provide clear procedures for these proceedings. The application of these procedures does not imply or create immunity from civil or criminal proceedings.

2. Definitions

As used in these rules the following definitions shall apply:

Conduct Officer: For purposes of informal dispositions of disciplinary matters, the term Conduct Officer shall mean the Student Conduct and Care Team Coordinator or their designee.

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Director of Student Compliance: For the purposes of formal disposition of disciplinary matters, the term Director of Student Compliance shall mean the Director of Student Compliance or their designee.

Appeal: The exercise of the right to appeal by the student or Conduct Officer where discipline of suspension or expulsion is imposed.

Reprimand and Warning: A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if the student engages in the same misconduct again or commits any other violation of this code.

Disciplinary Probation: After a finding of violation of the Student Code of Conduct, restriction of student's privileges for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program, an educational session or project, or write a position paper on a topic related to the violation.

Disciplinary Suspension: An involuntary separation of the student from the institution for misconduct apart from academic performance for a specified period of time. Suspension differs from expulsion in that after the stated time period the student is eligible to be readmitted.

Disciplinary Expulsion: Permanent dismissal for disciplinary reasons.

Other Disciplinary Sanction: Restitution, restriction, denial of privilege, assignment to perform services for the benefit of the College or community; or other sanction that does not result in the student being denied the right to attend classes.

Review: The exercise of the right of the student or Conduct Officer to request review by the Vice President of Student Services, whether or not discipline is imposed and when the discipline imposed is other than suspension or expulsion.

Student: A person currently enrolled in the College or one who was enrolled at the time of the alleged infraction. For the purpose of these rules, student status continues whether or not the College's academic programs are in session. A person not falling within the definition of a student may not be entitled to the benefits of these procedures but shall be subject to prosecution by civil authority for illegal actions.

3. Rules of Procedure

Section 1. Initiation of Disciplinary Proceedings

Any employee or any student of the College may request initiation of disciplinary procedures against any student suspected of violation of Board policies or College regulations.

Section 2. Designation of College Official for Administration of Discipline

The Student Conduct and Care Team Coordinator is the primary officer for administration of discipline for unacceptable conduct or for conduct which involves infraction of College rules and regulation, and they will initiate disciplinary action in accordance with these regulations.

Section 3. Preliminary Procedures

Disciplinary proceedings are not to be construed as judicial trials, but care shall be taken to comply as fully as possible with the spirit and intent of the procedural safeguards set forth herein.

The appropriate Conduct Officer shall investigate any reported student misconduct before initiating disciplinary procedures and give the student the opportunity to present their personal version of the incident or occurrence. The Conduct Officer may discuss, consult, and advise with any student whose conduct is called into question. The student shall attend such consultations as requested and shall be given a copy of these Rules of Procedure. The Conduct Officer, in making the investigation and disposition, may utilize students, faculty, staff, or administrators to make recommendations which shall be considered in carrying out the authority granted under the Conduct Officer. Any written correspondence between the Conduct Officer and the student that is not hand delivered to the student by the Conduct Officer shall be sent to their jeffco.edu account or sent certified, return receipt requested.

Section 4. Informal Disposition

The Conduct Officer, after investigation, shall have the authority to impose appropriate discipline. The Conduct Officer shall fix a reasonable time (such as five {5} business days) within which the student shall either accept or reject such proposed disposition. Failure of the student to respond in writing within the time fixed shall be deemed to be an acceptance, and in such event, the proposed disposition shall become final upon expiration of such time. Where the disposition proposed in the preliminary proceeding is not accepted by the student in writing, the matter shall be referred to formal disposition

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for resolution. The Conduct Officer, at their discretion, may refer cases to formal disposition without first offering informal disposition.

Section 5. Temporary Removal from a Facility

The supervisor of an educational or service area may at any time suspend or remove a student from the supervisor's assigned area of responsibility pending informal or formal procedures when they find and believe from information coming to their attention that the presence of a student in that area is seriously disruptive or there is reason to believe that the student is in violation of the Code and the student's continued presence will constitute further violation. Such summary removal shall not exceed a period of five (5) business days, unless within such time the College has commenced disciplinary procedure and diligently pursues each procedure to its conclusion, in which event such summary removal may be continued until such conclusion.

Section 6. Temporary Suspension

The President or any Conduct Officer may at any time suspend or deny re-admission to a student from the College pending formal procedures when they find and believe from information coming to their attention that the presence of a student on campus would seriously disrupt the operation of the College or constitute a danger to the records or other physical properties of the College or to the health, safety, or welfare of the student or other persons. Such summary suspension shall not exceed a period of five (5) business days, unless within such time the College has commenced formal disciplinary procedure and diligently pursues each procedure to its conclusion, in which event such summary suspension may be continued until such conclusion.

Section 7. Formal Disposition

- a. General Statement of Procedures: A student charged with a breach of College rules or regulations or conduct in violation of the Student Code of Conduct is entitled to a written notice of the alleged violation(s), its source in College policy, and a formal conference unless the matter is disposed of under the rules for informal disposition. The procedures set forth below shall be interpreted and administered to accomplish this objective and provide for prompt consideration and disposition of student conduct cases.

- b. Notice of Alleged Violation(s): The Conduct Officer shall initiate disciplinary actions by arranging with the Director of Student Compliance to call a formal conference and by giving written notice by jeffco.edu email, certified mail, or personal delivery to the student charged with misconduct, which shall set forth the date, time, and place of the alleged violation; the conduct to be inquired into; and the date, time, and place of formal conference before the Director of Student

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Compliance. Notice by certified mail may be addressed to the last address currently on record with the College.

Failure by the student to have their current correct local address on record with the College shall not be construed to invalidate such notice.

- c. Rules for Formal Disposition: The Director of Student Compliance shall have the right:
- 1) In cases involving more than one student which arise out of the same transaction or occurrence, to hear such cases together (in that event, separate findings and determinations for each student shall be made).
 - 2) To permit a stipulation of facts by the Conduct Officer and the student involved.
 - 3) To permit the incorporation in the record by a reference of any document, affidavit, or other thing produced and desired to be incorporated in the record by the College or the student charged.
 - 4) To question witnesses or other evidence introduced by either the College or the student at any time.
 - 5) To hear from the Conduct Officer about dispositions made in similar cases and any dispositions offered to the student.
 - 6) Add additional witnesses or require additional investigation.
 - 7) To dismiss any action at any time or permit informal disposition as otherwise provided.
 - 8) To at any time permit or require amendment of the Notice of Alleged Violation(s) to include new or additional matters which may come to the attention of the Director of Student Compliance before final determination of the case, provided, however, that in such event the Director of Student Compliance shall grant to the student or Conduct Officer such time as the Director of Student Compliance may determine reasonable under the circumstances to answer or explain such additional matters.
- d. Student Rights Upon Formal Conference
- 1) To make any statement to the Director of Student Compliance in mitigation or explanation of the conduct in question that the student desires.
 - 2) To have an advisor of their choice appear with them and to consult with such advisor during the conference.
 - 3) To hear or examine evidence presented to the Director of Student Compliance against them at the conference.

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- 4) To present evidence by witness or affidavit of any defense the student desires.
 - 5) To be informed in writing of the findings of the Director of Student Compliance and any discipline they imposes.
 - 6) To appeal to the Vice President of Student Services or President as herein provided.
- e. Determination by Director of Student Compliance: The Director of Student Compliance will examine the documentation relating to the matter-meaning the allegation(s), investigative materials, and formal conference information and make a determination within five (5) business days after submission of the documentation and conclusion of any and all conferences. The Director of Student Compliance may, in their sole judgement and discretion, contact any individual to seek additional information if they deem such information necessary to reach a decision. The Director of Student Compliance shall then make their findings and determination. Separate findings are to be made:
- 1) As to the conduct of the student.
 - 2) On the discipline, if any, to be imposed.

No discipline shall be imposed on the student unless the Director of Student Compliance is reasonably convinced by the evidence that the student has committed the violation charged and should be therefore disciplined.

Section 8. Record of the Case

The record of the case shall be maintained and kept as long as the discipline imposed shall be in force, or for seven (7) years. The notice, exhibits, record, and the findings and determination shall become the "Record of the Case" and shall be filed in the Student Conduct and Care Team Office and, for the purpose of appeal, be accessible at reasonable times and places to both the College and the student.

Section 9. Right of Appeal

- a. When a student is suspended, expelled, or dismissed, the Conduct Officer or the student may appeal such decision to the Vice President of Student Services by filing written notice of appeal with the Vice President of Student Services within ten (10) consecutive calendar days after notification of the decision of the formal disposition. A copy of the Notice of Appeal will be simultaneously given by the student to the Conduct Officer or by the Conduct Officer to the student. The appealing party may file a written memorandum for consideration by the Vice President of Student Services with the Notice of Appeal, and the Vice President

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of Student Services may request a reply to such memorandum by the student or the Conduct Officer.

- b. The Vice President of Student Services shall review the full record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings and shall notify the Conduct Officer, Director of Student Compliance, and the student, in writing, of the decision on the appeal.
- c. The Conduct Officer or the student may thereafter appeal to the President of Jefferson College by filing a written Notice of Appeal with the President of the College and giving notice to either the student or the Conduct Officer, as appropriate. Such Notice of Appeal must be filed within ten (10) consecutive calendar days of the notification of action by the Vice President of Student Services.
- d. The appealing party may file a written memorandum for consideration by the President with the Notice of Appeal and the President may request a reply to such memorandum by the student or the Vice President of Student Services.
- e. The President shall take such action on the appeal as they deem appropriate. The President shall notify the student, the Conduct Officer, Director of Student Compliance, and the Vice President of Student Services in writing of their decision.

Section 10. Right to Petition for Review

- a. In all cases where the discipline imposed through formal disposition is other than suspension or expulsion, the Conduct Officer or the student may petition the Vice President of Student Services in writing for a review of the decision within five (5) consecutive calendar days after the notification of the decision of the Director of Student Compliance and by serving a copy of the Petition for Review upon the non-appealing party within such time. The Petition for Review shall cite the ground or reasons for review, and the non-appealing party may answer the petition within five (5) consecutive calendar days if they so desire.
- b. The Vice President of Student Services may grant or refuse the right of review. If the Vice President of Student Services reviews the decision, the action of the Vice President of Student Services shall be final unless the decision is to refer the matter for further proceedings.

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Section 11. Status During Appeal

In cases of suspension or expulsion where a Notice of Appeal is filed within the required time, a student may petition the appellate authority in writing for permission to attend classes pending final determination of the appeal. The appellate authority may permit a student to continue in school under such conditions as may be designated pending completion of appellate procedures provided such continuance shall not seriously disrupt the College or constitute a danger to the health, safety, or welfare of the College community. In such event, however, any final disciplinary action imposed shall be effective from the date of the action of the formal disposition.

Section 12. Notification of a Victim

- a. A person who is a victim of any misconduct for which disciplinary proceedings are conducted under this code is entitled to participate in all proceedings.
- b. If the subject matter of the disciplinary proceeding involves a crime(s) of violence and/or sex offense(s) and the accused is found responsible, the Conduct Officer is required to notify the victim of the outcome of the disciplinary proceedings within five (5) business days after the proceedings have been concluded.
- c. If the student(s) against whom a sanction(s) is rendered discusses the disciplinary process, or the outcome of the disciplinary process, in a public forum, any claim to confidentiality is waived.

BOARD MONITORING

The Vice President of Student Services shall implement and monitor this procedure.