



COMMUNITY  
COLLEGE

# STUDENT CODE OF CONDUCT

6.12.24

# STUDENT CODE OF CONDUCT

## INTRODUCTION

At EC3, we strive to remove barriers that impede academic and personal success. Part of our commitment to academic and personal success is ensuring an environment that encourages growth, learning, and collegiality. To this end, our student code of conduct guides acceptable behavior. It will be administered with restorative growth as its main objective.

## DEFINITIONS

The following are definitions of terms or phrases contained within this Code:

- **Appeal:** the process for requesting a formal change to an official decision. In most circumstances an appeal connotes a review of the written documentation or record of the original hearing.
- **College:** an EC3 campus or location.
- **College premises:** all land, buildings, facilities and other property in the possession of or owned, used, or substantially controlled by EC3.
- **College official:** any person employed by the college who is performing assigned administrative or professional responsibilities pursuant to this Student Conduct Code. The Executive Vice President shall designate the EC3 official who is responsible for the administration of the Student Conduct Code.
- **Complainant:** any person who submits a complaint alleging that a student violated this Student Conduct Code. When a student believes they have been a victim of another student's misconduct, the student who believes they have 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 complaint itself.
- **Day:** business day when college is in session. This will exclude weekends in which there are no college activities, college closures for emergencies, and college holidays.
- **Disruptive behavior:** conduct that substantially interferes with or obstructs the teaching or learning process in the context of a classroom or lab, which includes educational or professional internships, clinical placements, or other college sponsored experiential learning opportunities. Disruptive behavior also includes conduct that materially interferes with or obstructs EC3 business operation.
- **Due process:** a guarantee that all proceedings related to the student code of conduct will be fair and that students will be given notice of the proceedings and an opportunity to be heard before EC3 takes any action.
- **Evidence:** the use of testimony (e.g., oral, or written statements), exhibits (e.g., physical objects), documentary material, or demonstrative evidence related to the complaint.
- **Faculty member:** any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of the faculty in credit / non-credit courses.
- **Grievance:** an actual or supposed circumstance regarded as just cause for complaint.
- **Member of the college community:** any person who is a student, faculty member, staff member, college official, or any other person employed by the college.
- **Policy:** is defined as the written regulations of the college. The EC3 College Policies are found here: <https://www.ecccpa.org/wp-content/uploads/2024/01/College-Policy-Manual-1.24.24.pdf>

- **Respondent:** any student accused of violating EC3's Student Conduct Code. Respondents enjoy the presumption of innocence until such time as the Respondent is adjudicated to have violated the Student Conduct Code.
- **Restorative environment:** a culture of care that creates an environment in which repairing harm and rebuilding trust within the EC3 community is the focus.
- **Sanction:** a penalty that may be imposed after a student has been found responsible for behavior that violates the Student Code of Conduct.
- **Student:** any individual who is or has been registered in credit or non-credit college programs.
- **Student Conduct Administrator:** a culture of care that creates an environment in which repairing harm and rebuilding trust within the EC3 community is the focus.
- **Student Conduct Panel:** any person or persons appointed to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a student has been found responsible for a violation.
- **Threatening behavior:** any written or oral statement, communication, conduct or gesture directed toward any member of the EC3 community, which causes a reasonable apprehension of physical harm to self, others, or property. It does not matter whether the person communicating the threat has the ability to carry it out, or whether the threat is made on a present, conditional, or future basis.
- **Witness:** an individual or individuals who have had direct involvement in an incident and/or who were provided with information regarding the incident directly from the accused student, alleged victim, or both. This also includes individuals who in their professional capacity have contributed information which led to charges.

## JURISDICTION

The Student Code of Conduct applies to behaviors that take place at the College; in any of its facilities; on any of its grounds, partner sites, or program centers; or at any College related activity regardless of location. This can also include behavior conducted online or electronically via email, social media, or other electronic format.

The College reserves the right to act off-campus student behavior when such behavior adversely affects the College community, poses a threat to the health or safety of the College community or interferes with the College's pursuit of its objectives and mission.

## PROHIBITED BEHAVIORS

- Furnishing false information to any EC3 official, faculty member, or office, including falsification of documents, lying, and/or use of deception
- Stealing or possessing stolen property
- Misuse of technology as outlined in EC3 College Policy (<https://www.ecccpa.org/wp-content/uploads/2024/01/College-Policy-Manual-1.24.24.pdf>)
- Unruly, disrespectful, or disruptive behavior inside or outside the classroom
- Damage to or littering EC3 properties owned or leased by the College.
- Possession of firearms, explosives, other weapons or dangerous chemicals while on campus unless properly authorized
- Violations of EC3 policy by smoking or vaping in any EC3 facility
- Fighting, use of violence against any person

- Creating or contributing to an intimidating or hostile environment for any member of the EC3 community
- Physical Stalking, or cyberstalking, defined as repetitive, menacing pursuit, following harassment and/or interference with the peace and/or safety of a member of the EC3 community
- Sexual misconduct, including but not limited to sexual harassment, non-consensual sexual conduct, or sexual exploitation
- Lewd or obscene conduct including but not limited to public urination, sexual acts performed in public, surreptitiously taking pictures of another person in a locker room or restroom or other location where privacy is expected, possession or distribution of child pornography
- Use of alcoholic beverages including the purchase, serving, consumption, possession, or sale of such items on EC3 property or any College sponsored event or activity; being under the influence of alcohol or other controlled substances on EC3 property or any College sponsored event or activity
- Violation of federal, state, or local laws

## **VIOLATION OF LAW**

If a student is charged with violating state or federal law, proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

## **PROCESS FOR SUBMITTING A COMPLAINT (INFORMAL/FORMAL)**

**Informal** - To submit an informal complaint, the complainant may contact the Assistant Vice President's office in person, by phone or email, to set up an appointment to discuss the situation leading up to the complaint, provide a description of the complaint, and what remedies are sought from the action. Informal complaints may also stem from a C.A.R.E. form submission.

**Formal** - Any member of the EC3 community may submit a formal complaint about alleged violations of the Student Code of Conduct. Formal complaint should be submitted to the Assistant Vice President's Office via the C.A.R.E. form by indicating you are submitting a formal complaint in the correct field. All reports should be submitted as soon as possible after the event takes place.

## **INTERIM ACTIONS**

Interim actions (after the complaint is received but before any meeting occurs) may be necessary to ensure a collegial atmosphere. These interim actions may include separating students by removing one student from a class or campus, or mandating no contact. If a student is removed from class as an interim action, EC3 will work with faculty to make sure the removed student's academic opportunity is undisturbed until the investigation process is concluded.

## **ACCOMMODATING THE UNIQUE NEEDS OF STUDENTS**

Students with a documented disability who need accommodation at any stage in the conduct process should notify the Academic and Disability Counselor in writing at least three days prior to the hearing or meeting.

## **CONDUCT HEARING PROCESS**

### **Step 1: Informal Hearing**

During the Informal hearing the Student Conduct Administrator will advise the respondent (s) of allegation(s) and explain the student conduct process and clarify the rights and responsibilities. Every effort will be made to resolve the matter by mutual agreement through either 1) mediation or 2) facilitated conversation. Administrative disposition can be employed if the two former methods

do not resolve the conflict/allegation. In Administrative disposition, the Student Conduct Administrator can take one of the following actions:

- The Student Conduct Administrator may find the student responsible and impose sanctions.
- If there is no basis for the allegation or if it does not warrant further action, the Student Conduct Administrator will dismiss the allegation.
- If the student accepts responsibility, the Student Conduct Administrator can impose sanctions.
- If the student does not accept responsibility and evidence suggests the violating behavior occurred, the Student Conduct Administrator will initiate formal disciplinary charges (See step 2).

## **Step 2: Formal Hearing**

If formal charges are filed, the student with the agreement of the Student Conduct Administrator may choose one of two hearing options:

- A formal administrative hearing by the Student Conduct Administrator; or
- A formal hearing by a Student Conduct Panel.

### **Hearing Process**

At the hearing, the Student Conduct Administrator or chair of the student conduct panel will explain the charges and provide the respondent with the opportunity to make comments regarding this and all charges. If the respondent admits responsibility for the charges, the respondent will be given an opportunity to explain any mitigating circumstances. If the respondent denies the charges, the hearing will proceed. The burden of proof rests with the complainant. The Student Conduct Administrator or the panel will determine responsibility by the preponderance of the evidence (more likely than not). The hearing will be held whether or not either the respondent or the claimant attends.

The Student Conduct Administrator will impose sanctions when a student found responsible for violating the Code of Conduct. Prior to a sanction decision being made, an accused student may present a written statement of mitigating factors or character references. Complainants may present a written impact statement.

Written notification of the outcome of the hearing or sanction will be sent to both the complainant and the respondent via the EC3 email account within 10 days following the hearing.

The College may extend deadlines at its discretion.

### **Hearing Guidelines**

The respondent must receive notice at least five days before the scheduled hearing. Notice of the charge(s) and of the time and place of the hearing will be sent to the student and all involved parties via their EC3PA.org email addresses. Upon request, the respondent will be allowed access to any and all known materials to be introduced into evidence against.

Hearings will be closed to the public and press. All proceedings and decisions will be confidential except as permitted or required by law. All decisions of the proceedings will be provided to the complainant and respondent and to College officials on a need-to-know basis. Hearings will be recorded.

Related information including names, contact information, and relevance of witnesses must be submitted to the Student Conduct Administrator in writing at least three days prior to the hearing. The respondent has the following rights:

- To present an account of their involvement with the incident leading to the charge(s). If the student chooses to present an account of the incident in writing, it needs to be submitted to the Student Conduct Administrator at least three days prior to the hearing. The account may include any information or facts they wish to be considered in the review of the case, whether or not the student chooses to appear for the hearing.
- To remain silent without assumption of responsibility.

**All parties have the following rights:**

- To present information, witnesses, and evidence on their behalf. Witness statements and evidence must directly relate to the incident in question.
- To question any witnesses or rebut any evidence presented at the hearing. The Student Conduct Administrator or the chair of the panel may require that questions be submitted in writing.
- To have an advisor at the hearing.

Any party who intends to have an advisor present at the hearing must notify the Student Conduct Administrator in writing at least three days prior to the hearing. The notice must contain the advisor's name, contact information, and relationship to the student.

The advisor's role is not to represent the complainant or respondent. The advisor may not speak on behalf of the individual or ask questions of witnesses or other involved parties.

The advisor must agree to sign a confidentiality agreement.

**Student Conduct Board**

The Student Conduct Board will be a team of faculty, staff and (if possible) students established by the Executive Vice President who agree to serve on the Student Conduct Panel. For each individual hearing, the Student Conduct Administrator will appoint three members from the Board to serve on the hearing panel; a panel may include one student. The Student Conduct Administrator will designate one panel member to serve as the chair.

All prospective panel members will be trained in the hearing processes; training will be coordinated by the Student Conduct Administrator (Assistant Vice President) with support from Executive Vice President.

The role of the student conduct panel is to listen to the incident details, ask questions, determine the facts, and review the evidence presented. The panel is tasked with rendering a determination of responsibility based on a preponderance of the evidence. In the event that the respondent is found responsible for the charge(s), the panel will recommend sanctions to the Student Conduct Administrator, who will make a final determination of sanctions will formally inform the student and the panel members of the decision. Recommendations for expulsion will be forwarded by the Student Conduct Administrator to the Executive Vice President and/or the President's Cabinet for final approval.

### **Step 3: Due Process and Appeal (if applicable)**

Appeals are not intended to be re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.

Appeals are made to Executive Vice President.

#### **Appeal Guidelines**

Sanctions imposed will be in effect while the appeal process takes place. Exceptions may be made on a case-by-case basis when necessary for the integrity of academic programs.

Requests for appeal must be submitted in writing to the Executive Vice President (EVP@ec3pa.org) and received within five days of the written notice of the hearing's decision. Appeals submitted by email must be sent from the student's EC3 email address and have "Student Conduct Appeal" as the subject line. Failure to submit a complete appeal packet within the allotted time will render the original decision final.

The party requesting appeal must show error, as the original finding and sanction are presumed to have been decided reasonably and appropriately. The only grounds for appeal are as follows:

- A procedural or substantive error occurred that significantly impacted the outcome of the hearing.
- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation. The Executive Vice President reviews the request to see if it meets the limited grounds and is timely. The EVP may:
  - Find that the appeal is not timely or substantive and dismiss it. The decision is final.
  - Affirm the finding and sanction imposed in the original decision. The decision is final.
  - Affirm the finding and reduce, but not eliminate, the sanction. The decision is final.
  - Remand the case to the Student Conduct Administrator or the original panel for consideration of new evidence.

The decision of the Student Conduct Administrator or panel is final. In rare cases where the procedural error cannot be resolved by the Student Conduct Administrator or original panel, such as in cases of bias, the Executive Vice President may appoint a new panel to rehear the case. The results of the panel are final.

A student who has exhausted the appeal process has no right to file a grievance related to the case.

### **ACADEMIC VIOLATIONS**

Plagiarism is the intentional or unintentional presentation as new and original an idea or product derived from an existing source without properly citing the source of the material.

Cheating is the intentional use or attempted use of unauthorized materials, information, or study aids in any academic exercise or aiding another in cheating.

The process for investigating claims of academic misconduct will be addressed within the academic code of conduct.

## **SANCTIONS (SPECTRUM AND ACADEMIC CONSEQUENCES)**

When a student is found responsible for behavior that violates the Code of Conduct, sanctions may be imposed. Disciplinary sanctions generally attempt to accomplish the following:

- Contribute to the growth and development of the student
- Provide fair and just consequences for misconduct
- Provide protection for the people and property of the EC3 community
- Enhance the learning environment
- Discourage future violations of the Code of Conduct.

There are two types of sanctions - administrative and educational. Administrative sanctions are more formal actions and frequently relate to the status of the student at EC3. Administrative sanctions may be assigned independent of or in conjunction with educational sanctions.

Educational sanctions are designed to include developmental activities related to specific acts of misconduct. The goals of educational sanctions are to reduce the probability of repeat behavior, to give students the opportunity to demonstrate personal growth, and to appropriately challenge students.

Educational sanctions may be assigned independent of or in conjunction with administrative sanctions. Sanctions may include but are not limited to:

### ***Administrative Sanctions***

**Disciplinary Warning:** A warning to a student that his/her conduct was questionable and/or inappropriate and that further misconduct will result in more severe disciplinary action. Disciplinary warning may include a behavior agreement or contract.

**Disciplinary Probation:** Disciplinary probation is assigned for a specified period of time and is intended to foster reflection, responsibility, and improved decision making. During this period the student is not in good standing with the College. The terms of probation may include restrictions of student privileges and/or set specific behavioral expectations. Misconduct while on probation or failure to comply with any conditions or to complete any assignments related to the probation may lead to more severe disciplinary action, including suspension or expulsion.

**Disciplinary Suspension:** Disciplinary suspension of the student from the College is assigned for a specified period of time that excludes the student from registration, class attendance, and use of College facilities. During the period of disciplinary suspension, the student will be prohibited from using or visiting College facilities unless special permission is obtained from the Student Conduct Administrator.

**Expulsion:** Expulsion of a student from the College is permanent and requires administrative review and approval by the Student Conduct Administrator or designee. A student who is expelled from the College is prohibited from using or visiting EC3 facilities unless permission is obtained from the Student Conduct Administrator or designee.

**No Contact Order:** If needed, a restriction on any contact of any means or modality between anyone relevant to the complaint.

**Restitution:** May be assigned to students whose behavior reflects damages to or misappropriation of property. Restitution may include, but is not limited to, reimbursements, compensation, and service.



## **Educational Sanctions**

Include but are not limited to:

**Apology Letter:** May be assigned to students whose behavior had a negative impact on a particular individual or business more so than the community at large (i.e. theft).

**Community Service or Service Learning Experience:** May be assigned to students whose behavior or pattern of behavior disrupted the community in some way.

**Reaction/Reflection/Research Paper:** May be assigned to students who have engaged in a Code violation as a way of fostering reflection and explanation in a way that will benefit their future decision making.

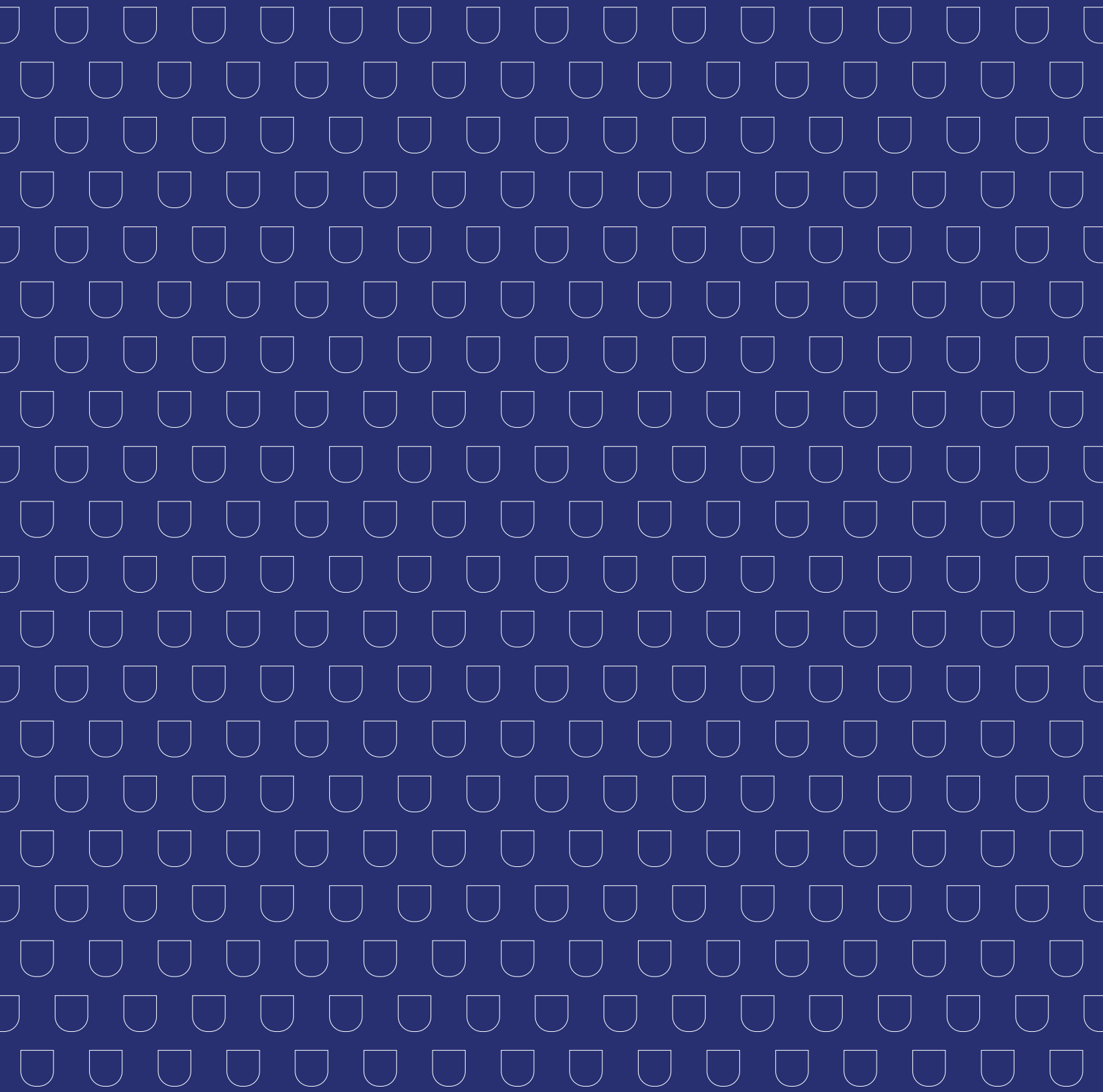
**Review a relevant Article, Book, Workshop, Program or Movie and Reflection Paper:** May be assigned to students whose behavior violated the Code as a way of fostering exploration of a particular topic followed by reflection on the topic and how it relates to them.

## **ACADEMIC CONSEQUENCES**

Violations of the Student Conduct Code can have academic consequences if the violation also constitutes failure to meet standards of performance or professionalism set by the instructor or the program, or if it constitutes cheating, plagiarism, falsification of data, or other forms of academic dishonesty. In such cases, the instructor may award a failing grade for the assignment or the course in such cases, and the program faculty may decide that the student is ineligible to continue in the program. Academic consequences are determined by the faculty and academic administration.

## **ADMINISTRATIVE HOLD**

The Student Conduct Administrator may place a temporary administrative hold preventing a student's registration if it is necessary to secure the student's cooperation in the investigation or compliance with an administrative direction. This hold is not a sanction but a necessary step to resolve the complaint promptly.



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