



MANCHESTER  
COMMUNITY  
COLLEGE

# **Manchester Community College**

## **Student Code of Conduct**

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**Effective: Immediate**

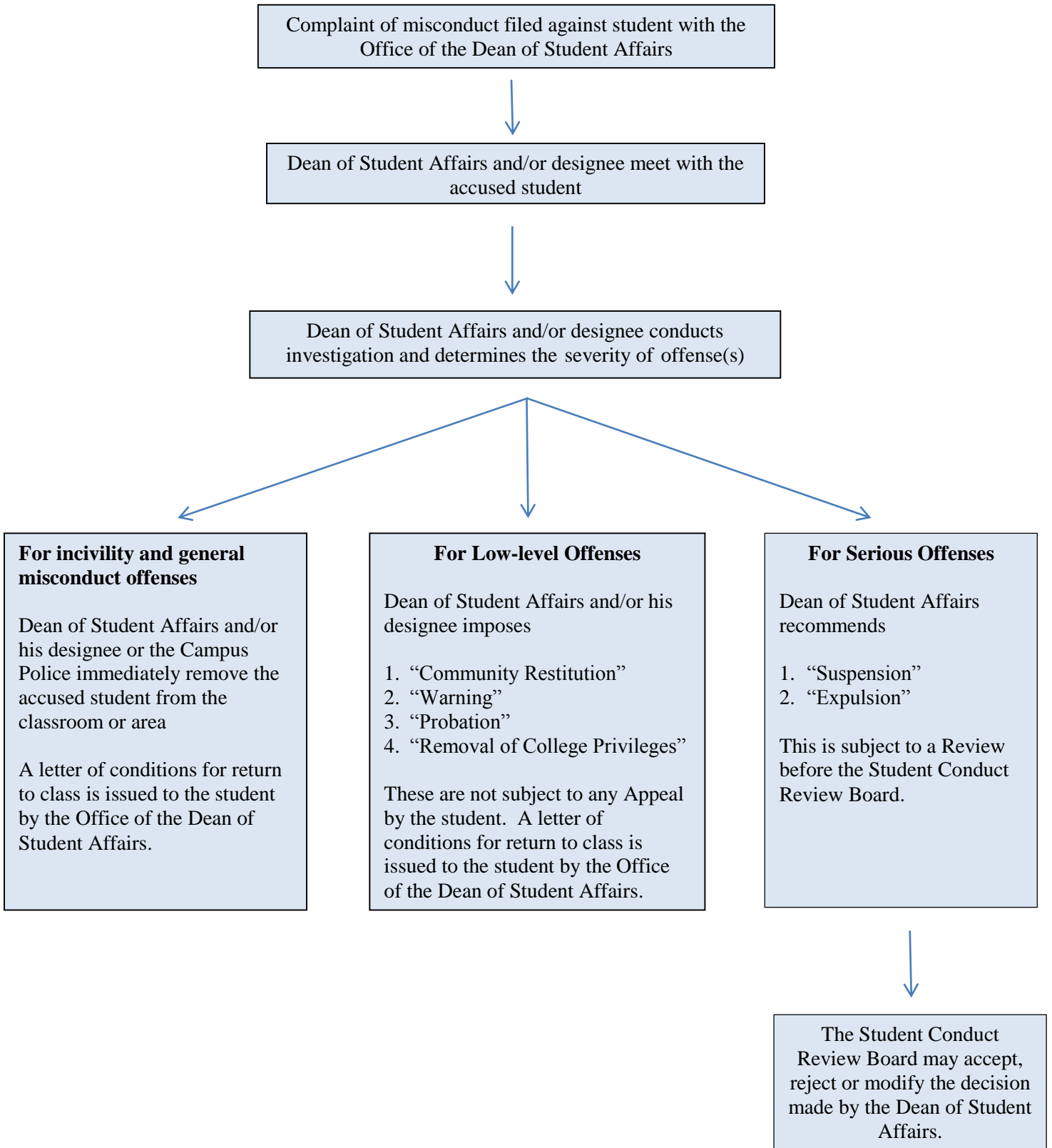
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**Note:**

**For details please refer to the Student Code of Conduct as outlined in the Student Handbook 2015-2016 – Copies of which are available in the Office of the Dean of Student Affairs.**

## Overview of the Student Conduct Process



# **Student Code of Conduct (BOR/CSCU)**

## **I. Student Code of Conduct**

### **Preamble**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. In line with this purpose, the Board of Regents for Higher Education (“BOR”) in conjunction with the Connecticut State Colleges and Universities (“CSCU”) has the duty to protect the freedoms of inquiry and expression, and furthermore, has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

CSCU has certain self-defined institutional values. Principal among these values is respect for the safety, dignity, rights, and individuality of each member of the CSCU Community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education.

All members of CSCU must at all times govern their social and academic interactions with tolerance and mutual respect so that the students who pass through a CSCU door are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the BOR’s and CSCU’s commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on CSCU campuses. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation or expression, disability, gender, age, or ethnic background are antithetical to the BOR’s and CSCU’s fundamental principles and values. It is the BOR’s and CSCU’s responsibility to protect our students’ right to learn by establishing an environment of civility.

The disciplinary process is intended to be part of the educational mission of CSCU. Student disciplinary proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

### **Introduction**

This Student Code of Conduct (hereinafter the “Student Code” or “Code”) is intended to present a clear statement of student rights and responsibilities established by the Board of Regents for Higher Education. The BOR has charged the President of the Board of Regents for Higher Education with developing procedures to protect those rights and to address the abdication of responsibilities in collaboration with the four State Universities, the twelve Community Colleges and Charter Oak State College. The Student Code describes the types of acts that are not acceptable in an academic community.

*Disclaimer: This Code is neither a contract nor an offer of a contract between any BOR governed institution and any student. The provisions of this Code are subject to revision at any time.*

### **Part A: Definitions**

The following list of defined terms utilized throughout this Student Code is provided in an effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Student Code that might require interpretation or clarification. The Vice President for Student Affairs at a University, the Dean of Students at a Community College, the Provost at Charter Oak State College or their designee shall make the final decision of the interpretation of the definition of any term found in the Student Code. For purposes of interpretation and application of the Student Code only, the following terms shall have the following meanings:

1. **“Accused Student”** means any student accused of violating this Student Code.
2. **“Advisor”** means a person who accompanies an Accused Student or an alleged victim to a hearing (or a proceeding pertaining to a report of sexual violence) for the limited purpose of providing advice and guidance to the student. An advisor may not directly address the Hearing Body, question witnesses, or otherwise

actively participate in the hearing process (or other proceeding pertaining to a report of sexual violence).

3. **“Appellate Body”** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students, Charter Oak State College Provost or their designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.
4. **“Calendar Days”** means the weekdays (Mondays through Fridays) when the University or College is open.
5. **“College”** means either collectively or singularly any of the following institutions: Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.
6. **“Complainant(s)”** means the person(s) who initiates a complaint by alleging that a Student(s) violated the Code.
7. **“CSCU”** means either collectively or singularly, any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.
8. **“CSCU Affiliates”** means individuals and/or entities with whom or with which the College or University has a contractual relationship.
9. **“CSCU Official”** means any person employed by the College or University to perform assigned administrative, instructional, or professional responsibilities.
10. **“CSCU Premises”** means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University or College, either solely or in conjunction with another entity.
11. **“Disciplinary Officer” or “Conduct Administrator”** means a University, College or CSCU official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a disciplinary officer or conduct administrator is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code decline to pursue a complaint, refer identified disputants to mediation or other appropriate avenues of resolution, establish charges against a student, enter into an administrative agreement developed with an Accused Student in accordance with Section II-B-3 of this Code, advise a Hearing Body, and present the case before the Hearing Body.
12. **“Hearing Body” or “Hearing Panel”** means any person or persons authorized by the University Vice President for Student Affairs, Community College Dean of Students or Charter Oak State College Provost to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.
13. **“Institution”** means the University or College within CSCU.
14. **“Instructor”** means any faculty member, teaching assistant or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research, and academic advising.

15. **“Member of the CSCU Community”** means any person who is a student, an official or any other person who works for CSCU, either directly or indirectly (e.g., for a private enterprise doing business on a CSCU campus).
16. **“Policy”** means the written regulations, standards, and student conduct expectations adopted by the BOR and found in, but not limited to the Student Handbook, the Residence Life Handbook, the housing contract, the graduate and undergraduate catalogs, and other publicized University and College notices.
17. **“Prohibited Conduct”** means the conduct prohibited by this Code, as more particularly described in Part I-D of this Code.
18. **“Reporting Party”** means any person who alleges that a student has violated this Code.
19. **“Student”** means either (1) any person admitted, registered, enrolled or attending any CSCU course or CSCU conducted program, whether full-time or part-time, and whether pursuing undergraduate, graduate or professional studies, or continuing education; (2) any person who is not officially enrolled for a particular term but who has a continuing relationship with a CSCU; or (3) any person within two calendar years after the conclusion of their last registered Community College course unless the student has formally withdrawn, graduated or been expelled from the College.
20. **“Student Code” or “Code”** means this Student Code of Conduct.
21. **“Student Organization”** means an association or group of persons that have complied with the formal requirements for University or College recognition.
22. **“Support Person”** means a person, who accompanies an Accused Student, a Reporting Party or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.
23. **“University”** means any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, and Western Connecticut State University, whichever the alleged violation of the Code occurred.
24. **“Shall” and “will”** are used in the imperative sense.
25. **“May”** is used in the permissive sense.

## **Part B: Application, Distribution, and Administration of the Student Code of Conduct**

1. Application of the Student Code: The Student Code shall apply to the four Connecticut State Universities, the twelve Community Colleges, and the on-line college:  
Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Asnuntuck Community College, Capital Community College, Gateway Community College, Housatonic Community College, Manchester Community College, Middlesex Community College, Naugatuck Valley Community College, Northwestern Connecticut Community College, Norwalk Community College, Quinebaug Valley Community College, Three Rivers Community College, Tunxis Community College, and Charter Oak State College.

An alleged violation of the Student Code shall be addressed in accordance with the Code of Conduct, even if the accused Student has withdrawn from the Institution prior to the completion of the disciplinary procedures.

The Student Code shall apply to Students and to University Student Organizations. The term “student” shall generally apply to the student as an individual and to a Student Organization as a single entity. The officers

or leaders of a particular Student Organization usually will be expected to represent the organization during the disciplinary process. Nothing in this Student Code shall preclude holding certain members of a Student Organization accountable for their individual acts committed in the context of or in association with the organization's alleged violation of this Code.

2. Distribution of the Student Code: The Student Code shall be made readily available electronically and/or in a printed publication to students, faculty and staff. The office responsible for Student Affairs will annually distribute and make available to students, faculty and staff, electronically and/or in a printed publication, any revisions to the Code.
3. Administration of the Student Code: A University's and Charter Oak State College's Provost or a Community College's Dean of Students shall be the person designated by the institution President to be responsible for the administration of the Academic Misconduct portion of the Student Code. A University's Vice President for Student Affairs, a Community College's Dean of Students, or Charter Oak State College's Provost shall be the person designated by the institution President to be responsible for the administration of the Non-Academic Misconduct portion of the Student Code.

### **Part C: Scope of Authority**

A Student who is found responsible for engaging in conduct that violates the Student Code on any CSCU campus or on property controlled by the BOR or by any CSCU Affiliate or any CSCU sponsored function or event shall be subject to the sanctions described in this Code. The Student Code of Conduct also applies to online activities, where applicable. Students who attempt to engage in conduct that violates this Code, who knowingly encourage, aid or assist another person in engaging in such conduct, or who agree with another person, explicitly or otherwise, to engage in such conduct, may also be subject to disciplinary action.

Off-campus misconduct by University students may be subject to the jurisdiction of the University and addressed through its disciplinary procedures if one of the following conditions is met: (i) a Student engages in prohibited conduct at an official University event, at a University-sanctioned event, or at an event sponsored by a recognized University Student Organization; or (ii) a Student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the Accused Student poses a threat to the life, health or safety of any member of the CSCU or to the property of the CSCU.

Community College students conduct is subject to the Code on campus and off-campus whenever such conduct impairs College-related activities or affairs of another member of the College community or creates a risk of harm to a member or members of the College community. Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all CSCU regulations governing student conduct and responsibilities. Students do not relinquish their rights nor do they shed their responsibilities as citizens by becoming members of the CSCU Community. However, where a court of law has found a student to have violated the law, an institution has the right to impose the sanctions of this Code even though the conduct does not impair institution-related activities of another member of the university or college community and does not create a risk of harm to the college or university community. The decision to exercise this right will be in the sole discretion of the President of the impacted institution or his/her designee.

Charter Oak State College applies this Code to matriculated and non-matriculated students, including those participating in portfolio assessment, credential evaluation, testing, or contract learning. Jurisdiction shall be limited to student conduct that occurs while students are taking Charter Oak State College courses or availing themselves of Charter Oak State College services. However, if a matriculated Charter Oak State College student is found guilty of student misconduct at another institution, including but not limited to misrepresentation of records from other institutions, the student may be subject to disciplinary action at Charter Oak State College.

## Part D: Prohibited Conduct

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code.

1. Academic misconduct, which includes, but is not limited to, plagiarism and all forms of cheating.

*Plagiarism* is defined as the submission of work by a student for academic credit as one's own work of authorship which contains work of another author without appropriate attribution.

*Cheating* includes, but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests or examinations; (ii) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments; (iii) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; and (iv) engaging in any other behavior specifically prohibited by a faculty member in the course syllabus.

2. Acts of dishonesty, including but not limited to the following:
  - a. Misuse of University or College documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution-issued document or record.
  - b. Knowingly furnishing false information to any CSCU Official, faculty member or office.
3. Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property owned by the State of Connecticut, CSCU/BOR, the institution, or any member of the CSCU Community.
4. Actual or threatened physical assault or abuse, threatening behavior, intimidation, or coercion.
5. Sexual misconduct may include engaging in one of more behaviors:
  - a. **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:
    - sexual flirtation, touching, advances or propositions
    - verbal abuse of a sexual nature
    - pressure to engage in sexual activity
    - graphic or suggestive comments about an individual's dress or appearance
    - use of sexually degrading words to describe an individual
    - display of sexually suggestive objects, pictures or photographs
    - sexual jokes
    - stereotypic comments based on gender
    - threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.
  - b. **Sexual assault** shall include but is not limited to a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do



something proposed by another.

A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. Consent cannot be assumed because there is no physical resistance or other negative response. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is unconscious or otherwise unable to communicate consent).

Sexual assault is further defined in sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes.

c. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
- Possessing, distributing, viewing or forcing others to view illegal pornography.

6. Intimate partner violence is defined as:

- Including intimate partner violence, which is any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault, as defined in section 5 above; (2) sexual assault in a spousal or cohabiting relationship; (3) domestic violence; (4) sexual harassment, as defined in section 5 above or, (5) sexual exploitation, as defined in section 5 above.
- Physical abuse, which can include but is not limited to, slapping, pulling hair or punching.
- Threat of abuse, which can include but is not limited to, threatening to hit, harm or use a weapon on another (whether victim or acquaintance, friend or family member of the victim) or other forms of verbal threat.
- Emotional abuse, which can include but is not limited to, damage to one's property, driving recklessly to scare someone, name calling, threatening to hurt one's family members or pets and humiliating another person.

7. Violations of privacy, including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, audio or video record of any person without his or her express consent, when such a recording is intended or likely to cause injury or distress. This includes, but is not limited to: (i) surreptitiously taking pictures or videos of another person in spaces such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas; and (ii) sexually exploiting another person by electronically recording or permitting others to view or electronically record, consensual sexual activity without a partner's knowledge or permitting others to view or listen to such video or audio tapes without a partner's knowledge and consent. Publicizing or threatening to publicize such records will also be considered a violation of this Code.

8. Hazing, which is defined as an act which endangers the mental or physical health or safety of a Student, or which destroys, damages, or removes public or private property for the purpose of initiation or 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 to an allegation of hazing. Consenting to the activity by remaining silent or not objecting in the presence of hazing is not a neutral act and is also a violation of this Student Code.
9. Stalking, which is defined as repeatedly contacting another person when:
  - a. The contacting person knows or should know that the contact is unwanted by the other person; and
  - b. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

As used in this definition, the term "contacting" includes, but is not limited to, communicating with (including internet communication via e-mail, instant message, on-line community or any other internet communication) or remaining in the physical presence of the other person.

10. Harassment, which is defined as conduct which is abusive or which interferes with a person's pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation or expression, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
11. Conduct that is disorderly, lewd or indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of the campus community), breach of peace or aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College.
12. Behavior or activity which endangers the health, safety, or well-being of oneself or others.
13. Offensive or disorderly conduct which causes interference, annoyance or alarm or recklessly creates a risk thereof at CSCU or CSCU premises, CSCU web or social media sites, at a CSCU-sponsored activity or in college or university courses, including cyber bullying. This offense does not apply to speech or other forms of constitutionally protected expression.
14. Unauthorized possession, duplication or use of keys (including, but not limited to, card access, card keys, fobs, etc.) to any CSCU premises or forcible and/or unauthorized entry on or into CSCU premises.
15. Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.
16. Unauthorized or improper possession, use, removal, tampering or disabling of fire and/or safety equipment and warning devices, failure to follow standard fire and/or emergency safety procedures, or interference with firefighting or emergency response equipment or personnel.
17. Use, possession, purchase, sale or distribution of alcoholic beverages, except as expressly permitted by law and CSCU regulations. Alcoholic beverages may not, under any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
18. Use, possession, purchase, sale, distribution or manufacturing of narcotics, controlled substances and/or drugs, including, but not limited to, marijuana and heroin, or drug paraphernalia, except as expressly permitted by law.

19. Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments, facsimiles of weapons or firearms, fireworks, explosives or dangerous chemicals. A dangerous instrument is any instrument, article or substance that, under the circumstances in which it is being utilized, is capable of causing death or serious physical injury. The possession of a deadly weapon or dangerous instrument on campus is strictly prohibited, even if such item is legally owned.
20. Gambling, including, but not limited to, promoting, wagering, receiving monies for wagering or gambling for money or property on CSCU premises.
21. Disruption or obstruction of any College or University function, activity or event, whether it occurs on or off the campus, or of any non-University or College function, activity or event which is authorized by the institution to occur on its premises.
22. Intentional obstruction of the free flow of pedestrian or vehicular traffic on CSCU premises or at University or College-sponsored or supervised functions or interference with entry into or exit from CSCU premises or with the free movement of any person.
23. Failure to comply with the directions of CSCU officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
24. Conduct that violates published BOR/CSCU policies, rules, and regulations, including, but not limited to, residence hall rules and regulations.
25. Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.
26. Unauthorized use of CSCU property or the property of members of the CSCU Community or of CSCU Affiliates.
27. Theft, unauthorized use, or abuse of University or College computers and/or peripheral systems and networks, including, but not limited to:
  - a. Unauthorized access to CSCU computer programs or files;
  - b. Unauthorized alteration, transfer or duplication of CSCU computer programs or files;
  - c. Unauthorized use of another individual's identification and/or password;
  - d. Deliberate disruption of the operation of CSCU computer systems and networks;
  - e. Use of the Institution's computing facilities and resources in violation of copyright laws (including unauthorized peer-to-peer file sharing of copyrighted material, including, but not limited to, copyrighted music, movies, and software);
  - f. Use of computing facilities and resources to send obscene messages (which are defined as messages which appeal mainly to a prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism, go well beyond customary limits of candor in describing or representing such matters, and are utterly without redeeming social value); and
  - g. Violation of the BOR Policy Statement on Acceptable and responsible use of Information Technology resources and/or any applicable BOR computer use policy.
28. Abuse of the CSCU conduct and disciplinary system, including but not limited to:
  - a. Failure to obey the notice from a Hearing Body or CSCU Official to appear for a meeting or hearing as part of the Student Conduct system;

- b. Falsification, distortion, or intentional misrepresentation of information to a Disciplinary Officer or Conduct Administrator, or before a Hearing Body;
- c. Initiation of a conduct or disciplinary proceeding knowingly without cause;
- d. Disruption or interference with the orderly conduct of a disciplinary proceeding;
- e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary system;
- f. Attempting to influence the impartiality of a Disciplinary Officer, Conduct Administrator or member of a Hearing Body prior to, and/or during the course of, the disciplinary proceeding;
- g. Harassment (verbal or physical) and/or intimidation of a Disciplinary Officer, Conduct Administrator, or member of a Hearing Body prior to, and/or during the course of the disciplinary proceeding;
- h. Failure to comply with the sanction(s) imposed under the Student Code; and
- i. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

### **Part E: Hearing Procedures for Sexual Misconduct, Sexual Intimate Partner, and Domestic Violence Cases**

In addition to disciplinary procedures applicable to State University students in Section II, Community College students in Section III, or Charter Oak State College Students in Section IV, for any hearing conducted involving allegations of sexual misconduct, the accuser and the accused student shall each have the following rights:

1. At any meeting or proceeding, both the alleged victim and accused may be accompanied by an advisor or support person of the student's choice provided the advisor or support person does not cause a scheduled meeting or hearing to be delayed or postponed;
2. The alleged victim of sexual misconduct, sexual exploitation, sexual harassment, sexual assault, intimate partner or domestic violence is entitled to request that disciplinary proceedings begin promptly;
3. Any hearing regarding an accusation of sexual misconduct, sexual assault, sexual exploitation, sexual harassment, intimate partner or domestic violence shall be conducted by an impartial hearing party or panel trained in issues relating to sexual misconduct, sexual, intimate partner and domestic violence;
4. In accordance with the Family Educational Rights and Privacy Act (FERPA), the accused and the alleged victim have the right to keep their identities confidential;
5. Normally no later than within one business day of the conclusion of a hearing, receive a written report from a CSCU Official indicating the determination of the impartial party or panel and the sanction(s) imposed on the accused student, if any;
6. Request review of the decision of the impartial panel or party.

### **Part F: Conduct and Disciplinary Records**

The written decision resulting from an administrative conference or a hearing under this Code shall become part of the student's educational record and shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). A student's disciplinary record shall be maintained separately from any other academic or official file maintained by the Institution. Disciplinary records will be maintained for a period of five (5) years from the date of the incident, except that the sanction of expulsion shall be noted permanently.

While student education records are generally protected from disclosure by FERPA, there are a number of exceptions

to this rule. Students should be aware that a record concerning his/her behavior while a student at the College or University may be shared with other colleges or universities to which the student may subsequently wish to transfer or be admitted. Similarly, prospective employers may require a student to provide access to his/her education records as part of the employment application process. A record of having been sanctioned for conduct that violates Section I.D. of the Code may disqualify a student for admission to another college or university, and may interfere with his/her selection for employment.

### **Part G: Interpretation and Revision**

Questions regarding the interpretation of this Code shall be referred to the University's and Charter Oak State College's Provost or a Community College's Dean of Students or their designees for the administration of the Non-Academic Misconduct portion of the Student Code and to the University's Vice President for Student Affairs, a Community College's Dean of Academic Affairs or Charter Oak State College's Provost or their designees for the administration of the Academic Misconduct portion of the Student Code.

This Code shall be reviewed and revised, if and as necessary, every five (5) years, or as directed by the President of the Board of Regents for Higher Education.

### **III. Conduct and Disciplinary Procedures Applicable To Community College Students**

Procedures for Community College students differ from those procedures applicable to either the Universities or Charter Oak State College. This is due to the environmental, cultural and administrative differences within the types of the institutions comprising CSCU. Procedures for addressing allegations and sanctions regarding academic misconduct (as defined in Section I.D.1 above) for Community College Students as set for in this Section III of the Code.

#### **Part A: Disciplinary Procedures (Academic and Non-Academic Misconduct)**

In regard to College Students, the following procedures shall govern the enforcement of the Code:

1. Information that a student may have violated the Code should be submitted to the Dean of Student Affairs, Dean of Academic Affairs or other designee of the President (hereinafter referred to as "the Dean"), normally within thirty (30) calendar days of the date of a possible violation or within thirty (30) calendar days of the date that the facts constituting a possible violation were known.
2. Upon receipt of information relating to a possible violation, the Dean may immediately place restrictions on or suspend a student on an interim basis if, in the judgment of the Dean, the continued presence of the student at the College or continued participation in the full range of college activities poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process.
  - a. "Interim restrictions" are limitations on the Student's participation in certain College functions and activities, access to certain locations on campus or access to certain persons, that do not prevent the Student from continuing to pursue his/her academic program. A Student upon whom the Dean has placed interim restrictions shall be afforded written reasons for the restrictions, as well as the time period during which the interim restrictions shall apply. The decision of the Dean regarding interim restrictions shall be final.
  - b. "Interim suspension" is the temporary separation of the Student from the College that involves the denial of all privileges, including entrance to College premises. Prior to imposing an interim suspension, the Dean shall make a good faith effort to meet with the Student. At this meeting, the Dean shall inform the Student of the information received and provide the Student an opportunity to present other information for the Dean's consideration. Based upon the information available at that time, the Dean shall determine whether the Student's continued presence on campus poses a danger to persons or property or constitutes an ongoing threat of disrupting the academic process. A Student

suspended on an interim basis by the Dean shall be provided written reasons for the suspension and shall be entitled to an administrative conference or a hearing as soon as possible, normally within ten (10) calendar days from the date the interim suspension was imposed. The decision of the Dean regarding an interim suspension shall be final.

3. Following the imposition of interim restrictions or interim suspension, if any, the Dean shall promptly investigate the information received by meeting with individuals who may have knowledge of the matter, including the accused Student, and by reviewing all relevant documents. If upon the conclusion of the Dean's investigation, the Dean determines that there is insufficient reason to believe the Student has committed a violation of any part of Section I. D. of this Policy, the Dean shall dismiss the matter and shall so inform the Student in writing.
4. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I. D. of this Code and, after considering both the possible violation and the prior conduct record of the Student, that a sanction of less than suspension or expulsion is appropriate, the Dean shall schedule an administrative conference with the Student. The Student shall be given reasonable notice of the time and place of the conference. At the administrative conference, the Student shall have the opportunity to present information for the Dean's consideration. At the conclusion of the administrative conference, the Dean shall determine whether it is more likely than not that the Student has violated the Policy and, if so, impose a sanction less than suspension or expulsion. The Dean shall provide the Student with a written explanation for the determination. The decision of the Dean shall be final.
5. If upon the conclusion of the Dean's investigation, the Dean determines that there is reason to believe the Student has committed a violation of any part of Section I.D. of this Code and, after considering both the violation and the prior conduct record of the Student, that a sanction of suspension or expulsion is appropriate, the Dean shall provide the Student with reasonable written notice of a meeting and shall inform the Student that his/her failure to attend the meeting or to respond to the notice may result in the imposition of the maximum permissible sanction. At the meeting, the Dean shall provide the Student with a written statement that shall include the following:
  - a. a concise statement of the alleged facts;
  - b. the provision(s) of Section I.D. that appear to have been violated;
  - c. the maximum permissible sanction; and
  - d. a statement that the student may resolve the matter by mutual agreement with the Dean, or may request a hearing by notifying the Dean in writing, which must be received by 5 p.m. on the following business day.
6. If the Student requests a hearing, he/she is entitled to the following:
  - a. to be heard within five (5) days or as soon as reasonably possible, by an impartial party or panel whose members shall be appointed by the Dean;
  - b. if the Dean appoints an impartial panel, to have a Student on the panel if requested by the Student;
  - c. to appear in person and to have an advisor who not shall attend as a representative of the Student. However, if there is pending at the time of the hearing a criminal matter pertaining to the same incident that is the subject of the hearing, a lawyer may be present for the sole purpose of observing the proceedings and advising the Student concerning the effect of the proceedings on the pending criminal matter;
  - d. to hear and to question the information presented;

- e. to present information, to present witnesses, and to make a statement on his or her behalf; and
  - f. to receive a written decision following the hearing.
7. As used herein, the term “impartial” shall mean that the individual was not a party to the incident under consideration and has no personal interest in the outcome of the proceedings. Prior to the commencement of the hearing, the Student who is subject to the hearing may challenge the appointment of an impartial party or panel member on the ground that the person(s) is (are) not impartial. The challenge shall be made in writing to the Dean and shall contain the reasons for the assertion that the person(s) is (are) not impartial. The decision of the Dean shall be final.
  8. The written decision of the impartial party or panel shall specify whether, based on the information presented, it is more likely than not that the Student committed the violation(s) reported and shall state the sanction to be imposed, if any. The written decision shall be provided to the Student.
  9. Sanctions imposed by an impartial party or panel are effective immediately. The President may, for good cause, suspend imposition of the sanctions imposed by the impartial party or panel to allow the Student time to prepare a written request for review. If a written request is received, the President may continue to suspend imposition of the sanctions until he has reviewed and acted on the Student’s request.
  10. A written request for review of the decision of the impartial party or panel must be received by the President within three (3) calendar days after the Student is notified of the decision and must clearly identify the grounds for review. The review by the President is limited to the record of the hearing, the written request, and any supporting documentation submitted with the request by the Student. The decision of the impartial party or the panel shall be upheld unless the President finds that:
    - a. a violation of the procedures set forth herein significantly prejudiced the Student; and/or
    - b. the information presented to the impartial party or panel was not substantial enough to justify the decision; and/or,
    - c. the sanction(s) imposed was (were) disproportionate to the seriousness of the violation.
  11. Decisions under this procedure shall be made only by the college officials indicated.

## **Part B: Disciplinary Sanctions**

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

A “sanction” may be any action affecting the status of an individual as a Student taken by the College in response to a violation of this Policy, and for the purposes of this Section III of the Code include but are not limited to the following:

1. “Expulsion” is a permanent separation from the College that involves denial of all Student privileges, including entrance to College premises;
2. “Suspension” is a temporary separation from the College that involves denial of all Student privileges, including entrance to college premises for the duration of the suspension, and may include conditions for reinstatement;
3. “Removal of College Privileges” involves restrictions on Student access to certain locations, functions and/or activities but does not preclude the Student from continuing to pursue his/her academic program;
4. “Probation” is a status that indicates either (a) serious misconduct not warranting expulsion, suspension, or

removal of College privileges, or (b) repetition of misconduct after a warning has been imposed;

5. A “Warning” is a written notice to the Student indicating that he or she has engaged in conduct that is in violation of Section I. D. of this Code and that any repetition of such conduct or other conduct that violates this Code is likely to result in more serious sanctions;
6. “Community Restitution” requires a Student to perform a number of hours of service on the campus or in the community at large.

*(Policy statement from the Board of Regents for Higher Education approved 3/13/2014; amended 4/17/2014)*

## **Sexual Misconduct, Sexual Assault and Intimate Partner Violence Policy**

### **Statement of Policy**

The Board of Regents for Higher Education (BOR) in conjunction with the Connecticut State Colleges and Universities (CSCU) is committed to insuring that each member of every BOR governed college or university community has the opportunity to participate fully in the process of education and development. The BOR and CSCU strive to maintain a safe and welcoming environment free from acts of sexual misconduct and relationship violence. It is the intent of the BOR and each of its colleges or universities to provide safety, privacy and support to victims of sexual misconduct and relationship violence.

The BOR strongly encourages the reporting of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, as an effective means of taking action by reporting such acts to the appropriate officials and pursuing criminal or disciplinary remedies, or both. The only way that action can be taken against anyone who violates another in such a manner is through reporting. Each and every BOR governed college or university shall provide those who report sexual misconduct with many supportive options, including referral to agencies that provide medical attention, counseling, legal services, advocacy, referrals and general information regarding sexual assault. Each and every BOR governed college or university will preserve the confidentiality of those who report sexual misconduct to the fullest extent possible and allowed by law. All BOR and CSCU employees, victim advocates or community victim advocates being consulted will make any limits of confidentiality clear before any disclosure of facts takes place.

Sexual intimacy is permissible only if it is agreed to by all participants and all activity is affirmatively consensual at all times. Sexual misconduct, including sexual harassment, sexual assault, sexual exploitation and intimate partner violence, against anyone is unacceptable and is both a crime under State law and a violation of BOR policies. The BOR and each of its governed colleges and universities are committed to providing an environment free of personal offenses. Consensual sexual relationships between staff, faculty and students are discouraged pursuant to BOR policy.

### **Mandated Reporting**

The BOR requires that a report be made to the Connecticut Department of Children and Families whenever a person under eighteen (18) years of age may have been sexually assaulted. Further, pursuant to BOR Policy on Suspected Abuse or Neglect of a Child, any BOR or CSCU employee who has a reasonable cause to suspect or believe that a person under the age of 18 years has been abused or neglected, has been placed in imminent harm or has had a non-accidental injury is required by Board policy to report the incident as soon as practicable to their immediate supervisor as well. Employees are required to report possible sexual assault of persons 18 years old or older and those CSCU employees who qualify as Campus Security Authorities under the Jeanne Clery Act have a duty to report possible sexual assault regardless of the age of the reported victim.

### **Confidentiality**

When a BOR governed college or university receives a report of sexual assault all reasonable steps will be taken by the appropriate CSCU officials to preserve the privacy of the reported victim while promptly investigating and



responding to the report. While the institution will strive to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family Education Rights Privacy Act (FERPA), the institution also must fulfill its duty to protect the campus community.

Confidential resources, such as off campus counseling and psychological services, health services providers, member(s) of the clergy, and the local Sexual Assault Crisis Center are bound by state statutes and professional ethics from disclosing information about reports without written releases. Information provided to a confidential resource by a victim of a sexual assault or the person reported to have been assaulted cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others or if the reported victim is a minor. Therefore, for those who wish to obtain the fullest legal protections and disclose in full confidentiality, she/he must speak with a confidential resource. Each BOR governed college or university will provide a list of such confidential resources in the College or University's geographic region to victims of assault as well as publish these resources on-line and in various publications.

Where it is deemed necessary for the institution to take steps to protect the safety of the reported victim and/or other members of the campus community, the institution will seek to act in a manner so as not to compromise the privacy or confidentiality of the reported victim of a sexual assault to the extent reasonably possible.

### **Rights of Those Who Report**

Those who report any type of sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, to any BOR governed college or university employee will be informed in a timely manner of all their rights and options, including the necessary steps and potential outcomes of each option. When choosing a reporting resource the following information should be considered:

- All reports of sexual misconduct, including sexual harassment, sexual assault and intimate partner violence, will be treated seriously and with dignity by the institution.
- Referrals to off-campus counseling and medical services that are available immediately and confidential, whether or not those who report an assault feel ready to make any decisions about reporting the assault to police, the Dean of Students or the Campus's Title IX Coordinator.
- Those who have been assaulted have the right to take both legal action (criminal/civil action) and action against the individual allegedly responsible.
- Those who seek confidentiality may contact a clergy member(s) and/or the Sexual Assault Crisis Center of Connecticut – all of whom are bound by state statutes and professional ethics to maintain confidentiality without written releases.

### **Options for Changing Academic, Transportation and Working Arrangements**

The colleges or universities will provide assistance to those involved in a report of sexual harassment, sexual assault or intimate partner violence, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. Each and every BOR governed college or university shall create and provide information specific to its campus detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence.

### **Support Services Contact Information**

It is BOR policy that whenever a college or university Title IX Coordinator or other employee receives a report that a student, faculty or staff member has been subjected to sexual misconduct, including sexual harassment, sexual assault or intimate partner violence, the Title IX Coordinator or other employee shall immediately provide the student, faculty or staff member with contact information for and, if requested, professional assistance in accessing and using campus,

local advocacy, counseling, health, and mental health services. All CSCU campuses shall develop and distribute contact information for this purpose as well as provide such information on-line.

### **Right to Notify Law Enforcement & Seek Protective and Other Orders**

Those who report being subjected to sexual misconduct, including harassment, sexual assault or intimate partner violence, shall be provided written information about her/his right to:

- (1) notify law enforcement and receive assistance from campus authorities in making the notification; and,
- (2) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing order. Such orders include:
  - standing criminal protective orders;
  - protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
  - temporary restraining orders or protective orders prohibiting the harassment of a witness;
  - relief from physical abuse by a family or household member or person in a dating relationship; and
  - family violence protective orders.

### **Student Conduct Procedures**

The **Student Code of Conduct** provides the procedures for the investigation, definitions of terms, and resolution of complaints regarding student conduct, including those involving sexual harassment, sexual assault and intimate partner violence.

The Title IX Coordinator can assist in explaining the student conduct process. The Student Code of Conduct provides an equal, fair, and timely process (informal administrative resolution or a formal adjudication) for complainants and accused students.

Reported victims of such assault or violence shall have the opportunity to request that disciplinary proceedings begin promptly and such disciplinary proceedings shall be conducted by an official trained in issues relating to sexual assault and intimate partner violence and shall use the preponderance of the evidence standard in making a determination concerning the alleged assault or violence. Both the reported victim of such assault or violence and the accused are entitled to be accompanied to any meeting or proceeding relating to the allegation of such assault or violence by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the reported victim and accused are entitled to be informed in writing of the results of any disciplinary proceeding not later than one business day after the conclusion of such proceeding. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity. To the extent permitted under state or federal law or as necessary for the disciplinary proceeding, the college or university shall not disclose the identity of the reporter or the accused.

### **Dissemination of this Policy**

Upon adoption by the Board all CSCU institutions shall, upon receipt, immediately post and maintain this policy at all times in an easily accessible manner on each institution's website. This Policy shall thereafter be annually provided to all Title IX Coordinators, campus law enforcement officers and security personnel, and other campus personnel. Further, this policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus. The Policy shall be expanded upon by each institution to provide resources and contact information specific to their institution and geographic area as set forth above.

## Terms and Usage

**Sexual misconduct** may include engaging in one of more behaviors:

- a. **Sexual harassment**, which can include any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. Examples of conduct which may constitute sexual harassment include but are not limited to:
  - sexual flirtation, touching, advances or propositions
  - verbal abuse of a sexual nature
  - pressure to engage in sexual activity
  - graphic or suggestive comments about an individual's dress or appearance
  - use of sexually degrading words to describe an individual
  - display of sexually suggestive objects, pictures or photographs
  - sexual jokes
  - stereotypic comments based upon gender
  - threats, demands or suggestions that retention of one's educational status is contingent upon toleration of or acquiescence in sexual advances.
- b. **Sexual assault** may include a sexual act directed against another person when that person is not capable of giving consent, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another. Sexual assault is further defined sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes.
- c. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:
  - Prostituting another person;
  - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
  - Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
  - Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - Engaging in non-consensual voyeurism;
  - Knowingly transmitting an STI, such as HIV to another without disclosing your STI status;
  - Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; or
  - Possessing, distributing, viewing or forcing others to view illegal pornography.

**Consent** is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. Consent cannot be assumed because there is no physical resistance or other negative response. A person who initially consents to sexual activity shall be deemed not to have consented to any such activity which occurs after that consent is withdrawn. A lack of consent may result from mental incapacity (e.g., ingestion of alcohol or drugs which significantly impair awareness or judgment) or physical incapacity (e.g., the person is

unconscious or otherwise unable to communicate consent).

***Intimate partner violence*** any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or domestic violence as designated under section 46b-38h of the general statutes. “The offenses that are designated as “domestic violence” are against family or household members or persons in dating relationships and include assaults, sexual assaults, stalking, and violations of protective or restraining orders issued by a Court. Stalking is one person’s repetitive and willful following or lying in wait behavior towards another person that causes that other person to reasonably fear for his or her physical safety. Relationship violence may also include physical abuse, threat of abuse, and emotional abuse.

*(Policy statement from the Board of Regents for Higher Education (3/13/2014))*

## **Student Rights**

### **5.2.2 Policy on Student Rights**

#### **Section 1: Rights of Students**

It is the Board Policy that the educational offerings of the community colleges be available to students without regard to the individual’s race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disability, genetic information, marital status, mental retardation, sexual orientation, learning disability, or physical disability, including, but not limited to, blindness, or prior conviction of a crime (unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups). With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in Section 46a-60(8) of the Connecticut General Statutes. Further, the system will not discriminate against any person on the grounds of political beliefs or veteran status.

Students are entitled to an atmosphere conducive to learning and to impartial treatment in all aspects of the teacher-student relationship. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or his or her own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs. Students are free to take reasoned exception to the data or views offered in any course of study, but they are responsible for learning the content of the course of study as defined by official college publications.

Community college students are both citizens and members of the academic community. As citizens they enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and as members of the academic community they are subject to the obligations which accrue to them by virtue of this membership.

#### **Section 2: Student Grievance Procedure**

1. *Definition:* A grievance is an allegation by a student that, as to him or her, an agent of the college has violated board or college policies relating to students other than assignment of grades or other academic evaluation (see Section 3: Review of Academic Standing).
2. *How to file a grievance:* A grievance is to be submitted in writing to the Dean of Students or such other college official as the President may designate (hereinafter, the Dean of Students), within thirty days of the date the grievant knew or reasonably should have known of the alleged violation. The written grievance shall specify the right claimed to have been violated and state briefly the underlying facts.
3. *Procedure for grievance resolution:* The Dean of Students and/or his designee shall investigate the grievance and,

within thirty days from the time the grievance was submitted recommend to the President a disposition of the grievance, except as provided hereinafter:

- a. In the course of each investigation, the Dean of Students shall consult with the dean responsible for the area of college operations in which the grievance arose.
  - b. In the case of a grievance alleging discrimination based on race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disorder, marital status, mental retardation or physical disability, prior conviction of a crime, political beliefs, veteran status, or sexual preference, the Dean of Students shall consult with the college's Affirmative Action Officer during the course of the investigation.
  - c. In the case of a grievance against a dean, the grievance shall be filed with the President. The President may accept or reject the recommendation, or direct such further investigation as he or she deems appropriate. The President shall notify the student of the final disposition of the grievance within fifteen days of receiving the recommendation, except for good cause or as provided in 4.
4. *Advisory Committee:* The President may establish an advisory committee of students and staff which may be charged with the responsibility of making recommendations at either the level of the deans or the President. The President may appoint and remove members of the committee. If an advisory committee is appointed, the President shall establish a reasonable time frame within which the committee must make recommendations.

### **Section 3: Review of Academic Standing**

A student may seek review of the assignment of a grade or other decision affecting academic status in accordance with the following procedure:

1. The grade or academic decision affecting academic status should be discussed informally with the instructor or official responsible for the decision within fifteen calendar days of the student's awareness of the decision.
2. If the matter is not satisfactorily adjusted within ten calendar days of this appeal or the instructor is not available, the student may refer the matter to the academic dean by filing a written appeal. The appeal must be filed with the academic dean within thirty calendar days of the student's awareness of the decision which is being appealed.

Upon receipt of such appeal, the dean shall meet with the instructor, if he or she is available, to determine that step 1 has taken place or is not possible and to receive relevant information from the instructor responsible for the decision. The dean may then refer the matter to the academic supervisor for informal consideration prior to step 3 below.

3. The academic dean or other designated official(s) shall afford review as provided below. The President may designate an official or an academic appeals committee to provide review at this step in lieu of the academic dean.

The student shall be afforded the right to present a statement of appeal and relevant information in support of it. It is the student's responsibility to show that the decision in question is arbitrary, i.e., without a reasonable basis, or was made for improper reasons in violation of section 1 of this policy. The student is entitled to a written response within thirty days of the completion of his or her presentation. A decision to change the grade or modify the decision which has been appealed is advisory to and subject to the approval of the President.

4. The foregoing decision may be appealed to the President by filing a statement of appeal within ten calendar days of the date of the decision. Review by the President shall be on the basis of the written record unless he or she decides that fairness requires broader review. The decision of the President shall be final.
5. The time frames provided herein may be modified by the President for good cause shown.

*(Adopted October 18, 1976; amended February 19, 1979, April 20, 1981, July 20, 1981, November 16, 1987, February 26, 1990, March 16, 1998, and November 15, 1999; technical amendment May 1, 2002 in compliance with Public Acts 98-180 and 01-28.)*

## **Student Records**

### **5.7 Notification of Rights under the Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the college receives a request for access. Students should submit to the Registrar, Dean of Student Affairs, Dean of Academic Affairs, or head of the academic department, written requests that identify the record(s) they wish to inspect. The college official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request amendment of an education record that the student believes is inaccurate. Students may ask an appropriate college official to amend a record that they believe is inaccurate. The student should write to the college official, clearly identify the part of the record he or she wants changed, and specify why he/she believes it is inaccurate. The college will notify the student of the decision. If the college decides not to amend the record as requested by the student, the college will advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

NOTE: FERPA is not intended to provide a process to question substantive judgments that are correctly recorded. For example, the right of challenge does not allow a student to contest a grade in a course because the student believes that a higher grade should have been assigned.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. FERPA permits disclosure without consent to school officials with legitimate educational interests. A "school official" includes but is not limited to the following: a person employed by the college in an administrative, supervisory, academic, research or support staff position (including law enforcement and security personnel, counseling and health staff); a person or company with whom the college has contracted (such as an attorney, auditor, collection agent or official of the National Student Clearinghouse); a person serving on the Board of Regents for Higher Education who is authorized to act on its behalf; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

FERPA also permits disclosure of education records without consent in connection with, but not limited to:

- To comply with a judicial order or a lawfully issued subpoena;
- To appropriate parties in a health or safety emergency;
- To officials of another school, upon request, in which the student seeks or intends to enroll;
- In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- To certain officials of the U.S. Department of Education, the Comptroller General, to state and local educational authorities, in connection with certain state or federally supported education programs;
- To accrediting organizations to carry out their functions;

- To organizations conducting certain studies for or on behalf of the college;
  - The results of an institutional disciplinary proceeding against the alleged perpetrator of a crime of violence to the alleged victim of that crime with respect to that crime.
  - Directory information as defined in the Board Policy of the Board of Regents.
4. The right to refuse to permit the college to release directory information about the student, except to school officials with a legitimate educational interest and others as indicated in paragraph 3 above. To do so, a student exercising this right must notify the Registrar in writing (room L157 in the Student Services Center). Once filed, this notification becomes a permanent part of the student's record until the student instructs the college, in writing, to remove it.
  5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by colleges to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:  
**Family Policy Compliance Office**  
**U.S. Department of Education**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-4605**

*(Board Policy)*

## **Student Code of Conduct Process**

The Disciplinary Process is initiated once a complaint is filed against a student by a member of the College community with the Office of the Dean of Student Affairs. 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 Student 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.

### **Conduct Procedures**

#### **I. PURPOSE**

To provide the College Community with clear guidelines and procedures to deal with student disciplinary issues/problems or potential disciplinary issues/problems.

#### **II. POLICY**

1. Students are expected to abide by the Student Discipline Policy on Student Conduct as outlined in the **BOR/CSCU Student Code of Conduct (Approved 3/13/2014; amended 4/17/2014)**. Manchester Community College's **Student Code of Conduct** is outlined in the **Student Handbook 2015-2016** copies of which are available in the Division of Student Affairs offices and all Division of Academic Affairs offices.
2. The **BOR/CSCU Student Code of Conduct (Approved 3/13/2014; amended 4/17/2014)** is available online at <http://www.ct.edu>.
3. **Formal disciplinary problems should be reported in writing or by email to the Dean of Student Affairs at [GHarris@manchestercc.edu](mailto:GHarris@manchestercc.edu) and/or designee (Assistant to the Dean of Student Affairs) at [UVig@manchestercc.edu](mailto:UVig@manchestercc.edu) and/or in addition you can call to report or discuss the case at 860-512-3203/860-512-3204 and /or in case of a disruptive student and an emergency you can call to report to the MCC Police Department at 860-512-3680 (Emergency: 860-512-3111) as well.**

### III. PROCEDURES

1. All significant disciplinary problems shall be reported to the Dean of Student Affairs and/or designee, or in an emergency, to the MCC Police Department.
2. Student disciplinary reports may be formal or informal depending upon the nature of the occurrence. The Dean of Student Affairs and/or designee is available for consultation or to review alternative actions.
3. **Informal Disciplinary Action**
  - a. Instructors **should inform in writing or by email** the Office of the Dean of Student Affairs.
  - b. The Division Director/Supervisor shall be notified by the faculty/staff member of all problems and kept informed of all the procedures followed.
  - c. Suggested Progressive Disciplinary Process for Faculty and Staff:
    - The faculty/staff member shall clearly state, verbally and in writing, his/her personal expectations for standards of behavior. All faculty/staff should distribute written expectations to students in their course syllabus.
    - When an incident occurs, a verbal warning shall be issued to the student whose behavior is unacceptable. Students shall be addressed respectfully at all times and privately if at all possible.
    - If the problem is not resolved and the behavior persists, the faculty/staff member may initiate a formal disciplinary referral.
4. **Formal Disciplinary Referrals**
  - a. Should the behavior persist after the verbal warning, the faculty/staff member should forward a written statement of the incident to the Office of the Dean of Student Affairs using the Faculty Complaint Interview Form and/or the Disruptive Student Behavior Referral Report.
  - b. These forms are available in the Faculty Handbook, in all Division offices and the Office of the Dean of Student Affairs. **If you are unable to retrieve the aforementioned forms, please email the Dean of Student Affairs at [GHarris@manchestercc.edu](mailto:GHarris@manchestercc.edu) and/or designee (Assistant to the Dean of Student Affairs) at [UVig@manchestercc.edu](mailto:UVig@manchestercc.edu).** This procedure is the avenue available to remove a student from the class/area.
  - c. The **Board of Regents for Higher Education for Connecticut** has set forth the **Student Code of Conduct** as outlined in the **Student Handbook 2015-2016 – Copies of which are available in the Office of the Dean of Student Affairs.**
  - d. Upon receipt of the faculty/staff member's statement the Dean of Student Affairs and/or designee will initiate an investigation including notification to the student in writing that he/she has the right to explain her/his position. The Dean of Student Affairs and/or designee will also confer with the faculty/staff member.
  - e. Preliminary response and/or action taken will be communicated to the faculty/staff member within 24 hours and/or prior to the next class meeting. Subsequent actions taken will be communicated to the faculty/staff member within the context of the Family Educational Rights and Privacy Act (FERPA) (34CFR Part 99) (Revised as of December 09, 2008), within one week of the action being taken. (<http://www2.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf>)



## 5. **Emergency Student Disciplinary Problems**

(Situation in which the faculty/staff member/students feel seriously threatened or endangered).

- a. The faculty/staff member should immediately contact the MCC Police Department and/or the Office of the Dean of Student Affairs.
- b. The Police Officer will confirm if the faculty/staff member would like the student to be removed from the area and/or if the faculty/staff member would like a direct warning given to the student. The Dean of Student Affairs and /or designee and the Police Officer will issue a direct warning and/or will remove the student from class/area.
- c. If the student is to be removed, the student will be escorted to the Office of the Dean of Student Affairs or to the MCC Police Department for appropriate action.
- d. Using the Faculty Complaint Interview Form and/or the Disruptive Student Behavior Report a follow-up written memorandum of the incident is required from the faculty/staff member preferably within 24 hours addressed to the Division Director/Supervisor and the Dean of Student Affairs and/or designee. The MCC Police Department will file separate reports as required per their procedures.
- e. Preliminary response and/or action taken will be communicated to the faculty/staff member within 24 hours and/or prior to the next class meeting.
- f. The student who has been removed from the class will be allowed to return to the class subject to the conditions set forth in a **Letter (Conditions for Return) issued to the student by the Office of the Dean of Student Affairs**. The student is required to bring this letter to the class upon return. **A copy of the Letter (Conditions for Return) will be sent to the faculty member for record**. Subsequent actions taken will be communicated to the faculty/staff member within the context of the Family Educational Rights and Privacy Act (FERPA) (34CFR Part 99) (Revised as of December 09, 2008), within one week of the action being taken. (<http://www2.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf>)

## 6. **Sanctions**

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

- a. Verbal Warning
- b. Community Restitution
- c. Written Warning
- d. Probation
- e. Removal of College Privileges
- 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.

## 7. **Review**

The Accused Student can only appeal the sanctions of Suspension or Expulsion imposed by the Dean of Student Affairs. The request for a hearing must be received by the Office of the Dean of Student Affairs by 5:00 p.m. on the following business day of the Accused Student receiving a sanction of Suspension or Expulsion by the Dean of Student Affairs.

- a. If the student requests a hearing, he/she is entitled to be heard, within five (5) business days, or as soon as reasonably possible by the Student Conduct Review Board.
- b. The Student Conduct Review Board shall issue a written decision after the hearing with the student. The Student Conduct Review Board may accept, reject or modify the Dean of Student Affairs' decision or sanction.
- c. A written request for review of the decision by the Student Conduct Review Board must be received by the President with three (3) calendar days after the student is notified of the decision by the Student Conduct Review Board and must clearly identify the grounds for review.

**Note :**

**For details please refer to the Student Code of Conduct as outlined in the Student Handbook 2015-2016 – Copies of which are available in the Office of the Dean of Student Affairs.**

### **Academic Integrity and Plagiarism**

It is the policy of Manchester Community College that each faculty member has the right to set his or her own policy to handle any act/s of cheating or plagiarism. The faculty member's policy should be clearly stated in the syllabus for the course, so that each student knows at the very beginning of the course, the consequences for violating the Student Code of Conduct for Academic Integrity. If a faculty member determines that a student has cheated or plagiarized, it is within the faculty member's rights to exercise one of the options identified below. The faculty member should discuss the intended course of action with their Division Director and with the Office of the Dean of Student Affairs.

Examples of options include:

- 1) The student can be assigned an "F" for the assignment/exam.
- 2) The student can be required to redo the assignment/exam.
- 3) The student can be required to complete an alternate assignment or examination.
- 4) The student can be failed for the course.
- 5) An alternate resolution as deemed appropriate.

#### **Academic Misconduct Withdrawal Procedure**

If a student receives a final grade of "F" in a course due to academic misconduct, the student may not obtain a transcript notation of "W" for that course. Instructors must report instances of academic misconduct to the Office of the Dean of Student Affairs in a timely manner and be specific about all academic misconduct policies in their syllabi.

**However, any act/s of cheating or plagiarism is a violation of the Student Conduct Policy (Student Code of Conduct) set forth in the Board of Regents for Higher Education for Connecticut Policy Manual and may result in additional sanctions as determined by the Office of the Dean of Student Affairs in compliance with the Student Conduct Policy (please refer to the Student Handbook 2015-2016, pages 12-31 for more details of the aforementioned Policy).**

#### **Please Note:**

**Faculty members should report in writing or by email any cases of cheating or plagiarism to the Dean of Student Affairs at [GHarris@manchestercc.edu](mailto:GHarris@manchestercc.edu) and/or designee (Assistant to the Dean of Student Affairs) at [UVig@manchestercc.edu](mailto:UVig@manchestercc.edu). The Office of the Dean of Student Affairs maintains records of student violations of the Student Code of Conduct.**

The following statements are in the MCC college catalog, under “Student Responsibilities”:

## **Academic Integrity**

Manchester Community College is committed to academic integrity. An academically honest student submits for evaluation only such work, including tests, papers, reports, presentations or ideas that have been written, performed or created solely by that student. On those occasions when the stated rules of a course permit collaborative efforts, the contributions of other individuals and sources should be appropriately acknowledged. It is, at all times, the responsibility of the student to maintain conduct consistent with the concept and definition of academic integrity, including not only the avoidance of plagiarism, but also other actions further outlined under the **Student Code of Conduct** in the **Student Handbook 2015-2016**.

## **Plagiarism**

Plagiarism is the act of taking someone else’s idea, writing or work, and passing it off as one’s own. If you fail to give credit to the source of the material, whether directly quoted or put in your own words, this lack of credit constitutes plagiarism. Whether you take, buy or receive material from the Internet, from a book, from another student or from any other source, and you fail to give credit, you are stealing ideas; you are engaged in plagiarizing. Plagiarism is a serious violation of academic standards and has serious academic consequences for the student. At the discretion of the instructor, plagiarism may result in failure of the submitted work or failure for the course and as an act of academic dishonesty, may result in additional disciplinary action by the College, as outlined under the **Student Code of Conduct** in the **Student Handbook 2015-2016**.

## **Confidentiality and Release of Directory Information**

The Board has designated the following as directory information: student names and addresses, dates of attendance, full vs. part-time student status, awards, major/program of study, honors and graduation date. For purposes of access by military recruiters only, telephone listings and, if known, age, level of education and major are also designated as directory information.

Colleges may disclose directory information without prior consent, unless a student has exercised the right to refuse to permit the College to release directory information in accordance with the **Board Policy**.

The right to refuse to permit the college to release directory information about the student, except to school officials with a legitimate educational interest and others as indicated in the **Board Policy**. To do so, a student exercising this right must notify the Registrar’s office in writing. The Registrar’s office is located in room L157 in the Lowe Building. Once filed, this notification becomes a permanent part of the student’s record until the student instructs the college, in writing, to remove it.

A copy of the **Board Policy** is available online at <http://www.ct.edu>.

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