

# Student Code of Conduct and Discipline – Non-Academic

The Student Code of Conduct and Discipline is the College's policy regarding non-academic misconduct and discipline of students. It is not designed to rehabilitate students who will not abide by the policy. Any disciplinary actions taken are designed to protect and preserve the educational environment of the College. If the environment is threatened by student behavior, it may be necessary to impose sanctions.

A student may be accountable to both civil authorities and the College for action which violates both the law and the Student Code of Conduct and Discipline and may have to face both criminal charges and disciplinary charges. The findings in one area will not necessarily be an acceptable challenge to the findings in the other. **For a comprehensive list of actions that define non-academic misconduct, students should see the section below, entitled "Procedure for Bringing a Charge of Non-Academic Misconduct Against a Student."**

## **Procedure for Bringing a Charge of Non-Academic Misconduct Against a Student**

Any member of the College community may file a complaint against a student or group of students for non-academic misconduct affecting the College or its operations. With the exception of Residence Hall violations, the following procedure should be followed:

Complaints shall be prepared in writing and directed to the Dean of Enrollment and Retention. Any complaint should be submitted as soon as possible, preferably within fifteen (15) days of the occurrence but no more than one (1) year. The Dean of Enrollment and Retention shall investigate and charge students or members of any College-sponsored organization with misconduct when there is reasonable cause to believe that a violation of the Code of Conduct or other applicable law or regulation may have occurred as alleged in the complaint. The must make a preliminary investigation by consulting the primary parties involved to determine whether the complaint has merit and/or if it can be disposed of informally without the initiation of disciplinary proceedings. All charges shall be presented to the accused student in written form by the Dean of Enrollment and Retention and shall contain a short summary of the actions or complaint of misconduct. The Dean of Enrollment and Retention may suspend the student pending consideration of the case when the Dean of Enrollment and Retention determines that the presence of the student presents a continuing danger to any person or property or an ongoing threat of disruption of the institution or its operations. In such case, a hearing must be held within three (3) business days of the student's suspension, unless the student makes a request for an extension in writing.

The Dean of Enrollment and Retention may issue a summons for any student or member of a College-sponsored organization to appear for discussions about a case or for a hearing in a pending case. The summons may be delivered by U.S. Mail, the Security Office, e-mail or a combination of the three to give the student appropriate notice of the complaint or charges being brought. The summons may also include an order to produce records, which may be helpful in the course of an investigation or in the prosecution of a case. However, upon findings of the investigation, the Dean of Enrollment and Retention may find that the initial charges need to be amended or additional charges need to be issued to the accused.

Charges may be disposed of by an informal process with resolution agreed upon by the student, the complainant, and the Dean of Enrollment and Retention. Specific charges include:

1. Dishonesty or knowingly furnishing false information to the members of the College faculty or to other officers or employees of the College in pursuit of their official duties;
2. Lewd, obscene, licentious, indecent, or inappropriate dress;
3. Any form of gambling;
4. Being under the influence of alcoholic beverages or non-prescribed, controlled drugs on College property or at a student or College-sponsored function;
5. Smoking, electronic cigarettes, chewing, dipping, or other use of tobacco products in College-owned or College-controlled property, except in designated areas;
6. Filing a false report or knowingly making a false statement about or interfering with the investigation of any situation described in this Student Conduct and Discipline Code and the annual campus safety and security publication;
7. Trespassing or unauthorized entry or use of Gadsden State premises;
8. Placement, establishment, or maintenance of any mobile, impermanent, or temporary living quarters on property of the College, which shall include, but not be limited to, tents, mobile homes, camping devices, trailers, vans, and motor homes and/or use of sanitary facilities on a regular daily basis;

9. Disruptive devices such as radios, cell phones, pagers, iPods, laptops, tablets, MP3 players, or other electronic devices in the student center, hallways, lecture rooms, classrooms, library, or any other place where such devices might interfere with the normal activity of the College;
10. Unauthorized use or possession of all electronic devices (i.e., cell phones, laptops, tablets, MP3 players, etc.) in the classroom (Emergency authorization must be requested in advance of class, in writing, to the Department Chair.);
11. Forgery, alteration, or misuse of College documents, records, or identification;
12. Failure to comply with the authority of College officials acting within the capacity and performance of their positions;
13. Violation of written College rules, policies and regulations;
14. Obstruction or disruption of teaching, research, administration, disciplinary procedures, other College activities, or other activities on College premises by either College or non-College persons or groups
15. Destruction, damage, or misuse of College public or private property (The student(s) or member(s) of any College organization is responsible for any damage done to College property.);
16. Conduct in violation of federal law, state statutes, or local ordinances, which threatens the health and/or safety of the College community or adversely affects the educational environment of the College;
17. Conviction of any misdemeanor or felony, which adversely affects the educational environment of the College;
18. Obtaining College services by false pretenses, including, but not limited to, misappropriation or conversion of College funds, supplies, equipment, telephone system, labor, material, space, facilities, or services;
19. Hazing, which is any mental or physical requirement or obligation placed on a person by a member of any organization or by an individual or by a group of individuals, which could cause discomfort, pain, or injury or which violates any legal statute or College rule, regulation, or policy ("Hazing" is defined "as the striking, laying open hand upon, treating with violence, or offering to do bodily harm to a person with intent to punish or injure the individual or other treatment or tyrannical, abusive, shameful, insulting or humiliating nature." Hazing is an action taken or situation created to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Hazing also includes the creation of a situation that results in or might result in mental or physical discomfort, embarrassment, harassment, or ridicule, including servitude often called "personal favors.");
20. Lewd, obscene, licentious, or indecent conduct or the verbal or written threat of such action against another person;
21. Harassment, intimidation, bribery, physical assault, or any other means, implied or explicit, to influence the proceedings or outcome of the Student Discipline Committee, including witnesses, faculty members, staff members, and students, before, during, or after a hearing (College-sponsored organizations shall be responsible for actions of their individual members, alumni, advisors, etc.);
22. Possession, while on College-owned or controlled property, of weapons, firearms, ammunition, explosives, fireworks, or other dangerous devices;
23. Possession, sale, and/or consumption of alcoholic beverages or non-prescribed, controlled drugs on College property or at a student- or College-sponsored function;
24. Unauthorized manufacture, sale, delivery, or possession of any drug or drug paraphernalia defined as illegal under local, state, or federal law;
25. Unauthorized sale, delivery, or possession of prescribed, controlled drugs defined as illegal under local, state, or federal law;
26. Theft, accessory to theft, and/or possession of stolen property;
27. Physical or verbal abuse, threat of violence, intimidation, and physical or mental harassment;
28. Entering false fire alarms, tampering with fire extinguishers, alarms, or other equipment;
29. Disruptive or disorderly conduct that interferes with the rights and opportunities of those who attend the College to utilize and enjoy educational facilities;
30. Use of College computer terminals and personal computers or telecommunications equipment on College-owned or College-controlled property in any manner other than for College-authorized use or for purposes of obtaining pornographic or sexually explicit information;
31. Threatening, harassing, lewd, obscene, or violent communications through e-mail, fax, cell phone, or other methods of data/information transmission;
32. Terrorist threat to or from GSCC, College-owned property, or College-controlled property;
33. Software tampering, espionage, sabotage, and criminal mischief;
34. Engaging in any acts that constitute sexual harassment or discrimination (Complaints of sexual harassment and discrimination will be referred to the Title IX Coordinator as provided in the College's Policy Against Harassment and Discrimination.);
35. Any other activity or conduct not specifically stated herein that impairs or endangers any person or property or the educational environment of the College.

After the initial investigation, the Dean of Enrollment and Retention may decide what disciplinary action is required. The Dean of Enrollment and Retention will notify the student and the party bringing the charge(s). The student and the charging party may seek a hearing before the Student Discipline Committee or the Dean of Enrollment and Retention may determine that the alleged misconduct must be referred to the Student Discipline Committee.

If the matter is referred to the Student Discipline Committee, the Dean of Enrollment and Retention will inform the accused, in writing, of the formal charge(s), including specific violations of the Student Code of Conduct and Discipline. The Dean of Enrollment and Retention will also send a copy of the charge(s) and the investigation report to the Chairperson of the Student Discipline Committee.

Except for cases involving a temporary suspension or a no-trespass, the Chairperson must set a time and date for a hearing within 10 (ten) calendar days from the receipt of the charges. The Chairperson must notify all parties, in writing, of the time, date, and location of the hearing.

### **Student Discipline Committee**

The Student Discipline Committee is responsible for both safeguarding the rights of the accused student and maintaining a climate of integrity and safety for all members of the College community. The Chairperson will be selected by the Committee members. A recording or a written record of the hearing and the decision (not the deliberations) will be kept in the Office of the Dean of Enrollment and Retention for the requisite record retention duration. The record shall include a summary of the evidence upon which the Committee based its decision. Recordings or written records of the hearings cannot be made available to anyone except members of the Student Discipline Committee, the Dean of Enrollment and Retention, and the President due to confidentiality of student records. However, students have the right to the specific provisions concerning themselves and may, by submitting a written request to the Dean of Enrollment and Retention, obtain a transcript with the confidential information of other students redacted. The student must pay for the transcript before it will be released to him/her.

### **Procedure for Conducting the Hearing on Non-Academic Misconduct**

The procedures of the Student Discipline Committee need not conform to the strict behavior and practice of a civil courtroom; however, the student(s) shall be treated fairly and shall be given the opportunity to respond to the accusation(s). The procedure for conducting a hearing must contain the following elements:

1. The Student Discipline Committee shall receive from the Dean of Enrollment and Retention charges to be imposed upon a student who has allegedly violated the Student Code of Conduct and Discipline.
2. No less than seventy-two (72) hours before the hearing (excluding weekends), the Chairperson of the Student Discipline Committee must notify, in writing, the student charged with misconduct that a hearing will be held by the Committee and must inform the student of the date, time, and location of the hearing. (The student may request, in writing, an extension of time for good cause, which may be granted by the Committee.)
3. The hearing must be conducted in such a way as to afford due process to all parties involved.
4. The hearing must be private and confidential, except by consent of all parties. Gadsden State Security shall be present during hearing proceedings at the discretion of the Chairperson.
5. The Chairperson will state the charge(s) and define the evidence based on the investigative report. The student charged must have an opportunity to examine evidence, question witnesses, offer witnesses on his/her own behalf, and respond on his/her own behalf. Any evidence or statements obtained or received by the Dean of Enrollment and Retention shall be made available, by appointment only, for inspection by the accused at least twenty-four (24) hours before the hearing in a controlled, secured environment.
6. Any student (the accuser and accused) involved in the proceedings (except for witnesses) is permitted to have one representative present. However, only the student may address the Committee or witnesses directly and only with prior approval from the Chairperson. Representatives are not permitted to speak or to participate directly in any hearing before the Committee. In the case of an International student or a student with a disability, such as a hearing or speech impairment, the Chairperson will determine the appropriateness of allowing a representative to speak on behalf of the student.
7. Either party may offer the testimony of witnesses. Both parties and the members of the Student Discipline Committee have the right to question all witnesses as to matters which are relevant to the proceedings.
8. In the event that any party involved in the hearing becomes disruptive or refuses to abide by hearing procedures, the committee chairperson may suspend the hearing and have the person removed from the hearing by Gadsden State Security and proceed without him or her.
9. The burden of proof rests with the person(s) bringing the charge(s).
10. If the student charged fails—without good cause, in the judgment of the Chairperson of the Committee—to appear at the designated time of the hearing, the Chairperson may conduct the hearing without the presence of the accused upon majority vote of the committee members. However, no student may be found to have violated the Student Code of Conduct and Discipline solely because the student failed to appear before the Student Discipline Committee.

11. The Committee members must deliberate in confidential discussion and vote on all decisions of innocence or guilt strictly upon the evidence presented and on any sanctions. A simple majority shall be required for the Committee's recommendation.
12. Within seventy-two (72) hours of the hearing (excluding weekends), the Chairperson will notify the student(s) and the Dean of Enrollment and Retention, in writing, of the decision of the Committee.
13. The Dean of Enrollment and Retention will notify any member of the College community as appropriate of the decision.

### **Sanctions to Be Imposed for Non-Academic Misconduct**

If the Committee finds the accused guilty of non-academic misconduct, it may impose any of the following sanctions:

1. **Warning** - a statement to the offender that he/she has violated College regulations and that he/she will be subject to more stringent disciplinary action in the event of a future violation.
2. **Disciplinary Probation** - a statement to the offender that he/she has violated College regulations and is being placed on disciplinary probation for a specified period of time with the stipulation that any form of non-academic misconduct by the offender during this period may result in immediate suspension and possible expulsion of the offender.
3. **No Trespass** - a requirement indicating that the student may not participate in or be present at a particular event or location on campus or may be banned from the entire campus and sites for a specified length of time.
4. **Suspension** - exclusion of the offender from all College activities, including classes and extracurricular functions for a specified period of time, not to exceed one calendar year.
5. **Expulsion** - termination of the offender's status as a student at GSCC.
6. **Probation at the Residence Hall** - If the non-academic misconduct involves the violation of one or more residence hall rules, the resident may be placed on probation for a specified length of time. Any further violation of policy may result in expulsion from the residence hall.
7. **Expulsion from the Residence Hall** - If the non-academic misconduct involves the violation of one or more residence hall rules or repeat violations, the resident may be expelled from the residence hall.

The President will be consulted concerning all cases prior to suspension or no trespass of a student from the College.

### **Appeals Board**

In the event that a student seeks to present new evidence, he/she shall present a detailed summary of the new evidence to be presented. Based upon said summary, the Chairperson of the Appeals Board shall make a determination as to whether a hearing will be held for the formal presentation of the new evidence. New evidence shall be allowed only to the extent that said evidence was not available to the student at the time of the hearing before the Student Discipline Committee. Unless a hearing is granted as specified above, the appeal shall be limited to a review of the record and evidence presented to the Student Discipline Committee. In such case, the student shall not have the right to be present for said review.

The Appeals Board shall hear and act on appeals only. The function of the Appeals Board is to consider all sides and all evidence/testimony and to render a decision on the appeal. The Chairperson of the Appeals Board will be responsible for scheduling and conducting the appeal, for informing the student and the Dean of Enrollment and Retention of the Board's decision, and for keeping an accurate record of the appeal.

### **Procedure for Appeal**

A student accused of non-academic misconduct may appeal the decision of the Student Discipline Committee by following the procedure explained below.

The accused must appeal the decision, in writing, to the Dean of Enrollment and Retention, who will forward the appeal to the Chairperson of the Appeals Board. The appeal must be submitted within fifteen (15) days following receipt of the decision by the Committee.

The accused must demonstrate to the Chairperson that (a) certain relevant evidence was not reviewed, (b) new evidence is available, or (c) the penalty was too harsh in relation to the infraction.

1. The appeal is limited to a review of the full report of the Student Discipline Committee or to the hearing of new evidence. If new evidence presented effects a change of decision, the Appeals Board may amend the decision or order a new hearing before the Student Discipline Committee.
2. Within five (5) days of the receipt of the appeal, the Appeals Board Chairperson must set a time, date and location for the meeting of the Board.

3. Within two (2) days after reviewing the appeal (excluding weekends), the Appeals Board shall send written notice of its decision to the student, the Dean of Enrollment and Retention, and the Chairperson of the Student Discipline Committee.

If a new hearing is required, the Chairperson of the Student Discipline Committee will follow the steps outlined in **"Procedure for Conducting the Hearing on Non-Academic Misconduct."**

If, after following the procedure outlined above, the student still seeks redress, he/she may appeal directly to the President of the College. This appeal to the President must be in writing, must set forth the reason(s) for the appeal, and must be submitted within two (2) days of receipt of notice by the student(s) of the decision of the Appeals Board or Student Discipline Committee, respectively.

The decision of the President is final. The President may approve, overturn, or amend the prior decision(s). The President shall notify, in writing, the student, the Student Discipline Committee, the Appeals Board, and the Dean of Enrollment and Retention of the decision(s) rendered.