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Chapter: Student Affairs

Modification No. 002

Subject: **Student Code of Conduct**

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- I. Montgomery College is dedicated to providing a quality comprehensive educational program designed to meet the diverse and changing educational, social, economic, and cultural needs of the community. The College is committed not only to learning and the advancement of knowledge, but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and through regulations and policies governing student life that encourage responsibility and respect for the rights and viewpoints of others.
- II. The College believes in the premise that students are responsible for their own actions and who should be free to pursue their educational objectives in an environment that promotes learning, protects the integrity of the academic process, and protects the College community.
- III. To promote this overall policy, the Montgomery College Board of Trustees authorizes the President of the College to establish a Montgomery College Student Code of Conduct to apply to all students. Student enrollment at Montgomery College presupposes a commitment to the principles, policies, and procedures embodied in this Code.
- IV. The President is authorized to develop procedures necessary to implement this policy.

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**I. Philosophy/Mission Statement**

- A. It is the goal of Montgomery College to prepare its students to be active, engaged citizens of the world and to educate them for positions of leadership in their communities and their nations. The College seeks to provide an environment where discussion and expression of all views relevant to the subject matter of the class, event, program or activity are recognized as necessary to the educational process. Students, from all campuses, including online classrooms and Workforce Development and Continuing Education, are invited to be participating members of the educational community within the guidelines of acceptable standards of conduct, which include:
1. Academic conduct that reflects the highest level of honesty and integrity.
  2. Actions that are civil, courteous and respectful of all members of the college community, their property, and the property of the College and that of the larger community.
  3. Social behavior that encourages responsibility and discourages the unlawful use of alcohol, illicit drugs and weapons.
  4. Group behavior that promotes its members' mutual respect, equality and safety, and opposes those acts that harass, disrupt, intimidate or haze.
- B. The student conduct program is committed to an educational and developmental process that balances the interests of individual students with the interests of the Montgomery College community.
- C. A community exists on the basis of shared values and principles. At Montgomery College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.
- D. Each member of the Montgomery College community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violations of the rules below, campus conduct proceedings are used to assert and uphold the Student Code of Conduct.
- E. The student conduct process at Montgomery College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When students are unable to conform their behavior to community expectations,

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the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

- F. Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of Montgomery College policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

## II. Definitions

- A. The term “advisor” means any person, including an attorney, chosen by the charged student to assist him/her throughout the disciplinary process. Although a student may consult with his or her advisor freely, the consultation must take place in a manner that does not disrupt the disciplinary proceeding. The advisor shall not speak on behalf of the student.
- B. The term “business day” means a day that the College is open for business even if no classes are scheduled.
- C. The term “College” means Montgomery College and all of its campuses, sites, divisions and programs.
- D. The term “College premises” means all buildings and grounds owned, leased, operated, controlled and/or supervised by the College.
- E. The term “College sponsored activity” means any activity on or off College premises that is specifically initiated or supervised by the College.
- F. The term “educational conference” means a forum in which the Dean of Student Affairs, Associate Dean of Student Affairs or the Student Conduct Program Coordinator meets with a student to adjudicate an alleged violation of the Student Code of Conduct.
- G. The term “disciplinary hearing” means a forum in which a hearing panel meets with a student to adjudicate an alleged violation of the Student Code.
- H. The term “faculty member” means any person hired by the College to conduct classroom activities and /or to perform professional counseling and academic advising duties.
- I. The term “staff member” means any person hired by the College in a support staff position, staff line position, and/or administrative position.

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- J. The term “student” means a person currently matriculating, enrolled in or auditing credit or non-credit courses at the College, whether on or off campus, regardless of their physical location or enrollment status online, or on a part-time or full-time status.
  - K. The term “student organization” means an association of persons that has met College requirements for official recognition.
  - L. The term “weapon” means any object or substance designed or used to inflict a wound, to cause injury, or to incapacitate, including but not limited to all firearms, pellet guns, switchblade knives, knives with more than three inch blades, chemicals, or any other objects that are meant for other purposes but are used instead to threaten members of the College community.
  - M. The term “suspension” means that a student has been barred from all Montgomery College facilities, leased, owned or operated by the college, including but not limited to the three campuses and administrative centers, for a certain period of time. Suspensions are issued by the College through the student code of conduct process. During the suspension period, a student may not participate in any college-sponsored activities or events without receiving express permission from the Dean of Student Affairs Office. While on suspension, students can receive permission to attend a disciplinary hearing or Dean’s education conference from the Dean of Student Affairs office.
  - N. The term “trespass” means that a person has been barred from Montgomery College for a specified period of time. This action is initiated by Montgomery College and results in an order being issued by the local police department. A person who violates a trespass order may be subject to arrest. Once trespassed, the person may not be present on any Montgomery College campus or property until the trespass has been lifted or is expired. A trespassed person may request permission from the Dean of Student Affairs Office to be on campus for a specified period of time in order to conduct college-related business.
- III. Jurisdiction
- A. Students are responsible for reading and abiding by the provisions of the Student Code of Conduct. Students at Montgomery College are provided an electronic copy of the Student Code of Conduct each semester via email. Hard copies are available upon request from the Dean of Student Affairs Office.
  - B. The Student Code of Conduct and the student conduct process apply to the conduct of individual students and of College-affiliated student organizations. For the purposes of student conduct, a “student” is a person currently matriculating, enrolled in, or auditing credit or non-credit courses at the college whether on or off campus, regardless of their enrollment status online, or on a part-time or full-time basis. For incidents occurring during summer and winter session, this definition includes students who were registered for the previous or current semester, but who are not yet registered for the upcoming semester. This means that the application of the Student Code of Conduct may extend to incidents that occur during breaks within or between semesters of enrollment, as well as between the time of application to the College and registration or participation in courses. Montgomery College reserves the right to address the behavior of a

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student who has recently applied for admission and who is accepted to register for courses (as indicated by being assigned a MC ID number). The College may also address allegations of a student's misconduct through the Code when the student is currently under sanction(s); so long as the student has not already been permanently separated from the college for academic or disciplinary reasons. Depending on an individual's current registration status and last date of attendance, a previous student or non-student may also be trespassed from campus grounds at the request of Campus Safety and Security to local authorities for misconduct or disruption.

- C.** The student conduct process may occur simultaneously, prior to, or following any criminal, employment, or other proceeding. A student charged with violating the Code of Conduct may not avoid the conduct process by withdrawing from the College. Student conduct proceedings may continue without the student's participation, and/or a hold may be placed on the student's record until the matter is resolved.
- D.** Montgomery College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's record, which may impact the student's ability to re-enroll, and/or obtain official transcripts and/or graduate. When possible, sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, Montgomery College may invoke these procedures and should the former student be found responsible through the disciplinary process, Montgomery College may revoke that student's degree.
- E.** The jurisdiction of the College applies to the conduct of any student or student organization that occurs on College premises, in online courses, online activities, and through the use of e-mail or at any College-sponsored activity. The College reserves the right to impose the disciplinary process based on any conduct, regardless of location, that may adversely affect the College community and its programs, or pose a serious and substantial danger to others. The Student Code of Conduct may apply to off-campus or online behavior when the Dean of Student Affairs or designee determines that the off-campus conduct affects a substantial Montgomery College interest. A substantial Montgomery College interest is defined to include:

  - 1. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of others; and/or
  - 2. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
  - 3. Any situation that is detrimental to the educational mission and/or interests of the College.
- F.** The Student Code of Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in

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the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The Dean of Student Affairs Office does not regularly search for this information but may take action if and when such information is brought to the attention of Montgomery College officials. However, most online speech by students not involving College networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

1. A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific a specific individual or individuals”;
2. Speech posted online about Montgomery College or its community members that causes a significant on-campus disruption.

- G.** The Code may also be applied to campers and high school bridge/extension/partner/dual-credit and continuing education programs that are affiliated with or partner with the college by contractual agreements.
- H.** There is no time limit on reporting violations of the Student Code of Conduct; however, the longer someone waits to report an offense, the harder it becomes for Montgomery College officials to obtain information and witness statements and to make determinations regarding alleged violations.
- I.** Though anonymous complaints are permitted, doing so may limit the College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Student Affairs Office and/or to Campus Safety and Security.
- J.** Students are responsible for all official communication from the Dean of Student Affairs office, including mail delivered to their Montgomery College email address.

**IV. Violations of the Law**

- A.** When an offense occurs over which Montgomery College has jurisdiction, the Montgomery College conduct process will usually go forward independent of any criminal or civil complaint that may arise from the same incident. Requests for a delay in the conduct process may be honored at the discretion of College officials. Disciplinary action at the College may proceed while other proceedings are still in process. Such proceedings will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.
- B.** Alleged violations of federal, state and local laws although not having occurred on College property, may be investigated and addressed under the Student Code of Conduct if they pose a substantial risk of threat or harm to the campus community.
- C.** A person may be trespassed from Montgomery College as a result of an alleged violation of federal and/or local laws or Montgomery College policies. Trespasses are issued for a specified length of time which is typically between 1-3 years.

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Once a person is trespassed from one campus, it is the policy of Montgomery College to bar the person from all three campuses for the same length of time stipulated in the trespass notice. The process for trespassing a student is set forth in the College's trespass policy.

V. Standards of Conduct

- A. Montgomery College considers the behavior described in the following sub-sections as inappropriate for the Montgomery College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether they are taking credit or non-credit courses. Montgomery College encourages community members to report to Montgomery College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

B. Behavioral Expectations and Core Values

1. Integrity: Montgomery College students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
  - a. Falsification. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments; Knowingly misrepresenting your identity or the identity of another, for instance for a class or for testing, or to receive benefits.
  - b. Providing false information. Knowingly providing false information to college officials during the course of an investigation.
  - c. Academic Dishonesty. Acts of academic dishonesty as outlined in the section on Academic Integrity
  - d. Misuse of Access privileges. Misuse of access privileges to Montgomery College premises or to Montgomery College electronic data, i.e. keys, cards, etc.). Unauthorized possession, duplication or use of means of access to any college building. Failing to timely report a lost Montgomery College identification card or key, borrowing, sharing or lending cards or keys.
  - e. Collusion/Inciting/Encouraging. Action or inaction with another or others to violate the Student Code of Conduct; Encouraging others to violate the Student Code of Conduct.
  - f. Trust. Violations of positions of trust within the community; misusing roles and positions of student leadership for personal gain and/or coercion of others.
  - g. Taking of Property/ Stolen Property. Intentional and unauthorized taking of Montgomery College property or the personal property

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of another, including goods, services and other valuables;  
Knowingly taking or maintaining possession of stolen property.

2. Community: Montgomery College students build and enhance their community. Behavior that violates this value includes, but is not limited to:
- a. Disruptive Behavior. Substantial disruption of Montgomery College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-Montgomery College activities which occur on campus;
  - b. Rioting. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
  - c. Unauthorized Access or Entry. Unauthorized access to or use of any Montgomery College building including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a Montgomery College building;
  - d. Trademark. Unauthorized use (including misuse) of Montgomery College or organizational names and images;
  - e. Damage and Destruction. Intentional, reckless and/or unauthorized damage to or destruction of Montgomery College property or the personal property of another; Littering, defacing, destroying, or damaging College property or property under College jurisdiction, or removing or using such property without proper authorization.
  - f. IT and Acceptable Use. Violating Montgomery College Acceptable Use and Computing Policy, found online at: [http://cms.montgomerycollege.edu/EDU/Verified -  
\\_Policies\\_and\\_Procedures/PDF\\_Versions/66001\\_Acceptable\\_U  
se\\_of\\_Information\\_Technology/](http://cms.montgomerycollege.edu/EDU/Verified_-_Policies_and_Procedures/PDF_Versions/66001_Acceptable_Use_of_Information_Technology/)
  - g. Gambling. On the campuses or any college sponsored function.
  - h. Weapons. Possession, use, or distribution of explosives (including but not limited to fireworks and ammunition), dangerous chemicals (discharging of pepper spray or mace), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives, including the storage of any item that falls within the category of a weapon on Montgomery College property;
  - i. Smoking/Tobacco. Smoking or tobacco use in any area of campus to include parked vehicles on campus and parking lots.



This includes e-cigarettes, vaping and other related smoking devices.

- j. Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
    - 1) Intentionally or recklessly causing a fire on College property including personal property;
    - 2) Failure to evacuate a College-controlled building during a fire alarm;
    - 3) Improper use of Montgomery College fire safety equipment; or
    - 4) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine, in addition to Montgomery College sanctions.
  - k. Ineligible Pledging or Association. Pledging, claiming membership in or falsely associating with a student organization without having met eligibility requirements established by the College.
  - l. Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted to be used inside College buildings or prohibited areas. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and individuals may be liable for damage to Montgomery College property caused by these activities. In no way shall wheeled devices be used in an unsafe manner. Hover Boards are prohibited on college property.
3. Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing College community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:
- a. Discrimination. Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, gender identity or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities.
  - b. Harassment. Any unwelcome conduct based on actual or perceived status including: [sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran

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- status, pregnancy status, religion, sexual orientation, gender identity or other protected status]. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the complainant and community.
- c. Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the College's educational or employment program or activities.
  - d. Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a civil rights grievance proceeding or other protected activity [under this Code].
  - e. Complicity:
    - 1) Complicity with or failure of any student to appropriately address known or obvious violations of the Student Code of Conduct or law;
    - 2) Complicity with or failure of any organized group to appropriately address known or obvious violations of the Student Code of Conduct or law by its members.
  - f. Abuse of the Conduct Process. Abuse or interference with, or failure to comply in, Montgomery College processes including disciplinary hearings including, but not limited to:
    - 1) Falsification, distortion, or misrepresentation of information;
    - 2) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
    - 3) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
    - 4) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
    - 5) Failure to comply with the sanction(s) imposed by the campus conduct system;
    - 6) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
4. Respect: Montgomery College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

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- a. Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person. This includes reckless driving on campus grounds.
  - b. Threatening Behaviors:
    - 1) Threat. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
    - 2) Intimidation. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
  - c. Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
  - d. Hazing. An act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy.
  - e. Intimate Partner/Relationship Violence. Violence or abuse by a person in an intimate relationship with another.
  - f. Stalking. Engaging in a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.
  - g. Any violation of the Sexual Misconduct Policy, Including , but not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation, sexual intimidation and interpersonal relationship violence (See Sexual Misconduct Policy for more information).
  - h. Consensual Sex Acts. Consensual sex acts on college property.
  - i. Public Exposure. Includes deliberately and publicly exposing one's intimate body parts, public urination or defecation on college property.
5. Responsibility: Montgomery College students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:
- a. Alcohol. Use, possession, or distribution of any alcoholic beverages on any College property or College sponsored activities without proper authorization.

- b. Drugs. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law.
- c. Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.
- d. Failure to Comply. Failure to comply with the reasonable directives of Montgomery College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so; Refusing to show identification upon request or providing false information to employees of the College when acting in the performance of their duties.
- e. Other Policies. Violating other published Montgomery College policies or rules, including policies referenced in the Colleges policies and procedures;
- f. Health and Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)
- g. Violations of Law that pose a substantial threat of harm to the campus community. Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process.

## VI. Overview of the Conduct Process

This section gives a general idea of how the College's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to the Dean of Student Affairs office of a potential violation of Montgomery College rules<sup>1</sup>.

Once notice is received from any source, Montgomery College may proceed with a preliminary investigation conducted by the appropriate Dean of Student Affairs and/or may schedule an initial educational conference with the responding student to explain the conduct process to the responding student and gather information.

### A. Preliminary Inquiry

1. The preliminary Inquiry is the initial investigation to gather facts about the incident. It may include a review of reports, or complaints, data gathering, and interviews with involved parties. Once the college conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved, this may lead

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<sup>1</sup> In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.

to:

- a. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Student Code of Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that fall outside the code);
  - b. A more comprehensive investigation, when it is clear more information must be gathered.
  - c. A formal complaint of a violation and/or an educational conference with the responding student.
2. When the Dean of Student Affairs' office is notified of a conduct related incident the Dean's office may elect to place a hold on a student's account to ensure that the student responds to a meeting request. The hold in itself is not intended to be a sanction and can be removed at any time during the process, if deemed appropriate by the Dean's office. Holds are also placed to ensure that sanction requirements are met and to prevent non-eligible students from registering.
3. Educational Conference
  - a. An Educational Conference is a meeting between the responding student and either the Dean or Associate Dean of Student Affairs, or the Student Conduct Coordinator. When an initial educational conference is held, the possible outcomes include:
    - 1) A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
    - 2) A decision on the allegation, also known as an "informal" or "administrative" resolution to an allegation;
    - 3) A decision to proceed with additional investigation and/or referral for a disciplinary hearing.
  - b. If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. If the College's finding is that the responding student is in violation, the administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the responding student should receive in writing. This decision will be final.
  - c. If the administrator conducting the educational conference determines that it is more likely than not that the responding student is in violation, and the violation is one that is serious enough to result in suspension based on precedent, then it

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should be referred to a disciplinary hearing.

B. Formal Disciplinary Hearing

A disciplinary hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before a disciplinary hearing panel or in certain circumstances, by an administrator. If the finding is that the responding student is not responsible, the process ends. When there are extenuating or extraordinary circumstances, the college reserves the right to offer the student a Dean's Disciplinary hearing in lieu of a panel hearing/student conduct review board. For example, during summer or winter session when there is no availability of students or faculty. It is the student's right to choose. The administrator conducting the hearing will be the Dean of Student Affairs or the Dean's designee.

C. Review and Finalize Sanction(s).

1. If the student is found in violation of the student code of conduct, sanctions will be determined by the Student Conduct Review Board and will be subject to the Montgomery College appeals process by any party to the complaint. In cases of a Dean's disciplinary hearing, if the student is found in violation of the student code of conduct, sanctions will be determined by the Dean of Student Affairs or Designee, and will be subject to the Montgomery College appeals process by any party to the complaint. Appeals will be reviewed by the Senior Vice President for Student Affairs or the Senior Vice President's Designee.
2. In incidents where a student accepts responsibility for the violation, Montgomery College will conduct a sanction-only hearing, conducted by the Student Conduct Review Board. The sanction is then reviewed and finalized by the Dean of Student Affairs and is subject to appeal by any party to the misconduct. Once the appeal is decided, the process ends. A finding will be determined and is final except Applicable appeals options are described below.

VII. Student Conduct Authority

A. Authority

The Dean of Student Affairs is vested with the authority over student conduct by the Board of Trustees. The Dean of Student Affairs may appoint a designee as deemed necessary to efficiently and effectively supervise the student conduct process. As a result, the Dean of Student Affairs, Student Conduct Program Coordinator or Associate Dean may all oversee and manage the student conduct process.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that

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information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Conflict Resolution Options

The Dean of Student Affairs Office has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Dean of Student Affairs Office may also suggest that complaints that do not involve a violation of the Student Code of Conduct be referred for mediation or other appropriate conflict resolution.

D. Composition of the Hearing Panel

The Dean of Student Affairs, Student Conduct Coordinator or other designee will be responsible for assembling the Student Conduct Review Board according to the following guidelines:

1. The membership of the Student Conduct Board is selected from a pool of students, faculty and staff members appointed by the Dean of Student Affairs Office. The conduct board will also receive annual training coordinated by the Dean of Student Affairs Office.
2. For each complaint, a panel will be chosen from the available pool, and will be comprised of two students, two faculty members (one instructional faculty and one counseling faculty), and one of the following; staff member or faculty, department chair or administrator. Availability may determine a different composition for the board; The Dean of Student Affairs Office will appoint the chair of the Student Conduct Review Board. The chair convenes the hearing and assures that Montgomery College procedures are followed throughout the hearing. The Dean of Student Affairs Office is responsible for appointing a person with a non-voting role, to assume responsibility for answering procedural and process related questions for the Student Conduct Board and to also ensure that Montgomery College procedures are followed. This person may be referred to as an advisor, however the person so designated will not influence the decision of the board.
3. In complaints involving discrimination, sexual misconduct, or other sensitive issues, the Title IX Coordinator will conduct an investigation and determine the outcome in accordance with the College's policy and procedures as appropriate.

E. Panel Pool

1. To serve on the Student Conduct Review Board, students must:
  - a. Be in academic good standing and have completed 15 hours of

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academic credit with a cumulative GPA of at least 2.0.

- b. Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct. A history of misconduct will disqualify a student for service.
- 2. The Dean of Student Affairs' Office will have final authority to approve all those serving on the panel. The non-voting advisor to the panel will ensure a fair process for the party bringing the complaint and responding student. In the event of a resignation from the board, the Dean's office will solicit a replacement from the group from which the representative came. Decisions made, and sanctions imposed, by the student conduct board or an Administrative Hearing Officer will be final and implemented, pending the normal appeals process. At the discretion of the Dean's Office, implementation of sanctions may be stayed pending review.
- F. The prior Student Code of Conduct no longer governs conduct by students, except that any pending action or proceeding shall not be affected by this code and will be subject to the code provisions in effect at the time the action or proceeding was brought.

#### VIII. Formal Conduct Procedures

##### A. Montgomery College as Convener

Montgomery College is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that Montgomery College has obtained regarding the allegations.

##### B. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- 1. Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- 2. Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- 3. Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student



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conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

C. Amnesty

1. For Victims

Montgomery College provides amnesty to victims who may be hesitant to report to Montgomery College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result<sup>2</sup>.

2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, Montgomery College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Student Affairs Office, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of Montgomery College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Student's Office not to extend amnesty to the same person repeatedly.

4. Safe Harbor

Montgomery College has a Safe Harbor rule for students. Montgomery College believes that students who have a drug and/or addiction problem deserve help. If any Montgomery College student brings their own use, addiction, or dependency to the attention of Montgomery College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

D. Notice of Alleged Violation

1. Any member of Montgomery College community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code

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<sup>2</sup> Records regarding the provision of amnesty, however, should be maintained.

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by submitting a report to the Dean of Student Affairs Office or Campus Safety and Security Office.

2. Notice may also be given to the Dean of Student Affairs (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. Montgomery College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

**E. Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature**

Complaints of this nature will be addressed under the direction of, Montgomery College's Title IX Coordinator. Please refer to Montgomery College's Sexual Misconduct Policy and Equal Educational Opportunity and Non-Discrimination Policy.

**F. Notice of Hearing**

1. Once a determination is made that reasonable cause exists for the Dean of Student Affairs (or designee) to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Affairs (or designee); mailed to the local or permanent address of the student as indicated in official Montgomery College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:
  - a. Include the alleged violation and notification of where to locate the Student Code of Conduct and Montgomery College procedures for resolution of the complaint; and
  - b. Direct the responding student to contact the Dean of Student Affairs (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two days<sup>3</sup> from the date of delivery of the summons letter.
2. A meeting with the Dean of Student Affairs (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Dean of Student Affairs (or designee), whether they admit to or deny the allegations of the complaint.

**G. Interim Action/Interim Suspension**

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<sup>3</sup> "Day", used throughout this document, refers to normal business days Monday-Friday when the College is in operation.

1. Under the Student Code of Conduct, the Dean of Student Affairs or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the Student Code of Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve Montgomery College property and/or to prevent disruption of, or interference with, the normal operations of the College. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days, or pending the scheduling of a campus hearing on alleged violation(s) of the Student Code of Conduct. A student who receives an interim suspension may request a meeting with the Dean of Student Affairs or designee to demonstrate why an interim suspension is not merited. The student will be afforded the opportunity to meet with the Dean or Designee within five days of the interim suspension notice. The student must contact the Dean's office immediately (within one business day of receipt of suspension notice) to schedule this meeting. If the Dean's Office is not contacted within this time frame, the student's request to meet may be denied. As a result of this meeting, the Dean of Student Affairs or designee may reverse the interim suspension, if new, previously unknown, or compelling information presented warrants the reversal. Regardless of the outcome of this meeting, Montgomery College may still proceed with the scheduling of a campus disciplinary hearing.
2. During an interim suspension, a student may be denied access to Montgomery College campuses, facilities, and events. As determined appropriate by the Dean's office, this restriction may include classes and/or all other Montgomery College activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean's office and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.
3. Applicability of the Student Code of Conduct

Students accused of crimes may request to take a leave from Montgomery College until the criminal charges are resolved. In such situations, Montgomery College procedure for voluntary leaves of absence is subject to the following conditions:

  - a. The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
  - b. The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
  - c. The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

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H. Hearing Options & Preparation

1. The following sub-sections describe Montgomery College's student conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Dean of Student Affairs (or designee), no student may be found to have violated the Student Code of Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Dean of Student Affairs, Administrative Hearing Officer (AHO) or Student Conduct Review Board presiding over the hearing.
2. Where the responding student admits to violating the Student Code of Conduct, the Dean of Student Affairs (or designee) may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as a Dean's disciplinary hearing. In an administrative conference, complaints will be heard and determinations will be made by the Dean of Student Affairs or designee.
3. Where the responding student denies violating the Student Code of Conduct, a formal hearing will be conducted if the violation as reported, could rise to the level of suspension. Students who deny a violation for which a panel hearing will be held will be given a minimum of 10 business days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:
  - a. Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Affairs (or designee); mailed to the local or permanent address of the student as indicated in official Montgomery College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
  - b. If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have Montgomery College administration serve as the party bringing the complaint forward. Where there is no alleged victim, Montgomery College administration will serve as the party bringing the complaint forward.
  - c. If a responding student fails to respond to notice from the Dean of Student Affairs (or designee), the Dean of Student Affairs (or designee) may initiate a complaint against the student for failure to comply with the directives of a Montgomery College official and give notice of this offense. Unless the student responds to this notice within five business days by answering the original

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notice, an administrative conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their Montgomery College account, deeming them ineligible to register for courses until such time as the student responds to the initial complaint. Montgomery College reserves the right to proceed with an administrative conference or disciplinary hearing if the responding student chooses not to participate.

- d. The Dean of Student Affairs (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) business days before any scheduled hearing. Hearing officers will only be unseated if the Dean of Students or Designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

- I. Panel Hearing Procedures

1. The Dean of Student Affairs will appoint one panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Dean of Student Affairs no less than three (3) business days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless Montgomery College chooses to pursue the allegation on its own behalf, as determined by the Dean of Student Affairs.
2. The Dean of Student Affairs (or designee), the Chair and the Panel will conduct panel hearings according to the following guidelines:
  - a. Hearings will be closed to the public.
  - b. Admission to the hearing of persons other than the parties involved will be at the discretion of the hearing advisor and the Dean of Student Affairs or Designee.
  - c. In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Student Affairs may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

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- d. The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions and suggest questions to their advisee. If the advisor is an attorney, Montgomery College must be given notice at least 5 business days prior to the hearing.
  - e. The party bringing the complaint, the responding student, and the conduct review board will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair). Unduly repetitive witnesses can be limited at the discretion of the conduct review board.
  - f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Student Conduct Review Board. Formal rules of evidence are not observed. The conduct review board may limit the number of character witnesses presented or may accept written affidavits of character instead.
  - g. All procedural questions are subject to the final decision of the Dean of Student Affairs, Designee, or panel advisor.
  - h. After a panel hearing, the panel will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the Student Code of Conduct. Either the Dean of Student Affairs, Associate Dean, Student Conduct Program Coordinator or other designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Dean of Student Affairs (or designee) is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The panel Chairperson will prepare a written deliberation report and deliver it to the Dean of Students, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Student Affairs within two (2) business days of the end of deliberations.
  - i. The Dean of Student Affairs will consider the recommendations of the panel, may make appropriate modifications to the panel's report and will then inform the responding student and party bringing the complaint (if applicable by law or Montgomery

College policy) of the final determination within 5 business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Affairs (or designee); mailed to the local or permanent address of the student as indicated in official Montgomery College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

- j. There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of Montgomery College and maintained according to the College's record retention policy.

J. Conduct Sanctions

1. One or more of following sanctions may be imposed upon any student for any single violation of the Student Code of Conduct:
  - a. Warning: An official written notice that the student has violated Montgomery College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.
  - b. Restitution: Compensation for damage caused to Montgomery College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
  - c. Fines: Reasonable fines may be imposed.
  - d. Community/Montgomery College Service Requirements: For a student or organization to complete a specific supervised Montgomery College service.
  - e. Loss of Privileges: The student will be denied specified privileges for a designated period of time.
  - f. Confiscation of Prohibited Property: Items whose presence is in violation of Montgomery College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Student Affairs and/Campus Safety and Security.
  - g. Behavioral Requirement: This includes required activities

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including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.

- h. Educational Program: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- i. Restriction of Visitation Privileges: The student's privilege to visit specific Montgomery College buildings is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary. Prior to entry into specified areas, the student must gain permission from the Dean of Student Affairs Office. The parameters of the restriction will be specified.
- j. Disciplinary probation: The student is put on official notice that, should further violations of Montgomery College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- k. Eligibility Restriction: The student is deemed "not in good standing" with Montgomery College for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Student Affairs and terms of this conduct sanction may include, but are not limited to, the following:
  - 1) Ineligibility to hold any office in any student organization recognized by Montgomery College or hold an elected or appointed office at the College; or
  - 2) ineligibility to represent Montgomery College to anyone outside Montgomery College community in any way including: participating in the study abroad program, attending conferences, or representing Montgomery College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- l. Montgomery College Suspension: Separation from Montgomery College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is banned from college property, functions, events and activities without prior written approval from the Dean of Student Affairs Office.
- m. Interim Action: The student's privilege to visit specific Montgomery College buildings, events or areas of campus is revoked for a specified period of time. Prior to entry into specified areas, the student must gain permission from the Dean of Student Affairs Office. The parameters of the restriction will be



specified.

- n. Removal from class: A student may be rendered ineligible to return to a specified class. As a result, the student will be withdrawn administratively.
  - o. Montgomery College Expulsion: Permanent separation from the College. The student is banned from college property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
  - p. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Student Affairs or designee.
  - q. No contact order; students may be directed to make no contact with another involved party.
2. The following sanctions may be imposed upon groups or organizations found to have violated the Student Code of Conduct:
- a. One or more of the sanctions listed above, specifically a through e.
  - b. Deactivation, de-recognition, loss of all privileges (including status as a Montgomery College registered group/organization), for a specified period of time.

K. Parental Notification

Montgomery College reserves the right to notify the parents/guardians of dependent students regarding health and safety emergencies, including alcohol and other drug violations. Montgomery College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

L. Notification of Outcomes

- 1. The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, Montgomery College will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether Montgomery College concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for

the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

2. In cases where Montgomery College determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, Montgomery College may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:
  - a. Arson
  - b. Assault offenses (includes stalking)
  - c. Burglary
  - d. Criminal Homicide—manslaughter by negligence
  - e. Criminal Homicide—murder and non-negligent manslaughter
  - f. Destruction/damage/vandalism of property
  - g. Kidnapping/abduction
  - h. Robbery
  - i. Forcible sex offences
  - j. Non-forcible sex offences
3. All students, as members of Montgomery College community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Student Affairs. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from Montgomery College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Student Affairs.

**M. Appeal Review Procedures**

When a disciplinary hearing results in a sanction of suspension, the respondent may request an appeal of the decision of the Student Conduct Board/Dean's Disciplinary Hearing/Interim Suspension by filing a written request to the Senior Vice President for Student Affairs or Designee, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

- K.** The request for an appeal must be submitted in writing within five business days of the date of the notification of the decision of the hearing and state the grounds for the appeal. There shall be only the four following grounds for an appeal:
1. A claim that the original hearing was not conducted fairly in light of the charges and the evidence presented and that it was not in conformity with the prescribed procedures.
  2. A claim that the decision reached by the hearing panel regarding the accused student was not supported by substantial evidence.

3. A claim that the sanction(s) imposed were not appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
4. A claim that the Senior Vice President for Student Affairs or Designee should consider new evidence sufficient to alter a decision or other facts not brought forth in the original hearing, because such evidence and/or facts were not known to the person making the appeal at the time of the original hearing.
5. Failure to file an appeal or request an extension within five business days constitutes a waiver of any right to an appeal.
6. Except as is required in an appeal claiming new evidence, an appeal shall be limited to a review of the hearing record, which shall include a copy of the notice sent to the student, all documentary and other evidence admitted at the hearing, the panel's findings and a tape recording of the hearing.
7. Senior Vice President for Student Affairs or Designee will render a decision and notify the student in writing within five business days. This decision is final under the Student Code of Conduct. The decision may affirm, modify, reverse or remand the hearing panel's decision, or order that a new hearing be held. If the hearing panel's decision is reversed, the Senior Vice President for Student Affairs/Workforce development or Designee shall have the file sealed and any reference to the disciplinary process removed from the student's record.

O. Disciplinary Records

All conduct records are maintained by Montgomery College for six (6) years from the time of their creation except those that result in permanent dismissal or expulsion,) which are maintained for 50 years.

IX. Academic Integrity/Academic Dishonesty

- A. The maintenance of the highest standards of intellectual honesty is the concern of every student, faculty and staff member at Montgomery College. The College is committed to imposing appropriate sanctions for breaches of academic honesty. The list below is not all-inclusive of prohibited behavior. Nothing in this section precludes an academic department from issuing supplemental guidelines giving examples of plagiarism or other forms of academic dishonesty and academic misconduct which are pertinent to the subject matter of the class.
- B. Academic Dishonesty or Misconduct can occur in many ways. Some common forms include:
  1. Cheating on assignments or examination
  2. Plagiarizing from written, video, or Internet resources
  3. Using tests or other material without permission
  4. Forgery
  5. Submitting materials that are not the student's own

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6. Taking examinations in the place of another student, including assessment tests
  7. Assisting others in committing academic dishonesty
  8. Failing to use quotation marks for directly quoted material unless using block quotes other accepted formats.
  9. Copying from another student during an examination
- C. Sanctions to be imposed. Students who engage in any act that the classroom instructor judges to be academic dishonesty or misconduct are subject to the following sanctions:
1. The minimum grade sanction imposed by a faculty member is to award an "F" on the assignment or test in which the dishonesty occurred.
  2. The maximum grade sanction is to award an "F" for the course in which the dishonesty occurred.
  3. In addition, each faculty member has the prerogative of referring a case to the campus Dean of Student Affairs or designated Instructional Dean of Workforce Development and Continuing Education with a specific request that the Dean consider imposing additional sanctions.
- D. Procedures
1. The faculty member will:
    - a. Notify the student of the allegation in writing, with a copy forwarded to the Dean of Student Affairs or the designated Instructional Dean of Workforce Development and Continuing Education.
    - b. Include the grade sanction to be imposed, the reasons for it, and the appeals process. It is expected that the instructor will take immediate action.
    - c. If a student is no longer at the institution, send a letter to the student's last address of record via e-mail and mail.
    - d. Hold a conference with the student so that the student can present his/her information, if the charge is contested.
  2. The student will inform the faculty member that he or she will contest the charge within five business days after his or her receipt of the letter.
  3. Referred for Additional Sanctions
    - a. In requesting additional sanctions for academic dishonesty to the campus Dean of Student Affairs or designated Instructional Dean of Workforce Development and Continuing Education, the faculty member will state in writing the circumstances surrounding the incident, the nature of the evidence collected against the student, the result of the discussion with the student, and the grade sanction to be imposed.

- b. The faculty member will provide the supporting documentation to both the Dean and student.

4. Appeal

- a. A student may appeal the grade sanctions imposed by the faculty member to the Vice President/Provost of the campus or Workforce Development and Continuing Education whichever is applicable.
- b. The appeal will be submitted, in writing within 10 business days of the date the student is informed of the imposition of the sanction.
- c. A grade sanction can only be changed through the appeal process and not through withdrawal from the course.
- d. If further non-academic sanctions were imposed by the Dean of Student Affairs or by the Dean of Workforce Development and Continuing Education, those sanctions can also be appealed to the campus or WD&CE Vice President and Provost, in writing, within 10 days of the date the student is informed of the sanction.

X. Disruptive Classroom Behavior

All full and part-time faculty are strongly encouraged to include this statement in their syllabi and post in appropriate offices and labs to remind students of expected behaviors.

- A. The College seeks to provide an environment where discussion and expression of all views relevant to the subject matter of the educational forum are recognized as necessary to the educational process.
- B. However, students do not have the right to interfere with the freedom of the faculty to teach or the rights of other students to learn, nor do they have the right to interfere with the ability of staff to provide services to any student.
- C. Faculty and staff set the standards of behavior that are within the guidelines and spirit of the Student Code of Conduct or other College policies for classrooms, events, offices, and areas, by announcing or posting these standards early in the semester.
- D. If a student behaves disruptively in the classroom, an event, an office, or an area after the instructor or staff member has explained the unacceptability of such conduct and the consequences that will result; the student may be asked to leave that classroom, event, office, or area for the remainder of the day. This does not restrict the student's right to attend other scheduled classes or appointments.
- E. If the student does not leave, the faculty or staff member may request

the assistance of the Office of Public Safety and Security.

- F. The faculty or staff member must communicate with the student about the incident before the next class meeting to resolve the issue. If a second incident occurs that warrants removal from class, the faculty member again communicates with the student and must send a written report about the incident to the Dean of Student Affairs with a description of the incident and whether or not the incident is being referred to the formal disciplinary process.
- G. The Dean of Student Affairs Office should be informed in writing about any situation that should be addressed through the formal disciplinary process. The faculty or staff member will provide the Dean of Student Affairs Office with a written summary of the facts or conduct on which the referral is based within 48 hours of the incident for appropriate and effective disciplinary process, which must include the date, time, place, and a description of the incident.

**XI. Student Rights and Responsibilities under the Student Code of Conduct**

- A. Student are afforded the following rights at Montgomery College:
  - 1. The right to have access to and participate in the academic and non-academic opportunities afforded by the College.
  - 2. The right to freedom of thought and expression.
  - 3. The right to be free from discrimination based on race, religion, color, sex, age, disability, marital status, sexual orientation, and national origin as stated in College policy.
  - 4. The right to a fair process in the determination of accountability for conduct according to the Student Code of Conduct.
  - 5. The right to submit informal and formal complaints to the appropriate College official. To obtain information as to who could best address the complaint, students can also see a counselor or the Dean of Student Affairs for guidance. \*There shall be no retaliation against individuals who, in good faith, report suspected violations. Individuals who believe they have suffered retaliation from any Montgomery College employee as a result of making a disclosure through this process may report suspected violations to the Dean of Student Affairs or the Chief compliance, Risk and Ethics Officer. Students can refer to the *Employee Code of Conduct* for questions about Standards of Behavior for Montgomery College Employees.
- B. Student Responsibilities
  - 1. The responsibility to exercise the above mentioned rights and freedoms in a manner that will not violate College rules and regulations or infringe on the rights of other students, faculty and staff.
  - 2. The responsibility to comply with all provisions of the Student Code of

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Conduct.

3. The responsibility to treat all members of the College community with civility, respect, and courtesy.
4. The responsibility to contribute to the overall welfare and common good of all students, faculty and staff at Montgomery College.
5. The responsibility to obtain and carry an official College ID.

XII. Interpretation and Revision

The Dean of Student Affairs, or Dean's Designee, will develop procedural rules for the administration of hearings that are consistent with provisions of the Student Code of Conduct. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Student Affairs may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Dean of Student Affairs may recommend minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Student Code of Conduct will be referred to the Dean of Student Affairs, whose interpretation is final. The Student Code of Conduct will be reviewed annually under the direction of the Deans of Student Affairs, with a comprehensive revision process being conducted every 5 years or as deemed appropriate by the Senior Vice President of Student Affairs.

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