

CODE OF CONDUCT

STUDENT CONDUCT AND DISCIPLINARY POLICY

All students are expected to comply with the following conduct guidelines. These rules support the college's mission and help achieve its educational purpose.

- (1) The provisions of this Code applies to all students.
- (2) Students participating in co-enrolled, dual enrolled, or partner programs between Clackamas Community College and other institutions are expected to comply with the Clackamas Community College (CCC) Code of Conduct regardless of the standards in place at other institutions.
- (3) Adjudication of allegations of misconduct by students will occur expediently. Generally, code violations may be evaluated up to six months from the date of discovery of the alleged violation regardless of the student's current enrollment status.

Grounds for Disciplinary Action shall include, but not be limited to, the following:

A. Academic Misconduct (See ISP 190): Actual or attempted, fraud, deceit, or unauthorized use of materials prohibited or inappropriate in the context of the academic assignment. Unless otherwise specified by the faculty member, all submissions, whether in draft or final form, must either be the student's own work, or must clearly acknowledge the source(s). In cases of academic misconduct, the instructor is solely responsible for the academic consequences in the course where the conduct takes place. The instructor may: (a) require the assignment be redone; (b) issue a failing grade for the assignment on which the academic misconduct occurred; (c) issue the student a failing grade for the class; and/or (d) initiate the student conduct and disciplinary process. Academic Misconduct includes, but is not limited to:

- 1) Cheating, which occurs when a student uses unauthorized notes to complete an exam, takes an examination for another student, copies answers from other students' examinations or engages in similar conduct intended to falsely represent, or that results in falsely representing, their academic capabilities;
- 2) fraud;
- 3) plagiarism, such as word for word copying, using borrowed words or phrases from original text into new patterns without attribution, or paraphrasing another writer's ideas;
- 4) buying or selling of all or any portion of course assignments and research papers, knowingly providing material to another student for the purpose of committing, or assisting other students to commit an offense of academic dishonesty or performing academic assignments (including tests and examinations) in another person's stead;
- 5) unauthorized disclosure or receipt of academic information;
- 6) falsification of research data;
- 7) unauthorized collaboration (e.g. working together on an individual assignment);
- 8) using the same paper or data for several assignments or courses without proper documentation or authorization (e.g. using the same paper in different classes);
- 9) unauthorized alteration of student materials;
- 10) academic sabotage, including destroying or obstructing another student's work.

B. Behaviors or actions that are disruptive, distracting, or disorderly including but not limited to:

- 1) Obstruction or disruption of teaching, classroom, research, administration, disciplinary procedures or other authorized college activities including obstruction or disruption interfering with freedom of movement. Conduct that disrupts the educational environment can result in immediate removal from class and/or activity or Summary Suspension (See Article VI);
- 2) Violation of college policies or campus regulations including, but not limited to, student organizations, the use of college facilities, the campus tobacco use policy (see Board Policy GBK/JFCG/KGC), use of student records, or campus speech activities policy (ARC 601);
- 3) Furnishing false or misleading information to the college, including but not limited to knowingly failing to provide requested or required information (e.g. reporting sex offender status) to the college; falsifying a person's identity to a course instructor or other college official; forgery, alteration or unauthorized use of college documents, records, identification or resources;
- 4) Physical abuse or detention of any person, or conduct which intentionally or negligently causes harm, or is intended to threaten imminent danger to the health of any person;
- 5) Being under the influence of, use, possession, or distribution of prohibited substances like alcohol, marijuana, and illegal drugs on college owned or controlled property or at college sponsored or supervised functions or at functions where the student is a representative of the college;
- 6) Malicious damage, misuse, vandalism or theft of college property, or the property of any other person where such property is located on college owned or controlled property, or is in the care, custody or control of the college;
- 7) Hazing or any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student/staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any college co-curricular or extracurricular activity, program or year in school;
- 8) Intimidation or any threat or act intended to tamper, substantially damage, or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact, or inflict serious physical injury on the basis of race, color, religion, national origin, gender identity or sexual orientation;
- 9) Cyberbullying, including use of any electronic communication device to convey a message in any form (text, image, audio or video) that intimidates, harasses, threatens, or is otherwise intended to harm, insult, or humiliate another in a deliberate, repeated, or hostile and unwanted manner under a person's true or false identity;
- 10) Menacing, threatening statements, or any act intended to place a college employee, student, or other third party in fear of harm or physical injury;
- 11) Failure to comply with directions of college officials acting in the performance of their duties; inciting others to engage in any of the conduct, or to perform any of the acts, prohibited in this Code;
- 12) Retaliation or Abuse of the college conduct process, including but not limited to:
 - i. menacing, intimidation, or other adverse actions toward another individual(s) for making a report;
 - ii. attempting to deter participation in the conduct process;
 - iii. falsifying, distorting or misrepresenting information before any conduct body;
 - iv. knowingly initiating any conduct proceedings without cause

- 13) Unauthorized entry to or use of college facilities, including buildings and grounds, college supplies, equipment, and funds;
- 14) Failure to conduct oneself in a safe manner in all college programs where there is an ability for an individual to cause harm to self or others. This may include but is not limited to unsafe handling of equipment or materials (e.g. driving of college vehicles with any percentage of alcohol in the blood or while impaired);
- 15) Disorderly conduct; lewd, indecent, or obscene conduct or expression; breach of peace; aiding, abetting or recruiting another to breach the peace on college owned or controlled property or at college sponsored or supervised functions;
- 16) Openly carrying or displaying weapons or firearms, use of firearms, explosives, dangerous chemicals, substances or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the college-owned property or at a college-sponsored and supervised function without written authorization;
- 17) Stalking, which includes repeatedly contacting another person without a legitimate purpose when: (a) the contacting person knows or should know that the contact is unwanted by the other person; and (b) it is reasonable for the other person in that situation to have been alarmed or coerced by the contact. As used in this section, "contacting" includes but is not limited to coming into the visual or physical presence of the other person; following another person; or sending written, electronic or telephonic communication of any form to the other person, personally or through a third party;
- 18) Harassment, which is a course of conduct directed at a specific individual or individuals that causes or is intended to cause emotional or physical distress and serves no legitimate purpose. This includes but is not limited to harassment based on protected class that violates the CCC Board policy GBN/JBA.

C. Sex-based Discrimination/Misconduct (See also: CCC Board of Education policy GBN/JBA; Administrative Regulation AC-AR (2)): Sex-based discrimination/misconduct includes sexual harassment, sexual assault, domestic violence, dating violence, and stalking. These activities are strictly prohibited in the College's programs, admissions, services and intercollegiate activities.

- 1) Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance because it has created an intimidating, hostile, or offensive environment and would have such an effect on a reasonable person.
- 2) Sexual Assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- 3) Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- 4) Dating Violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: The length

of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

- 5) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
- 6) Quid Pro Quo – Unwelcome sexual advances, requests for sexual favors and other visual, verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, living environment, employment or participation in a college-related activity or program;
- 7) Consent means clear and unambiguous agreement, expressed in mutually understandable words or action, to engage in a particular sexual activity. Whether valid consent has been given will be judged based upon what a reasonable person would have understood from such words or actions. Consent must be voluntarily given and is not valid
 - i. If obtained by physical force, coercion or threat;
 - ii. When a person is Incapacitated; or
 - iii. When an intellectual or other disability prevents a person from having the capacity to give consent.
- 8) Consent to engage in one sexual activity, or agreement to engage in a particular sexual activity on a prior occasion, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent can be withdrawn by either person at any point.
- 9) Incapacitation means that a person lacks the capacity to give consent to sexual activity because the person is asleep, unconscious, mentally and/ or physically helpless or otherwise unaware that sexual activity is occurring. Incapacitation is not necessarily the same as legal intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decisionmaking ability, awareness of consequences, ability to make informed, rational judgments, capacity to appreciate the nature and quality of the act, or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- 10) Intentional incapacitation means providing alcohol or other drugs to a person with the intent to render the person incapacitated.

DISCIPLINARY PROCEDURES:

Any student or staff member who is concerned about a student's behavior that appears to violate the student Code of Conduct should complete the Student of Concern form (located on the CCC portal under the "forms" section). When submitted, this form will automatically be directed to the CARE Team for follow up. Student of Concern forms should be submitted as soon as possible after the event or behavior is discovered.

Initial Assessment

The CARE Team refers cases involving Sex-Based Discrimination/Misconduct to the Title IX Coordinator for Students and all other disciplinary cases to the appropriate Associate Dean who serves as the Conduct Officer for informal and formal disciplinary action.

- The Title IX Coordinator for Students will coordinate inquiries and investigations of alleged Sex-Based Discrimination/Misconduct. Cases that meet the requirements of Title IX will follow the Title

IX process outlined below. Cases that do not meet Title IX criteria, but still qualify as Sex Based Discrimination/Misconduct, may proceed following other Student Conduct processes.

- The Associate Dean or designee will follow up with the student(s) involved and other sources if needed to gather more information about the concern. The Associate Dean consults with the Conduct Team to determine additional next steps, which may include initiating the informal or formal disciplinary process depending upon the severity of the situation.

Title IX Process

Title IX is a federal civil rights law that protects students and employees from discrimination based on sex in education programs or activities.

The Title IX process is to be followed when the alleged behavior is (using definitions listed above):

- Sexual assault
- Domestic violence
- Dating Violence
- Stalking
- Sexual Harassment, when the behavior would be determined by a reasonable person to be so severe, pervasive, and objectively offensive as to effectively deny a person's access to the College's educational program or activity.

For Title IX issues, a student (complainant) must file a signed written complaint with a Title IX Coordinator, alleging sexual harassment against another student (respondent) and requesting that the College investigate the allegation of sexual harassment. Additionally, the complainant must be participating in or attempting to participate in a Clackamas Community College educational program or activity in the United States. The respondent must be currently enrolled at Clackamas Community College.

If it is determined that the allegations meet the requirements of Title IX, and if the complainant wishes to proceed with a formal investigation, the Formal Title IX Resolution Process will be followed, as outlined below.

If the allegations do not meet Title IX requirements, the Title IX aspect of the formal complaint must be dismissed. This dismissal may be appealed following the appeal procedures below. The other Student Code processes may still be followed.

Formal Title IX Resolution

Once a formal Title IX complaint has been received by the Title IX Coordinator and the Title IX criteria have been met:

- The complainant and respondent will receive written notification of the allegations and investigation. The written notice will also include information about Advisors for both parties.
- An investigator will be assigned to interview parties and collect evidence for the investigation.
- Following the initial investigation, a draft report will be provided to both parties. Both parties will have at least ten (10) calendar days to provide a response. Any responses received will be reviewed and incorporated as appropriate into the final investigation report. All parties will have the opportunity to review the final investigation report.
- A live hearing will be scheduled at least 10 days after the final Investigation Report. This live hearing is conducted by one or more members of the Student Conduct Team (Associate Deans)
- During the live hearing, the Conduct Team member(s) will review the Investigation Report and ask questions of the parties. The Advisor to each party may cross-examine the other party during the live hearing.

- The Conduct Team member(s) will make a conclusion of the respondent being either responsible or not responsible for a Student Code violation. If the respondent is found responsible, sanctions will be applied in the manner identified in the Formal Conduct Process below.
- Either party may appeal the decision of the Conduct Team per the Appeal process outlined in the Appeals section below.

Informal Disciplinary Process

The Associate Dean will invite the student via verbal or written notification to discuss the concern. The Associate Dean will have an informal conversation with the student to put the student “on notice” that a conduct issue has been identified and consequences may result if the student is found responsible for violating the code of conduct. The conversation could include a review of the code of conduct, ways that such incidents can be avoided in the future, referrals to appropriate campus resources, educational sanctions, a written behavioral contract or censure notification that both parties review and sign. Educational sanctions, behavior contracts, and notes of censure are recorded in the student’s disciplinary file for internal purposes only. They may be considered in further conduct cases, but are not considered part of the student’s permanent disciplinary record once the student leaves CCC.

The Associate Dean will notify the student during an informal disciplinary meeting that continuation of the identified behavior or new information regarding the incident may result in formal disciplinary procedures as outlined below.

Formal Process

The Associate Dean will invite the student(s) involved via written notification to discuss the possible code of conduct violations and disciplinary action(s). Notice of this meeting should, whenever possible, be given at least two working days prior to the scheduled appointment. During the meeting the participants may present any evidence, explanations and/or defenses regarding the events that occurred. If the student(s) fails to appear for their scheduled appointment or refuses to present any explanations and/or evidence, they lose any rights to further meetings or to appeal any resulting disciplinary decision.

After the meeting, the Associate Dean will consult with the Conduct Team to determine whether the student is responsible for violating the Code of Conduct and if so, which disciplinary sanctions will be imposed. The following disciplinary sanctions may be applied:

- a) **Disciplinary Probation:** Disciplinary Probation may be applied for repeated minor misconduct, single incidents which contain multiple minor violations of misconduct, or for more serious misconduct that falls short of suspension-level misconduct. A student who is placed on disciplinary probation may also be required to sign a behavior contract and/or complete educational sanctions such as reflective exercises, research and civic education, community education, community involvement, academic success, restorative education and/or referral sanctions. The student will receive a sanction letter outlining probationary conditions which spell out prohibited conduct and/or activities. The sanctioned student is conditionally allowed to continue attending classes and/or participate in student activities. Sanctions of disciplinary probation are recorded in the student’s permanent disciplinary record and may be considered in further conduct cases.
- b) **Suspension:** Suspended students are forbidden to enroll in or attend classes, or may not be allowed on campus for a specified period of time, up to two academic years (eight terms). The student will receive a suspension letter which specifies conditions for possible re-enrollment after the suspension period. Suspensions are recorded in the student’s permanent disciplinary record and may be considered in further conduct cases.

- c) Expulsion: Expelled students are forbidden to enroll in or attend classes, or are not allowed on campus for an indefinite period of time. The student will receive an expulsion letter. Expulsions are recorded in the student's permanent disciplinary record and may be considered in further conduct cases.
- d) No-Trespass Order: A suspended or expelled student may be issued a no-trespass order which would exclude them from all Clackamas Community College campuses and would be noted in their student record.

Conduct Decision Appeal Process

Student(s) involved in a conduct case may appeal the Associate Dean's disciplinary decision on the basis of alleged violation of the procedures identified above. The appeal should be submitted via the appeal form (located in the CCC portal under the "forms" section) to the Dean of AFAC within five working days of receipt of the sanction decision. If an appeal request is not filed within the time specified, it will not be considered. Upon receipt of the appeal request form, the Dean of Academic Foundations and Connections (AFaC) shall review the request and either uphold or revise the sanction decision within ten working days of receipt of the appeal form. This date may be extended by mutual agreement. The Dean of AFAC's decision is final, except in cases where a sanction of expulsion from the college has been applied to a student. In those instances, the expelled student may appeal the decision of the Dean of AFAC to the Expulsion Review Committee as part of an Expulsion Appeal Hearing.

Expulsion Appeal Hearing

Student(s) that have received a sanction decision of "expulsion" which has already been reviewed and upheld by the Dean of AFaC will have five days to request an Expulsion Appeal Hearing for that decision from the Expulsion Review Committee. The hearing request should be submitted via the hearing request form (located in the CCC portal under the "forms" section) to the Dean of AFaC within five working days of receipt of the Dean's review and upholding of the existing expulsion decision. If a hearing request is not filed within the time specified, it will not be considered. The Expulsion Review Committee shall be convened within fifteen working days after receipt of the expelled student's request for a hearing. The hearing date may be extended by mutual agreement.

- 1) The Expulsion Review Committee shall be composed of the following:
 - a) A chairperson to be appointed by the Vice President of Instruction and Student Services of the college.
 - b) Three students appointed by the president of the Associated Student Government.
 - c) One faculty member appointed by the president of the full-time faculty association.
 - d) One administrator appointed by the president of the exempt group.
 - e) One classified staff member appointed by the president of the classified association.
 - f) One part-time faculty member appointed by the president of the part-time faculty association.
 - g) Recorder – identified by the Dean of AFaC who will set up the hearing meeting, ensure that rooms and materials are secured, and record the proceedings.

If any of the persons listed above is a party, a witness or has a conflict of interest with this case, they will be recused from participating as a member of the Expulsion Review Committee and the next appropriate person will be selected. The committee shall receive and review evidence and make a recommendation about the final determination of the case to the Vice President of Instruction and Student Services.

2) Expulsion Review Committee Rules:

- a) The student and the college have the right to seek legal advice (counsel). The cost of such advice is to be borne by the respective parties. The proceedings outlined in this section in no way represent a court of criminal or civil law. The conduct process, review process, and appeal process are all rights associated within the educational environment for CCC students.
- b) Counsel may be present during the hearing. However, neither the college nor the student will be represented by counsel during this process.
- c) A record of the proceedings before the committee shall be kept.
- d) Written statements may be used in evidence, but must be signed and shared with the other party 48 hours in advance of the hearing. This is designed to provide sufficient time for such party to review materials and question witnesses prior to hearing. If the other party interrogates the witness, the witness' statement shall be reduced to writing, signed and provided to the opposing party. The original statement and the reply shall be submitted together as evidence. If the witness was not questioned, only the original statement shall be submitted as evidence.

3) Hearing Procedure:

- a) The hearing shall be private and will be closed to the public unless the student requests a public hearing. Students must request the hearing to be public at least 48 hours in advance of the hearing. Otherwise, the hearing will be closed.
- b) Written and oral evidence may be received.
- c) The hearing shall proceed in the following order:
 - i. Opening statements
 - ii. Presentation of evidence in support of the charges
 - iii. The student's evidence in opposition to the charges
 - iv. Rebuttal evidence
 - v. Closing arguments
- d) After hearing the evidence, the committee will retire to executive session for deliberation. After a recommendation has been reached, the committee shall respond within 7 days and announce its decision in writing giving its findings of fact, conclusions and recommendations. These will be forwarded to the Vice President of Instruction and Student Services.
- e) The record of the hearing, findings and recommendation of the Expulsion Review Committee shall be reviewed by the Vice President of Instruction and Student Services. If the Vice President of Instruction and Student Services concludes additional evidence should be taken, they may remand the matter back to the Expulsion Review Committee for further proceedings. If the Vice President of Instruction and Student Services is satisfied the record is complete, they may affirm or reduce the Expulsion Reviews Committee's recommendation and will inform the student of that decision.
- f) A record of the hearing, findings and recommendations of the Expulsion Review Committee and the action taken by the Vice President of Instruction and Student Services shall be housed in the Associate Dean of Academic Foundations and Connection's office.

IMMEDIATE SUSPENSIONS AND INTERIM MEASURES

A. Temporary Suspension (up to 24 hours in duration)

Any college staff member, upon determining that a student is acting inappropriately or is potentially in violation of the student code of conduct, may temporarily remove a student from a class, activity/ event, or campus for no more than one day (24 hours). If necessary, College Safety can assist with removal of the student. Any temporary suspension must be summarized and reported to the Associate Dean of Academic Foundations and Connections within 24 hours via the Student of Concern form (located on the CCC webpage under "Forms and Documents" at this link: www.clackamas.edu/about-us/accreditation-policies/forms-and-documents) for review and consideration of summary suspension or other disciplinary proceedings.

B. Summary Suspension (variable duration)

Summary suspension may be used to protect the school from the immediate possibility of disorder or threat to safety of students or staff. An Associate Dean, Dean, or Vice President may summarily suspend a student or students. Summary suspension will automatically last until the immediate possibility of disorder or threat to safety of students or staff no longer exists. Summary suspension will also include a hold on any future registration activity for a student until such time as a Threat Assessment has been completed. Summary suspension shall be for the purpose of investigation of the event or events in which the student or students were allegedly involved. It may be continued pending final disposition of the case through the formal process (see below) if it is determined that it is necessary for the safety of the students or the staff or the welfare of the college.

1. The reason(s) for summary suspension shall be personally delivered to the student or mailed to his/her latest known address used for registration within 72 hours of the suspension. This notice shall include an invitation to the student to give an explanation as to why the summary suspension should not be continued.
2. If formal charges are warranted, the formal disciplinary process outlined in Section D and subsequent sections shall be followed from this point forward. If no grounds for formal charges can be identified, the summary suspension ends.

C. Interim Measures for Remediation

Interim measures may be used to protect students, complainants, respondents, and others during or after an investigation of alleged misconduct. An Associate Dean, Dean, or Vice President may initiate such measures as appropriate.

In general, interim measures:

1. May include non-contact directives (including no-trespass or temporary suspension) on both complainant and respondents, and others as appropriate;
2. Will be applied equitably, however in cases where a preference must be made between complainant and respondent (e.g. in moving one person away from another), the respondent is prioritized to move;
3. Will until final judgments (including appeal) are determined;
4. Will be communicated in the same manner as summary suspension;
5. Can be appealed to the Dean of AFAC in the same manner as a conduct sanction;
6. Are "directions" under Section B 11 of Student Conduct and Disciplinary Policy. Failure to follow these restrictions can result in sanctions.