



Code of Student Conduct



Code of Student Conduct

SPIRIT OF COMMUNITY

Anne Arundel Community College (“College”) is built on our commitment to excellence, engagement in the learning process, and mutual respect and courtesy.

As a member of the College community, I have the obligation to accept responsibility for my conduct. I will:

- ▶ Respect the rights and property of all members of the campus community.
- ▶ Uphold personal and academic integrity.
- ▶ Practice honesty in communication.
- ▶ Listen to others’ viewpoints.
- ▶ Recognize the strength of diversity.
- ▶ Oppose bigotry.
- ▶ Work with others to uphold these standards.

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CODE OF STUDENT CONDUCT PROCEDURES

I. RATIONALE

These Code of Student Conduct Procedures are designed for the imposition of discipline within the College setting to protect the campus community. At the same time, reasonable efforts will be made to foster the personal and social development of those students who have been found responsible for violations of this Code, and any College policy or regulation.

II. OFFICE OF COMMUNITY STANDARDS

The Office of Community Standards administers matters related to allegations of student misconduct. In this effort, the office, led by the Director, receives and reviews reports of alleged student misconduct, determine disciplinary charges, and interviewing and advising all parties to a disciplinary referral. In matters where it has been determined the accused student has violated this Code, impose a sanction in accordance with this Code.

III. INTERPRETATION OF PROCEDURES

Disciplinary procedures at the College are set forth in writing to provide students with notice of prohibited conduct. These procedures should be interpreted broadly and are not designed to define prohibited conduct in exhaustive terms. The dean of Student Development serves as the designee for the Vice President for Learner Support Services for interpreting this code and all questions related herein.

IV. INHERENT AUTHORITY

The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Vice President for Learner Support Services has authority for all matters related to student discipline at the College. The Dean of Student Development serves as the designee for the vice president for Learner Support Services in all matters related to student discipline and this code.

V. STANDARDS OF DUE PROCESS

Students subject to disciplinary action will be entitled to an administrative conference as set forth in section XIV. The focus of inquiry in disciplinary proceedings shall be to determine the level of involvement of those accused of engaging in prohibited conduct. Deviations from prescribed procedures do not necessarily invalidate a decision or proceeding, unless significant prejudice to a respondent or the college is established.

VI. VIOLATIONS OF LAW

Students may be accountable under civil and criminal law as well as to the College for prohibited conduct that violates federal, state and local laws. Disciplinary action at the College ordinarily will proceed during the pendency of external proceedings. Results of external proceedings will not control proceedings under the Code.

VII. JURISDICTION

This Code covers prohibited conduct that occurs (a) on College-owned, leased or operated property; (b) at College-sponsored activities (including AACC-sanctioned attendance of foreign study programs), (c) online or virtual learning environment, (d) while doing business on behalf of the College. Determinations of whether such conduct should be addressed pursuant to this code in instances in which college interests are implicated are reserved to the discretion of the Dean of Student Development or a designee with associated responsibilities.

VIII. OFF CAMPUS CONDUCT AND RESERVATION OF DISCRETION

Conduct by students on College premises or the premises of groups affiliated with the College, as well as conduct that occurs elsewhere, may give rise to offenses prohibited by this Code if College interests are implicated. Determinations of whether such conduct should be addressed pursuant to this Code in instances in which College interests are implicated are reserved to the discretion of the authorities with associated responsibilities. Nothing contained in this Code, however, creates a duty for the College to monitor the activities of its students while not on College property or attending College-sponsored activities or events.

IX. INTERIM SUSPENSION

The Vice President for Learner Support Services or designee may suspend a student for an interim period whenever there is reason to believe that the continued presence of the student on College property poses a threat to the health and safety of the student or others or impedes the normal operations of the College.

When the vice president for Learner Support Services or designee places a student on interim suspension, the student shall have the right to file with the vice president for Learner Support Services or designee challenging the appropriateness of the suspension. The vice president for Learner Support Services or designee shall review the petition and provide a written decision within five (5) business days. Such decision shall be final on the issue of the interim suspension.

X. TERMS AND DEFINITIONS

- A. *Administrative Conference*: A meeting(s) between the Director of Community Standards or designee and a Respondent
- B. *Advisor*: An individual designated by a Respondent charged with prohibited conduct to assist them with the disciplinary process. The advisor may be a licensed attorney. The advisor may confer with the student before or during disciplinary proceedings but may not speak on the student's behalf before or during the disciplinary proceeding and may not delay or disrupt the proceeding.
- C. *Business day*: Monday through Friday during administrative office hours of 8:30 a.m. to 4:30 p.m. unless the College is closed.
- D. *College or AACC*: Anne Arundel Community College.
- E. *College property*: All, land, vehicles, technology resources, electronics, buildings, facilities owned, leased, used, controlled, or operated by the College.
- F. *College Official*: Any person employed by the College, performing assigned administrative or professional responsibilities.
- G. *College-sponsored activity*: Any activity on or off campus which is initiated, aided, authorized or supervised by the College.
- H. *Complainant*: Refers to an individual(s) who has referred a student, recognized student club/organization, or incident to the College based on an alleged violation of the Code.
- I. *May*: Used in the permissive sense.
- J. *Member of the College community*: Any person who is a student, volunteer, employee of the College, or a visitor on College property.
- K. *Preponderance of the evidence*: It is "more probable than not" that the prohibited conduct occurred.
- L. *Policies*: Includes all written Board of Trustees and College policies, procedures, rules and/or regulations.
- M. *Respondent*: A student or recognized student club/organization accused of conduct prohibited by this code.
- N. *Shall*: Used in the mandatory sense.
- O. *Student*: An individual who is registered for any credit, noncredit or continuing education course offered by the College for the current or a future term.
- P. *Student club/organization*: A group that has completed the process to be an official and recognized club/organization through the Office of Student Engagement.

- Q. *Student Disciplinary Review Committee*: A standing College committee appointed by the president and authorized to conduct hearings and make decisions regarding alleged prohibited conduct in accordance with these Procedures.

XI. STUDENT RIGHTS

Students and/or student organizations accused of a violation of the Code shall have the following rights:

1. Information: The right to examine this Code; review any evidence, be advised of any charges, the alternatives for responding, and possible sanctions.
2. Presumption of not responsible. The right to be presumed not responsible until proven responsible by a preponderance of evidence, and to plead not responsible without fear that the plea itself (as distinct from any related lies or misrepresentations) may give rise to any additional charges under the Code.
3. An Advisor: The right to be accompanied by an advisor to any student disciplinary proceeding. The advisor can be anyone of the student's choosing.
4. Proof by "a preponderance of the evidence." The right to have an alleged violation proven by preponderance of the evidence, where "preponderance of the evidence" means that the evidence suggests more probable than not the prohibited conduct occurred.
5. Evidence and witnesses. The right to review evidence any witness statements contained in the disciplinary record; to present material witness statements and relevant evidence provided. Any such evidence must be relevant to the allegations of prohibited conduct, associated charge(s) and does not otherwise infringe the rights of other students.

XII. PROHIBITED CONDUCT

The following list of conduct is provided to inform students, student clubs and organizations of prohibited behaviors. This list should be read broadly and is not meant to define misconduct in exhaustive terms.

1. Conduct Affecting Persons

- A. Knowingly or recklessly causing harm or the threat of harm to any person.
- B. Initiating or causing to be initiated any false report, warning or threat of fire, explosion, or other emergency. The express or implied consent of the victim to an act(s) that potentially endangers the mental or physical health or safety, of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization (hazing) the express or implied consent of the victim to such an act(s) shall not be a defense to a charge of misconduct.

- C. Abuse of a person in any manner, including but not limited to physical or verbal, threats, intimidation, bullying, cyber bullying and/or any conduct which threatens or endangers the health or safety of any person.
- D. Possession of a firearm (unless a government or College police officer authorized and required to carry a firearm), other weapons or explosives, or dangerous chemicals on College property.
- E. Conduct that is disorderly, lewd or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College property or at functions sponsored by, or participated in by, the College or members of the academic community.
- F. Failure to comply with a directive of a College official or law enforcement officer acting in performance of their duties.

2. Conduct Affecting Property

- A. Attempted or actual theft of College property, College services or property of another.
- B. Damage to or destruction of College property.
- C. Possession of stolen property.
- D. Misusing or damaging fire safety equipment.
- E. Unauthorized possession, duplication or use of keys or access devices to any College property or unauthorized entry to or use of College property.
- F. Participating in an unauthorized activity that disrupts the operations of the College and/or infringes on the rights of others.
- G. Obstruction of the free flow of pedestrian or vehicular traffic on College property or at College-sponsored or -supervised event/activity.
- H. Violation of any published College policies, procedures, rules and/or regulations.
- I. Violation of any federal, state or local law on College property, or College sponsored event/activity.
- J. Forging, falsifying or misusing documents, records, identification cards, devices, computers, data, library materials or other resources created, maintained, or used by the College or members of the College community.

3. Community Offenses

- A. Abusing a position of trust.
- B. Failure to comply with a disciplinary sanction imposed pursuant to this code.

- C. Failure to comply with any federal, state, local or College public health requirements designed to reduce the spreading an infectious disease.
- D. Making, possessing, providing, or using any forged, altered, or falsified instrument of identification.
- E. Providing false information to the College.
- F. Unauthorized recording of classroom discussions, presentations or images including pictures of individuals or instructional materials, or unauthorized reproduction or uploading of such recordings to any web or online environment.
- G. Knowingly misrepresenting academic standing, performance, or accomplishments in order to gain an undue advantage.
- H. Use, possession, manufacture, or distribution of alcoholic beverages except expressly permitted and authorized by the College. Alcoholic beverages may not, in any circumstance, be possessed, used or distributed to or by any person under 21 years of age.
- I. Use, possession, distribution, sale, manufacture, or processing of illegal or unprescribed narcotics, illegal drugs, hallucinogens, drug paraphernalia, and controlled dangerous substances.
- J. Local, state, and federal laws and statutes.

XIII. DISCIPLINARY PROCEDURES

Complaints of Prohibited Conduct

- A. Any person may file an incident report concerning alleged act(s) of prohibited conduct by a student or student club/organization. Incident reports shall be filed no later than thirty (30) days after the individual obtains knowledge of the alleged act(s) of misconduct. If a complaint is not filed within the aforementioned timeframe, it shall not be considered by the director of Community Standards or designee. However, if a prior similar act(s) of misconduct not previously reported is alleged with a timely filed complaint, such prior act(s) of misconduct may be considered by the Director of Community Standards or designee in processing the present complaint.
- B. Upon receipt of a complaint, the Director of Community Standards or designee may contact the respondent and request a preliminary interview. The purpose of the preliminary interview is to share the complaint with the respondent, review methods of resolutions, assist the respondent in understanding the discipline process and procedures, and provide the respondent an opportunity to provide their perspective. The respondent's attendance at a preliminary interview is voluntary, and their decision whether to attend or no does not imply responsibility for the alleged violations.

- C. No later than ten (10) business days of receipt of a complaint, the Director of Community Standards or designee shall initiate an investigation. The accused student or student organization shall receive notice of the investigation and be advised of the need to schedule a preliminary interview. For purposes of this Code, written communication required herein shall be delivered by regular, certified mail, college-issued electronic mail, or such other method as may be reasonable to provide the Respondent with timely communications.
- D. This investigation shall include communication with the Complainant, Respondent, any material witness(es), if any, and a review of any relevant evidence.
- E. If the Director of Community Standards or designee determines that there is not a sufficient factual basis to substantiate the allegation(s) of misconduct, in the sole discretion of the Director of Community Standards or designee, no further action pursuant to this code shall take place, the case shall be closed, and all parties notified.
- F. If the Director of Community Standards or designee determines that a sufficient factual basis exists to substantiate the allegation(s) of conduct prohibited by this Code, may have occurred, in the sole discretion of the Director of Community Standards or designee, then the accused student or student organization shall be notified in writing of the intention to act under the Code, and the charges to be pursued.

XIV. DEFERRAL OF PROCEEDINGS

The Director of Community Standards or designee may, at their sole discretion, defer disciplinary proceedings for alleged violations of this code for a period not to exceed sixty (60) days. Pending charges may be dismissed thereafter, dependent upon the respondent's behavior and compliance with measures that may be required during the deferral period.

XV. ADMINISTRATIVE CONFERENCE

- A. Notice of Administrative Conference
 - 1. Within five (5) business days of the determination that there is a sufficient factual basis to proceed, the Director of Community Standards or designee shall schedule a date for an administrative conference and notify the respondent of the conference date, time and location. For purposes of this section, delivery shall mean hand-delivery, U.S. mail, certified or College issued electronic mail.
 - 2. The notice shall inform the respondent of the specific provisions of the Code they have been alleged to have violated, the date, time, and location of the conference, and that these procedures shall be applicable throughout the process.
 - 3. The date and time of the conference shall take into consideration the respondent's academic schedule. However, the seriousness of the allegations shall take precedents concerning the conference scheduling. Any request to reschedule the conference by the respondent shall be

made to the Director of Community Standards or designee at least twenty-four (24) hours prior to the scheduled date. Requests not made in a timely manner may be denied.

4. Failure to attend a scheduled administrative conference (unless the respondent has previously notified the Director of Community Standards or designee) will result in a decision being made in the absence of the respondent.

B. Administrative Conference Procedures

1. The administrative conference shall provide the opportunity' for the Director of Community Standards or designee to outline the allegations to the Respondent and share all relevant information (Complainant, witnesses and documents) they presently' have regarding the allegations. Respondent shall have an opportunity to address the allegations, provide information relevant to the allegations or defense of same.
2. At the conclusion of the administrative conference, based on the investigation conducted and information gathered, the Director of Community Standards or designee shall determine, by a preponderance of the evidence, whether the Respondent engaged in conduct prohibited under Section XII.
3. If there is not a sufficient factual basis to substantiate that the Respondent engaged in prohibited act(s), in the sole discretion of the Director of Community Standards or designee, no further action under these procedures shall take place, the case shall be closed, and the Complainant and Respondent notified of this determination.
4. If there is a sufficient basis to substantiate that the Respondent committed some or all of the prohibited conduct alleged, in the sole discretion of the Director of Community Standards or designee, the Respondent shall be found responsible for the corresponding charge(s) outlined in Section XII and determine the sanction to be imposed. The Respondent shall be notified, in writing, of the findings and sanction as soon as reasonable possible. The Complainant, when appropriate may be notified of the outcome.

XVI. DISCIPLINARY SANCTIONS

The basic principle for sanctioning in the student disciplinary process is rooted in the College's desire to provide a learning environment that is safe, and supports student growth and development.

Sanctions are imposed with the goals of reestablishing order, providing the respondent an opportunity to reflect on their behavior, to repair harm for those impacted by the behavior, and to address the causes of the behavior while returning the respondent to good standing. From time to time some actions may dictate a student be removed from the College community to achieve these goals.

The following sanctions may be imposed upon any Respondent found to have committed conduct prohibited under this code. More than one sanction may be imposed for a single violation.

- A. *Written warning*: The Respondent is placed on notice that further prohibited conduct may result in more severe disciplinary action.

- B. *Verbal reprimand*: The Respondent is informed of the inappropriateness of the behavior; further violations will result in the creation of a disciplinary record pursuant to this code.
- C. *Loss of privileges*: Denial of any privilege for a designated period of time stated in writing.
- D. *Restitution*: Compensation to the victim for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- E. *Assignments services*: Including, but not limited to, work assignments, essays, service to the college, letters of apology, conferences, mediation, or other reasonable assignments or senders.
- F. *Disciplinary probation*: A designated period of time stated in writing during which, if the Respondent is found to commit any prohibited act(s) of misconduct, more severe disciplinary sanctions may be imposed.
- G. *Disciplinary suspension*: Separation of the respondent from the college for a definite or indefinite period of time specified in writing, after which the respondent is eligible to re-enroll. The suspension notice shall be in writing and state any conditions for re-enrollment. Students or student clubs/organizations serving disciplinary suspension are barred from all college property for the duration of the suspension.
- H. *Expulsion*: Permanent dismissal from the College. During an expulsion, the Respondent shall be barred from all college property and college-sponsored activities.
- I. *Revocation of admission and/or credential*: Admission to, or a credential awarded from the college may be revoked and rescinded for fraud, misrepresentation, or other act(s) of misconduct in obtaining admission and/credential.
- J. *Withholding academic credentials*: The College may withhold academic credentials or transcripts otherwise earned until the completion of any matter initiated against a Respondent under these procedures.
- K. *Persona non grata*: Declares the individual banned from all property owned, leased, or operated by the college as well as college-sponsored activities.
- L. *Order of no contact/access*: A written order specifying the forms of contact that are prohibited, with whom, the areas where access is limited and the period the order shall be effective.
- M. *Behavioral Management*: Completion of projects, assessments, or other activities to demonstrate the Respondent's suitability to successfully participate in college activities.
- N. *Other appropriate action*: Where applicable, the deciding body may impose any sanction deemed necessary to remedy the effects of the prohibited conduct.

XVII. APPEALS

- A. **Right of Appeal:** In cases in which either disciplinary suspension or expulsion is deemed an appropriate sanction, the Respondent also shall be informed of the right to petition the Student Disciplinary Review Committee (SDRC) for relief from a determination made during an Administrative Conference. Appeals shall be heard as promptly as possible and, except under unusual circumstances as determined by the director of Community Standards, shall be scheduled no later than 30 business days from the date the properly formatted petition is received.
- B. **Grounds for Appeal:** An appeal of a decision rendered under these procedures may be based on the insufficiency of evidence or severity of sanctions and no other basis.
1. For the purpose of evaluating the severity of sanctions, the appellate panel shall consider only the evidence contained in the record made during the Administrative Conference. The panel shall uphold the determination if there is a reasonable basis for the sanction imposed, and if not shall impose a more appropriate sanction.
 2. For purposes of evaluating the sufficiency of evidence, the appellate panel shall consider only the evidence contained in the record made during the administrative conference and shall uphold the determination provided there is a reasonable basis for a finding of responsible based on a preponderance of the evidence as defined in Section X.
- C. **Appeal Petition:** A properly formatted appeal petition shall be filed no later than five (5) Business Days (weekends and College holidays excepted) the decision notice is sent to the Respondent by the Director of Community Standards or designee. If the petition is not received within that time, the sanction of suspension or expulsion shall stand. The petition shall consist of a detailed written statement specifying the precise grounds for appealing and detail the supporting facts. The petition shall be signed by the Respondent or sent using the Respondent's College issued email account.
- D. **Appellate Procedures:** The hearing on appeal shall be closed to the public. Only persons providing relevant information will be permitted to participate. During the proceedings, the hearing chair shall permit members of the appellate panel to ask questions as they deem appropriate and shall permit the respondent to outline the grounds for appeal. The Director of Community Standards, or designee shall address the merits of the appeal on behalf of the College and respond to any questions. At the conclusion of the proceeding, the members of the appellate panel will deliberate in private, reach a decision by majority vote, and communicate their decision to the Director of Community Standards who will, within a reasonable time period, announce the panel's decision to the Respondent.

XVIII. DISCIPLINARY FILES AND RECORDS

Access to any student's discipline' or other records will be governed by the provisions of the Family Educational Rights and Privacy Act of 1974. Authorized, identified College officers, faculty members or the student shall have access to disciplinary records. Results of disciplinary proceedings for alleged

violations of this Code shall be disclosed to the charging party if the prohibited conduct involves the use, or attempted use, or threatened use of physical force or harm against the person or property of another. Student disciplinary records maintained in the Office of the dean of Student Development shall be accorded the same protection and guaranteed confidentiality' as those in College administrative offices.

Notification of the Complainant: The outcome of a Notice of the Charges is part of the education record of the Respondent and is protected from release under FERPA, except when a Respondent has been accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense. The College will inform the Complainant in writing of the final results of a disciplinary proceeding regardless of whether the College concludes that a violation was committed, which may only include the Respondent's name, the violation committed, and the sanctions assigned (if applicable).

Referrals to the Dean of Student Development may result in a disciplinary file being created in the name of the Respondent, which shall be voided and destroyed if the Respondent is found not responsible for the allegations contained in the referral. The file of a student found responsible of a violation will be retained as a disciplinary record for six (6) years from the date of the letter providing notice of final disciplinary action. In cases of suspension, expulsion, revocation or withholding of degree, the record may be retained in permanently. In cases where the Respondent withdraws from the college, the record will be maintained permanently. Recordings or transcripts of disciplinary' hearings in which an accused student is found responsible shall be retained for 12 months following the conclusion of any available appeal and then destroyed.

Disciplinary' records may be voided by the Director of Community Standards earlier than as the time period set forth above for good cause, upon written petition of a Respondent. Factors to be considered in review of such petitions shall include:

- A. The present demeanor of the Respondent.
- B. The conduct of the Respondent after the violation.
- C. The nature of the violation and the severity' of any damage, injury, or harm resulting from it.

XIX. NOTICE OF NONDISCRIMINATION

AACC is an equal opportunity, affirmative action, Title IX, ADA Title 504 compliant institution. Call Disability Support Services, 410-777-2306 or Maryland Relay 711, 72 hours in advance to request most accommodations. Requests for sign language interpreters, alternative format books or assistive technology require thirty (30) days' notice. For information on AACCs compliance and complaints concerning sexual assault, sexual misconduct, discrimination, or harassment, Chief Compliance and Fair Practices Officer/Title IX Coordinator at 410-777-1239, complianceofficer@aacc.edu or Maryland Relay 711.

Amended on August 1, 2021, this Code of Student Conduct and procedures therein supersede all previous versions, and statements appearing in any other College publications.

