

FLATHEAD VALLEY COMMUNITY COLLEGE

**Policy Manual**

**CHAPTER VII - STUDENTS**

SECTION 60: Code of Student Conduct and Student Complaints

Approved: May 22, 2017

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**PURPOSE**

The purpose of this policy is to promote the prompt and efficient resolution of student conduct violations and student complaints about College employees. Complaints involving discrimination, harassment, sexual misconduct, stalking, or retaliation are addressed in Board Policy Chapter 1 Section 60 and the Discrimination and Harassment Grievance Procedures. Copies of this procedure and the Student Complaint Form may be obtained from the Dean of Students or online at <http://www.fvcc.edu/current-students>.

FVCC students are responsible for knowing the information outlined in this document. The College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at <http://www.fvcc.edu/current-student> for current student policies and procedures.

**CORE VALUES OF STUDENT CONDUCT**

The core values of student conduct at FVCC are as follows:

- I. ***Integrity***: College students exemplify honesty, honor and a respect for the truth in all of their dealings.
- II. ***Community***: College students build and enhance their community.
- III. ***Social Justice***: College students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- IV. ***Respect***: College students show positive regard for each other, for property and for the community.
- V. ***Responsibility***: College students are given and accept a high level of responsibility to self, to others and to the community.

## **JURISDICTION**

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and all College-affiliated student organizations. For the purposes of student conduct, the College considers an individual to be a student when the student registers for a class.

The 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 ability to re-enroll and /or obtain official transcripts and/or graduate and all 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, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree.

The *Code of Student Conduct* applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- 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
- Any situation that is detrimental to the educational mission and/or interests of the College;

The *Code of Student 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 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 College does not regularly search for this information but may take action if and when such information is brought to the attention of 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:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of

intent to inflict bodily harm upon specific individuals”;

- Speech posted online about the College or its community members that causes a significant on-campus disruption including speech that is obscene or defamatory.

The *Code of Student Conduct* applies to guests of the campus community whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of the College may seek resolution of violations of the *Code of Student Conduct* committed against them by members of College community.

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

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 Students.

The withdrawal of a student facing an alleged violation of the Code of Student Conduct will not deprive the College of jurisdiction to determine whether there has been a violation and, if so, to impose appropriate sanctions.

College email is the College’s primary means of communication with students. Students are responsible for all communication delivered to their College email address.

## **VIOLATIONS OF THE LAW**

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the College has jurisdiction, the College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined below). Interim suspensions are imposed until a hearing can be held, typically within two weeks. Within that time, the suspended student may request an immediate hearing from the Dean of Students to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the

College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the complaining victim to allow the criminal investigation to proceed before the College process.

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

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- 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.

## **STANDARDS OF CONDUCT**

The College considers the behavior described in the following sub-sections as inappropriate for the College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. The College encourages campus community members to report to 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 Conduct Procedures.

- I. ***Integrity***: 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:
  - 1) Falsification: Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
  - 2) Academic Dishonesty: Acts of academic dishonesty as outlined in the catalog;
  - 3) Unauthorized Access: Unauthorized access to any College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any College building or failing to timely report a lost College-issued student identification card or key;

- 4) Collusion: Action or inaction with another or others to violate the Code of Student Conduct;
- 5) Trust: Violations of positions of trust within the community;
- 6) Election Tampering: Tampering with the election of any College-recognized student organization;
- 7) Taking of Property: Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables;
- 8) Stolen Property: Knowingly taking or maintaining possession of stolen property;

**II. Community:** College students build and enhance their community. Behavior that violates this value includes, but is not limited to:

- 9) Disruptive Behavior: Substantial disruption of College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus;
- 10) 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;
- 11) Unauthorized Entry: Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building;
- 12) Trademark: Unauthorized use (including misuse) of College or organizational names and images;
- 13) Damage and Destruction: Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another;
- 14) IT and Acceptable Use: Violating the College Acceptable Use Policy;
- 15) Gambling: Gambling as prohibited by the laws of the State of Montana. Gambling may include raffles, lotteries, sports pools and online betting activities;
- 16) Weapons: Possessing, concealing, brandishing, or giving the appearance of being in possession of a weapon. A weapon is defined as an instrument, article, chemical or other substance that is designed, used or likely to be used to commit a criminal offense, cause bodily harm or property damage including, but not limited to, any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star,

- nun-chucks, or brass or other metal knuckles, or other potential dangerous items;
- 17) Tobacco: Smoking or tobacco or e-cigarette use in any area of campus;
  - 18) Fire Safety: Violation of local, state, federal or campus fire policies including, but not limited to:
    - a) Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
    - b) Failure to evacuate a College-controlled building during a fire alarm;
    - c) Improper use of College fire safety equipment; or
    - d) 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 College sanctions;
  - 19) Animals: Animals, with the exception of service animals that provide assistance are not permitted on campus except as permitted by law.
  - 20) Wheeled Devices: Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted to be used inside College buildings or on tennis courts. 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 College property caused by these activities.

**III. *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 violations within this category (items 21-33) will be addressed through the Discrimination Grievance Procedure. Conduct that violates this value includes, but is not limited to:

- 21) Discrimination: Any act that materially interferes with any individual's employment, education, living environment or participation in a FVCC program based upon an individual's race, color, religion, creed, political ideas, sex, gender identity, sexual orientation, age, marital status, veteran's status, service in the uniformed services as defined by state and federal law, physical or mental disability, national origin or ancestry except as authorized by law.
- 22) Harassment: Any unwelcome conduct based on actual or perceived status including: [race, color, religion, creed, political ideas, sex, gender identity, sexual orientation, age, marital status, veteran's status, service in the uniformed services as defined by state and federal law, physical or mental disability, national origin or ancestry except as authorized by law]. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.
  - a) Hostile Environment: Sanctions can and will be imposed for the creation of a hostile environment only when 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.

- 23) 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, student conduct or policy violation or other protected activity [under this Code].
- 24) Bystanding:**
- a) Complicity with or failure of any student to [appropriately] address known or obvious violations of the Code of Student Conduct or law;
  - b) Complicity with or failure of any organized group to [appropriately] address known or obvious violations of the Code of Student Conduct or law by its members.
- 25) Abuse of Conduct Process:** Abuse or interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:
- a) Falsification, distortion, or misrepresentation of information;
  - b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
  - c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
  - d) 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;
  - e) Failure to comply with the sanction(s) imposed by the campus conduct system;
  - f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

**IV. Respect:** College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

- 26) Harm to Persons:** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
- 27) Threatening Behaviors:**
- a) 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.
  - b) Intimidation: Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- 28) 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.
- 29) Hazing:** Defined as 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;

- 30) Intimate Partner/Relationship Violence: Violence or abuse by a person in an intimate relationship with another (also called domestic and/or dating violence);
- 31) Stalking: Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;
- 32) Sexual Misconduct: Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation;
- 33) Public Exposure: Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

V. **Responsibility**: 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:

- 34) Alcohol: Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the College's Alcohol Policy;
- 35) Drugs: Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the College's Drug Policy;
- 36) Prescription Medications: Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- 37) Failure to Comply: Failure to comply with the reasonable directives of 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;
- 38) Financial Responsibilities: Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
- 39) Arrest: Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Dean of Students within seventy-two (72) hours of release.
- 40) Other Policies: Violating other published College policies or rules.
- 41) Health and Safety: Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, roofs, etc.)

- 42) Violations of Law: Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process.

### **STUDENT COMPLAINT AGAINST FVCC EMPLOYEES**

The term "complaint" shall mean a claim or allegation by a student that a College employee(s):

- Significantly failed to carry out their professional responsibilities or failed to deal with a student fairly and impartially;
- Significantly failed to carry out an assigned responsibility or failed to apply college policy fairly and impartially; or
- Performed an action which impinged on the rights or activities of a student in the legitimate pursuit of the educative process.

All student complaints must be filed within thirty (30) calendar days after the complainant knew or reasonably should have known about the complaint. Complaints shall be filed upon the Student Appeals Complaint Form available with the Dean of Students.

### **RETALIATION**

No retaliation of any kind will be made by either party against any student, College employee, or any participant in the complaint process by reason of such participation.

*\* The FVCC Code of Student Conduct is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.*