Allegany College of Maryland

CODE OF STUDENT CONDUCT

June 2006 - Revised and Approved by the Board of Trustees
Updated (editorial corrections) April 2010 –BRC
JUNE 2013 - New Smoking Policy approved by Board of Trustees
June 2015 – Sexual Misconduct & Sex Discrimination Policy (Title IX) approved by Board of Trustees
2020 – Revised
Approved by Board of Trustees 08/17/20
Implementation: Fall 2020

I. PHILOSOPHY

Allegany College of Maryland, hereinafter referred to as "the College", provides services and resources to provide a safe learning environment and to promote responsible citizenship by its students. Students enrolling at the College assume an obligation to conduct themselves in a manner compatible with the College's function as an educational institution and community partner. Each student is presumed to have fundamental knowledge of proper conduct. Each student is likewise expected to follow all federal, state, and local laws as well as all College policies. Furthermore, each student shall be presumed to have read the Code of Student Conduct; ignorance of its provisions shall not be a defense to violating them. The actions/behaviors prohibited this Code of Student Conduct are not exhaustive, since every possible action/behavior cannot be foreseen by College officials, and the College reserves the right to supplement the standards of conduct at any time with notice to the students. The Code of Student Conduct is an administrative process; proceedings non-legal in nature and are, therefore, not subject to the same rules, procedures, and standards of proof as legal proceedings. The College shall provide notice of this Code of Student Conduct to students. Any questions about the Code may be addressed to the Dean of Student & Legal Affairs.

II. AUTHORITY

Allegany College of Maryland's Board of Trustees adopts the Code of Student Conduct.

III. JURISDICTION

The Code of Student Conduct applies to any Allegany College of Maryland student enrolled in any course which offers college credit at any campus or instructional site of Allegany College of Maryland. Courses include on-campus, online, blended, and early college. Jurisdiction begins when the student enrolls/registers in a qualifying course and ends when the student graduates, formally withdraws from the College, transfers to another institution, or has failed to enroll/register in a qualifying course in the next sequential Fall or Spring semester. Jurisdiction continues between semesters including Summer terms if a student enrolls/registers in a qualifying course in the next sequential Fall or Spring semester. Jurisdiction includes on-campus and off-campus conduct. The provisions of the Code of Student Conduct apply equally and consistently to all students.

Jurisdiction applies to students who have a disability. If not already receiving accommodations for their disability, students are urged to contact Academic Access & Disability Resources and/or the ADA/504 Coordinator. Approved accommodations will be honored in the disciplinary process, and an appropriate individualized assessment will be made to determine whether the disability shall be a consideration in the investigation, findings, and/or any sanction imposed if a student is found responsible.

Jurisdictional Exceptions:

- The Code of Student Conduct does not apply to misconduct allegedly committed by persons taking course(s) which is completely non-credit. Whether the person will be permitted to remain enrolled or to be on campus will be determined on a case-by-case basis pursuant to the Safety Risk Policy and in consultation with Continuing Education and Workforce Development personnel.
- The Code of Student Conduct does not apply to misconduct allegedly committed by persons incarcerated in any facility who are taking courses for whole or partial college credit. The person will be referred to the appropriate correctional authority. Whether the inmate will be permitted to remain enrolled or to be on campus will be determined on a case-by-case basis pursuant to the Safety Risk Policy and in consultation with the correctional authority.
- The Code of Student Conduct can be applied independently of or in tandem with an investigation of an alleged violation of the College's Title IX policy, since there may be alleged misconduct that includes

provisions of both institutional policies. As necessary and appropriate, the procedures for either or both policies will be applied during investigations, hearings, and appeals.

Application of this policy may directly or indirectly require the application of other institutional policies; nothing in this policy shall be construed to prohibit the application of related policies which include, but are not limited to the policies listed here. If the application of this policy conflicts with the application of another institutional policy, the College will make a good faith effort to comply with all mandates, and the College will comply with any court order(s); however, the Code of Student Conduct shall take precedence unless otherwise required by law. Related policies: Title IX Policy, Non-Discrimination Policy, Admissions Policy, HR policies, Technology Resources Policy, Personal Electronic Account Privacy Protection Policy, Safety Risk Policy, FERPA Policy, and First Amendment Policy.

IV. REPORTING MISCONDUCT AND CRIMES

Any person with information about misconduct should report it promptly to Campus Safety/Special Police, the Dean of Student & Legal Affairs, or other College Official. Allegany College of Maryland employees are required to report certain acts or suspected misconduct pursuant to federal or state law including child abuse. Reports should be made immediately or as soon after an incident as possible. Reports may be made anonymously. Reports made more than thirty days after the incident or made anonymously will be accepted, but the College reserves the right to close such reports without action if there is insufficient information to investigate fully and fairly. The College will assist any person needing assistance to make a report or complaint. **The College strongly encourages any person who is a victim of or who witnesses any crime to contact law enforcement / call 911 immediately**. The College reserves the right to report crimes to local law enforcement and/or to pursue criminal charges or other legal remedies for acts of misconduct committed against the College.

Investigations of alleged violations of the Code of Student Conduct are independent of any alleged crime being investigated by law enforcement or prosecuted in court. The College's proceedings are not dependent upon any proceeding or outcome in a criminal matter. Likewise, the College's proceedings are not dependent upon any proceeding or outcome in a civil matter.

Additionally, students should be aware of any obligation to report a criminal charge to his/her academic program if required and be aware of the effect a criminal matter may have upon the student's eligibility for a particular program, other educational opportunities such as clinical/intern experiences, licensure, future employment, financial aid, and/or on-campus housing.

V. ENFORCEMENT

The Office of Student & Legal Affairs is responsible for the implementing of the Code of Student Conduct in collaboration with Campus Safety/Special Police and other designated College Officials. Reports of alleged misconduct are reported or forwarded to the Dean of Student & Legal Affairs or Designee who determines if the matter will be addressed informally or formally. Informal resolution may include measures such as written warnings, mediation, alternate dispute resolution and/or restorative justice; informal resolution is permitted only if there is no safety risk to any person. Formal disciplinary procedures are detailed below. Additional processes including but not limited to wording of notices, forms, timelines, and compliance deadlines shall be implemented by the Dean of Student & Legal Affairs or Designee. Procedures shall have the full enforcement authority of this Code of Student Conduct.

VI. DEFINITIONS

See Definitions / Accompanying Procedure

Violations of ACM's Standards of Conduct detailed in Section VI include acts defined by Maryland law, the Maryland Attorney General, Maryland Higher Education Commission, the U.S. Department of Education Clery Handbook, other state or federal resources, and/or prior editions of the Code of Student Conduct. This section provides several additional definitions.

- Appeal Officer: a College supervisor who reviews appeal petitions and, when appropriate, conducts appeal interviews.

- Campus: Refers to any property owned or managed by Allegany College of Maryland including but not limited to the Cumberland campus, Bedford County campus, Gateway Center, instructional sites, Willowbrook Woods, College buildings, parking lots, vehicles, and fields/lawns.
- Child: Any person under the age of eighteen who is not enrolled/registered in a qualifying course.
- Hearing Officer: a College Official who has been trained to conduct disciplinary investigations and to preside over disciplinary matters.
- Investigation: the process for responding to an alleged violation of the Code of Student Conduct and/or Title IX policy. It is a general term that includes intake, fact-finding, and hearings.
- Ombudsman: a neutral third party who is a member of the College staff appointed by the President, who does not advocate for any position or outcome, but who is well-versed in the Code of Student Conduct. The Ombudsman *may* meet with accused students (as requested) to prepare for the hearing and may attend the hearing.

VII. STANDARDS OF CONDUCT

The following actions/behaviors (and attempts to commit them) committed in any medium including in person, through third persons, via postal mail, or via any form of technology/media, are strictly prohibited. The Code of Student Conduct adopts definitions which are in accompanying Procedures.

A. Personal Interaction

1. Assault and Battery/Assault
2. Aggravated assault
3. Sexual Assault
4. Sexual Harassment
5. Sexual Exploitation
6. Sexual Intimidation
7. Stalking
8. Relationship Violence
9. Title IX Offenses
10. Registered Sex Offenders
11. Harassment
12. Retaliation
13. Threat
14. Intimidation
15. Bullying
16. Cyberbullying
17. Hazing.
18. Child Endangerment
19. Child Abuse/Neglect
20. Murder and Non-Negligent Homicide
21. Manslaughter by Negligence

B. Respect for Property

1. Theft
2. Unauthorized Use
3. Trespassing
4. Unauthorized Entry
5. Burglary
6. Robbery
7. Vandalism/Destruction of Property
8. Tampering with Safety Equipment
9. Arson
10. Littering

C. Health and Safety

1. Weapons
2. Disregarding Fire Safety

3. Alcohol: Allegany College of Maryland is a dry campus See the Drug and Alcohol Policy.
4. Drugs: Allegany College of Maryland is a clean campus. See the Drug and Alcohol Policy.
5. Tobacco/Smoking/Vaping
6. Disregarding Public Health Directives
7. Gambling
8. Reckless Endangerment
9. Enabling Banned Persons
10. Unauthorized Possession/Duplication of keys
11. Access Obstruction
12. Unsafe driving
13. Unauthorized Parking
14. Prohibited Animals

D. Peace and Order

1. Failure to Comply
2. Probation Violation
3. False Statement
4. Fraud
5. Disorderly Conduct
6. Residence/Residency
7. Photo Identification Cards
8. Unauthorized Publication(s)/Sale(s)
9. Policies on Publications and Fundraising/Sales
10. Misuse of Technology

E. Hate – Bias

1. Hate Crime
2. Hate-Bias Incident

F. On Campus Housing Regulations

1. Visitors
2. Noise
3. Banned Items
4. Vehicles
5. Exceeding Contract dates/times
6. Cable/Internet fraud

G. Other Misconduct

1. Other act that violate any local, state, or federal law.
2. Other act that violate the personal, property, health, or safety rights of others.
3. Other acts that violate College policy.

VIII. DISCIPLINARY PROCEDURES

The College will create and apply procedures to implement this Code of Student Conduct. Procedures shall include student notification, hearing protocols, due process requirements, student rights and responsibilities, standard of proof, sanctions, and appeal protocols.

Disciplinary matters arising from an alleged Title IX violation shall follow Title IX procedures which may differ from the Code of Student Conduct procedures. Parties to such matters will be given information regarding the applicable procedures. Disciplinary matters that include both Title IX allegations and non-Title IX allegations – whenever that determination is made during the process – may follow a mix of procedures. Students will be notified regarding applicable procedures.

These procedures apply to acts of suspected/alleged misconduct which were determined to be addressed formally. Upon receiving a report of alleged violation of the Code of Student Conduct, the Dean of Student & Legal Affairs shall determine if an informal resolution is appropriate for the circumstances; if

not, the Dean shall assign the matter to an appropriate Hearing Officer(s) who shall complete a full, thorough, impartial, and fair investigation.

A. Investigation: The investigation may include interviewing the complainant, interviewing the accused, interviewing witnesses, reviewing reports, reviewing students' written statements, and reviewing other documents, video, recordings, or any information available to the Hearing Officer(s). The investigation will be properly documented. Confidentiality will be observed. The investigation may be conducted with the assistance of Campus Security/Public Safety or other relevant College Officials.
B. Notice: Students accused of misconduct will be given written notice of the incident which prompted disciplinary action, the Code of Student Conduct provision(s) allegedly violated, and their rights/responsibilities. Additional notice may be waived in limited circumstances: the accused student gives provably false information during the investigation and/or **a**dditional violations which directly related to the original matter(s) are discovered during the investigation.
C. Hearings and interviews: Any student who is notified about a disciplinary matter is expected to schedule a meeting with the Hearing Officer(s). It is the student's responsibility to schedule his/her hearing or interview. Failure to schedule and attend could result in decision without student's input, and such decisions are final. Each student meets separately with the Hearing Officer(s). All hearings and interviews are closed and shall be conducted in private, and students may not be accompanied by any 3rd party except an Ombudsman. Hearings may not be recorded by either party unless both parties agree in writing; the person who requested the recording shall be responsible for having the hearing transcribed by a third party approved by both parties; copies of transcript shall be provided to both parties at the requestor's expense.
D. Respondent Student Rights:
    Students have a right to an objective process.
    Students have a right to notice of the allegations.
    Students have a right to a hearing with the Hearing Officer.
    Students have the right to admit or deny the allegation(s).
    Students have the right to present relevant information.
    Students have the right to present fact or character witnesses.
    Students have the right to present documents and other materials.
    Students have the right to view information being considered in the investigation; such information may be redacted or presented to protect the privacy/safety of other person(s).
    Students have the right to submit questions for the Hearing Officer(s) to ask another person(s).
    Students have the right to seek procedural assistance and information from the Ombudsman.
    Students have the right to be accompanied in the hearing by an Ombudsman.
    Students have the right to request a different Hearing Officer upon presenting bona fide evidence of a conflict of interest by the assigned Hearing Officer.
    Students have the right to present information in mitigation for a sanction if found responsible.
    Students have the right to a written Notice of Decision.
    Students who participated in the proceedings have the right to petition for an appeal.
E. Complainant Rights
    Students have a right to an objective process.
    Students have a right to a meeting with the Hearing Officer.
    Students have the right to present relevant information.
    Students have the right to present fact or character witnesses.
    Students have the right to present documents and other materials.
    Students have the right to submit questions for the Hearing Officer(s) to ask another person(s).
    Students have the right to seek procedural assistance and information from the Ombudsman.
    Students have the right to request a different Hearing Officer upon presenting bona fide evidence of a conflict of interest by the assigned Hearing Officer.
    Students have the right to present information to seek an enhanced sanction if the accused student is found responsible.
    Upon request, written notice of results of disciplinary proceeding if crime of violence is alleged
F. Campus Suspension: When a reported violation involves violence and/or a reasonable concern that an imminent risk to individual or campus safety exists, the Dean of Student & Legal Affairs may

request an Order of Immediate Interim Suspension from the College President. Such an Order requires that the accused student immediately leave College grounds and is prohibited from being on campus pending an investigation of the incident(s) unless/until authorized by the Dean of Student & Legal Affairs or Director of Campus Security/Public Safety or unless/until the Order is lifted. The student may request an emergency hearing with the Dean of Student & Legal Affairs to challenge the Order within three business days.

G. Housing Suspension: Willowbrook Woods residents who are accused of conduct violations that necessitate their temporary removal from on-campus housing for safety reasons may be suspended by either the Director of Residence Life or the Dean of Student & Legal Affairs pending an investigation of the incident(s). These residents will be responsible for finding temporary accommodations and transportation to/from campus. The resident may request an emergency hearing with the Director of Residence Life or the Dean of Student & Legal Affairs to challenge the suspension.

H. Standard of Proof: The standard to be applied in making decisions is preponderance of the evidence (i.e., it is more likely than not that the accused student committed the violation(s) as alleged). No student shall be presumed responsible when a matter is referred for disciplinary action; only if the standard of proof has been met may a student be found responsible.

I. Outcome: At the conclusion of an investigation, the Hearing Officer(s) will provide written notification to the accused student summarizing the investigation and noting the findings:
   - Responsible
   - Not Responsible
   - Taken Under Advisement for a specific period of time (with or without conditions)
   - Closed without a Finding
   - Referred to a different process
   - Other resolution.

J. Sanction(s): if the accused student is found responsible, the Hearing Officer will assign an appropriate sanction after considering relevant factors.

   Possible sanctions include:

   1. Censure: A written reprimand placed in the student's disciplinary file.
   2. Probation / Probation with Special Conditions: A period of time when the student's conduct will be more closely monitored for compliance with all rules, regulations, policies, and laws. Specific terms and/or conditions that are intended to promote safety, to compensate any victim, to deter this or any student from a similar course of conduct, or to educate the student may be imposed
   3. Campus Suspension: A period of time when the student may not be on campus for any reason without prior authorization. A suspended student may be permitted to complete coursework at the discretion of his/her instructors. Students who are suspended from campus are also suspended from Willowbrook Woods.
   4. Willowbrook Woods Suspension: A period of time when the student who has a contract for on-campus housing may not be on Willowbrook Woods property for any reason without prior authorization.
   5. Dismissal: The student is separated from the College for an indefinite period of time and may be readmitted only with written approval from the College President. The student will be administratively withdrawn from all classes and is not permitted to complete a course, program of study, or degree. A dismissed student shall not be permitted on campus for any reason without prior authorization, may not complete any coursework after the effective date of the dismissal, and may not graduate or participate in any commencement activities. His/her transcript may have a notation of disciplinary dismissal. Students who are dismissed from the College are also expelled from Willowbrook Woods.
   6. Expulsion (Willowbrook Woods residents only): The resident is removed from housing for the remainder of the contract term and may not be on housing property without prior authorization.

K. Appeal: A student ho has been found responsible/in violation of the Code of Student Conduct may petition to appeal the Hearing Officer's decision. The appeal petition must state eligible grounds for appeal and must be submitted to the Hearing Officer, along with any supporting documentation or supplemental materials, within 15 calendar days of the date of the decision being appealed.

Eligible grounds to petition for an appeal are limited to:

1. Discovery of new information that was *previously unavailable* that could have made a difference.
2. Discovery of proof of actual innocence that was *previously unavailable*.
3. Proof of misconduct by the Hearing Officer.
4. Due process requirements were not met (i.e., student was denied written notice of the allegations, an opportunity to be heard, an opportunity to provide information/witness names, written decision and/or other established procedures).
5. Sanction is substantially disproportionate to the severity of the violation considering the relevant aggravating and/or mitigating factors.

Upon receipt, the Hearing Officer has discretion to modify his/her decision on the merits of the petition or other relevant circumstances; any changes shall be communicated in writing to the student. If the Hearing Officer declines to modify the decision, s/he will promptly notify the Appeal Officer and forward the petition, a copy of the relevant records, and a written response to the petition. The Appeal Officer shall be the Hearing Officer's immediate supervisor. The Appeal Officer shall determine if the appeal petition satisfies the criteria to be considered; merely being dissatisfied with the outcome is insufficient. Such allegations must be supported by reference to specific evidence not by vague claims or assertions. The Appeal Officer will issue a written notification whether the petition has merit or not. If the petition has merit, the appeal may proceed to a hearing. The appealing student has the right to a hearing with the Appeal Officer to present information about the student's grounds for appeal. The appeal hearing is not a *de novo* review; its scope is limited to the issue(s) stated in the appeal petition. The Appeal Officer may also meet with the Hearing Officer, meet with relevant witnesses, and review investigation materials. At the conclusion of these proceedings, the Appeal Officer will issue a written notification of findings; the original decision may be affirmed, modified, or reversed. Decisions by the Appeal Officer may be appealed to next level supervisor using the same petition process. Decisions by the President are final.

L. Nothing shall be noted in a student's College record about a disciplinary matter unless the student has been found responsible. Those records shall be preserved in the Office of Student & Legal Affairs or other secure location and are subject to privacy law and college policy. Students may review their records upon request. Information shall not be shared with any third party without a properly executed and authenticated FERPA release, but the College reserves the right not to disclose disciplinary information to any third party except by court order or other legal process. See the College's FERPA policy. Certain disciplinary information may be released without the student's consent including but not limited to Title IX cases and drug/alcohol violations (findings may be released to parent or guardian per federal law). Records may not be expunged.

IX. POLICY CHANGES

Substantive changes to this Code of Student Conduct require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students.