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| College Procedure: | 500.9 – Student Code of Conduct |
| Policy Reference: | 500 – Student Conduct and Expectations |
| Responsible Department: | Student Services |
| Approval Authority: | Cabinet |
| Procedure Owner: | Vice President, Student Services |
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Legal Reference(s):
Scope: College-wide

Reason for Procedure

Kirkwood Community College is an academic community built on the principles of mutual respect, integrity, and honesty. The College strives to provide a community wherein individuals have the right to express their opinions and ideas, to assemble peacefully, and to associate freely in a manner that does not interfere with the rights of others and is in the confines of intellectual honesty. In order to thrive as an educational institution, the college has adopted this Student Conduct Code (“Student Code”) to promote and preserve its educational mission for the benefit of all who are invited to be a part of the community.

It is in the best interest of the College and all those who are students or who may desire to become students at the College that the disciplinary procedure be defined. This document prescribes procedures to be followed in disciplinary cases in order that cases may be handled in a timely manner while serving the interests of the college community and safeguarding the rights of all students. Administrative responsibility for the establishment and enforcement of policies governing non-academic student conduct and disciplinary action has been delegated by the Kirkwood Community College President to the Vice President for Student Services. The Vice President has, in turn, delegated considerable authority for the establishment of rules and handling of violations to the Dean of Students and other bodies as designated in this procedure.

The Procedure

Student Code Authority

1. The Dean of Students will determine the composition of Student Conduct Boards and will determine which Student Conduct Board or Student Conduct Administrator will be authorized to hear each matter.
2. The Dean of Students will develop policies for the administration of the student conduct system and procedural rules for the administration of Student Conduct Board Hearings that are not inconsistent with provisions of the Student Code.

3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator are final, pending the normal appeal process.

Prohibited Conduct

A. Jurisdiction of the Student Conduct Code

The Student Conduct Code will apply to conduct that occurs on College premises, at College-sponsored activities, and to off-campus conduct, including, but not limited to, activities on College partners' premises, that adversely affects the College community and/or the pursuit of its objectives. Each student will be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Conduct Code applies to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following offenses is subject to the full range of disciplinary sanctions outlined in Article IV including warning, probation, suspension, or expulsion:

1. Acts of dishonesty, including but not limited to the following:
 - a. Furnishing false information to any College official, faculty member, or office.
 - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on college premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Violation of the Sexual Misconduct Involving Students policy, which prohibits sexual misconduct in any form and which includes any unwelcome behavior of a sexual nature that is committed without consent, by force, intimidation, coercion, or manipulation.
5. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
6. Hazing, defined as an act which, intentionally or recklessly, endangers the physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, any organization operating in connection to the college.
7. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.

8. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.

9. Violation of any federal, state or local law.

10. Manufacturing, selling, distribution, use, or possession of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law or possession of a device (drug paraphernalia) used to ingest or inhale an illegal drug or narcotic

11. Manufacturing, selling, distribution, use, or possession of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

12. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

13. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

14. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the College community.

15. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

16. Theft or other abuse of computer facilities and resources, including but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official.
- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of College policies pertaining to use of information technology, including computer use policies.

17. Abuse of the Student Conduct Code, including but not limited to:

- a. Failure to obey the notice from a Student Conduct Board or College official to appear for a meeting or hearing as part of the Student Conduct System.
- b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
- c. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
- d. Institution of a Student Conduct Code proceeding in bad faith (e.g. filing a false complaint).
- e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
- f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a victim or other person who files a student conduct complaint or any participant(s) of a conduct proceeding, including but not limited to, their family members, friends, or acquaintances, witnesses, panel members, or advisors, prior to, during, and/or after a student conduct proceeding.
- h. Retaliation against a victim or other person who files a student conduct complaint or any participant(s) of a conduct proceeding, including but not limited to, their family members, friends, or acquaintances, witnesses, Board members, or advisors, prior to, during, and/or after a student conduct proceeding. This includes any form of intimidation, threats, harassment (verbal or physical) or knowingly filing a false complaint.
- i. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
- j. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

18. Intentionally sounding a false alarm or tampering with fire safety equipment.

19. Use or possession on the campus or at or during any College-authorized function or event of firearms, ammunition, or other dangerous weapons, substances, or materials, except as expressly authorized by the College, or of bombs, explosives, or explosive or incendiary devices prohibited by law or any other violation of the college weapons policy.

20. Undue or willful neglect to meet financial obligations to the College when properly notified by the College.

21. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

22. Misuse of college identification – Transferring, lending, borrowing, or altering a college identification.

23. Violation of the Student Conduct Code while on disciplinary probation, or violation of the terms of one's probation.

C. Violation of Law and College Discipline

1. College conduct proceedings are separate from criminal or civil litigation. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct code proceedings.

2. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result

from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this Student Code will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

3. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the college community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the college community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Student Conduct Code Procedures

A. Charges and Student Conduct Hearings

1. Any person may file charges against a student for violations of the Student Conduct Code. A charge should be prepared in writing and directed to the Dean of Students or designee. Any charge should be submitted as soon as possible after the event takes place, preferably within one calendar year. With respect to any complaint that is 1) by a person who is not a member of the college community, and 2) relating to non-college conduct, the College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the college community to warrant processing the complaint.

2. The Dean of Students or designee may conduct an investigation to determine if the charges have merit. If the accused student elects to acknowledge his or her actions and take responsibility for the alleged misconduct, the Dean of Students will propose a resolution to the complaint and a sanction. If the accused student agrees to the proposed sanction, the complaint is resolved without a hearing and without any further rights of appeal. If the accused student objects to the proposed sanction, a hearing will be convened for the sole purpose of determining a sanction, and in these cases, the decision is subject to appeal pursuant to Article IV, D.

If the charges are not admitted to and/or cannot be disposed of by mutual consent, the Dean of Students or designee will determine if the matter will be resolved through an administrative hearing or by a Student Conduct Board. Complaints that may result in a sanction of suspension or expulsion will be disposed of through a Student Conduct Board. All other cases will be disposed of through an administrative hearing conducted by the Dean of Students or Student Conduct Administrator.

3. Complaints alleging conduct that includes sexual harassment and other forms of sexual misconduct will be handled according to the rules and procedures described in the Sexual Misconduct Involving Students policy and the applicable sections of this policy.

4. All charges will be presented to the accused student in written form. A time will be set for an administrative hearing or Student Conduct Board hearing that ensures a prompt and equitable resolution, not less than 5 nor more than 30 business days after the accused student has been notified. Maximum time limits for scheduling of an administrative hearing or Student Conduct Board hearing may be extended at the discretion of the Dean of Students. Written notification to the Accused Student will include:

- a) the alleged conduct violation;
- b) a summary of the specific allegations;
- c) the time, date, and place of the hearing;
- d) the name(s) of the Student Conduct Administrator or Student Conduct Board members, who will hear the case;
- e) the potential disciplinary sanctions; and
- f) the related procedures outlined in Article IV.

Like notice will also be provided concurrently to the Complainant.

5. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.

6. The determination of whether or not a violation of the Student Conduct Code occurred will be made on the basis of whether it is more likely than not that the Accused Student violated the Student Conduct Code. This is more formally referred to as the, "Preponderance of the Evidence Standard."

7. The Dean of Students or designee will notify the Accused Student and the Complainant of the outcome of the hearing in writing within ten business days of completion of the hearing.

8. If an Accused Student, with notice, does not appear for the hearing, the information in support of the charges will be presented and considered even if the accused student is not present.

9. A conduct violation that may not result in the sanction of suspension or expulsion will be resolved through an administrative hearing with the Dean of Students or Student Conduct Administrator. During the administrative hearing the accused student will have an opportunity to respond to the charges and to present evidence or witnesses contesting the charges. The Dean of Students or Student Conduct Administrator will determine if a violation occurred and will issue appropriate sanctions.

10. An alleged violation of the Student Conduct Code in which the accused student contests responsibility and that may result in the sanction of suspension or expulsion will be resolved through a Student Conduct Board Hearing according to the following guidelines:

- a. Hearings will be conducted in private.
- b. The Student Conduct Committee chairperson and two members of the Student Conduct Committee will be appointed by the Dean of Students to serve on the Student Conduct Board.
- c. The Complainant, Accused Student and their advisors, if any, will be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing will be at the discretion of the chairperson of the Student Conduct Board.

- d. In hearings involving more than one Accused Student, the Dean of Students, in his or her discretion, may permit the Student Conduct Board Hearing(s) concerning each student to be conducted either separately or jointly.
- e. The Complainant and the Accused Student have the right to challenge any member of the Student Conduct Board on grounds of prejudice. This challenge, with the reasons for the challenge, must be submitted in writing to the Dean of Students at least two business days prior to the hearing. The Dean of Students or designee will determine if the member will sit on that case. If the challenge is upheld, the Dean of Students or designee will select another Student Conduct Committee member for the Student Conduct Board.
- f. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Board Hearing before a Student Conduct Board. The participants should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
- g. The Complainant, the Accused Student, Student Conduct Administrator, and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The College will try to arrange the attendance of possible witnesses who are members of the college community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the Student Conduct Board Hearing. Witnesses will provide information to and answer questions from the Student Conduct Board.
- h. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received will be resolved in the discretion of the chairperson of the Student Conduct Board.
- i. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
- j. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.
- k. After the portion of the Student Conduct Board Hearing concludes in which all pertinent information has been received, the Student Conduct Board will determine by majority vote whether the Accused Student has violated each section of the Student Code which the student is charged with violating.
- l. There will be a single verbatim record, such as a tape recording, of all Student Conduct Hearings before a Student Conduct Board (not including deliberations). Deliberations will not be recorded. The record will be the property of the college.
- m. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students or designee to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:

- a. Warning—a notice in writing to the student that the student is violating or has violated institutional regulations.
- b. Probation—a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- c. Loss of Privileges—denial of specified privileges for a designated period of time.
- d. Fines—previously established and published fines may be imposed.
- e. Restitution—compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions—work assignments, essays, service to the college, or other related discretionary assignments.
- g. Deferred Suspension – A serious and final notification that any violation of College policy may result in the immediate suspension of the student from the College for a specified period of time after which the student would be eligible to return. Conditions for readmission may be specified prior to the student being eligible to return.
- h. Suspension—separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- i. Expulsion—permanent separation of the student from the College.
- j. Revocation of Admission and/or Degree—admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- k. Withholding Degree—The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
- l. Delayed Registration-- A student may be required to delay his/her course registration until a complainant or any other student(s) involved in a conduct matter has completed course registration. Delayed registration is for a specified number of semesters or may be required until the complainant or other involved student(s) graduate.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. (a) Other than college expulsion or revocation or withholding of a degree, disciplinary sanctions will not be made part of the student's permanent academic record but will become part of the student's disciplinary record.

(b) In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, will be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

4. The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above in article IV(B)(1)(a)–(k).
- b. Loss of selected rights and privileges for a specified period of time.
- c. Deactivation-loss of all privileges, including college recognition, for a specified period of time.

5. In each case in which a Student Conduct Board or Student Conduct Administrator determines that a student and/or group or organization has violated the Student Conduct Code, the sanction(s) will be determined and imposed by the Dean of Students or Student Conduct Administrator with the exception of cases involving sexual misconduct, in which case the Sexual Misconduct Board or chair will determine the sanctions as prescribed in the Sexual Misconduct Involving Students policy.

C. Interim Suspension

In certain circumstances, the Dean of Students or designee may impose an interim suspension prior to the disposition of a student conduct hearing.

1. Interim suspension may be imposed only:

- a. to ensure the safety and well-being of members of the college community or preservation of College property;
- b. to ensure the student's own physical or emotional safety and well-being; or
- c. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

2. During the interim suspension, a student will be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.

3. The interim suspension does not replace the regular process, which will proceed on the normal schedule, up to and through an Administrative or Student Conduct Board proceeding, if required. However, the student should be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat and at which they may contest whether a campus rule was violated.

D. Appeals

1. The decision of a Student Conduct Administrator or Student Conduct Board including sanctions imposed may be appealed by the Accused Student(s), the Complainant(s) or both to the Vice President for Student Services or designee within five business days of the decision. Such appeals will be in writing and will be delivered to the Dean of Students or his or her designee. The Vice President or designee will determine if the decision and/or sanctions imposed will be stayed pending the outcome of the appellate decision.

2. Except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the student conduct hearing and supporting documents for one or more of the following purposes:

- a. To determine whether the Student Conduct Board Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- b. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
- c. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

3. The Vice President for Student Services may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed. The appeal decision of the Vice-President is the final decision of the college, and no further appeals are permitted under this policy.

4. All parties will be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.

Composition of Student Conduct Committee

The Student Conduct Committee is appointed by the Vice President for Student Services and is composed of two staff members nominated by the Dean of Students, two faculty members nominated by the Vice President for Academic Affairs, and one faculty/staff chairperson appointed by the Vice President for Student Services. The Dean of Students or designee will preside over all meetings of the Student Conduct Committee.

Training

The Dean of Students or designee will conduct annual training with persons involved in the administration of the student conduct system. This includes, but is not limited to, the Student Conduct Committee members and other Student Conduct Administrators. Training will be conducted in a manner that is consistent with provisions of the student conduct code.

Interpretation and Revision

Any question of interpretation or application of the Student Conduct Code will be referred to the Dean of Students or designee for final determination.

The Student Conduct Code will be reviewed every three years under the direction of the Dean of Students.

References

Definitions

| Term | Definition |
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| Accused Student | Any student accused of violating this Student Code. |
| Board of Trustees | The group of elected officials charged with oversight of the College. |
| Business days | All days except Saturdays, Sundays, and College holidays. When counting days, the day a complaint is received at any point in the procedure shall be considered "day one". |
| College premises | Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks). |
| College official | Includes any person employed by the College or any person performing assigned administrative or professional responsibilities on behalf of the College. |
| Complainant | Any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the College community submitted the charge itself. |
| Faculty member | Any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty. |
| Member of the College Community | Any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation will be determined by the Dean of Students or designee. |
| Staff member | Any person employed by the College who is not a faculty member or student employee. |
| Student Organization | Any number of persons who have complied with the formal requirements for College recognition as a club or organization. |
| Policy | The written regulations of the College as found in, but not limited to, the student conduct code, student handbook, College catalog and College website. |
| Student | Includes all persons taking courses at Kirkwood Community College, either full-time or part-time, pursuing degree or non-degree programs including continuing education and distance courses. |

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| | Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students," although not enrolled in this institution. |
| Student Conduct Administrator | A College official authorized by the Dean of Students to determine whether a student has violated the student conduct code and to impose sanctions. |
| Student Conduct Board | Any person or persons selected by the Dean of Students, including but not limited to members of the Student Conduct Committee, to determine whether a student has violated the Student Conduct Code and to recommend sanctions that may be imposed when a rules violation has been committed. |
| Student Conduct Board Chairperson | An individual selected by the Dean of Students or designee to facilitate a Student Conduct Board. |
| Student Conduct Committee | The College committee appointed by the Vice President for Student Services to serve as participants on the Student Conduct Committee. |

Revision Log

| Version Number | Date Approved | Approved by | Brief Description of Change |
|----------------|---------------|--|---------------------------------|
| | 9/30/2014 | Jon Buse, Vice President, Student Services | |
| | | Cabinet | Procedure template 10/1/2019 |
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