GARRETT COLLEGE
EXPERIENCE. EXPLORE. EXCEL.

POLICIES and PROCEDURES: STUDENT CODE OF CONDUCT

STUDENT CONDUCT CODE *(ACTOOD Updates approved: August 15, 2023)*	**BOT Approved:** Reviewed and updated July 2019. Approved by BD on 9/17/19. COVID Procedural Updates approved June 16, 2020. Updates to Harassment Policy Section- Approved 11/17/2020. ACTOOD Language Updates approved by Board 8/15/2023.

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POLICIES and PROCEDURES: STUDENT CODE OF CONDUCT

PURPOSE:

To establish rules and standards that addresses both the academic and social behaviors of students and provides a fair and reasonable mechanism to manage student conduct discipline.

POLICY STATEMENT:

Preamble: Garrett College aspires to foster high ethical standards, personal and academic integrity, the diligent pursuit of truth, and equity in the treatment of all members of the college community. The College is concerned with the living and learning environment of all its students. Garrett College students are both citizens and members of the college community. As citizens, students shall enjoy the same freedoms that other citizens enjoy. As members of the college community, they are subject to those responsibilities that accrue to them by virtue of this membership.

The student conduct process is designed to be primarily educative, not punitive, in nature. It exists to protect the interests of the community and to challenge those whose behavior is not in accordance with College policies. Garrett College expects that students will conform to the laws of the greater society and regulations established to assure the orderly conduct of the affairs of the college. Students and student organizations are required to engage in responsible social conduct that reflects well upon the College community and to model good citizenship in any community. Students are expected to maintain high standards of honesty, integrity, and courtesy, to accept responsibility for their actions, and to be respectful of the rights of others. The College has the authority and responsibility to establish rules and standards to apply to both academic and social behavior that impacts the College community. In line with this authority, the College seeks to promote a campus environment that supports the overall educational mission of the College while protecting the College community from disruption and harm. The College reserves the right to take action against students whose behavior, either on or off campus, blemishes the general image or reputation of the College or otherwise evidences disregard for the safety, well-being, or rights of others. Each student is expected to understand the stipulations set forth in this Student Conduct Code, which shall apply to conduct on and off campus, whether or not specifically related to College activities and business. Due process is afforded to all students, regardless of race, religion, age, sex, sexual orientation, handicap, or national origin. No student will be found in violation of College policy without “preponderance of the evidence”, or information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

POLICIES and PROCEDURES: STUDENT CODE OF CONDUCT

ARTICLE I: Rights and Responsibilities

Every student attending Garrett College has the right to pursue an education without hindrance or disruption. Every member of the Garrett College community is held personally accountable for the manner in which they conduct themselves and are expected to behave responsibly within our learning environment.

Every student at Garrett College is afforded with the following rights and freedoms:

- The right to have access to and participate in the academic and non-academic opportunities offered by the College.
- The right to freedom of thought, speech, inquiry and expression.
- The right to be free from unlawful discrimination based on race, religion, personal appearance, color, sex, pregnancy, political affiliation, source of income, residence, creed, ethnicity, national origin (including ancestry) citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status, predisposing genetic characteristics, or any other protected category under applicable local, state or federal law.

ARTICLE II: Definitions

A. The term "College" means Garrett College.

B. The term "student" includes all persons taking courses at the College, either full-time or part- time, pursuing for- credit or non-credit studies. Persons who withdraw after allegedly violating the student Conduct 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" as are all persons who are living in College residence halls other than full-time professional staff members and their cohabitants, whether or not they are enrolled in this institution. This Student Conduct Code applies at all locations of the College.

C. The term "faculty member" means 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.

D. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.

E. The term "member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College.

F. The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.

G. The term "off- campus" refers to public property, rental properties, and living arrangements not on-campus.

H. The term "organization" means any number of persons who have complied with the formal requirements for College recognition and/or charter as a student organization.

I. The term "Student Conduct Board" is the body authorized by the College 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.

J. The term "Student Conduct Administrator" means, the Chief Student Affairs Officer, Director of Student Development, or a College official authorized on a case-by- case basis by the Director of Student Development to determine whether a student has violated the Student Conduct Code and to impose sanctions upon any student(s) found to have violated the Student Conduct Code.

K. The term "Appellate Body" means any person or persons authorized by the Student Conduct Administrator to consider an appeal from a Student Conduct Hearing determination as to whether a student has violated the Student Conduct Code or from the sanctions imposed by the Student Conduct Administrator.

L. The term "Student Conduct Hearing" refers to the specific process by which a Student Conduct Board or Student Conduct Administrator considers the facts of case, makes a determination of responsibility for violations of the Student Conduct Code, and imposes appropriate sanctions.

M. The term "disciplinary body" refers to either the Student Conduct Board or the Student Conduct Administrator that is conducting a Student Conduct Hearing in a particular case.

N. The term "shall" is used in the imperative sense.

O. The term "may" is used in the permissive sense.

P. The Director of Student Development and the Chief Student Affairs Officer are the individuals designated by the College President to be responsible for the administration of the Student Conduct Code. When the positions of the Director of Student Development and/or the Chief Student Affairs Officer are vacant, the College President shall designate an individual to be responsible for Student Conduct Code administration in order to ensure continuity in any pending conduct proceedings.

Q. The term "policy" means the written regulations of the College as found in, but not limited to, the Student Conduct Code, Residence Life Guide, the College website, College catalogs, and any other published actions of the Garrett College Board of Trustees.

R. The term "Complainant" or "Reporting Party" means any person who submits an incident report alleging that a student violated the Student Conduct 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 the Student Conduct Code as are provided to the Complainant, even if another member of the College community submitted the charge itself.

S. The term "Accused Student", "Respondent" or "Responding Party" means any student accused of violating the Student Conduct Code.

ARTICLE III: Student Conduct Code Authority

A. The President shall receive yearly nominations and make yearly appointments of faculty and staff members to Student Conduct Boards.

B. The Director of Student Development, or designee shall determine the composition of Student Conduct Boards from the list provided by the President's Office and determine which Student Conduct Board and/or Student Conduct Administrator shall be authorized to hear each matter.

C. The Director of Student Development, Residence Hall Manager, and Student Activities Manager shall serve as the first-line student conduct administrators charged with the handling of complaints which

arise from incidents occurring within the classroom, residence halls and surrounding areas unless warranted by the merits of a particular case, as determined by the Director of Student Development.

D. The Director of Student Development shall develop procedures for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board Hearings that are not inconsistent with provisions of the Student Conduct Code, or other written provisions established by the College through its shared governance system.

E. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the appeal process.

ARTICLE IV: Proscribed Conduct

A. Jurisdiction of the College Student Conduct Code. The College Student Conduct Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College Community, and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, as well as during the academic year, and during periods between terms of actual enrollment even if their conduct is not discovered until after a degree is awarded. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Director of Student Development shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus, on a case-by-case basis, according to his/her sole discretion.

B. Conduct—Rules and Regulations. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in **Article IV**:

1. *Acts of Dishonesty***.** All acts of dishonesty are prohibited, including but not limited to the following:
   a. Plagiarism. Plagiarism is the use of someone else's words, ideas, images, or data as one's own. When a student submits academic work that includes another's words, ideas, images, or data, whether published or unpublished, the source of that information must be acknowledged with complete and accurate references and, if verbatim statements are included, with quotation marks as well. By submitting work as his or her own, a student certifies the originality of all material not otherwise acknowledged. Plagiarism includes, but is not limited to, the following:
      i. the quotation or other use of another person's words, ideas, opinions, thoughts, or theories (even if paraphrased into one's own words) without acknowledgment of the source; or
      ii. the quotation or other use of facts, statistics, or other data or materials (including images) that are not clearly common knowledge without acknowledgment of the source.
   b. Fabrication**.** Fabrication is the use of invented information or the falsification of research or other findings. Fabrication includes, but is not limited to, the following:
      i. the false citation or acknowledgment of a direct or secondary source, including the incorrect documentation of a source;

ii. the citation, in a bibliography or other list of references, of sources that were not used to prepare the academic work; or

iii. the inclusion in an academic work of falsified, invented, or fictitious data or information, or the deliberate and knowing concealment or distortion of the true nature, origin, or function of such data or information.

c. Cheating. Cheating is an act or an attempted act of deception by which a student seeks to misrepresent that he or she has mastered information that has not been mastered. Cheating includes, but is not limited to, the following:

i. copying of all or any portion of another's academic work and submitting it, in part or in its entirety, as one's own;

ii. allowing another person to copy one's own academic work—whether intentionally or recklessly;

iii. the unauthorized use or possession of a class textbook, notes, or any other material to complete or prepare an academic work;

iv. the unauthorized collaboration with any other person on an academic exercise, including collaboration on a take-home or make-up academic exercise;

v. the unauthorized use of electronic instruments, such as cell phones, or PDAs to access or share information; or

vi. the unauthorized completion for another person of an academic work, or permitting someone else to complete an academic work for oneself.

d. Lying**.** Lying is knowingly furnishing false information in any form of communication to any College faculty member, staff member, office, or organization.

e. Academic Misconduct. Academic misconduct is any other act that impugns or disrupts the educational process. Academic misconduct includes, but is not limited to, the following:

i. the unauthorized possession, copying, distribution, sale, or other transfer of all or any part of an academic exercise, including the answers or solutions to an academic exercise, whether or not the exercise has been administered;

ii. changing, altering, attempting to change or alter, or assisting another in changing or altering any grade or other academic record, including grades or records contained in a grade book or computer file, that is received for or in any way attributed to academic work;

iii. accessing any computer file, other College record by any means, or storage for dishonest purposes, such as obtaining the answers or solutions to an academic exercise or to change a grade;

iv. continuing to work on an academic exercise after the specified allotted time has elapsed;

v. bribing another person to obtain an academic exercise, including answers to questions of an academic exercise not yet administered; or

vii. other forms of academic dishonesty not described here but in violation of the Academic Honesty Statement which can be found in the College Catalog.

2. *Computer Misuse*. Computer misuse or theft of facilities and resources, encompassing on- campus and off- campus servers, include, but are not limited to, the following:
   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; or
   h. any other violation of College Policy not specifically stated herein.
3. *Disruptive and/or Obstructive Conduct*. A student shall not impair, interfere with, or obstruct the orderly conduct, process, or function of the College or any of its students, faculty members, College officials, or guests. This includes, but is not limited to, the following:

   a. preventing or disrupting teaching, research, administration, disciplinary actions, or other activities approved by the College;

   b. causing a disruption during any class or lab activity (this includes but is not limited to: excessive talking, using a phone or smartphone without permission, using headphones or earbuds, failing to follow the instructions of the instructor, use of rude or abusive language)

   c. interfering with the freedom of movement of another person;

   d. interfering with the right of another to enter, use, leave, or enjoy any College building, facility, property, service, resource, or activity;

   e. interfering with a faculty member or College official in the performance of his or her duty;

   f. interfering with the freedoms of speech, religion, or association of another person;

   g. trespassing or the unauthorized entering or accessing of any College building, facility, property, service, resource, or activity;

   h. instigating or otherwise encouraging others to engage in a fight, riot, or participate in other disruptions;

   i. making, exhibiting, or producing any inappropriate, loud, or disruptive noise or behavior;

   j. provoking or physically harassing wildlife or other animals or creating an unsafe or harmful environment for wildlife or other animals on property owned or controlled by the College;

   k. exhibiting public nudity, public urination, or lewd behavior; or

   l. Any actions that can lead to destruction of personal property and unsafe activity or create illegitimate alarm in a time of legitimate concern including initiating, encouraging, supporting responding in kind, retaliating or participating in pranks/raids that are disruptive, offensive, damaging to property, make a mess, hostile to residents, staff, students, and/or faculty.

   m. Any actions that may occur off-campus that creates a disturbance, obstructs traffic or egress in an unauthorized manner, interferes with public safety personnel in the performance of

essential functions, or activities that may substantially harm the institutional reputation of the College.

4. ***Harassment.*** Garrett College is committed to protecting the rights and dignity of all students and seeks to maintain an environment that is free from all forms of unlawful harassment. The College will not tolerate any form of harassment. Discriminatory and Sexual Harassment are covered under the College's Equal Opportunity, Harassment, and Nondiscrimination Policy.

a. Other Unlawful Harassment: Engaging in intentional conduct directed at a specific person or persons which seriously alarms or intimidates such person or persons and which serves no official purpose. Such conduct may include, but is not limited to, the following:

i. communicating in a known or anonymous manner by voice or graphic means, electronic formats, or telephone, whether or not a conversation ensues;

ii. repeated verbal (e.g. berating, shouting) or physical abuse;

iii. use of threatening gestures;

iv. harassing or stalking another person through a third party;

v. using surveillance or other types of observation, whether in person or through the use of electronic devices or software to track or obtain private information; or

vi. an institution or an officer, employee, or students may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities.

5. *Hazing***.** The College considers hazing, as defined below, to be indefensible and contrary to the interests of the College community. Hazing includes, but is not limited to, the following:

a. any activity or action which subtly, flagrantly, or deliberately demeans, embarrasses, threatens, invites ridicule, draws inappropriate or negative attention to an individual , and/or an attitude which implies one member is superior to another, that initiation must be earned through personal services, or meaningless activities for initiated members;

b. actions which result in the impairment of academic performance or of the proper fulfillment of obligations to College sponsored groups; or

c. retaliation or threats of retaliation against persons reporting acts prohibited by this section.

6. *Violence to Persons/Physical or Verbal Assault***.** The College will not tolerate acts of violence to other persons by individuals or groups. Students found responsible for violence to persons involving serious physical injury shall be subject to a recommendation of suspension or expulsion from the College. Acts of violence for the purposes of this section include, but are not limited to, the following:

a. Assault**.** Assault includes violent verbal or written acts that place a person in personal fear, threatens or attempts to inflict physical contact or bodily harm on a person (such as lifting one's fist in a threatening manner), that puts the person in immediate danger of or in apprehension of such harm or conduct, or which have the effect of harassing or intimidating a person;

b. Battery**.** Battery includes the unauthorized touching of another person and/or use of force on a person without the person's consent; or

c. Other**.** Other actions in reckless disregard of human life and safety, including self- harm.

7. *Possession or Use of Weapons or Explosives*. Possession of firearms or potentially dangerous weapons or explosives is not permitted on College property, which includes personal vehicles parked on College property. Students are expected to abide by the College's Weapons Policy, found on the College

Policies and Procedures website at: https://www.garrettcollege.edu/policy.php . Any potentially dangerous weapon including, but not limited to rifles, pistols, hunting knives, bowie knives, martial arts weapons and live ammunition is prohibited. Fireworks are considered explosive devices and are not permitted on campus except when approved by the College administration for official functions. Weapons such as a dirk knife, switchblade knife, pen knife with a blade exceeding three inches, sand club, blackjack, metal knuckles, straight razor, paintball guns, pellet gun, BB gun or any weapon considered illegal by the state of Maryland are also not permitted on campus. Any object employed in a violent manner may be considered as "use of a weapon." Students found responsible for possession and/or use of weapons or explosives may be subject to removal from the residence hall and/or suspension or expulsion from the College.

8. *Theft*. Students shall respect the property of the College, its guests, and all members of the College community. Theft is defined as taking or possessing the property of another without right or permission, and includes, but is not limited to the following:

   a. the unauthorized taking, misappropriation, possession, retention, or disposal of any property owned or maintained by the College, another student, a person attending a College sponsored event, or any other person; or
   b. the unauthorized taking or use of any College owned or contracted service.

9. *Destruction, Abuse and/or Misuse of Property*. The College will hold responsible individuals or groups for intentional or negligent acts involving completed or attempted damage to and/or abuse of College or private property. Individuals or groups found responsible for destruction, abuse, or misuse of property shall be required to make just restitution for the loss of damage in addition to other sanctions which might be imposed. For the purposes of this section, property offenses include, but are not limited to, the following:

   a. malicious destruction, defacement, damage, or misuse of College property, private property, public property on-campus, or property being used for a College-sponsored event;
   b. destroying, damaging, misusing, reproducing, or defacing any student identification card, College- provided key or other access card, residence hall access card, laboratory equipment, athletic equipment, or any material issued or owned by the College;
   c. littering on or in any College property, facility, or building, which includes the improper disposal of trash or smoking refuse; or
   d. expelling bodily fluids, including urinating, defecating, or expectorating, in any area of College buildings, facilities, or property other than appropriate restrooms.

10. *Violation of Regulations Pertaining to Health and Safety.* The state of Maryland prohibits the tampering with, removal of, setting off, or damage to fire equipment or alarm systems in any College building when no fire or immediate danger of fire exists. Violations of other campus health and safety regulations are also prohibited by this section, and include, but are not limited to the following:

   a. creating a safety hazard;
   b. setting, causing, or increasing the chance of fire (examples include incense, candles and open flames);

c. tampering with, misusing or damaging fire or safety equipment, such as alarms, smoke detectors, hoses, and fire extinguishers;
d. falsely reporting the presence of an explosive device or other potentially dangerous situation;
e. failing to immediately exit any facility or building when a fire alarm has been sounded, or hindering or impairing the orderly evacuation of any College facility or building;
f. disobeying a command by any College official or faculty member in connection with a fire, alarm, or other safety or security matter;
g. obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions;
h. disobeying traffic safety signs;
i. reckless driving;
j. repetitive non-moving violations;
k. skateboarding, rollerblading, and similar activities; or
l. unlocked residence hall rooms.
m. failure to comply with safety measures required for a public health safety event, such as the wearing of face coverings, maintaining social distancing, maximum size of gatherings, etc.

*11. Alcohol, Cannabis, Tobacco, Opioids, and Other Drugs Use/Abuse***.** All students must comply with Garrett County, Maryland, and Federal law and the regulations detailed below. The College does not condone and prohibits the use or illegal consumption of substances detailed below. Full details on the Alcohol, Cannabis, Tobacco, Opioids and Other Drugs Policy can be found on the College Policies and Procedures webpage located at: https://www.garrettcollege.edu/policy.php . NOTE: In an effort to ensure encouraged reporting to the College of incidents of sexual misconduct or medical emergencies, students who report will not be subject to disciplinary action by the College through the Student Conduct Code for one's own personal use or possession of alcohol, cannabis, tobacco, or other drugs at or near the time of the incident, provided that the behavior did not and do not place the health or safety of any other person at risk. Educational discussions or programs may be issued by the College to address the substance use. This policy also extends to the student for whom medical emergency assistance has been summoned.

a. Alcohol Regulations**.** The College prohibits the use or illegal consumption of alcohol, except under limited circumstances. Any violations of these alcohol regulations, including, but not limited to the following behaviors, will be subject to sanctions by the Student Conduct Code:

i. The possession, use, consumption, manufacture, sale, or distribution of alcoholic beverages is prohibited except when and where explicitly permitted by College policy.

ii. The use and possession of alcohol is prohibited in the residence halls even by those who are of legal drinking age. Students may not have on residence hall property empty alcohol containers including, but not limited to beer cans, liquor and/or wine bottles. This is a health and safety matter, and also ensures compliance with the state law in regards to underage possession of alcohol. Beer bongs, empty kegs, etc., are also prohibited.

iii. Acts and/or the displaying of behaviors commonly associated with the consumption of alcohol are also prohibited on College premises.

iv. Purchase of alcohol for a minor, or acting as a social host who provides a location or opportunity for others to violate the College's alcohol policies (including underage drinking) on or off-campus.

b. Cannabis Regulations Despite recent Maryland legalization of cannabis use by adults 21 years or older, Garrett College policies have not changed. Garrett College receives Federal funds, which requires maintaining a drug-free campus, or risk losing federal funds. Additionally, cannabis use is harmful to student mental health and academic success. Any violations of these cannabis regulations, including, but not limited to the following behaviors, will be subject to sanctions by the Student Conduct Code:

i. The possession, use, consumption, manufacture/grow, sale, or distribution of cannabis, including medical cannabis, is prohibited.

ii. The use and/or possession of cannabis is prohibited in/on College property, including but not limited to, the residence halls, parking lots, fields, vehicles, offices.

iii. The use and/or possession of cannabis is prohibited at any College-affiliated activities off-campus.

iv. Acts and/or the displaying of behaviors commonly associated with the use of cannabis are also prohibited.

c. Tobacco Regulations The use of all tobacco products is prohibited on all College property; either owned or leased by the College with the exception of in personal vehicles and in the designated location outside of Laker Hall. "Tobacco" is defined as any tobacco-derived or tobacco-simulating products, including, but not limited to: cigarettes, electronic cigarettes and vaporizers, cigars and cigarillos, hookah smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).

d. Other Drug Regulations. The College prohibits the possession, use, consumption, manufacture, sale, or distribution of drugs and drug paraphernalia. The term "Drugs" broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound, or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use. The term "Drug Paraphernalia" broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, hypodermic needles and syringes. Any violations of this drug policy, including, but not limited to the following behaviors, will be subject to sanctions by the Student Conduct Code and may be reported to all appropriate law enforcement authorities:

i. possession, use, consumption, manufacture, sale, or distribution of any drug or drug paraphernalia;

ii. delivery, transfer, or intent to deliver, transfer, or manufacture any drug or drug paraphernalia;

iii. violation of any applicable local, state, or federal law relating to drugs or drug paraphernalia;

iv. sale, delivery, or transfer of a prescription or prescription drug;

v. the possession of a prescription or prescription drug not issued to the student; or

vi. acts and/or the display of behaviors commonly associated with the use of drugs are also prohibited on College premises.

vii. acting as a social host who provides a location or opportunity for others to violate the College's drug policies on or off-campus.

3. *Unauthorized Access***.** Unauthorized access includes, but is not limited to the following:
   a. entry or attempted entry into College buildings, rooms, facilities, residence halls or individual residence hall rooms when such buildings, rooms or facilities are locked, closed, or posted restricted access to the student body and the public, is prohibited;
   b. entry into College buildings, rooms, facilities, residence halls or individual residence halls rooms via windows or any other non-standard entrance;
   c. unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises; or
   d. violation of a No Trespass Order or court ordered protective order.
4. *Failure to Comply***.** It is a violation to ignore, disobey, disregard, or otherwise violate any provision of this Student Conduct Code or any applicable rule. Specific violations include, but are not limited to:
   a. failing to comply with the directive of any College official;
   b. failure to comply with the sanction(s) imposed under the Student Conduct Code;
   c. failing to identify yourself to College officials when asked;
   d. failing to comply with the terms of any policy, procedure, or agreement, including the College's Housing Contract or any other agreement between a student and a College official or department;
   e. failing to comply with any applicable federal, state, or local law; or
   f. failure to obey the notice from a Student Conduct Board or College official to appear for Student Conduct meeting or hearing as part of the Student Conduct System.
5. *Abuse of the Student Conduct System***.** This includes, but is not limited to the following:
   a. falsification, distortion, or misrepresentation of information before a Student Conduct Board;
   b. disruption or interference with the orderly conduct of a Student Conduct Board proceeding;
   c. institution of a Student Conduct Code proceeding in bad faith;
   d. attempting to discourage an individual's proper participation in, or use of, the student conduct system;
   e. 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;

   f. harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a Student Conduct Code proceeding; or
   g. influencing or attempting to influence another person to commit an abuse of the Student Conduct Code system.

6. *Misconduct of Registered Student Groups***.** The College reserves the right to take action against a student group for conduct prohibited by College policy. Such acts of misconduct by students engaged in organized activities of registered student groups, whether committed on or off campus, are subject to student conduct proceedings. An "organized activity" is any activity which is conducted under the auspices, sponsorship, or supervision of a registered student group.
7. *Complicity***.** A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Student Conduct Code. A student who has knowledge of another committing or attempting to commit a violation of the Student Conduct Code is required to notify appropriate staff and remove him or herself from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.
8. *Residence Hall Violations***.** Violation of any rules listed in the Residence Hall Guide located at: https://www.garrettcollege.edu/images/studentlife/housing/res-hall-guide.pdf .
9. *Off-Campus Student Behavior***.** The College reserves the right to take appropriate action and/or initiate conduct proceedings when behavior of an individual or individuals presents a danger to the health, safety, and well-being of others in the community.
   Students are expected to conduct themselves in a manner that demonstrates their respect for the rights of others. In addition, individuals engaging in activities off campus have a responsibility to conduct such activities within the laws and ordinances of the community.
   Additionally, students are expected to avoid behaviors that disrupt neighbors, create unruly gatherings, or negatively impact the reputation of the College. Students hosting parties at off- campus locations are responsible for the size of the event and activities that occur at the property. Conduct that may result in policy violations include, but are not limited to the following:
   a. overrun occupancy or capacity of the dwelling or property;
   b. noise complaints;
   c. littering;
   d. public urination;
   e. unmonitored open-source alcohol containers that result in dangerous levels of intoxication by guests;
   f. underage consumption of alcohol;
   g. open container violations;
   h. blocking vehicle traffic or sidewalk egress;
   i. disorderly conduct;
   j. physical assaults;
   k. illegal substance abuse behaviors.
10. *Other College Policy Violations***.** Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website. College policies are available on the website on the Policies and Procedures page located at: https://www.garrettcollege.edu/policy.php.

C. Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both 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 Conduct Code may be carried out prior to, simultaneously with, or following a civil or criminal proceeding off campus at the discretion of the Director of Student Development. Determinations made or sanctions imposed under this Student Conduct Code shall 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.

2. When a student is charged by federal, state, or local authorities with a violation of the 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 Conduct Code, the College may advise off- campus authorities of the existence of the Student Conduct 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.

PROCEDURES:

ARTICLE V: Student Conduct Code Procedures

A. Reporting. A student conduct proceeding is initiated by a member of the College community which indicates that a potential violation of the Student Conduct Code has occurred. Any report should be submitted as soon as possible after the event takes place. Reports can be submitted to the Director of Student Development, the Director of Equity and Compliance, or submitted through the *Reasonable Concern* form located at: https://www.garrettcollege.edu/form-reasonable-concern.php on the College website. An investigation may be conducted to determine whether or not the charges in the report have merit.

B. Student Conduct Proceedings.

1. **Initial Investigation and Meeting.** Any student accused of violating any provision of the rules of student conduct as it pertains to academic and non-academic misconduct will be called for an initial conference with the Director of Student Development or designee.

The student will be informed of what provision or provisions of the Student Conduct Code he/she is charged with violating and what appears to be the range of penalties which might result from consideration of the disciplinary proceeding. After considering the evidence in the case and interviewing the accused, the Director of Student Development may take any of the following actions:

a. Terminate the proceeding, exonerating the accused;

b. Forward to the Office of Equity and Compliance to handle through the Equity Grievance Process;

c. Dismiss the case after whatever counseling and advice may be appropriate;

d. Impose sanctions directly such as warning, reprimand, restitution, disciplinary probation, suspension, and/or expulsion (see section E. for possible sanctions); or

e. Refer the matter to a student conduct board for adjudication.

2. **Student Conduct Board Hearing Process.**

a. Notification of Conduct Board Hearing. If the Director of Student Development or designee determines that the matter be referred for a conduct board, or the student requests a board hearing through the appeal process, the student will be notified by communication sent to his/her Garrett College email account of the alleged violation(s).

Notifications of Conduct Board Hearings shall include the violations of the Student Conduct Code, a description of the steps in the process, a summary of the student's rights, and the date and time for a pre-hearing conference with the Student Conduct Administrator to discuss with the student how the hearing will be conducted (the occurrence of the pre-hearing conference will be at least 24 hours prior to the actual board hearing) and the date of the actual student conduct board hearing.

b. Additional Guidelines Concerning Conduct Board Hearings.

i. In Student Conduct Hearings involving more than one Accused Student, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Hearings concerning each student to be conducted either separately or jointly.

ii. The determination of responsibility for each violation shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Conduct Code.

iii. 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.

iv. If an Accused Student, with notice, does not appear before a disciplinary body, the information in support of the charges must be presented and considered even if the Accused Student is not present; additionally, the student will be considered responsible for failure to comply and appropriate sanctions will be imposed by the Student Conduct Administrator.

v. Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the Student Conduct Administrator or the chairperson of the Student Conduct Board. Submission of such materials to the disciplinary body must occur at least twenty-four (24) hours in advance of the scheduled hearing.

vi. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.

vii. After the portion of the Student Conduct Board Hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote) whether the Accused Student has violated each section of the Student Conduct Code which the student is charged with violating.

viii. There shall be a single verbatim record, such as a tape/digital recording, of all Student Conduct Board Hearings before a Student Conduct Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College, and shall be erased after the final disposition of the case and any applicable appeals. No other electronic devices will be permitted.

ix. Accommodations for concerns regarding the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing will be addressed 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 Conduct Administrator.

c. Roles in Conduct Board Proceedings.

i. Composition of the Student Conduct Board shall be a minimum of three (3) members of the College community who have not been directly involved in the incident(s) for which charges have been brought under the Student Conduct Code, nor who possess a clear and identifiable bias in relation to the Accused Student(s).

ii. The Complainant, Accused Student and their advisors, if any, shall 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 shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.

iii. The Complainant and the Accused Student have the right to be assisted by an advisor they choose. The advisor may not be an attorney unless the Accused Student is also the subject of a pending subsequent criminal matter arising out of the same circumstances, and may only act as an advisor. 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. A student 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 be allowed due to the scheduling conflicts of an advisor.

iv. The Complainant, the Accused Student 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 twenty-four (24) hours prior to the Student Conduct Board Hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. 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. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.

*d. Disposition of Hearings***.** The student will be notified by letter sent to his/her Garrett College email of the outcome of any Student Hearing. The disposition letter shall include the determination of responsibility for each violation listed in the initial notification, any sanctions imposed, and information on the student's rights regarding appeal. In cases where the outcome of a Student Conduct Hearing is College suspension, College expulsion, or removal from the residence halls, the student shall be provided with a deadline to vacate College premises.

3. Appeals.

*a. Appeal of a Sanction Imposed at Initial Investigation Meeting***.** A decision reached by the Director of Student Development or designee may be appealed by the Accused Student(s) or Complainant(s) to a Conduct Board. Such appeals shall be in writing and shall be delivered to the Chief Student Affairs Officer or designee within three (3) business days of the disposition of the hearing, who shall then forward the written appeal, along with all relevant case information, to the appellate body, which shall consider the appeal. The Accused Student(s) and Complainant(s) have the right to make a statement to the appellate body, which determines how much weight to give any statements in their review of the case.

*b. Conduct Board Appeals***.** A decision reached by the Conduct Board may be appealed by the Accused Student(s) or Complainant(s) to the Chief Student Affairs Officer or designee within (3) business days of the disposition of the hearing. The Accused Student(s) and Complainant(s) have the right to make a statement to the Chief Student Affairs Officer or designee, who determines how much weight to give any statements in his or her review of the case.

*c. Grounds for Appeal***.** Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board Hearing and supporting documents for one or more of the following purposes:

i. To determine whether the Informal Meeting or Conduct Board was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present information that the Student Conduct Code was violated, and giving the Accused Student a reasonable opportunity to prepare and to

present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining appeal unless significant prejudice results.

ii. To determine whether sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.

iii. 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 Informal Meeting or Student Conduct Board Hearing.

iv. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Conduct Code occurred.

d. *Sanctions***.** During the appeal process, the imposed sanctions will remain in abeyance.

e. *Appeal Outcomes.* If an appeal is granted by the appellate body, imposed sanctions may be reduced or removed. If an appeal is denied, the matter shall be considered final and binding upon all involved. Notification of the appeal decision shall be communicated through Garrett College email with the individual requesting the appeal. All sanctions imposed under the Student Conduct Code shall take affect according to the timeline established by the Student Conduct Administrator or Appellate Body in
consideration of the student's deadline for appeal.

C. Harassment, Discrimination, and Sexual Misconduct Proceedings

Garrett College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Garrett College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Garrett College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this antidiscrimination policy is reported, the allegations are subject to resolution using Garrett College's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed within the policy.

When the Respondent is a member of the Garrett College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Garrett College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be

addressed and investigated in accordance with this policy. The full policy on Equal Opportunity, Harassment, and Nondiscrimination is available on the web or in print by contacting the Office of Equity and Compliance.

D. Sanctions and Records.

1. *Definitions of Possible Sanctions*. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code or other College policies:

a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.

b. Disciplinary 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. During disciplinary probation, the student will also be required to meet with a College official regularly.

c. Loss of Privileges—Denial of specified privileges for a designated period of time.

d. Fines—Previously established and published fines may be imposed. These fines can be increased for the stated violation if the student has multiple occurrences of the specific violation.

e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. Additional Educational Sanctions—Work assignments, essays, service to the College, or other related Additional Educational assignments.

g. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

h. Registration Hold—A hold placed on the student's account which prevents the student from registering for classes or receiving grades. May be imposed by a Student Conduct Administrator for a failure to comply with other sanctions.

i. Residence Hall Expulsion/Termination of Housing Contract—Permanent separation of the student from the residence halls, which includes guest privileges.

j. College 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.

k. College Expulsion—Permanent separation of the student from the College.

l. No Trespass Order—The College can issue an order that the student is denied access and/or denied ability to have physical presence within the premises of a defined area(s) of the College or the entire College. Any individual who has been given a No Trespass Order and chooses to violate the order may have the police remove them from the premise, and could also face criminal charges.

m. No Contact Order—The College can issue an order that the student is denied contact with a certain person. This contact order includes any type of communication through

physical or electronic means, or third parties.

n. 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.

o. 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.

p. Group Sanctions - Loss of selected rights and privileges for a specified period of time. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.

2. *Disciplinary Records***.** 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, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim, subject to the protections and restrictions of applicable federal and local law.

a. Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record.

b. All cases shall be expunged from the student's confidential records seven (7) years after the student separates from the college with the exception of cases involving residence hall expulsion, College suspension, College expulsion, Equity Grievance Policy violations, or revocation or withholding of a degree which will be retained indefinitely.

E. Summary Suspension. In certain circumstances, The Student Conduct Officer, Director of Student Development, or a designee, may impose a College or residence hall suspension prior to the Student Conduct Hearing or upon disposition of the case by a Student Conduct Board or Student Conduct Administrator but before the appeals process has been exhausted.

1. Summary suspension may be imposed to: 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 summary suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Chief Student Affairs Officer, Director of Student Development or the Student Conduct Administrator may determine to be appropriate. The student is responsible for finding alternative housing at her/his expense.

3. The summary suspension does not replace the regular process, which shall proceed

according to College policy, up to and through a Student Conduct Hearing, if required. Immediately following administrative notification of the incident, an attempt should be made to meet with the Accused Student about alleged conduct informing them of the time, date and place of a summary suspension hearing. At this hearing the student may show cause why he/she should be permitted access to campus. If the student does not attend the summary suspension hearing, cannot be contacted, or cannot provide adequate reason for remaining on campus, the summary suspension is automatically in effect. If the summary suspension hearing is held the student will be notified at that time whether he/she has been suspended pending his/her student conduct hearing or if he/she is being allowed to remain on campus or in the residence hall. The decision reached as a result of the summary suspension is final.

4. The student will be notified of his/her pending Student Conduct Code hearing, which shall include the incident report, statements, Student Conduct Code violations, time, date, and place of the hearing. The hearing shall take place within ten (10) business days.

ARTICLE VI: Interpretation and Revision

A. Interpretation. Any question of interpretation of the Student Conduct Code shall be referred to the Director of Student Development or his/her designee for final determination.

B. Revision. The Student Conduct Code shall be reviewed annually under the direction of the Director of Student Development.