



Section: Student and Instructional Services
Subsection: Rights, Freedoms and Responsibilities

Procedure II-412: Code of Conduct

(A) Objective:

To provide overarching direction, processes, definitions, and structure regarding all Code of Conduct matters pertinent to conduct on campus, including outreach centers and college sponsored events, in accordance with Policy II-412: Code of Conduct.

(1) Making a Conduct Referral /Complaint

If there is an imminent threat to health and safety call 9-1-1 and Security ext. 4444 or 4053 (366-4444/366-4053). Any student, faculty, staff or administrator may file a Code of Conduct complaint. All complaints, whether academic, criminal or civil rights violations are to be reported online at www.lorainccc.edu/Campus+Security/Incident+Report.htm .

(2) Making a Conduct Referral against an Employee

Complaints alleging an employee's actions of prohibited behavior as described above are to be filed in writing with the employee's Organizational Unit Administrator with a copy to the Director of Human Resources within fourteen (14) days after the charging party becomes aware of the alleged offense.

- a. Upon receipt of a written charge filed against a non-faculty employee, the Organizational Unit Administrator in conjunction with the Director of Human Resources will initiate action to address the charge in accordance with Procedure III-731: Complaints, Problems, Grievances by Non-Faculty.
- b. Upon receipt of a written charge filed against a faculty employee, the Organizational Unit Administrator in conjunction with the Director of Human Resources will initiate action to address the charge.

(3) Processing of Complaints/Referrals

- a. Complaints alleging academic dishonesty against a student are to be reported within fourteen (14) days after the charging party becomes aware of the alleged offense. Upon receipt of a complaint filed against a student, the Coordinator of Code of Conduct will thoroughly investigate the complaint to determine if a violation has occurred and sanctions will be decided. Click here for Appeals Process link.
- b. Complaints alleging infractions of any of the above prohibited behaviors by any campus community member or visitor are to be reported within fourteen (14) days after the charging party becomes aware of the alleged offense. These complaints will be investigated by the Campus Security Office.
 - (1) If a student is found responsible the matter will be forwarded to the Coordinator of Code of Conduct for possible Code of Conduct sanction.
 - (2) If the Director of Campus Security determines that a violation has occurred, the visitor involved will be advised in writing of the finding and any disciplinary action imposed.
- c. Complaints alleging a civil rights infraction, discrimination, sexual harassment, or harassment of any type are to be reported within fourteen (14) days after the charging party becomes aware of the alleged offense. These complaints will be investigated by the EEO Officer of the Human Resources Office. (Policy II-320: Sexual Harassment)
- d. If a student is found to have violated any of these policies the matter will be forwarded to the Coordinator of Code of Conduct for possible Code of Conduct sanction.

(B) Registration Hold

A registration hold will be placed upon a student's academic record for failure to appear, failure to complete sanctions and for the duration of a mandated probation, suspension or dismissal sanction. A registration hold prevents the processing of any enrollment functions (registration, schedule adjustments or withdrawals) and withholds the student's academic transcript.

(C) Sanctions: Individual

- (1) Interim suspension occurs when a student is immediately banned from campus due to a violation of the Code of Student Conduct. A student placed on interim suspension will be given prompt written notice of allegations and the opportunity to appear for a hearing within 14 days of imposition of the interim suspension.

- (2) Disciplinary probation is invoked for a specified period of time but not to exceed two (2) years from the date of sanction. Notification of sanctions will be made to the appropriate College offices. Students on disciplinary probation:
- a. May not be permitted to participate in an official non-curricular capacity, e.g., intramural sports, fine arts activities, or as an officer of a student organization;
 - b. May be restricted from entering or remaining in selected campus buildings or in specified College facilities;
 - c. May be subject to additional stipulations as outlined by the Provost/Vice President Academic and Learner Services, Dean of Enrollment & Financial Services, Coordinator of Code of Conduct or the Student Conduct Committee;
 - d. May be subject to automatic dismissal or suspension if found guilty of any new act of misconduct, including violation of the terms of the disciplinary probation.
- (3) Disciplinary suspension is a sanction of involuntary separation of the student from the College for a period not to exceed two (2) years from the date of sanction. Notification of sanctions will be made to appropriate College offices. Suspended students will:
- a. Be assigned grades which would be appropriate if they were withdrawing voluntarily within College time frames already established;
 - b. Be required to leave and not return to the land and/or premises of the College effective the date of suspension;
 - c. Receive any refund of money in accordance with the refund policy and procedure in effect at the time of suspension;
 - d. Be informed of specific conditions to be met for re-admission.
- (4) Disciplinary dismissal (Expulsion) is a sanction of involuntary separation of the student from the College. Such separation will be for not less than two (2) years following the date of sanction. An individual may be dismissed with no possibility for re-admission. Notification of sanctions will be made to appropriate College offices. Dismissed students will:
- a. Be assigned grades which would be appropriate if they were withdrawing voluntarily within College time frames already established;
 - b. Be required to leave and not return to the land and/or premises of the College effective the date of dismissal. Permission may be granted by the Coordinator of Code of Conduct for entrance to College premises for a specified purpose and time;
 - c. Receive any refund of money in accordance with the refund policy and procedure in effect at the time of suspension;
 - d. Be reinstated only by the Provost/Vice President Academic and Learner Services who will establish criteria for readmission for the student who was on disciplinary dismissal.

- (5) Additional stipulations are the prerogative of the Provost/Vice President Academic and Learner Services, Dean of Enrollment & Financial Services, Coordinator of Code of Conduct or Student Conduct Committee. They may be mandated as part of the strict disciplinary probation listed above. The options that may be considered are as follows:
- a. Warning/Reprimand;
 - b. Counseling;
 - c. Mandatory Psychological Evaluation and Treatment;
 - d. Fine/Monetary Restitution;
 - e. Restitution for damages;
 - f. Work/Service Restitution
 - g. Attendance at workshops
 - h. Educative/rehabilitative program referral;
 - i. Behavior Contract;
 - j. On Campus No Contact Order
 - k. Involuntary Medical Withdrawal.

(D) Sanctions: College Organizations

- (1) Disciplinary admonition is a written statement of warning to the organization to take necessary corrective action to bring the organization into compliance with College rules and regulations. The organization will:
- a. Lose selected privileges accorded registered groups;
 - b. Lose privileges of entering selected campus facilities or meetings in specified College buildings;
 - c. Make restitution (reimbursement for damage to, destruction of, or misappropriation of College property or property of any other person on College premises) as directed;
 - d. Receive such additional stipulations as are consistent with the nature of the offense, the organization's own objectives, and the goals and mission of the College. This may be assessed against the group and/or against individuals who constitute the group's membership;
 - e. Be subject to either disciplinary probation or disciplinary dismissal if involved in any subsequent act of misconduct, including violation of the terms of the admonition.
- (2) Disciplinary probation is a sanction that places the organization in severe jeopardy with regard to its continued existence on the premises of the College. Organizations on disciplinary probation will:
- a. Receive temporary suspension of charter and/or registration status;
 - b. Lose selected privileges accorded registered groups;
 - c. Lose privileges of entering selected campus facilities or meetings in specified College buildings;
 - d. Make restitution (reimbursement for damage to, destruction of, or misappropriation of College property or property of any other person on College premises) as directed;
 - e. Receive such additional stipulations as are consistent with the nature of the offense, the organization's own objectives, and the goals and mission of the College.

- (3) Disciplinary dismissal is a sanction that causes the organization to cease all activity on the property of or in facilities of the College. This sanction will be for not less than two (2) years following the effective date. Organizations on disciplinary dismissal will:
 - a. Receive suspension of charter and/or registration status;
 - b. Make restitution (reimbursement for damage to, destruction of, or misappropriation of College property or property of any other person on College premises) as directed. This may be assessed against the group and/or against individuals who constitute the group's membership;
 - c. Receive such additional stipulations as are consistent with the nature of the offense and the goals and mission of the College.
 - d. Be reinstated only by the Provost/Vice President Academic and Learner Services who will establish appropriate criteria for any readmission request.
 - e. Additional stipulations are the prerogative of the Student Conduct Committee or Provost/Vice President Academic and Learner Services. They may be mandated as a part of the disciplinary sanctions listed above. Examples might include loss of funding or performing appropriate service projects.
 - f. Nothing in the organization sanctions listed above precludes individual members or organizations from being responsible for their own acts in violation of College policies, rules and regulations.

(E) Appeals Process

- (1.) Academic – Students appealing any academic disciplinary decision are subject to the following sequence:
 - a. A written appeal must be filed within 14 days, as follows:
 - b. Appeal the decision at the level at which a decision was rendered (i.e. instructor or Code of Conduct Coordinator first);
 - c. Appeal the decision of the instructor to the appropriate program or academic coordinator, if applicable;
 - d. Appeal the decision of the program or academic coordinator or the decision of the Code of Conduct Coordinator to the appropriate Division Dean;
 - e. Appeal the decision of the Division Dean to the Provost/Vice President Academic and Learner Services;
 - f. Appeal the decision of the Provost/Vice President Academic and Learner Services to the Student Conduct Committee.
- (2.) Non-Academic– Students appealing any non-academic disciplinary decision subject to the following sequence:
 - a. Appeal must be filed within 14 days;
 - b. Appeal the decision at the next level at which a decision was rendered (i.e., Coordinator of Code of Conduct);
 - c. Appeal the decision of the Coordinator of Code of Conduct to the Dean of Enrollment, Financial and Career Services;

- d. Appeal the decision of the Dean of Enrolment & Financial Services to the Provost/Vice President Academic and Learner Services;
 - e. Appeal the decision of the Provost/Vice President Academic and Learner Services to the Student Conduct Committee;
- (3.) Visitor Appeal – A visitor may request an appeal hearing with the Vice President for Administrative Services by filing a written request with the Office of Vice President for Administrative Services within 14 days from the date on the written notice of the findings.
- a. Upon receipt of a written request for an appeal hearing, the Vice President for Administrative Services shall set a date for the hearing and shall give the party requesting the hearing at least 3 days' notice of the time and place for the hearing.
 - b. At the hearing, parties will have the opportunity to hear the nature of the complaint, present evidence and witnesses, ask questions and refute allegations.
 - c. All hearings will be closed to the public unless all parties agree to an open hearing.
 - d. The Vice President for Administrative Services will preside over the hearing and shall have the authority to exclude irrelevant or repetitive evidence or testimony.
 - e. The decision of the Vice President for Administrative Services shall be issued in writing within ten (10) days after the hearing.

Any appeals process is to be followed in strict accordance with the above sequences. Any appeal to the Student Conduct Committee or the Vice President for Administrative Services is the final step in the process.

(F) The Student Conduct Committee

The Student Conduct Committee will be established by the Provost/Vice President Academic and Learner Services. The Committee will be composed of two (2) students, two (2) administrators, two (2) faculty, and one (1) support staff. The chairperson of the Student Conduct Committee will be selected by the Provost/Vice President Academic and Learner Services. In all cases, a quorum of the Committee will consist of three (3) members with a composition of at least one (1) student, one (1) support staff, and one (1) faculty or administrator.

- (1) Threat Assessment Team
- Lorain County Community College has established a Threat Assessment Team to assist in addressing situations where students, faculty or staff are displaying disruptive or threatening behaviors that potentially impede their own or others ability to function successfully or safely. The process is designed to help identify persons whose behaviors potentially endanger their own or the health and safety of others. For the safety of the campus community any threat, explicit or implied, will be considered a statement of intent.

A collaborative process to assess threats will be used and depending on the situation, personnel with areas of specialization/responsibility may be called upon to assist the Team. Other individuals may also be consulted as needed such as a faculty member who has a concern about a student, a counselor to share expertise and /or an administrator/supervisor who has information concerning an employee.

The TAT will meet on an emergency basis as well as regularly to review reports brought forward by campus community members concerning disruptive, inappropriate, and/or threatening behavior.

It is the responsibility of faculty, staff and students to immediately report any situation that could possibly result in harm to anyone at the College. When a member of the campus community becomes aware of a troubling person or situation that is causing serious anxiety, stress or fear this information should be forwarded to the Director of Campus Security or any appropriate College official (instructor, counselor, dean, administrator, etc.) immediately. In cases where a person may pose an immediate risk of violence to self or others, a 911 call should be placed and the Campus Security Office should be contacted immediately at 366-4444 or 366-4053.

(2) Definitions

- a. Alcoholism/Drug /Substance Dependence
A condition defined as a disease in which an individual's consumption of alcohol or any other mood-altering substance definitely and repeatedly interferes with a student's academic performance.
- b. Appeal
The process that provides the opportunity to challenge the fairness of a decision
- c. Bullying
Repeated behavior that intentionally hurts, frightens, intimidates or threatens others, so impacting on their well-being.
(<http://www.bourne.org.uk/>)
- d. By-standing
The act of reacting to or looking at bullying materials through electronic or cyber means. Bystanders become perpetrators by passing on to others images or words designed to humiliate.
(<http://www.bourne.org.uk/>)
- e. Code of Conduct Coordinator
Professional staff trained to adjudicate violations of the Campus Code of Conduct.
- f. College Community Member
Any person associated with Lorain County Community College through their enrollment in classes or their employment.
- g. Complaint
An allegation of a violation of Academic conduct or a prohibited behavior

- h. Confidentiality
Every effort will be made to maintain confidentiality in addressing complaints of harassment. Occasionally, however, there may be times when the identity of the parties involved must be revealed to appropriate parties during the course of an investigation.
- i. Consensual
Any act or pattern of behavior between two parties conducted with mutual agreement.
- j. Cyber-Bullying
Bullying behavior utilizing electronic or cyber (online) means such as computers, cell phones, smart phones, social media sites, e-mails, chat rooms or forums, posting of comments, pictures or videos, creating web sites.
- k. Disciplinary Probation
Limitations placed for a specific period of time. During probation students may be prohibited from using campus facilities, have a Hold placed on their Records, be banned from co-curricular activities and college sponsored events. Violations of disciplinary probation may lead to more serious sanctions, including suspension or dismissal.
- l. Dismissal
The involuntary separation of the student from the College. An individual may be dismissed with no possibility for re-admission.
- m. False Accusations
It is a violation of Code of Conduct for anyone to knowingly make false accusations.
- n. Grievance
A formal disagreement with a decision, policy or action.
- o. Harassment
Conduct that may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include the intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the college. When such harassment is based on race, color, national origin, sex, or disability it violates civil rights laws.
(<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>)
- p. Illegal or Illicit Substances
Any mood-altering chemical the use of which is prohibited by federal or state laws or local ordinances.
- q. Impairment of Functioning
Observable behavior due to abuse of a substance that interferes with the ability to think and behave appropriately and results in behavior atypical of the norm for an individual.
- r. Legal Drug

- Prescribed drugs or over the counter medications that are legally obtained and being used for their intended purpose.
- s. Minor
According to Ohio Revised Code, a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.
 - t. Mood-Altering Drug/Substance/Chemical
A legal or illegal drug that alters the emotional or mental state of an individual.
 - u. Personal Violence
Physical, mental or emotional abuse directed at an individual.
 - v. Preponderance of Evidence
A standard of proof that establishes that something is more likely than not to have taken place.
 - w. Prohibited Conduct
Behavior that is in violation of the standards of the college community as established in the Campus Code of Conduct.
 - x. Relationships between an Employee and a Minor Student
Per Ohio Revised Code Section 2907/03(A)(8), it is a third degree felony for a teacher, administrator, coach or other person in authority employed by or serving in an institution of higher education to engage in sexual conduct with a minor who is enrolled at the college. Such conduct is strictly prohibited and will result in immediate termination of the person's employment and referral for prosecution.
 - y. Restitution
A directive to replace, repair or make specific compensation for property of the College or of a member of the college community which was destroyed, damaged, misused or lost.
 - z. Retaliation
There will be no retaliation against an individual for protesting, reporting and/or participating in a complaint and/or investigation of an alleged infraction of the Code of Conduct. Retaliation is a serious violation that may subject the offending individual to sanctions, independent of the original infraction.
 - aa. Sanction
A penalty imposed for a violation of the Code of Conduct.
 - bb. Sexual Harassment
Unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students sexual activity or performance; or circulating, showing or creating e-mails or Web sites of a sexual nature.
(<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>)

- cc. Student
Any individual enrolled in a credit or non-credit course at Lorain County Community College.
- dd. Suspension
Termination of the right to register or attend classes for a specified period of time.
- ee. Warning
An admonition that there has been a violation of the Campus Code of Conduct and notification to the student that continuation or repetition of the same conduct may be cause for future disciplinary sanction.

(G.) Related Policies & Procedures:

Procedure III-731: Complaints, Problems and Grievances by Non-Faculty

Procedure II-234: Faculty Senate Committee on Problems

Policy II-320: Sexual Harassment

Procedure II-320: Sexual Harassment

- (H.) Approved and effective December 17, 1990; revised January 3, 1991; revised and effective November 15, 1999; revised and approved September 21, 2000; revises and replaces Procedure V-215 and approved September 22, 2011.