

## Code of Student Conduct Policy and Procedures

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# Code of Student Conduct Policy and Procedures

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## I. Philosophy and Purpose

The Code of Student Conduct is designed to promote responsible behavior for all students consistent with the mission and values of Frederick Community College (“FCC” or the “College”). This Code defines behavioral rights and responsibilities within the College community so that everyone can attain their academic, social, and personal goals. As members of the College community, students are encouraged to value the pursuit of knowledge borne in an attitude of intellectual and artistic freedom, diversity and inclusion, responsibility to the community and the environment, ethical conduct, mutual respect, and civility. Each student is subject to federal and state laws, county, and municipal ordinances, and all policies, procedures, rules, and regulations of the College. Students are to act responsibly and respect the rights of all members of the College community regardless of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, sex, sexual orientation, or veteran status and any other category protected by federal, state, or local law.

## II. Scope of Jurisdiction

- A. College jurisdiction regarding discipline of any student or student organization under this Code of Student Conduct extends to conduct that occurs on College premises, in all learning environments, or at off-campus College-sponsored activities. Violations of laws, ordinances, policies, rules, procedures, and regulations will subject the violator to appropriate disciplinary action. The scope of this Code extends to compliance with professional standards of conduct or ethics that students must adhere to as part of their studies, including, but not limited to, while performing external internships, clinicals, practicums, international travel, or other placements related to credit and non-credit educational pursuits while at FCC. The process of adjudicating violations for this code is separate and pursued independently of federal and state laws.
- B. The VP for Student Experience delegates authority to discipline students to the Assistant Vice President for Student Engagement and Wellness (AVP-SEW) who may appoint a designee to assist when necessary.
- C. Disciplinary action will be taken when any student, group of students, or student organization violates any College policy, rules, or regulations. In all proceedings, the principle of due process is guaranteed to the student.
- D. The College reserves the right to take immediate action to suspend a student from the College as an interim measure should the presence of the student on campus be considered an immediate danger to self or others, or whose behavior causes, or threatens to cause, a disruption to the normal operations and activities of the College, its students, faculty, or staff. This action requires the recommendation of the AVP-SEW, or designee, in concurrence with the VP for Student Experience or designee. Financial and academic consequences of this measure are the responsibility of the student, unless the student is found to have not violated this Code through the appropriate appeal process.

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- E. Certain criminal or civil offenses or other behavior that pose a serious and substantial danger to the College community will be referred to law enforcement, as well as being subject to action by the College.
- F. All proceedings of the College disciplinary process are confidential to the extent required by law. In accordance with the Family Educational Rights and Privacy Act (FERPA, 93-380), as amended, a student's disciplinary records are educational documents and thus protected under FERPA. However, the College must, upon written request, disclose to the alleged victim of any crime of violence or a non-forcible sex offense, the results (Results means a disclosure of the name of the student, the violation committed, and the sanction imposed by the institution.) of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of the crime or offense, the information shall be provided, upon written request, to the next of kin of the alleged victim. (See FERPA 34 CFR, 99.39 for definitions of crimes of violence, nonforcible sex offenses, and limits on the information to be disclosed.)

### **III. Responsible Senior Leader and Responsible Office**

VP for Student Experience

Office of the Vice President for Student Experience

### **IV. Entities Affected by this Policy and Procedures**

All faculty and students

### **V. Definitions for the Purpose of this Code**

When used in this Code the following definitions will apply.

- A. **“BERT”** refers to the Behavioral Evaluation and Response Team and is comprised of College officials who receive and evaluate student and employee concerns regarding student behavior that may be disruptive or potentially pose a risk of harm to the health, safety, or property of any person or of the College, or otherwise be dangerous.
- B. **“College”** refers to Frederick Community College and, collectively, those responsible for its control and operation and applies to all sites at which the College conducts classes and/or activities.
- C. **“College community”** refers to trustees, students, and all employees of the College as well as any independent contractors or other third parties to the extent articulated under contractual agreements.
- D. **“College Official”** refers to administrators, supervisors, faculty, adjunct faculty, support staff, Public Safety, coaches, or trainers.
- E. **“College premises”** refers to buildings or grounds owned, leased, operated, controlled, supervised, or temporarily used by the College.

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- F. **“College Senate”** refers to the College leadership group that has as its purpose providing a framework of internal decision making within which all members of the College community can participate.
- G. **“College-sponsored activity”** refers to any activity that is initiated, authorized, or supervised by the College, or that involves representation of the College.
- H. **“College Support Person”** refers to an employee of the College chosen to accompany and assist a complainant or respondent during an appeal hearing. Both the complainant and respondent are entitled to have a College Support Person of their choice. The College Support Person cannot be a fact witness or provide statements in the proceedings. The College Support Person is a non-participant who is present to assist a complainant or respondent by taking notes or providing emotional support and reassurance.
- I. **“Complainant”** refers to an individual who makes a complaint that a violation of the Code has occurred.
- J. **“Conference”** refers to the meeting between a College administrator and complainant or respondent.
- K. **“Cyber-stalking”** refers to the use of the Internet or other electronic means, including but not limited to email, text messaging, discussion boards, digital images, or social networking sites, to stalk or harass an individual, a group, or an organization. It may include false accusations, defamation, slander, or libel. It may also include monitoring, identity theft, threats, vandalism, solicitation for sex, or gathering information that may be used to threaten or harass.
- L. **“Disruptive Behavior”** refers to conduct that substantially interferes with or obstructs the teaching or learning process in the context of a classroom, educational setting, or learning environment.
- M. **“Faculty member”** refers to any person hired or retained by the College to conduct classroom instruction.
- N. **“Hate-bias”** refers to any physically or verbally harmful act that is motivated or appears to be motivated in whole or in part by racism, religious intolerance, or other prejudice.
- O. **“Learning Environments”** refers to but are not limited to, advising centers, clinical sites, field trips, learning centers/labs, library visits, off-site facilities, online learning environments, testing environments (with the exception of courses specifically designated for younger ages such as Kids on Campus and Home School Enrichment courses which have specific procedures for addressing classroom behavioral issues).
- P. **Non-Title IX Sexual Harassment:** Non-Title IX Sexual Harassment is unwelcome conduct based on sex or gender that is so severe or pervasive that it has the purpose or effect of unreasonably interfering with a person’s employment, academic performance or participation in the FCC’s programs or activities, or creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

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- Q. **“Preponderance of evidence”** refers to evidence which is of greater weight or more convincing than the evidence to the contrary; evidence which shows that something is more likely than not to be true or 50.1% likely to have occurred.
- R. **“Respondent”** refers to an individual who has been accused of violating the Code and is referenced in a complaint.
- S. **“Secured College tracking system”** refers to the official College system used to record and track reports of student violations of prohibited conduct and concerning behavior. The secured College tracking system contains documentation of reported violations, resolutions, and appeals. The oversight and management of the system is administered by the VP for Student Experience, AVP-SEW, and the BERT Chair or their designees.
- T. **“Senior Leadership Team”** refers to the President’s leadership group comprised of the President; the Provost and Vice President for Teaching, Learning, and Student Success, the Chief Financial Officer and Vice President (VP) for Administration; the VP for Talent and Culture; the VP for Student Experience; the Chief Foresight and Decision Support Officer; the Chief Information Officer; the Executive Director for Development and the FCC Foundation, and the Chief of Staff. .
- U. **“Title IX Sexual harassment”** Conduct on the basis of sex that satisfies one or more of the following:
  - 1. Quid Pro Quo: An FCC employee conditions the provision of an aid, benefit, or service of FCC on an individual’s participating in unwelcome sexual conduct; or
  - 2. Title IX Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the FCC’s education program or activity; and
  - 3. Sexual Assault, Dating Violence, Domestic Violence, Stalking. (Reference definitions under the College [Title IX and Sex Discrimination Policy and Procedures](#))
- V. **“Student”** refers to an individual who is registered at the College, either full or part-time, in a credit or continuing education class or classes who has either paid or made arrangement for payment of tuition and/or fees.
- W. **“[Student Behavior Incident Report Form](#)”** refers to the form available to faculty and staff on Communication Central, which is to be used by faculty and/or staff to report behaviors of concern outlined in this Code of Student Conduct.
- X. **“Student Discipline Committee”** refers to a standing committee of the College Senate to whom students may appeal interim suspensions and/or disciplinary sanctions taken against them. The Student Discipline Committee members will be trained in appeal hearing procedures.
- Y. **“Student organization”** refers to any entity that has complied with formal requirements of College recognition as defined in the Constitution of the Student Government Association.
- Z. **“Tobacco”** refers to all tobacco-derived or containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), electronic cigarettes and vaporizers, cigars and cigarillos, hookah smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).

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- AA. **“Visitor”** “Volunteer”, and “Guest” refers to any person who is not a member of the College community who is on College premises.
- BB. **“Weapon”** refers, but is not limited to, any instrument or object used to inflict injury or physical damage, defeat, intimidate, attack, or destroy self, another person, or property.
- CC. **“Workdays”** refers to Monday through Friday and does not include weekends, holidays, scheduled breaks, or other days the College is closed.

### **VI. Student Rights and Responsibilities**

Frederick Community College recognizes that its students have certain rights as members of the College community and bear certain responsibilities as well.

- A. Students have the right to freedom of speech, assembly, advocacy, and inquiry. Students are responsible for complying with all College policies, procedures, rules, and regulations.
- B. Students have the right to offer opposing opinions and to reserve judgments about matters of opinion. Students are responsible for exercising their right of personal expression in a manner that is not disruptive or defamatory.
- C. Students have the right to offer opposing opinions and to reserve judgment about their views, beliefs, academic evaluations, political affiliations, and educational records. Students are responsible for respecting this right of others.
- D. Students have the right to participate in, or receive the benefits of any educational program or activity provided by the College regardless of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, sex, sexual orientation, or veteran status and any other category protected by federal, state or local law.
- E. Students have the right to participate in any student group without discrimination and to form such groups according to Student Government Association (SGA) policies. Student groups are responsible for not discriminating against others.
- F. Students have the right to form a student government which shall be governed by a constitution approved by the President of the College and the Senior Leadership Team. Students are responsible for abiding by that constitution. The actions of the student government may be reviewed only through prescribed procedures.
- G. Students have the right to participate in the development and review of institutional, academic, and student policies. Opportunities for such participation will be provided through student representatives to the College Senate and appropriate committees. As participants in the institutional process, students are responsible for complying with all College policies and procedures, attending meetings, and participating in the decision-making process with the welfare of the entire student body in mind.
- H. Students have the right to recommend allocation of funds collected from student fees. Organizations receiving such funds are responsible for opening all programs and

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events to the entire student population without exception and abiding by the procedures outlined in the SGA Funding Guidelines.

- I. Students have the right to participate in the evaluation process of academic courses, programs, and services. Students are responsible for rendering fair and accurate evaluations.
- J. Students have the right to fair evaluation by faculty members, based upon clearly defined criteria presented at the beginning of the course. Students are responsible for meeting all established requirements of each course for which they enroll.
- K. Students have the right to substantive and procedural due process as it relates to College policies, procedures, rules, and regulations. Students are responsible for following all policies, procedures, rules, and regulations, including, but not limited to, student conduct.
- L. Students have the right to file complaints against any faculty or staff member who has, in a student's opinion, displayed inappropriate behavior or violated College policies, procedures, rules, or regulations. Students are responsible for following the College policies and procedures ([www.frederick.edu/studentpolicies](http://www.frederick.edu/studentpolicies)).

### VII. Reporting a Violation

Faculty and staff may report an alleged violation of this Policy and/or behaviors of concern using the [Student Behavior Incident Report Form](#). Students may report incidents of concern to faculty members, staff, or Security personnel.

### VIII. Prohibited Conduct

The Code of Student Conduct addresses both behavioral and academic integrity. The College reserves the right to take disciplinary action against students for misconduct not specifically identified in this Code. All reported violations of the Code of Student Conduct and their subsequent resolutions will be maintained through the secured College tracking system. Violations of academic integrity will be monitored and managed by the office of Provost and VP for Teaching, Learning, and Student Success. All other reported violations of the Code of Student Conduct and their subsequent resolutions will be monitored and managed by the office of the VP for Student Experience.

The following prohibited conduct, when committed by any student, or any student who aids, abets, incites, or attempts to commit prohibited conduct, will be considered in violation of the Code of Student Conduct.

#### A. Violation of Academic Integrity

- 1. A violation of Academic Integrity includes, but is not limited to, cheating, plagiarism, or facilitating dishonest activities. Examples of violations are provided below. The principles are applicable to all credit and non-credit courses at the College.

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- a. Cheating - the intentional or attempted use of unauthorized materials, information, or study aids in an academic exercise. Examples include, but are not limited to:
    - i. Use of unauthorized notes, examinations, instructional material, or information obtained by electronic means during academic activities.
    - ii. Obtaining, using, or possessing copies of an examination, and/or providing or receiving information contained in an examination.
    - iii. Submitting the work of another as your own.
    - iv. Having an examination taken by another party.
    - v. Altering or falsifying examination or class results after evaluation is completed by the faculty member.
    - vi. Carrying in or using unauthorized material during testing.
    - vii. Copying answers and/or work from another student during an assigned classroom activity.
  - b. Plagiarism - the presentation of an idea or product as new when taken from an original existing source without properly citing the source of the material. Examples of plagiarism include:
    - i. Duplicating the work of another author (in whole or part) without quotation marks and/or proper citations.
    - ii. Duplicating the author's exact words with the proper citation, but without quotation marks.
    - iii. Using an author's paraphrased ideas without proper citations.
    - iv. Submitting a paper in which the exact words are only rearranged in order without proper citation.
  - c. Other Forms of Academic Dishonesty. Examples include but are not limited to fabricating, falsifying, or inventing information, data, or citations in an academic activity, or resubmitting previously assessed work without prior approval.
2. When a faculty member has reason to believe that a violation of Academic Integrity has occurred, that faculty member must complete and submit the [Student Behavior Incident Report Form](#) available on Communication Central and notify their AVP/Dean or designee. The report will be monitored and managed using the secured College tracking system. The AVP/Dean or designee may instruct the Registrar to place a temporary hold on the student's record while the case is being reviewed. The faculty member will address the alleged violation of academic integrity with the student in their class.

The student will be afforded the opportunity to respond to the allegation with the faculty member. The faculty member will decide whether a violation occurred based on the preponderance of the evidence presented through communications with the student.



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Students found to be in violation of Academic Integrity may receive sanctions imposed by the faculty member in whose class the violation occurred. Sanctions will increase in severity in accordance with the level of the violation and/or the number of prior documented violations. The faculty member will confer with the AVP/Dean or designee to determine the appropriate sanction. The student and AVP/Dean or designee will be informed in writing (College assigned email is acceptable), by the faculty member whether the violation has occurred, the sanction, and notification of the appeal process.

Once a sanction has been imposed, the AVP/Dean or designee will instruct the Registrar to remove any hold they may have previously placed on the student account, unless the sanction is a failing grade for the class, in which case the hold will remain, and the student will not be permitted to withdraw from the class.

### **3. Sanctions for Violations of Academic Integrity**

#### **a. First Violation**

- i. Students found in violation of Academic Integrity for the first time will be assigned by the faculty member a sanction appropriate for the offense. The student will be informed in writing (in writing or electronically to their College-assigned email) of the sanction by the faculty member. If the appropriate sanction is determined to be class failure, the faculty member must seek approval from the AVP/Dean or designee. Continued participation in the class is at the discretion of the faculty member, in consultation with the AVP/Dean or designee. Continued participation will not change the assigned failing grade.
- ii. A copy of the sanction notification will be sent to the AVP/Dean or designee, who will document the sanction and ensure that the sanction is recorded in the secured College tracking system.

#### **b. Second Violation**

- i. Students found in violation of Academic Integrity for the second time, either in the same course or a different course, will be assigned a failing grade in the course where the second violation occurred. This decision will be made by the faculty member in consultation with the AVP/Dean or designee. The student will be informed in writing of the sanction by the faculty member.
- ii. A copy of the sanction letter will be sent to the AVP/Dean or designee, who will document the sanction and ensure that the sanction is recorded as a second violation in the secured College tracking system.

#### **c. Third Violation**

- i. Students found in violation of Academic Integrity for the third time, either in the same or a different course, will be assigned, with the approval of the AVP/Dean or designee, a failing grade in the class where the third violation occurred. The student will be informed in writing, sent by certified mail, of the sanction, as it applies to their class, by the faculty member.

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- ii. A copy of the sanction letter will be sent to the AVP/Dean or designee, who will document the sanction, and ensure that the sanction is recorded as a third violation in the secured College tracking system, and will inform the Provost and VP for Teaching, Learning, and Student Success.
- iii. The Provost and VP for Teaching, Learning, and Student Success will expel the student.

### 4. Appeals

All appeals must be submitted in writing as indicated below:

- a. Appeal of Sanctions for First or Second Violations that Do Not Involve a Grade Dispute – Students who are appealing a sanction for a first or second violation that does not involve a grade dispute will have seven (7) workdays from the date of being notified of the sanction to request an appeal. Failure to request an appeal within the allotted timeframe will result in the student waiving the right to appeal. A written request of appeal (College-assigned email is acceptable) must be submitted to the appropriate AVP/Dean or designee. The AVP/Dean or designee will schedule a meeting with the student and the faculty member within ten (10) workdays of receipt of the request for appeal and will inform all parties of the date, time, and location of the appeal meeting. Failure of the student to appear for the appeal meeting without prior notification or evidence of extenuating circumstances, provided adequate advance notice of the appeal meeting date, time, and location has been given, results in a waiver of their right for further appeal, and the sanction imposed by the faculty member will stand.

The AVP/Dean or designee will review the proceedings of the appeal meeting and make a decision. The decision of the AVP/Dean or designee will be final. The AVP/Dean or designee will notify the student and faculty member in writing of their decision within three (3) workdays of the meeting.

- b. Appeal of Sanctions for First or Second Violations that Result in a Grade Dispute – For first or second violations that result in a grade dispute, students must use the [Complaint Policy and Procedures for Students](#).

A copy of the appeal decision will be sent to the appropriate AVP/Dean or designee and the AVP-SEW. The appropriate AVP/Dean or designee will document the decision of the appeal and ensure that the determination of the appeal is recorded in the secured College tracking system.

- c. Appeal of Sanctions for Third Violations/Expulsion – All appeals of sanctions for third violations/expulsion must be made to the College Student Discipline Committee, whose decision will be final.

A copy of the appeal decision will be sent to the appropriate AVP/Dean or designee and the AVP-SEW. The appropriate AVP/Dean or designee will document the decision of the appeal and ensure that the determination of the appeal is recorded in the secured College tracking system.

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### B. Facilitating Violations of Academic Integrity

1. The following prohibited conduct, when committed by any student, or any student who aids, abets, incites, or attempts to facilitate violations of academic integrity by another student, will be considered in violation of the Code of Student Conduct. All reported violations of the Code of Student Conduct in which students facilitate violations of academic integrity, and their subsequent resolutions will be monitored and managed by the office of the AVP-SEW.

Facilitating Violations of Academic Integrity – intentionally, or knowingly, assisting or attempting to assist another student in violation of Academic Integrity. Examples include but are not limited to:

- a. Assuming another identity to complete an academic activity in another name.
  - b. Permitting another student to copy one's work for an assignment, or examination.
  - c. Providing another student with unauthorized material during an academic activity.
  - d. Collaborating with other students to complete class assignments when prohibited by the faculty member.
  - e. Providing examination information to students in other course sections.
  - f. Selling, possessing, or purchasing examinations, papers, or other assignments
2. When a faculty member has reason to believe that a violation of Academic Integrity has occurred by a student not registered in their class, through the facilitation of academic dishonesty, the faculty member will complete and submit the [Student Behavior Incident Report Form](#) available on the College website and Communication Central and notify the AVP-SEW, who will place a temporary hold on the student's account while the case is being reviewed. The AVP-SEW will adjudicate the alleged violation of facilitated academic dishonesty under Section IX of this Code and will monitor and manage records of the report and responses using the secured College tracking system.

The student will be afforded the opportunity to respond to the allegation during a meeting with the AVP-SEW. Following meeting with the student, the AVP-SEW will make a determination as to the occurrence of a violation based on the preponderance of the evidence presented during the meeting. The AVP-SEW will report the resolution to the appropriate college officials.

### 3. Appeals

Students who wish to appeal sanctions imposed for facilitating academic dishonesty will follow Section IX, item A, number 4. of this Code.

### C. Disruptive Behavior in the Classroom and other Learning Environments

1. Faculty members have the right and responsibility to maintain an environment conducive to learning where discussion and expression of all views relevant to the subject matter of the class are recognized as necessary to the educational process. However, disruptive classroom behavior in the academic setting hinders the

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educational process. Accordingly, faculty members should establish, communicate, and enforce reasonable rules of classroom behavior and decorum via the syllabus and class discussion.

Disruptive Behavior is failure to comply with a directive from a College official or faculty member acting in performance of assigned duties or conduct that substantially interferes with or obstructs the teaching or learning process in the context of a classroom or educational setting. Examples include but are not limited to:

- a. Inappropriate use of electronic devices including cell phones, laptops, tablets, electronic pads, video, or recording devices, etc.
- b. Inappropriate comments or personal insults, conveyed orally or in writing, including communications within emails, and online course venues.
- c. Persistent speaking without being recognized or interrupting other speakers.
- d. Behavior that distracts the class, such as sleeping, holding private conversations, frequent leaving and entering the classroom, etc.
- e. Conduct that intimidates others in a manner that interferes with instructional activities, including acts of hate-bias.
- f. Refusal to comply with the directives of a faculty/or staff member.
- g. Failure to comply with campus health and safety protocols.

Civil expression of disagreement with the faculty member or other students during times when the faculty member permits discussion is not in itself disruptive behavior and is not prohibited.

2. Response to disruptive behavior involves progressive sanctions ranging from verbal warnings to referral for action under the College Code of Student Conduct commensurate with the nature, severity, and frequency of violations. However, involuntary suspension from the classroom for more than one (1) class period, involuntary withdrawal from the class, or more serious sanctions require that the disciplinary procedures set forth below be followed:

### **Informal Resolution**

Informal resolution is intended to provide recourse for a faculty member to address disruptive behavior with the goal of providing the student the opportunity to modify the behavior to conform to the behavioral standards established by the faculty member as necessary to remain in the class.

- a. If behavior of a student, in the judgment of the faculty member, willfully disrupts the teaching and learning process, the faculty member should issue a verbal warning, explaining that such behavior is unacceptable, instructing the student on the behavior that is required in the future and describing the consequences if the behavior does not cease.
- b. If necessary, the student may be asked to leave the class for the remainder of the class time, or in the case of an online student, suspended from the class until a meeting between the faculty member and student is held. If the student

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does not do so willingly, the faculty member will request the assistance of the Frederick Community College Public Safety. The faculty member should inform their AVP/Dean or designee in writing.

- c. In instances where a student has been asked to leave a class, or discontinue participation in an online class, the faculty member and student must meet in person or virtually prior to the next scheduled class to resolve the issue and review class expectations to be reinstated in the class. At this meeting, the faculty member will inform the student and document in writing the unacceptable behavior, instruct the student on the behavior that is required in the future, and describe the consequences if the behavior does not cease. Consequences can include referral for formal resolution to the AVP-SEW.

### Formal Resolution

Should the student refuse to meet with the faculty member, or the disruptive class behavior does not cease, the faculty member will complete the [Student Behavior Incident Report Form](#) available on the College website and Communication Central, and the case will be referred to the AVP-SEW. The AVP-SEW will follow the Code of Student Conduct process for resolution and appeals.

For Disruptive Behavior in other learning environments, refer to section C.

### D. Threatening Behavior

1. Threatening behavior is defined as any communication and/or action - including those in written or electronic form, conduct, or gesture - directed toward any member of the College community that causes reasonable apprehension of harm to a person or property. Threatening behavior can be explicit or implicit. An implicit threat may also include behaviors that make one feel uncomfortable, like invading another's personal space or using techniques of behavioral intimidation, such as yelling or using aggressive gestures. The threatening behavior does not have to be directly observed or received by the person who is the object of the threat, so long as a reasonable person would interpret the statement, communication, conduct, or gesture as an expression of intent to harm. Students who may have a disorder that manifests itself in disruptive behaviors, while considered disabled and protected under Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act and amendments, are still held to the same standards of conduct as any student.
2. All threatening behavior violations should be referred to the AVP-SEW through the [Student Behavior Incident Report Form](#) and/or Public Safety . Violations will be dealt with through this Policy.
3. A student who has engaged in threatening behavior may be removed immediately from the classroom/College-sponsored activity until the AVP-SEW has addressed the issue with both the complainant and respondent.

### E. Title IX Sexual Harassment

1. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

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- a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College education program or activity;
- c. "Sexual assault", "dating violence", "domestic violence", or "stalking", as addressed in the College [Title IX Sexual Harassment Policy and Procedures](#).

The [Title IX Sexual Harassment Policy and Procedures](#) applies to complaints of sexual harassment, whether the respondent is an employee or student.

2. All complaints of sexual harassment must be reported to the Title IX Coordinator, Klaire Williams, [TitleIX@frederick.edu](mailto:TitleIX@frederick.edu), 301-624-2711 [Student Behavior Incident Report Form](#)

### F. Discrimination

1. Frederick Community College prohibits discrimination against any person on the basis of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, sex, sexual orientation, or veteran status in its activities, admissions, educational programs, and employment. (See the [Non-Discrimination Policy and Procedures](#).)
2. All discrimination complaints should be reported to the Vice President for Talent and Culture, Suite G223 of Gambrill Hall, (301) 846-2477.

### G. Alcohol, Tobacco, Opioid, and Other Drug Use

1. Frederick Community College prohibits the use of alcohol, opioids, and other drug products on all College property, owned or leased. The use of tobacco is allowed only in College parking lots. (See the [Alcohol, Tobacco, Opioid, and Other Drug Use and Awareness Policy and Procedures](#).)
2. All violations of alcohol, tobacco, opioid, and other drug use should be referred to the AVP-SEW and/or Public Safety and will be dealt with through this Policy.

### H. Weapons

1. Weapons and ammunition are safety hazards and as such, unless explicitly permitted, are not allowed to be possessed, stored, used, transported or displayed by any student or visitor on College premises. (See the [Weapons Policy and Procedures](#).)
2. All weapons violations should be referred to the AVP-SEW and/or Public Safety and will be dealt with through this Policy.

### I. Misuse of Information Technology Resources

1. Irresponsible, unethical, unauthorized, or illegal use of, or entry to College information technology resources, including its network, email system, and databases is strictly prohibited. (See the [Technology Use Policy and Procedures](#).)

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2. All violations of acceptable use of information technology resources should be referred to the AVP-SEW and/or Public Safety and will be dealt with through this Policy.

### **J. Other Prohibited Conduct**

The subsequent conduct, including, but not limited to the following, when committed by a student of Frederick Community College will be adjudicated in accordance with the procedures outlined in this document, Section X, under the Code of Student Conduct Referral, Investigation, Sanctions, and Appeal Process.

1. Disruption, obstruction of, or interference with College or College-sponsored activities, including, but not limited to research, studying, tutoring, administration, participation in field experiences, online activities, internships, athletic events, cultural events, fire, police, or emergency services, or other College functions on College property, at College-leased or owned facilities, or at any sites where College-sponsored activities are held.
2. Failure to comply with the reasonable directions (including refusing to furnish identification upon request) of authorized College officials, including Public Safety personnel, acting in the performance of their duties.
3. Participation in, or organization of, any unauthorized activity to interrupt the functions of the College or intentional and substantial interference with the freedom of expression of others.
4. Unauthorized entry to or use of College property, including the failure to leave any of the College buildings or grounds after being requested to do so by an authorized College official.
5. Theft or attempted theft of College or personal property of a member of the College community or campus visitor, or knowingly possessing stolen property.
6. Illegal gambling.
7. Forgery, unauthorized alteration, falsification of, or unauthorized use of any College documents (including those submitted to the College as part of its admissions process), records, keys, or instruments of identification.
8. The illegal or unauthorized use, possession, or storage of any fireworks, explosive, or dangerous chemical.
9. Unauthorized use or misuse of the College name or logo for soliciting funds or for sponsorship of activities, or on printed matter.
10. Violation of rules and regulations and/or unsafe operation of automobiles, bicycles, mopeds, skateboards, or other vehicles on College property or at College-sponsored activities.
11. Deliberate destruction of, damage to, malicious use of, or abuse of College property or property under its jurisdiction or the property of a member of the College community or campus visitor.
12. Intentional initiation or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.

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13. Violating fire or safety regulations, including the unauthorized use or misuse of fire safety equipment or damage of said equipment.
14. Unauthorized or fraudulent use of College facilities and/or equipment, or use of any of the above for any illegal act.
15. Student behavior that may be self-injurious, or potentially pose a risk of harm to the health, safety, or property of any person or of the College, or otherwise be dangerous.
16. Deliberate filing of false accusations of sexual harassment.
17. Any other act(s) on College property or at College-sponsored activities that are in violation of Maryland or federal law.
18. Knowingly violating the terms of any disciplinary sanction imposed in accordance with the Code of Student Conduct.

### **K. Program-specific Conduct Expectations**

Individual programs may have additional conduct expectations and sanctions that will be outlined in program-specific handbooks. All students enrolled in such programs are expected to additionally follow these policies and procedures.

## **IX. Code of Student Conduct Referral, Sanctions, and Appeal Process**

### **A. Referral**

Any prohibited student conduct outlined in this Code which cannot be informally resolved as prescribed in this Code, or that is covered under other College policies or procedures as outlined in this Code, or is a violation of criminal or civil law, must be referred to the AVP-SEW for resolution (see Section IX, Prohibited Conduct). Where public safety is perceived to be an immediate threat, dial 9-1-1.

The AVP-SEW will check student records for a service indicator of an F-1 Visa status. If either party is here on an F-1 Visa status, notification will be given to the Designated School Official and documentation will be noted in the Student Exchange Visitor Information System (SEVIS).

### **B. Investigation**

After a [Student Behavior Incident Report Form](#) has been submitted, the AVP-SEW will initiate a prompt, thorough, and impartial investigation of all alleged violations of the Code of Student Conduct. Students will have an opportunity to be heard, to submit information, and to identify witnesses who may provide relevant information in their defense.

1. Within three (3) workdays of receiving a report, the AVP-SEW or their designee will notify the respondent via certified mail and by College-assigned email of the alleged, reported violations and seek a meeting with the respondent.
2. The AVP-SEW or their designee will investigate the alleged violation(s) by collecting evidence; interviewing witnesses; clarifying any statements, observations, or allegations with the complainant; and meeting with the



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respondent. The investigation will be completed within ten (10) workdays of meeting with the respondent.

3. After completing the investigation and meeting with the respondent, the AVP-SEW or their designee may either dismiss the complaint as unfounded or initiate disciplinary sanctions.
  - a. In cases where the student is found not responsible and no sanctions are warranted, the AVP-SEW or their designee will notify the student within five (5) workdays of their decision by certified mail.
  - b. In cases where the AVP-SEW or their designee determines that disciplinary sanctions are warranted based on a preponderance of evidence, within five (5) workdays of their determination, the respondent will be notified in writing. All written notices will be sent by certified mail and by College-assigned email.
  - c. If the complaint is complicated or otherwise cannot reasonably be investigated within the allotted workdays, the AVP-SEW or their designee may extend the time for a decision and will inform the respondent of the extension in writing.
4. Failure to respond to a request for a conference or to accept a certified letter sent to the respondent's address listed in the student electronic record within five (5) workdays constitutes an acknowledgement that a violation of the Code of Student Conduct has occurred and the student's rights to any further appeal are waived. Timelines for responding to notices are determined by the date the certified letter is mailed or the documented date the respondent was notified by any other means of communication.

### C. Sanctions

The following range of disciplinary sanctions may be imposed by the AVP-SEW:

1. Disciplinary warning – A written warning issued to a student notifying them that their behavior is unacceptable and is a violation of the Code of Student Conduct.
2. Disciplinary reprimand – A written reprimand issued to a student for a Code of Student Conduct violation with specific sanctions identified for the student during a specified time frame. Disciplinary sanctions which may be imposed include, but are not limited to:
  - a. Disciplinary probation means that the student is still enrolled and is put on formal notice that they are subject to specific behavioral guidelines, the violation of which may lead to more severe forms of discipline such as suspension or expulsion.
  - b. Suspension/expulsion from participation in College-related activities: For example, participation in intercollegiate athletics, student government association, student clubs and organizations, etc.
  - c. Restriction from specified areas of the College.
  - d. Assignment of an educational project or community service on campus or in the community, which will provide the student with an opportunity to observe and learn specific valued human behaviors related to their own conduct. For

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example, participation in a leadership seminar, alcohol/drug seminar, and/or personal development class. Evidence of satisfactory completion will be required.

3. Immediate Interim Suspension – The AVP-SEW or their designee may suspend a student for an interim period. Interim suspension is immediately effective without prior notice, whenever there is evidence that the continued presence of the student on College premises poses a substantial threat to themselves or to others or to the stability and continuance of normal College functions. The respondent will be notified by the AVP-SEW or their designee of the complaint/allegations and informed of their right to due process, which would include the right to appeal to the Student Discipline Committee within three (3) workdays of the respondent's notification of the interim suspension. The Student Discipline Committee will notify the respondent of its decision in writing within three (3) workdays of the appeal hearing. Financial and academic consequences of this interim suspension are the responsibility of the student. Interim suspensions used for immediate safety and security measures in Title IX complaints will be handled under the [Title IX and Sex Discrimination Policy and Procedures.](#) Students placed on Interim Suspension may be assigned specific requirements to complete in order to return to class and/or College.
4. Suspension from participation in a particular class is issued in serious cases where the behavior is determined to be a violation that has egregiously compromised the learning environment of that class. Suspension from the class for the duration of the semester requires the approval of the Provost/EVP for AACEWD and VP for Student Experience. Financial and academic consequences of this suspension are the responsibility of the student.
5. Suspension from participation in a particular program of study is issued in cases where the behavior, determined to be a violation of the Code of Student Conduct, is a violation of the professional and ethical code of the program of study, and has compromised the learning environment of a particular program of study. After suspension from a program of study, the student may not reregister for the program without the approval of the Provost/EVP for AACEWD or licensure entity. Financial and academic consequences of this suspension are the responsibility of the student.
6. Disciplinary suspension is the involuntary separation of a student from the College for a stated period of time and until any imposed condition is met. The student is not permitted to enter campus or participate online without the express permission of the AVP-SEW. A notation is entered on the student's account and will remain there for the duration of the suspension. The AVP-SEW will inform faculty and staff involved with this student of any suspension and/or imposed condition for return to the College. For sanctions involving suspension or expulsion of F-1 Visa status students, notification will be given to the Designated School Official and documentation will be noted in SEVIS. Financial and academic consequences of a disciplinary suspension are the responsibility of the student.

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7. Expulsion is the most serious of all sanctions and indicates that an egregious violation of the Code of Student Conduct has occurred. Expulsion results in permanent separation from the College and will be noted on the student transcript. The AVP-SEW will make a recommendation for expulsion to the VP for Student Experience, who will expel the student. A notation is entered on the student's account and will remain there permanently. The AVP-SEW will inform faculty and staff involved with this student of any suspension and/or imposed condition for return to the College. For sanctions involving expulsion of F-1 Visa status students, notification will be given to the Designated School Official and documentation will be noted in SEVIS. Financial and academic consequences of an expulsion are the responsibility of the student.

### **D. Appeal Process**

Students who are sanctioned under the Code of Student Conduct may appeal to the Student Discipline Committee, whose decision will be final. Appeals to the Student Discipline Committee are received by the Office of the VP for Student Experience. The appeal must be submitted in writing to the Office of the Vice President within five (5) workdays following notification of the sanction.

#### **1. Student Discipline Committee Membership**

- a. The Student Discipline Committee is an established committee through the College Senate.
- b. The Student Discipline Committee will conduct student appeal hearings for disciplinary sanctions imposed by the AVP-SEW and in Academic Integrity cases resulting in expulsion.

The College Senate shall elect a Chairperson for the Student Discipline Committee. Recommendations for additional members of the Student Discipline Committee, who will serve for the upcoming fiscal year, will be submitted to the VP for Student Experience by June 1 of each year.

Student representatives will be appointed by the SGA at the beginning of each academic year.

Senate recommendations for Student Discipline Committee must reflect the following representation: two (2) representatives from Academic Affairs, one (1) representative from Student Experience one (1) representative from Public Safety, two (2) student representatives appointed by the Student Government Association, and two (2) trained alternates. When needed, a trained alternate will serve in the absence of a member of the Student Discipline Committee.

Senate recommendations for the Student Discipline Committee will be vetted through Human Resources and selected members will be trained.

#### **2. Notification of Student Appeal Hearing**

- a. The Student Discipline Committee shall notify the student in writing by certified mail and by College assigned email of the date, time, and location of the Student Discipline Committee appeal hearing. The appeal hearing will be scheduled within three (3) workdays after the appeal is received. If, however, a longer period is needed in which to schedule the appeal hearing, the student

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will be notified in writing of the extension by the Chairperson of the Student Discipline Committee or their designee. Prior to the appeal hearing, the student will be:

- i. Provided with a written statement of the violation charge(s) against them.
- ii. Provided with a list of the alleged infractions.
- iii. Informed of the right to appear alone or with one College Support Person. Legal counsel is permitted in the appeal hearing when the student faces concurrent criminal charges, the institution proceeds through counsel, or the student faces potential suspension or expulsion from the institution. Legal counsel for the student is at the student's expense.
- iv. Allowed to examine, in advance, any written evidence or exhibits which the College plans to submit; reciprocally, the student will allow the College to examine, in advance, any written evidence or exhibits the student plans to submit.
- v. Advised of the right to present information, witnesses, and evidence on their behalf, if all witness statements and evidence directly pertain to the incident in question.
- vi. Advised of the right to remain silent without assumption of responsibility.

### **3. Student Appeal Hearing Procedures**

- a. Students may appeal against a disciplinary sanction imposed by the AVP-SEW or for violations which result in expulsion to the Student Discipline Committee. The appeal hearing shall be closed to the public. The Chairperson of the Student Discipline Committee shall have the duty of maintaining order at the appeal hearing and, therefore, shall have the right to exclude any disruptive party or disruptive witnesses from the appeal hearing.
- b. Failure of the student to appear for the appeal hearing without prior notification or evidence of extenuating circumstances, provided adequate advance notice of the appeal hearing time, date, and location has been given, waives their right for further appeal and the disciplinary sanction previously imposed will stand.
- c. All meetings of the Student Discipline Committee will be recorded or transcribed. In addition, the following order of presentation will be observed:
  - i. Opening statement of the complaint and disciplinary sanctions assigned by the AVP-SEW or appropriate Vice President to be presented by the Chairperson of the Student Discipline Committee or designee.
  - ii. Opening statement by the student who is appealing.
  - iii. Presentation of evidence to support the appeal by the student.

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- iv. Private deliberation by the Student Discipline Committee.
- d. After private deliberation, the Student Discipline Committee shall determine through a majority vote whether to uphold, modify, or dismiss the sanction imposed by the AVP-SEW or appropriate Vice President. The student will be notified in writing of the Student Discipline Committee decision within five (5) workdays. If, however, a longer period is required to complete the decision, the student will be notified in writing of the extension by the Chair of the Student Discipline Committee or their designee.
- e. The decision of the Student Discipline Committee shall be final, except in cases where the Student Discipline Committee agrees that the sanction of expulsion is warranted, the President must review the case and approve the Committee's decision to expel.

### **X. Reenrollment Following a Disciplinary Suspension**

- A. A respondent who has been subject to disciplinary suspension from the College must request reenrollment and meet with the VP for Student Experience. The student must present evidence that they have satisfied all conditions of reenrollment that were established at the time the suspension was imposed. Where appropriate, the respondent may be required to provide documentation from a qualified professional indicating that the respondent no longer poses a significant risk of substantial harm to the health or safety of such respondent, or others, or of interference with the normal operations of the College, its students, faculty, and staff.
- B. The VP for Student Experience or their designee must approve the request for reenrollment. In approving a request for reenrollment, the Vice President or their designee may impose conditions and/or requirements under which the respondent will be allowed to reenroll. The respondent will be notified in writing of the decision regarding their request for reenrollment including any conditions and/or requirements under which the respondent will be allowed to reenroll.
- C. Denial of readmission may be imposed upon a respondent who has violated the Code of Student Conduct and has withdrawn from the College prior to or during disciplinary proceedings. The College reserves the right to pursue all legal remedies and such rights and remedies are specifically reserved.

### **XI. Records**

- A. A disciplinary file in the name of the respondent will be established for all disciplinary sanctions. If the respondent was not found to have violated this Code of Student Conduct, a record of the incident report will be maintained for a period of seven (7) years but will not be made available for disclosure. Files are maintained in accordance with the Family Educational Rights and Privacy Act (FERPA).
- B. Disciplinary files may be voided for good cause by the VP for Student Experience.
- C. Files of respondents who have received a written disciplinary sanction will be retained for seven (7) years from the date sanctions were imposed. The files will then

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be destroyed except in cases where the respondent has been indefinitely suspended or expelled from the College. Files for these respondents will be retained permanently. Information contained in the files is confidential and may be released only in accordance with applicable federal and state laws.

- D. If a respondent is suspended or expelled, complete records of the appeal hearing proceedings and all pertinent documents shall be maintained by the VP for Student Experience. For suspended students it remains on the transcript for the duration of the suspension; for expelled students it remains on the transcript permanently.

Records of all disciplinary actions will be filed in the office of the VP for Student Experience.

### **XII. Related Policies and Procedures**

[Alcohol, Tobacco, Opioids, and Other Drug Use and Awareness](#)

[Anti-Hazing Policy and Procedures](#)

[Behavioral Evaluation Response Team](#)

[Complaint Policy and Procedures for Students](#)

[Non-Discrimination](#)

[Student Withdrawal](#)

[Technology Use](#)

[Title IX and Sex Discrimination](#)

[Weapons](#)