

Chesapeake College

# Gender-based Misconduct Policy

*(Including sexual harassment, sexual assault and sexual exploitation)*

Developed based upon a model provided by THE NCHERM GROUP/ATIXA (2014).

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# **GENDER-BASED MISCONDUCT POLICY**

## **INTRODUCTION**

Chesapeake College prohibits all forms of sexual and gender-based harassment and misconduct, including but not limited to acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. The college is committed to addressing all alleged incidents of sexual misconduct, preventing their reoccurrence, and remedying any effects. This policy is in accordance with Title IX of the Education Amendments of 1972 (“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”), and applies to conduct which occurs on Chesapeake College property or at college-sanctioned events or programs that take place off campus, including trips or internships. Inquiries concerning the application of this policy and Title IX may be referred to the College’s Title IX Coordinator or Deputy Title IX Coordinator.

### **Title IX Coordinator**

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### **Deputy Title IX Coordinator**

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## **OVERVIEW OF POLICY EXPECTATIONS: PHYSICAL SEXUAL MISCONDUCT**

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don’t. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence – without actions demonstrating permission – cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

### **OVERVIEW OF POLICY EXPECTATIONS: CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. As a result, the college has established a policy with regard to consensual relationships, the full text of which is included in Appendix D.

### **SEXUAL MISCONDUCT OFFENSES**

Sexual Misconduct Offenses include, but are not limited to:

- 1. Sexual Harassment**
- 2. Non-Consensual Sexual Contact (or attempts to commit same)**
- 3. Non-Consensual Sexual Intercourse (or attempts to commit same)**
- 4. Sexual Exploitation**

#### **1. SEXUAL HARASSMENT**

Sexual Harassment is:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the college’s educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile

environment<sup>1</sup>, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual-based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

## 2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

## 3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

Intercourse includes:

- vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

#### 4. SEXUAL EXPLOITATION

Occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

#### **ADDITIONAL APPLICABLE OFFENSES:**

In accordance with the Violence against Women's Act, the following definitions have been added to the Gender-based Misconduct Policy and the college's Annual Security Report and are also prohibited conduct under this policy:

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom shares a child in common, by a person who is cohabitating with or who has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence:** The term "dating violence" means violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on the consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or

through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

#### **ADDITIONAL APPLICABLE DEFINITIONS**

**Consent:** The term "consent" is an act of reason and deliberation. A person who possesses and exercises sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another. In the context of rape/sex crimes, submission due to apprehension or terror is not real consent. There must be a choice between resistance and acquiescence. If a woman resists to the point where additional resistance would be futile or until her resistance is forcibly overcome, submission thereafter is not consent.

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

**NOTE:** There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. *In order to give effective consent, one must be of legal age.*

Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs.

Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>

## **REPORTING GENDER-BASED AND SEXUAL MISCONDUCT**

Individuals who are the victims of gender-based or sexual misconduct and wish to report the incident to college authorities should make this report to one of the following authorities designated by the college as “responsible employees”: Formal reporting to these individuals constitutes official notice to the institution.

Director of Human Resources\* 410.827.5811

Vice President for Student Success & Enrollment Services\*\* 410.827.5858

Director of Public Safety 410.827.5889

Director of Intercollegiate Athletics: 410.827.5828

Other responsible employees (including Public Safety Officers, college administrators, faculty/staff advisors to campus student organizations, Student Life staff, and others whose function involves relationships with students and who has a significant responsibility for student and campus activities).

\* Also serves as the college’s Title IX Coordinator

\*\* Also serves as the college’s Deputy Title IX Coordinator and Student Judicial Officer

## **To Report Confidentially**

If one desires that details of the incident be kept confidential, they should speak with off-campus mental health counselors to whom campus staff can make referrals or off-campus rape crisis resources who can maintain confidentiality, or any mental health organization counselors for which the college may have an agreement in place to offer on-campus support. (For current information on the availability of mental health organizations offering on-campus support, please contact the Director of Advising at 410.827.5856.) Campus staff can also help facilitate student appointments with mental health counselors on an emergency basis. In addition, individuals may speak with members of the clergy and chaplains, who will also keep reports made to them confidential.

## **Reporting to those who can maintain the privacy of what you share**

Individuals can seek advice from certain resources who are not required to tell anyone else private, personally identifiable information unless there is cause for fear for that individual’s safety, or the safety of others. These employees are individuals who the college has not specifically designated as “responsible employees” for purposes of putting the institution on notice. They include those without supervisory responsibility or remedial authority to address sexual misconduct, such as faculty members, advisors to student organizations (whose full-time positions do not otherwise qualify them as “responsible employees”), career services staff, admissions officers, student activities personnel, and many others. An individual who is unsure of someone’s duties and



ability to maintain privacy should ask about the individual's reporting responsibilities before disclosing information to them.

Employees will be instructed to share incident reports with their supervisors, but they will not share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect you or other members of the community. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

### **Non-Confidential Reporting Options**

You are encouraged to speak to officials of the institution to make formal reports of incidents (see above list of "responsible employees"). Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, the accused individual, and others involved in the administrative process.

### **Federal Statistical Reporting Obligations**

Certain campus officials – all those identified as "responsible parties" in this document, which makes them "Campus Security Authorities" under the Clery Act - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **FEDERAL TIMELY WARNING REPORTING OBLIGATIONS**

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

### **INVESTIGATING REPORTED GENDER-BASED AND SEXUAL MISCONDUCT**

When the individual accused of violating any section of this policy is a student, the case will be investigated and adjudicated under the college's Student Code of Conduct under the direction of the Vice President for Student Success and Enrollment Services. When the individual accused of violating any section of this policy is a college employee or a person with no connection to the college, the case will be investigated and adjudicated under the direction of the Director of Human Resources, who serves as the college's Title IX coordinator. In either case, the standard for finding an individual responsible for violating the Gender-Based Misconduct Policy will be a preponderance of the evidence (50.1 percent).

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of course schedule, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

### **SEXUAL ASSAULT PREVENTION, EDUCATION AND TRAINING**

The college will provide mandatory sexual assault prevention, education and training each Fall and Spring semester and will provide sexual assault prevention tips and additional related information on the college website.

## **SOURCES OF COUNSELING, ADVOCACY AND SUPPORT**

Chesapeake College has a Memorandum of Understanding with Corsica River Mental Health Services, which helps connect students with appropriate mental health resources. The Director of Advising (410.827.5856) is the college contact who can connect students who are victims of gender-based or sexual misconduct with Corsica River Mental Health Services.

Information regarding other off-campus resources and their phone numbers are listed below.

### **EASTERN SHORE OPERATIONS CENTER 1-(888)-407-8018**

The ESOC operates 24/7 to deal with both crisis and non-crisis mental health concerns. In emergency situations, the ESOC can even send out one of its Mobile Crisis Teams to provide immediate mental health assistance. Or, it can help a student make connections with a public mental health care provider in his or her own county.

### **LIFE CRISIS CENTER HOTLINE 1-(800)-422-0009**

The Life Crisis Center Hotline provides counseling for victims of domestic violence or sexual assault, suicide prevention, support groups, emergency shelter, shelter referral, medical care, and assistance with the process of prosecution.

### **SUICIDE HOTLINE 1-(800)-SUICIDE**

The Suicide Hotline provides counseling for suicide prevention.

### **YOUTH HOTLINE 1-(800)-422-0009**

The Youth Hotline provides crisis intervention, support and referrals

### **FOR ALL SEASONS, INC. HOTLINE 1-(800)-310-7273**

For All Seasons provides counseling, advocacy, and education to victims of rape, sexual assault and abuse.

### **MID-SHORE COUNCIL ON FAMILY VIOLENCE 1-(800)-927-4673**

The Mid-Shore Council on Family Violence provides direct services for victims of family violence, including a 24-hour hotline, crisis intervention, counseling, support group, emergency shelter, client advocacy, children's program, court accompaniment, information and referral.

**IMPORTANT PHONE NUMBERS**

<b>LAW ENFORCEMENT</b>	<b>MEDICAL SERVICES</b>	<b>CAMPUS REPORTING</b>
<b>Chesapeake College Security</b> 410.758.7275	<b>University of Maryland Shore Regional Health</b> 410.822.1000	<b>Title IX Coordinator</b> Office of Human Resources 410.827.5811
<b>Queen Anne's County Sheriff's Department</b> 410.758.0770	<b>University of Maryland Shore Medical Center at Cambridge</b> 410.228.5511	<b>Title IX Deputy Coordinator</b> Vice President for Student Success 410.827.5858
<b>Dorchester County Sheriff's Department</b> 410.228.4141		<b>Director of Public Safety</b> Office of Public Safety 410.758.7275
<b>City of Cambridge Police Department</b> 410.228.3333		
<b>Cambridge Center Security</b> 410.463.4185		
<b>Emergency</b> 911		

**APPENDIX A: CONTACT INFORMATION**

**2014-15 TITLE IX COORDINATOR CONTACT INFORMATION**

Susan Cianchetta, Director of Human Resources

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**2014-15 ADMINISTRATOR FOR STUDENT CONDUCT CONTACT INFORMATION  
(ALSO DEPUTY TITLE IX COORDINATOR)**

Richard Midcap, Vice President for Student Success and Enrollment Services

Phone: 410.827.5858

Email: [rmidcap@chesapeake.edu](mailto:rmidcap@chesapeake.edu)

**2014-15 PUBLIC SAFETY DIRECTOR CONTACT INFORMATION**

David Jones, Director of Public Safety

Phone: 410.827.5889

Email: [djones@chesapeake.edu](mailto:djones@chesapeake.edu)

## **APPENDIX B: SEXUAL VIOLENCE – RISK-REDUCTION TIPS**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

### **APPENDIX C: ACCUSATIONS OF SEXUAL MISCONDUCT – RISK-REDUCTION TIPS**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## **APPENDIX D: COLLEGE CONSENSUAL RELATIONSHIP POLICY – F/S MANUAL, SECTION 7**

**Definitions** - For the purpose of this policy, Chesapeake College uses the following definitions:

**Supervisor** – any person who directly or indirectly controls or affects the employment status of the employee.

**Employee** – any full or part-time employee, faculty, staff, or administrator, as well as temporary employees and adjunct faculty, (non-benefitted, non-regular employees).

**Student** – Any individual enrolled in credit or non-credit classes at Chesapeake College over the age of 18. Relationships with students under the age of 18 fall under our Sexual Abuse, Misconduct and Molestation Policy.

**Consensual relationship** – any romantically intimate relationship entered into and voluntarily continued by both parties (Note: Non-consensual relationships are covered under Chesapeake College’s Harassment Policy.)

### **Policy:**

Chesapeake College is committed to the highest standards of professionalism with regard to the interaction among faculty, staff, and students. Faculty and staff must avoid abuse of power and conflicts of interest in their social interaction with each other and with students, as well as the appearance of such conduct.

A consensual relationship is any romantic, sexual or dating relationship. This policy encompasses relationships even without physical intimacy, when the conduct exceeds the reasonable boundaries of what a person of ordinary sensibilities would believe to be a collegial or professional relationship. The definition excludes marital or recognized civil union relationships.

### **Relationships Involving Employees:**

Supervisors should avoid any romantic pursuit of any employee reporting to the supervisor (e.g., provide disciplinary actions; affect promotion or retention; oversight of activities). Employees should also avoid any romantic pursuit/relationship with supervisors. If a relationship does develop, it is the responsibility of both parties, either separately or together, to disclose the nature of the relationship to the person to whom the supervisor reports, both in written and oral format. Any reassignment of duties may occur at the discretion of the president of the college.

### **Relationships Involving Students:**

Consensual relationships breach professional standards when the faculty or staff member has direct or indirect professional responsibilities to the student or there is a



likelihood of such responsibilities while the student is enrolled at the college. Therefore, relationships between faculty/staff and students should be avoided. Such responsibilities include instructional, evaluative, supervisory, tutorial, counseling, advising, and other similar duties, whether within or outside the classroom, by a faculty or staff member with a student.

A violation of this policy may result in disciplinary action up to, and including, termination of employment.

## **APPENDIX E: COLLEGE HARASSMENT POLICY (F/S MANUAL, SECTION 7)**

It is the policy of Chesapeake College to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

1. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, color, religion, creed, age, national origin, ancestry, sex/gender, marital status, genetic information, disability, pregnancy, military status, sexual orientation, or any other class protected by law. Special attention should be paid to the prohibition of sexual harassment.
2. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
3. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, nonsupervisory employees, students, vendors, suppliers, third parties or anyone under college control, also is prohibited. This conduct includes:
  - a. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - b. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
  - c. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
  - d. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
  - e. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials).
  - f. Negative stereotyping based upon one's gender or sexual orientation.

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, color, religion, creed, age, national origin, ancestry, sex/gender, marital status, genetic information, disability, pregnancy, military status, sexual orientation, or any other class protected by law, also is prohibited.

These types of behaviors are unacceptable on Chesapeake College campuses, in other work settings such as college business trips and at college-related social and athletic events. All college employees and particularly managers have a responsibility for keeping the work environment free of harassment.

4. Chesapeake College must be made aware of the discrimination or harassment before it can act to prevent or stop it. The college cannot take corrective action unless it has knowledge that a problem exists. Any incident or situation that an employee or individual under the college's control experiences should be brought to the attention of the employee's supervisor, the supervisor's supervisor, or Human Resources within 30 days of the incident or situation. It is also recommended, but not required, that an employee firmly and promptly notify the offender that his/her behavior is unwelcome. Any supervisor or manager who becomes aware of any possible discrimination or harassment should immediately advise Human Resources, regardless of whether the employee who has the complaint wants the supervisor/manager to do so.
5. Any individual who is accused of harassment by others, including other employees or students, will be given due process under existing college policies.
6. If an employee makes the college aware of a complaint of discrimination or harassment, Chesapeake College is obligated by law to investigate and, if appropriate, take prompt remedial action. For this reason, if a complaint of discrimination or harassment is brought to our attention, we will investigate, regardless of whether the employee who brought forward the complaint wants the college to do so. Chesapeake College will promptly and thoroughly investigate the facts and circumstances of any claim of harassment and will do its best to maintain the confidentiality of the complaint and the complaining employee to the extent practical and appropriate under the circumstances.
7. Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The college prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. Retaliation is a serious violation of this policy, and any retaliation also should be reported immediately. Any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action, up to and including termination. Any individual who intentionally makes a false claim of discrimination or harassment is subject to discipline, up to and including termination.
8. Questions regarding this policy, or its application to any situation, should be referred to Human Resources.

**APPENDIX F: COLLEGE SEXUAL ABUSE, MISCONDUCT AND MOLESTATION PREVENTION  
POLICY (F/S MANUAL, SECTION 7)**

**Policy:**

Actual or threatened acts of physical or mental abuse, neglect, sexual abuse, sexual molestation or sexual misconduct (as defined, with respect to children in Section 5-701, and with respect to adults in Section 14-101 of the Family Law Article, Annotated Code of Maryland), are prohibited in the workplace or at any activity sponsored by, related to the college or on college premises ("Prohibited Conduct"). In order to make this zero-tolerance policy clear to all employees and volunteers, we have adopted mandatory procedures that all employees, volunteers and Board members must follow when they reasonably suspect, learn about or witness prohibited conduct.

Prohibited Conduct means each, every and all actual or threatened acts of physical or mental abuse, neglect, sexual abuse, sexual molestation or sexual misconduct by one person or by two or more persons acting together.

**Reporting Procedure:**

All employees, volunteers and Board Members who learn of or have reason to believe Prohibited Conduct has occurred must immediately report it to the Director of Public Safety. If the Director of Public Safety has reason to believe on the basis of such report that Prohibited Conduct has occurred, such Prohibited Conduct will be reported by the Director of Public Safety to the local or state police and Department of Social Services. In any case in which the person alleged to be engaged in Prohibited Conduct is an employee, volunteer or Board Member, the Director of Public Safety shall notify the Human Resources Director.

NOTE: Faculty and counselors have an independent obligation under Maryland Law to report child abuse or neglect. See Annotated Code of Maryland, Family Law Article, Section 5-704.

**Investigation and Follow Up Regarding Prohibited Conduct by College Employees or Volunteers:**

The college takes allegations of Prohibited Conduct very seriously. Once an allegation is reported, the college will promptly, thoroughly and impartially initiate an investigation to determine whether there is a reasonable basis to believe that Prohibited Conduct has occurred and that it was committed by the target(s) of the investigation. The investigation may be undertaken by college personnel and/or by independent third parties engaged by the college. The college will cooperate fully with any investigations conducted by law enforcement or social service agencies.

The college may place an employee who is accused of Prohibited Conduct on an involuntary leave of absence or reassign the employee to responsibilities that do not involve personal contact with any or specific individuals. To the fullest extent possible, but consistent with this Policy and any legal obligations to report suspected Prohibited Conduct to appropriate authorities, the college will endeavor to keep the identities of the accused and the alleged victim(s) confidential.

An employee found to have engaged in Prohibited Conduct is subject to discipline, up to and including discharge.

**Retaliation Prohibited:**

The college prohibits retaliation against anyone, including an employee, volunteer, Board member, student or other individual, who in good faith reports Prohibited Conduct. Retaliation against good faith participation in any related investigation is also prohibited.

Anyone who retaliates against someone who has made a good faith report of Prohibited Conduct or intentionally makes a false claim of Prohibited Conduct is subject to discipline, up to and including discharge.

**ACKNOWLEDGEMENT OF RECEIPT OF SEXUAL ABUSE, SEXUAL MISCONDUCT AND MOLESTATION PREVENTION POLICY**

I, \_\_\_\_\_, acknowledge that I have received and read the Sexual Abuse, Sexual Misconduct and Molestation Prevention Policy immediately preceding my signature below. I understand that I am bound to follow the policy and understand the consequences in the event that I fail to do so.

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Employee/Volunteer

\_\_\_\_\_  
Signature of Employee/Volunteer

## **APPENDIX G: CHESAPEAKE COLLEGE STUDENT CODE OF CONDUCT**

### **Student Code of Conduct**

#### **I. GENERAL**

The appeals process for academic matters is contained in the academic regulations of the College catalog under the heading “Student Academic Grievance Procedure”.

Students seeking information on how to resolve issues that may occur between the student and the College are encouraged to seek guidance from counselors in the Office of Student Success and Enrollment Services, the Vice President for Student Success and Enrollment Services, academic advisors, classroom instructors, the College Catalog, or any appropriate professional employee of the College.

#### **II. ACADEMIC MISCONDUCT**

##### **Definition:**

Academic dishonesty includes, but is not limited to, the following:

1. Cheating on examinations, be they online or proctored in person.
2. Plagiarism, the representing of another’s ideas or writing as one’s own, including but not limited to:
  - a. Presenting all or part of another person’s work as something one has written;
  - b. Paraphrasing or summarizing another’s writing without proper acknowledgement;
  - c. Representing another’s artistic or technical work or creation as one’s own.
3. Willingly collaborating with others in any of the above action(s) which result(s) in work being submitted which is not the student’s own.
4. Stealing examinations, falsifying academic records, and other such offenses.
5. Submitting work previously presented in another course without permission of the instructor.
6. Unauthorized duplication of computer software.
7. Unauthorized use of copyrighted or published material.

##### **Disciplinary Action:**

If, based on substantial evidence, a student is deemed guilty of academic dishonesty; the College may initiate disciplinary action as follows:

1. The student may be required to repeat the assignment or the examination.

2. The student may be given a failing grade for the assignment or the examination.
3. The student may be given a failing grade for the course and does not have the opportunity to withdraw. Faculty member will submit a change of grade form to the registrar with a full explanation for the failing grade.
4. The student may be suspended or dismissed from the College.

#### Appeal Process:

##### A. *Informal Appeal Process:*

If a student wishes to discuss a disciplinary action that he/she has received for an alleged instance of academic dishonesty, the initial step is for the student to meet with the instructor to attempt to resolve the issue in an informal manner. This meeting should be scheduled at a mutually agreed upon time, outside of the instructional setting.

##### B. *Formal Appeal Process:*

To initiate a formal appeal, the student should first request a meeting with the instructor. If the issue cannot be resolved, the student must complete an Academic Grievance Form available from the office of the Vice President for Academic Affairs. The form should be submitted to the appropriate Academic Dean. Appeals will be processed in accordance with the Academic Grievance Procedures outlined in the *College Catalog*.

### **III. NON-ACADEMIC MISCONDUCT**

The non-academic misconduct listed below is prohibited on College premises, at College sponsored activities, or during the execution of College-related business. This is not an all-inclusive list of prohibited behavior. The prohibited behavior described in this section applies to students enrolled in both credit and non-credit programs offered by the College.

Attempts to commit acts prohibited in the Code or encouraging or assisting others to commit such acts are prohibited and may be punished to the same extent as if one had committed the prohibited act.

College sponsored activities are any activities, on or off campus, which are initiated, authorized or supervised by Chesapeake College. For purposes of this Code, this definition also extends to behavior, which affects the execution of College business, but which does not necessarily occur on College premises or at a College sponsored activity. For purposes of this Code, 'Chesapeake College student' is defined as any person enrolled in credit or non-credit programs offered by Chesapeake College. This includes all credit and non-credit courses offered on or off campus.

## **PROHIBITED CONDUCT**

- A. Physical and/or psychological abuse, threat, or harassment of any member of the College community or visitor to the College, or conduct which threatens or endangers the health or safety of any such person. This would include person-to-person, written, and electronic communication.
- B. Unauthorized use, possession, or storage of any weapon, dangerous chemical, or explosive element.
- C. Initiation of, or causing to be initiated, any false report, warning or threat of fire, explosion or other emergency.
- D. Violation of fire regulations, including the misuse or damage of fire safety equipment.
- E. Disruption, obstruction, or interference with College or College-sponsored activities, including, but not limited to, teaching, studying, research, administration, disciplinary procedures, cultural events, or fire, police, or emergency services.
- F. Violation of the terms of any disciplinary action imposed in accordance with this code.
- G. Interference with freedom of expression of others.
- H. Violation of any College policy, procedure, or regulation, including, but not limited to those concerning parking, student organizations, use of College facilities, smoking, alcohol, and the time, place, and manner of public expressions.
- I. Unauthorized possession, use, sale, or distribution of alcoholic beverages or of any illegal or controlled substance.
- J. Littering, damaging, defacing, or destroying College property or property under the College's jurisdiction, or removing, using, occupying, or entering such property without authorization.
- K. Gambling or holding a raffle or lottery at the College without proper College approval.
- L. Violation of any local, state, federal, or other applicable law.
- M. Disorderly, lewd, or obscene conduct or expression.
- N. Furnishing false information to the College or to members of the College community who are acting in the exercise of their official duties.



- O. Forging, altering, falsifying or misusing College documents, records, or identification cards.
- P. Theft or attempted theft of College property or services, or personal property, or knowingly possessing such stolen property.
- Q. Infringing upon the right of other students to fair and equal access to any of the College's library materials and comparable or related academic resources.
- R. Unauthorized or fraudulent use of the College's facilities and/or equipment including but not limited to the phone system, mail system, computer system, transportation system and/or equipment, or use of any of the above for any illegal act.
- S. Causing false information to be presented before any administrative proceeding of the College or intentionally destroying evidence important to such a proceeding.
- T. Failure to comply with the direction of College officials, including campus security officers acting in the performance of their duties.
- U. Hazing, which means doing any act or causing any situation which recklessly or intentionally subjects a student to the risk of bodily injury or endangers the mental or physical health or safety of a student for the purpose of initiation or admission into any student organization.
- V. Encouraging others to commit any of the acts, which have been herein prohibited.
- W. Violation of the Chesapeake College Internet Access Policy as stated below.
- X. Sexual misconduct offenses including, but not limited to: sexual harassment, non-consensual sexual contact (or attempts to commit the same), non-consensual sexual intercourse (or attempts to commit the same), or sexual exploitation;
- Y. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment).
- Z. Domestic violence, including felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom shares a child in common, by a person who is cohabitating with or who has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction in which the crime of violence occurred.

- AA. Dating violence, defined as violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on the consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- BB. Stalking, defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

### **INTERNET/PORTAL ACCESS PROCEDURE CHESAPEAKE COLLEGE**

Chesapeake College provides access to the Internet in order to support Chesapeake's Mission and Objectives as a community college serving the counties of Caroline, Dorchester, Kent, Queen Anne's, and Talbot. Specifically, the Internet is used to support the following objectives:

- I. Provide for the information needs of the students, faculty, and staff of Chesapeake College and for the information needs, as deemed appropriate by the College, of the residents of the five-county area.
- II. Expand the distance learning services of the College, so that the residents of the five-county area have access to a school without walls.
- III. Develop the information literacy skills of the students of Chesapeake College.
- IV. Support the lifelong learning of the community.
- V. Support the professional development needs of the faculty and staff of Chesapeake College and enhance communication between members of the College community and their colleagues across the country.

It is a general policy that Chesapeake College facilities used for connection to the Internet are to be used in a responsible, ethical, and legal manner in accordance with the stated objectives for Internet access and the mission of Chesapeake College. Users must acknowledge their understanding of the general policy and guidelines as a condition for use of the Internet through Chesapeake College. Failure to adhere to this policy and its guidelines below may result in suspension of the offender's privilege of network access by the College. Persons who make use of the resources of the College to access the Internet do so as guests of the College and are expected to conduct themselves accordingly. Conduct which

adversely affects the ability of others to use the Internet or which is harmful to others will not be permitted. The College reserves the right to monitor its computing systems, workstations, and lab facilities.

### **General Guidelines**

Guideline 1. Acceptable uses of the Internet are activities, which support learning and teaching. Internet users are encouraged to develop uses which meet their individual needs and which take advantage of the Internet's functions: electronic mail, conferences, bulletin boards, databases, telnet and ftp resources, etc.

Guideline 2. Persons obtaining access to the Internet through Chesapeake College, should adhere to the commonly accepted social norms of classroom behavior.

Guideline 3. Unacceptable uses of the Internet include:

- a. Violating the rights to privacy of students and employees of the College including attempts to access another person's account, private files, or e-mail without permission of the owner.
- b. Use of the College's computer resources to threaten or harass others.
- c. Reposting personal communications without the author's prior consent.
- d. Copying commercial software in violation of copyright law.
- e. Using the Internet for any illegal activity.
- f. Attempts to write, produce, copy, or attempt in any way to introduce any computer code designed to self-replicate, damage or otherwise hinder the performance of any computer. Any such software is commonly referred to as a computer virus.
- g. Attempts to alter system software or hardware configurations. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal laws.
- h. Storing or printing files, materials, or messages that violate Maryland obscenity laws.

- i. The display of sexually explicit materials on a College computer screen in such a manner that it can be seen by others may be a violation of the College's policies on sexual harassment.
- j. Playing of computer games or simulations not in support of the curriculum at Chesapeake.
- k. Use of the Internet for any commercial purpose without the express written consent of the College.
- l. Developing web pages that do not meet the published standards of Chesapeake College.
- m. Sending mass e-mail messages such as chain letters, spam, pyramid schemes, etc.

Guideline 4. Accounts issued to individuals are intended for the sole use of that individual. The person in whose name an account is issued is responsible at all times for its proper use. Users should change their passwords frequently according to published password guidelines.

Guideline 5. When making copies of information from the Internet, files should be downloaded to your own removable media (floppy disk, zip disk, CD, USB storage device or personal file storage on Canvas). Files downloaded to the College's network, or hard disk drives attached to that network, are subject to deletion without notice.

Guideline 6. When remotely accessing Chesapeake College subscriptions to the library's electronic databases, users should abide licensing, regulations and not share user names and passwords with those not associated with Chesapeake College.

Guideline 7. Electronic e-mail is not guaranteed to be private. Misuse of e-mail will result in the College's retrieval and review of e-mail residing on the College's servers.

Guideline 8. Access to the Internet or Chesapeake Cruiser may be limited or terminated at the College's discretion. In the event that other users are waiting to access College computing facilities, you will be asked to limit your time. Please be considerate of other users.

### **Canvas Guidelines**

Guideline 1. Eligibility to have an account

All students enrolled in credit and developmental courses will be provided an account.

Guideline 2. Account termination

The account will terminate at such time that the student is not enrolled in a credit or developmental course or privileges have been terminated due to disciplinary sanctions for violating the Chesapeake College Internet Access Policy in accordance with the Student Code of Conduct.

Guideline 3. Privacy Issues

**a. Inclusion in the Canvas Directory**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of a student's educational records. Student information that is considered public or directory information is defined in the Annual Notification of Student Rights under FERPA. Information that has been designated as directory information by FERPA may include the following: student name; address; telephone number; date of birth; major program of study; dates of attendance; degrees; diplomas, certificates and awards received; full or part time status; participation in recognized activities. Canvas will not divulge any student information to the general public and only e-mail addresses and participation in student organizations or clubs will be included in the directory accessible by other students, faculty and staff of the College. Students may request that no directory information be released by completing the non-disclosure form in the Registrar's office by the fifth day of the semester term. Complete information on the College's FERPA policy is available at [www.chesapeake.edu/registration/records.asp#](http://www.chesapeake.edu/registration/records.asp#).

**b. Electronic Mail System**

E-mail users of Canvas are advised that there is no guarantee that confidentiality of the user's use of the e-mail or the content of specific messages will be maintained and that the system should not be regarded as a secure medium for sensitive or confidential correspondence.

Guideline 4. **Storage limitations**

Canvas provides storage for students' personal files, e-mail, photos, and Web pages. Specific storage limits are not currently in effect, but may be implemented in the future if deemed necessary. Students are responsible for deleting old items and/or downloading them to CDs or other offline storage media, and

## **Student Code of Conduct (continued)**

limiting their use of storage space to academic-related items. Canvas administrators will monitor the amount of storage space being used by individual accounts. If a student appears to be using an excessive amount of storage, the Canvas administrator will contact the student and request that they reduce their storage usage. The administrator will provide assistance in archiving or deleting items, if needed.

### **Guideline 5. Standards for creating Web pages**

Canvas provides resources to support its mission of teaching, information distribution, professional development, communication and lifelong learning. Faculty, students and campus organizations are encouraged to create Web pages that fulfill one or more of these goals. All Web pages must follow *Chesapeake College Web Guidelines* and the *Internet/Web Portal Access Procedure of Chesapeake College*.

## **IV. DISCIPLINARY PROCEDURES**

### **A. General**

1. The Vice President for Student Success and Enrollment Services is responsible for the administration of disciplinary procedures. Students whose behavior constitutes a violation of both this Code and/or federal, state, local, or other applicable law may be accountable to both the College and to civil authorities. Disciplinary action at the College will normally proceed while the criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed, reduced or are pending.
2. Written reports of alleged student violation of the Student Code of Conduct may be submitted by any individual to the Vice President for Student Success and Enrollment Services. The individual shall supply supporting documentation for the charge. It is the responsibility of the Vice President for Student Success and Enrollment Services to investigate and interpret the alleged misconduct and to identify the appropriate specific charge(s) that will be brought against the student(s) involved, or to impose appropriate disciplinary action, or to dismiss the allegation(s) and notify the appropriate persons.

### **B. Procedure for Investigating Allegations of Student Misconduct**

The Vice President for Student Success and Enrollment Services, when officially notified of an alleged violation of the Code, will initiate an investigation of the incident to determine possible courses of action.

1. The Vice President for Student Success and Enrollment Services will request the student appear for a conference to discuss the alleged violation of the Code. After this meeting, the Vice President for Student Success and Enrollment Services will determine whether to officially charge the student with a violation of the Code or seek an opportunity to informally resolve the matter. If the student is officially charged with a violation of the Code, the Vice President for Student Success and Enrollment Services will specify the charge(s) and explain the Student Code of Conduct procedures to the student.
2. If the student fails to respond to the Vice President's request for a meeting within the time frame established by the Vice President, the Vice President may institute any of the actions described in the section on 'Disciplinary Sanctions'.
3. If the complaint is not informally resolved, the Vice President for Student Success and Enrollment Services will formally investigate the allegations or delegate this task to the Committee of Review. Either the Vice President for Student Success and Enrollment Services or the Committee of Review will interview the student involved, the complainant and any other appropriate witnesses, to determine whether the Code was violated and exercise one of the following options:
  - a. If it is determined the Code was violated, impose disciplinary action(s) (see section VIII Disciplinary Sanctions). In this circumstance, the Vice President for Student Success and Enrollment Services will inform the student of his/her appeal rights.
  - b. Dismiss the charge(s) brought against the student.
4. Either party has the right to appeal the decision of the Vice President for Student Success and Enrollment Services or the Committee of Review.
  - a. A decision of the Vice President for Student Success and Enrollment Services may be appealed to the Committee of Review, with the final level of appeal being to the President of the college.
  - b. A decision of the Committee of Review may be appealed to the President of the college.

- c. Where a student has admitted guilt, but disagrees with the disciplinary sanction imposed, the student may appeal in writing to the President of the college the extent of the disciplinary action(s) recommended by either the Vice President for Student Success and Enrollment Services or the Committee of Review.
5. In all cases involving a student appeal of a disciplinary action imposed by the Vice President for Student Success and Enrollment Services, or a request for a hearing before the Committee of Review, the Vice President will inform the student of the procedure required to request an appeal.

## **V. EMERGENCY DISCIPLINARY PROCEDURES**

- A. The Vice President for Student Success and Enrollment Services, may take immediate action to protect the College community and the public prior to an administrative hearing or a hearing before the Committee of Review in circumstances which involve an apparent immediate danger to the health or safety of members of the College community or the public, or which involve serious disruption of normal College operations. Such actions – which are automatically reviewed by the President of the college prior to implementation – may include but are not limited to those listed below:
  1. Barring the student from the campus or any part of the campus.
  2. Removing the student from a particular class or classes.
  3. Prohibiting the student from participating in a College-sponsored activity, on or off campus.
- B. A student suspended on a temporary basis shall be given written notice of suspension by the Vice President for Student Success and Enrollment Services, along with a brief statement of the reasons for the suspension.
- C. If the Vice President for Student Success and Enrollment Services determines that the facts of a case do not warrant emergency disciplinary action, the complainant may request a meeting with the President for the purpose of requesting a reconsideration of the decision.
- D. If emergency action is taken, the Vice President for Student Success and Enrollment Services will take steps to expedite the procedures set forth in this Code.
- E. Except for emergency disciplinary action as noted above, no disciplinary sanction will be imposed against the student prior to completion of the appeals process.



- F. Nothing in this section shall preclude a faculty member from requesting a disruptive student to leave a class, activity or facility immediately.

## **VI. FACULTY-STAFF COMMITTEE OF REVIEW**

### **A. Purpose**

A Faculty-Staff Committee of Review will be constituted to investigate, hold hearings, and make decisions on formal complaints involving student violations of the College's Student Code of Conduct.

### **B. Organization of the Committee of Review**

1. The Committee of Review shall consist of one staff member and two faculty members.
2. The faculty and staff members of the Committee of Review shall be appointed from the membership of the Admissions, Financial Aid, and Academic Standing Committee by the Chairman of said committee. A faculty or staff member from outside the AFAAS membership may be allowed if approved by the AFAAS chair.
  - a. Faculty members shall be full-time members of the faculty.
  - b. Faculty and staff members shall hold office for one calendar year, beginning with the start of the Fall semester and concluding at the end of the following Summer session.
5. The chairman of the Admissions, Financial Aid, and Academic Standing Committee will immediately appoint a full-time faculty member to fill a vacancy occurring in the faculty representative on the Committee.
  1. The Committee of Review will elect its own chairman from the faculty membership.

### **C. Operating Procedures**

#### **1. General**

The Committee of Review may decide their general rules of procedure except for the specific operating procedures detailed below.

#### **2. Hearing Procedures**

- a. The chairperson of the Committee will receive from the Vice President for Student Success and Enrollment Services a written notification of the

charges pending against the student and all pertinent information relevant to the allegations, including the name(s) of accuser(s) and witnesses, evidence and signed statements.

- b. Upon notification from the Vice President for Student Success and Enrollment Services, the chairperson of the Committee of Review will notify the student involved of the time, place, and date of the hearing. The student may request a change in the hearing date. All reasonable efforts by the College will be made to accommodate the student. If the student does not agree to the new hearing date, the Committee may choose to hold the hearing without the student present.
- c. The hearing will be closed to the public. All proceedings and decisions will be considered confidential by the hearing body, and only those persons whose presence is required, as determined by the chair, will be permitted to attend. The hearing may be audio taped in order for the Committee to review any pertinent testimony.
- d. Any person, including the student charged, who disrupts a hearing or fails to adhere to the rulings of the chair, shall be excluded from the proceeding.
- e. All evidence against a student will be presented in his/her presence, and he/she will be permitted to question and confront any witness.
- f. The burden of proof shall be on the presenter who shall prove the charge by a preponderance of the evidence.
- g. When the Committee is satisfied that all relevant available evidence has been presented and that all the available relevant participants have been interviewed, the hearing will be adjourned. The Committee will meet to consider the evidence and to reach a decision. The deliberations of the Committee will be confidential.
- h. Any decision will be based only on the record developed at the hearing. The record shall consist of the record of the Committee's proceedings, and all written reports, documents and other material submitted to the Committee, as well as taped testimonies.
- i. The attendance of three (3) members of the Committee shall be required in order to form a quorum qualified to conduct a hearing. The Committee will reach its decision by a majority vote of the full Committee. Voting shall be by secret ballot.
- j. The Committee will forward its decision, in writing, to the Vice President for Student Success and Enrollment Services no later than ten (10)

working days after the conclusion of the hearing, except that the Committee reserves the right to have the proceedings transcribed if it believes such transcription is necessary for its deliberations. In that event, the time for issuance of its decision will be automatically extended until five (5) working days after receipt of the transcript.

- k. The stenographic record or audio-tape of each hearing, and all written documentation pertaining to the hearing will be sealed and stored the Vice President for Student Success and Enrollment Services' office in accordance with College procedures for a period of five (5) years, then destroyed.

### 3. Committee Decision and Implementation

- a. The decision of the Committee of Review will be implemented by the Vice President for Student Success and Enrollment Services, except those decisions which involve suspension or dismissal shall be approved by the President.
- b. The Vice President for Student Success and Enrollment Services will notify the student in writing of the decision of the Committee within five (5) working days of the Committee's decision. If disciplinary action is imposed, the student will be informed of the duration of such action and/or the date by which restitution or other appropriate conditions must be met. At the same time, the Vice President will inform the student of his/her appeal rights.

## **VII. APPEAL PROCEDURES**

- A. Appeals of a decision by the Committee of Review will be forwarded to the President.
- B. Appeals must be submitted in writing to the President within five (5) working days of the receipt by the student of notification of the disciplinary action to be taken. The appeal becomes part of the official record.
- C. The written appeal shall state the grounds for review, the type of relief requested, and such supporting argument as the student or his/her representative may choose to include.
- D. The President may affirm or lessen (including reverse) the decision; in no case will a more severe action be imposed.
- E. In considering the appeal, the President will be limited to a review of the record and any written documentation included as evidence from the hearing.

- F. The written decision of the President will be submitted to the student within ten (10) working days of receipt of the written appeal or, if a transcript is required, within ten (10) working days of receipt of the transcript. A copy of the decision will be forwarded to the Vice President of Student Success and Enrollment Services and the chair of the Committee of Review.
- G. The decision of the President is final.

## **VIII. DISCIPLINARY SANCTIONS**

The listing below is not intended to be all-inclusive. The Vice President, Committee of Review, Vice President for Academic Affairs and President, or higher administrative authorities may impose other sanctions as the situation may warrant. All disciplinary sanctions may become a permanent part of the student's official records.

- A. For purposes of this Code, "disciplinary sanction" is defined as an activity whose intent is to assist an individual or individuals in maintaining a state of order conducive to the orderly implementation of the business of the College.
- B. Sanctions for violations of the Code of Conduct may be imposed by the Vice President for Student Success and Enrollment Services, the Committee of Review, Vice President for Academic Affairs and the President, as appropriate.
- C. Disciplinary sanctions may include any one or more of the following:
  - 1. Admonition: A statement to the student that he/she is violating or has violated the Code of Conduct and may be subject to more severe action if such violations recur.
  - 2. Social probation: Removal and/or restriction of the privilege of participating in extracurricular activities of the College. (This may include, but not be limited to, the holding of any student office or participation in any intercollegiate activity for a period not to exceed one academic year.)
  - 3. Withholding a transcript or a degree: Refusal to issue a transcript or a degree to any student who fails to pay a debt owed to the College. The penalty terminates upon payment of the debt.
  - 4. Bar against readmission: Refusal to readmit a student who has violated the Code of Conduct and has withdrawn from the College prior to or during disciplinary proceedings. This action may be lifted upon final disposition of the case.

5. Restitution: Reimbursement for damage to or misappropriation of property, and/or rehabilitative action as designated by the Vice President for Student Success and Enrollment Services, Committee of Review, or President, in compensation for violation of the Student Code of Conduct.
  6. Bar against registration: Refusal to allow a student to register for credit or non-credit courses offered by Chesapeake College. This restriction may be lifted by the Vice President for Student Success and Enrollment Services when the conditions established for readmission have been met.
  7. Suspension: Separation of the student from the College for a specified period of time. Except for temporary suspension under the section on Emergency Disciplinary Procedures, the decision to suspend (or dismiss) will be held in abeyance pending completion of the appeal process. The student will not participate in any College sponsored activity and may be barred from College premises during the period of suspension.
  8. Dismissal from College: Termination of student status. Except for temporary suspension under the section on Emergency Disciplinary Procedures, the decision to dismiss will be held in abeyance pending completion of the appeal process. Permanent notification will appear on the student's transcript. The student may be barred from the College premises. Conditions of readmission will be stated in the order of dismissal. This action must be approved by the Vice President for Student Success and Enrollment Services and may be appealed to the President.
- D. Nothing contained in this Code shall limit the right of the College at any time to agree to disciplinary sanction(s) if the student agrees not to contest the charges. Any such agreement shall be reduced to writing which when signed by the student and the Vice President shall conclude the case.
- E. Nothing contained in this Code shall preclude the College from pursuing any and all remedies available at law or equity and such rights and remedies are specifically reserved.