

Title: Student Code Of Personal Behaviour	Number: 6.08.0710.2
Approved by the Board of Governors Date: February 21, 2017	Implementation Date: March 1, 2017
History: Scheduled Review Date: March 2020	Origin: Student Code of Conduct Policy

RATIONALE

It is the policy of the College to recognize that students have rights as individuals and these rights are shaped through the framework of a sound philosophy of education. It is expected that the College will regard the rights of its students within the context of fairness and trust. The College administration and faculty are committed to guarding and securing these rights.

POLICY

The purpose of the Student Code of Personal Behaviour is to define a student's rights within the College community, state what actions students may expect from the College to protect those rights, and explain the College's expectations of its student members, including the standards by which the personal behaviours of students are assessed. This statement describes unacceptable student behaviour and outlines the procedures by which students are disciplined if they engage in such behaviours.

Students have the right to be treated fairly by the College, to accomplish the goals for which they came to the College, and to be informed of College policies and/or regulations that affect them. There are consequences for unacceptable student behaviors; the policy outlines the various administrative responses as well as the process for appeal concerning such actions by students.

I. Jurisdiction:

1. A person must be officially admitted and/or currently registered for course(s) at the College in order to be considered a student under this policy.
2. While the jurisdiction of the College shall primarily consider personal behaviour which occurs on any property in use by the H. Lavity Stoutt Community College, the policy also takes into account the College's responsibility to protect its students and employees from students who have been charged with violations of the laws of the Territory.
3. The Director of the Student Success Centre shall have jurisdiction over all complaints regarding prohibited personal student behavior. A College Review Board appointed by the Vice President for Academic and Student Affairs shall have jurisdiction over all appeals that are made by students in connection with the policy.

II. Prohibited Behaviours:

The following behaviours are prohibited. This list is not intended to be exhaustive and the College reserves

the right to impose discipline for personal behaviour that may not be expressly identified below, whether he or she knew or should have known that the behaviour was not appropriate under the circumstances.

Interference with the teaching and learning process, including the use of profanity toward another student or faculty/staff member.

Abuse: Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other behaviour which threatens or endangers the health or safety of any person, including sexual assault against any student, faculty, staff, or guest of the College.

Discrimination: Discrimination based on age, colour, disability/handicap, height, marital status, national origin, political affiliation, race, religion, gender, sexual orientation, or weight.

Interference: Interference by force, threat, harassment, or duress with an individual's personal safety, academic efforts, employment, or participation in College sponsored activities and/or creating a reasonable apprehension that such interference is about to occur.

Disruption: Disruption of College activities and College business, including, but not limited to classes, convocations, and student services.

Occupation: Continued occupation of a College facility after being requested to leave by any person acting as an authorized agent of the College.

Damage: Defacement, damage to, or theft of College property and/or that of another student, faculty, staff, or guest of the College.

Tampering with fire alarms, safety systems, or the unauthorized setting of fires.

Dishonesty, including, but not limited to, cheating, furnishing false information to the College, forgery, misuse or alteration of any College document, or misuse of the College computer system. Academic dishonesty is covered in the Academic Code of Behaviour as set forth in Section 5.

False Reporting: Making a false report concerning a fire, bomb, or other alleged emergency.

Possession: Use, possession, manufacture, or distribution of drug paraphernalia, controlled substances, and look-alike drugs. The use of alcoholic beverages as prohibited by HLSCC policies and Virgin Islands law.

Smoking. The College has in place a no smoking policy in compliance with the *Tobacco Products Control Act of the British Virgin Islands, 2006*, which prohibits smoking in public places, as well as within 50 feet of public spaces. Anyone wishing to smoke on the College's campuses must therefore do so at least fifty (50) feet from campus buildings or other structures where visitors, students, faculty and staff gather.

Weapons: Possession, while on campus or at a College sponsored function, of any weapons, including all firearms, compressed gas operated weapons, any electric weapons, knives (other than small pocket knives), explosives of any type, (including fireworks), dangerous chemicals and substances, or any other instrument that can inflict harm to any individual or damage College property, or any device which the

College, in its sole discretion, shall deem dangerous.

Disobedience: Willful disobedience of College officials or authorized agents acting in the performance of their duties.

Violation: Willful violation of College rules, regulations, procedures, and policies as promulgated in College policy statements.

Laws: Any violation of Virgin Islands law.

Unauthorized Use: Unauthorized possession, duplication, or use of keys to any College premises, or unauthorized entry to or use of College premises, or tampering with any door or door locking mechanism.

Animals: Bringing animals into the classrooms or buildings, with the exception of Seeing Eye dogs, or dogs trained to assist persons with a disability recognized under Virgin Islands law.

Classroom Integrity: Breach of classroom integrity. Only those students registered for an HLSCC class may attend that class, except for authorized guests.

Disorderly Conduct: Conduct which is disorderly, lewd, or indecent; which includes the use of electronic/digital recording and/or imaging devices used to take images and/or recordings of persons without their knowledge and/or consent; breach of the peace; aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by the College, or participated in by the College.

Theft: Theft or other abuse of computer time including, but not limited to:

- Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
- Unauthorized transfer of files.
- Unauthorized use of another individual's identification or password.
- Use of computer facilities to interfere with the work of another student, faculty/staff member, or College official.
- Use of computer facilities to send or publish threatening, obscene, or abusive messages.
- Use of computer facilities to view and/or print obscene or offensive images.
- Use of computer facilities to interfere with normal operations of the College computer system.

Abuse of the disciplinary process, including, but not limited to:

- Failure to obey the summons of a disciplinary body or College official.
- Falsification, distortion, or misrepresentation of information before a disciplinary body.
- Disruption or interference with the orderly behaviour of a disciplinary proceeding.
- Interruption of a disciplinary proceeding.
- Attempting to discourage an individual's proper participation in, or use of, the disciplinary system.
- Attempting to influence the impartiality of a member of a disciplinary body prior to, and/or during the course of, the disciplinary proceeding.
- Verbal or physical harassment and/or intimidation of a member of a disciplinary body prior to, during, and/or after a disciplinary proceeding.

- Failure to comply with the sanction(s) imposed under the Student Code of Personal Behaviour.
- Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

PROCEDURES

A. Reporting Violations

1. Any person may report that a student has allegedly violated the Student Code of Personal Behaviour to the Director of the Student Success Centre.
2. Upon receiving such a report, the Director of Student Success Centre or his/her designee may conduct an informal inquiry to determine:
 - If there is jurisdiction over the alleged violation;
 - Whether the accused is a student;
 - Whether the alleged behaviour is prohibited; and
 - Whether a sanction is probable, if the allegation is proven.
3. As part of the initial inquiry, the Director of the Student Success Centre shall confer with the Vice President for Academic and Student Affairs prior to taking any initial action, except in the case of an emergency suspension.

B. Inquiry

1. Emergency Suspension

Under certain circumstances, it may be necessary to restrict the actions of students as follows:

- a. Exclusion from campus and/or classes and/or other privileges or activities for purposes of investigation, and/or relieving the tension of the student body or class due to a serious infraction of campus rules; or removing a threat to the well-being of the students, or removing for the good of the order of the College a student or students whose presence would prevent the continued normal behaviour of the academic community.
- b. Emergency Suspension may be imposed immediately by the Director of the Student Success Centre or by his/her designee without the filing of a complaint. Emergency Suspension will continue until reviewed by the Director of Student Success Centre. If the Emergency Suspension is continued for more than five (5) College business days, the student shall have the right to appeal to the College Review Board within three (3) College business days following the emergency suspension. Students who are suspended for disciplinary reasons will receive a grade of WP or WF (depending on the current status in the course) for all classes in which he/she is enrolled. If the suspension is overturned and the student does not wish to finish the semester, tuition, and fees paid for that semester may be applied toward future enrolments or refunded.

2. Written Warning:

Following an informal inquiry, if the Director of the Student Success Centre determines, after discussing with the student that a violation has occurred and the sanction for the violation should be a written warning, the following procedures shall be used:

- a. A written warning shall be administered and presented to the student by the Director of the

Student Success Centre, or by his/her designee, or any other authorized employee of the College.

- b. Written notice of the behaviour constituting the violation and the nature of the warning shall be filed by the Director of the Student Success Centre or his/her designee or any other authorized employee with the College.
- c. There shall be no appeal of this written warning.
- d. All written warnings and notices will be securely stored in the office of the Director of the Student Success Centre. This material will be held for a minimum of three years.

3. Sanction:

If the Director of the Student Success Centre determines that the alleged violation, if proven, could result in the imposition of a sanction or sanctions more severe than a written warning, the procedures as set forth below will apply.

- a. *Complaint.* All proceedings other than the administration of a written warning shall commence with the filing of a written complaint with the Director of the Student Success Centre within five (5) College business days following the date of the alleged violation. A complaint may be filed only when there is a good faith belief that there has been a violation of prohibited behaviour.
- b. *Form of Complaint.* The complaint shall include (1) facts alleged to constitute a violation; (2) the provision(s) of the Student Code of Personal Behaviour alleged to have been violated; and (3) the name of the student alleged to have committed the violation.
- c. *Who May File.* The complaint may be filed by (1) a College administrator or staff person; (2) faculty member; (3) student; or (4) other individuals as designated or confirmed by the Director of the Student Success Centre.
- d. *Notice of Complaint:* The student against whom the complaint is made shall be personally notified and provided a copy of the complaint and the probable sanctions by the Director of the Student Success Centre or his/her designee, within five (5) College business days after the complaint is filed.
- e. *Student Responses:* A student served with a complaint shall elect one of the following options within five (5) College business days after service of the complaint by completing, signing, and returning the Student Response form to the Director of the Student Success Centre.
 - The student may admit the alleged violation and be sanctioned accordingly.
 - The student may request mediation, if the Director of the Student Success Centre and other affected parties agree to mediation. If mediation fails or is not agreed to by the Director of the Student Success Centre or any of the other parties, the individual shall proceed under options (i) or (iii) of this section.
 - The student may deny the alleged violation.
- f. If the Student Response Form is not completed and returned within five College business days after service, the Director of the Student Success Centre may treat such action as an admission of the violation and administer a sanction.

4. Investigation:

If the student denies the allegations, the Director of the Student Success Centre will, within a reasonable period of time, but not more than fifteen (15) College business days, begin the investigation process. The Director shall take the following actions:

- i. Meet with the student and other relevant parties.
- ii. If necessary, assign an impartial investigator to conduct further investigation pursuant to the College's "Investigation Guidelines."
- iii. Present the student with all of the evidence upon which a decision will be made and an opportunity for the student to refute the evidence.

5. Findings:

Following completion of the Investigation, the Director of the Student Success Centre shall evaluate all evidence provided and, either:

- a. Dismiss the complaint for lack of clear and convincing evidence that a violation of the Student Code of Personal Behaviour occurred or that the accused did not commit the act that resulted in a violation, **or**
- b. Based on a finding of clear and convincing evidence, determine that a violation of the Student Code of Personal Behaviour was committed by the accused and impose an appropriate sanction.

6. Notice:

As soon as the Director makes a finding, he/she shall notify the student in writing. A sanction is an action taken when the Student Code of Personal Behaviour has been violated. One or more of the following sanctions may be applied. The College may impose a different sanction than those listed.

7. Sanctions:

Sanctions may take various forms as follows:

Warning. Notice, orally or in writing, that continuation or repetition of behaviour in violation of Section 2b may be cause for more severe disciplinary action.

Censure. A written reprimand, including the possibility of more severe disciplinary sanctions in the event of a subsequent violation of a College regulation within a stated period of time.

Letter of Apology. The student will prepare and send a letter of apology to the victim(s) of the misconduct.

Probation. Exclusion from participation in privileges or extra-curricular College activities for a period not to exceed one academic year from date of offense or infraction.

Restitution. Reimbursement for defacement, damage to, or misappropriation of property, or personal injury expenses.

Community or College Service. The performance of an appropriate amount of public service that is both beneficial to the College or community and which will likely assist the individual in understanding the harm caused by his or her behaviour.

Diversion Programme: Enrolment and completion of a class or workshop that helps the person understand the harm caused by his or her behaviour. This sanction may be required for alcohol, substance abuse, or psychological assessments.

Restricted Student Status. The student will be allowed to go to and from classes only and will not be allowed to participate freely in any other campus activity. Campus security services may be required, if deemed appropriate. This sanction may remain in effect until completion of the disciplinary process.

Disciplinary Suspension. Exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time. A disciplinary suspension will be held in abeyance during an appeal.

Expulsion. Termination of student status. Readmission may not be sought before the expiration of one academic year from the date of expulsion. Readmission must be sought through the Office of the President.

Permanent Expulsion. Permanent expulsion is for the most severe cases, with no rights for future readmission considered.

8. Appeal Process

An appeal of the findings of the Director of the Student Success Centre that a violation occurred, and/or the imposed sanction or sanctions may be taken to a College Review Board.

- a. A notice of appeal must be filed by the student with the office of the Vice President within five (5) College business days after the student has received notice of the decision of the Director of the Student Success Centre.

9. College Review Board

- a. *Jurisdiction:* jurisdiction over a student's appeal from a disciplinary decision made by the Director of the Student Success Centre shall be vested in the College Review Board.
- b. *Parameters:* The College Review Board is not a court of law. Its procedures are informal and its reviews shall not be perceived as an adversary process. The College Review Board shall have the right to make appropriate judgments about procedural questions as they arise. These judgments shall be made in light of the need for a fair, expeditious, and orderly review. In its deliberations, the College Review Board shall not consider the appropriateness of College rules and regulations or the right of faculty and administrators to enforce College rules and regulations. The right to define and establish appropriate standards, rules, and regulations, which govern various College functions and activities shall be reserved to the administrators and faculty members charged with the implementation and supervision of those functions and activities.
- c. *Membership:* The College Review Board shall be composed of one Dean (Academic or Workforce) as appointed by the Vice President, a staff person appointed by the Vice President, and the President of the Student Government Association. If any of the College Review Board members are involved in Board proceedings or have a conflict of interest, or cannot be present for the hearings, the appropriate body shall provide a substitute. The Dean shall serve as Chair and shall call the meetings.

d. *Procedures:*

- i. The aggrieved student, within five (5) College business days, must file a notice of appeal with the Vice President for Academic and Student Affairs.
- ii. The Director of the Student Success Centre will notify the Chair of the College Review Board that a notice of appeal has been filed and that the Chair shall set a date for a hearing within twenty (20) College business days of the filing of the notice unless all parties agree to an extension.
- iii. Not less than five (5) College business days prior to the hearing, the student and the College Review Board shall be provided with a copy of the complaint; the investigation file; and the decision made by the Director of the Student Success Center, including a statement of the sanction(s).
- iv. The student shall be allowed to review and supplement the file with his/her statement, any witness statements, or any other relevant evidence, within five (5) College business days before the hearing.
- v. The College Review Board's proceedings shall be closed to the public in order to maintain student confidentiality. The Board *may* request the presence of the accused student or any other person to clarify evidence on the record.

e. *College Review Board Decisions:*

Decisions of the College Review Board shall be based upon the record of all material required to be furnished to the Board. The College Review Board shall decide cases by a majority vote. After following the procedures described in this section, the Board may:

- Accept the decision of the Director of the Student Success Centre and support the penalty imposed;
- Reverse the decision of the Director and dismiss the case because the evidence did not meet the standard of proof or there was a flagrant abuse of the process;
- Accept the decision of the Director, but reduce or increase the sanction as warranted.

f. *Notice:*

The student shall be provided with written explanation of the reasons for any decisions rendered against him/her. The records of the proceedings are regarded as confidential. They are to be kept for a minimum of three years in the Office of the Director of the Student Success Centre, and are available only to those approved by the Director of the Student Success Centre and in accordance with applicable policies.

g. *Final Authority:*

- A decision by the College Review Board is the final step in the Appeal process.