

Procedure Title: Student Code of Conduct
Procedure Number: 07-2019-0005
Board Policy Reference: IV.A. General Executive Direction
NWCCU Standard:

Accountable Administrator: President
Position responsible for updating: Dean, Student Services
Original Date: June 19, 2019
Date Approved by College Planning Council: 06/13/2023
Authorizing Signature: *Original signature on file*
Date Posted on Web: 06/13/23
Revised: 06-23 **Reviewed:** 06-23

Purpose/Principle:

Blue Mountain Community College (BMCC) is committed to the success of its students and is dedicated to student learning, retention, safety, and the development of responsible personal and social conduct.

Each member of the BMCC community must adhere to a code of responsible behavior. This document communicates the expectations that the College has of students and is intended to educate and guide students to understand their responsibilities. This Code is aligned with the College’s Non-Discrimination Statement and shall not be administered in a discriminatory manner. Every effort will be made to balance the needs and rights of the individual with the welfare of the community as a whole.

This Code applies to all BMCC students, recognized student organizations, and groups of students. In addition, students who are enrolled in specific educational programs with additional standards of behavior are also expected to follow those related academic and conduct standards.

Definitions:

- **Adjudicate:** a method of resolving alleged student misconduct which employs a fact-finding, impartial adjudicator to render a binding decision in the matter.
- **Administrative Hearing:** a meeting held by a Student Conduct Officer to (a) investigate or (b) gather more information about a possible Code violation.
- **Appellate Officer:** the Dean, Student Services or designee has the authority to consider an appeal of a Student Conduct Officer’s decision.
- **Code:** this Student Code of Conduct.
- **College:** Blue Mountain Community College; BMCC; or any physical space or virtual environment being used by Blue Mountain Community College.
- **College Official:** any person employed, contracted, or assigned by the College, including, on some occasions, students performing assigned administrative or professional responsibilities.
- **College Premises:** includes all physical space (buildings, facilities, and other property, including adjacent streets and sidewalks) and the virtual environment in the possession of, owned, used, or controlled by the College.
- **Educational Record:** any record directly related to a student and maintained by the College or by a party acting for the College, as defined by the Family Educational Rights and Privacy Act. This includes academic records and disciplinary records.

- **Faculty Member:** any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty or instructional staff.
- **Member of the College Community:** any person who is a student of, employee of, or who is contracted to perform services of any kind for the College.
- **Policy:** the written rule or regulations of the College as found in, but not limited to, the Code, as well as contracts, academic catalogs, administrative procedures, and any other documents that are deemed by the College to express College policy.
- **Preponderance of Evidence:** a decision whether the Responding Party more likely than not engaged in an alleged violation of this Code.
- **Reporting Party:** an individual or group who brings forward an allegation of a Code violation. The College may be the “Reporting Party.”
- **Responding Party:** any student or group charged with an alleged violation in this Code.
- **Student:** any person who is registered for one or more credit or non-credit hour(s), including online learning courses, or who has applied for admission, received financial aid, or received any other service or benefit provided by the College which requires student status. Any person who has withdrawn or who is not enrolled in any courses, but who has a continuing relationship with the College, may be considered a “student” for the purposes of this Code.
- **Student Conduct Officer:** an official authorized by the Dean, Student Services or designee(s) to be responsible for administration of the Code and to conduct an Administrative Hearing. This official is also authorized to impose sanctions when it has been determined that a violation has occurred.
- **Student Organization:** any student or group of students formally recognized by the College as a Student Organization, or any group with student membership that uses College spaces, funds, or materials.
- **Support Person:** any person that attends an Administrative Hearing or proceeding under this Code with a student, including, but not limited to, a parent, a friend, a Navigator, Success Coach or Faculty Advisor, a Disability Services practitioner, another College staff person, or an attorney.

Authority:

- A. The Board of Directors delegates to the College President the authority to oversee the administration of conduct standards.
- B. Administration of the Student Code of Conduct is the responsibility of the Dean, Student Services or designee(s), who shall develop procedures to carry out the Code.
- C. Student Conduct Officers (Dean, Center Director, or designated Student Services Director) shall serve as the principal investigators and administrators for alleged violations of the Code, and shall interpret and implement procedures to carry out the Code. Decisions made by a Student Conduct Officer shall be final, pending the appeal process set forth in this Code.
- D. The Dean, Student Services is responsible for reviewing the Student Code of Conduct policy and Student Rights and Responsibilities Statement as set forth in administrative procedures 07-2019-0005, 07-2019-0004. All revisions to these policies must be approved by the SFC, the Dean, Student Services, Chief Academic Officer, President’s Executive Team, College Planning Council, and the College President.

Jurisdiction:

- A. The Code shall apply to student conduct on College premises; at or in connection with College-related or sponsored events and activities, regardless of location, including but not limited to international or domestic travel, activities funded by the Associated Student Government, athletic events, trainings, online learning, supervised academic/work experiences, or any other College-sanctioned social or club activities; and off-campus during non-College- related or sponsored events and activities, when the College, in its sole discretion, determines that the alleged off campus misconduct adversely affects the College community or the pursuit of the College’s objectives.
- B. The Code shall apply to student conduct at all hours during each term, between terms, and during periods in which a student is not enrolled but has a continuing relationship with the College, from the time a student applies for

admission to the College through the student's receipt of a degree, completion of program, or withdrawal from the College. Proceedings under the Code may continue if a student withdraws while a disciplinary matter is pending, whether or not the student has a continuing relationship with the College.

- C. All persons, including persons who are not students, must comply with all applicable College policies and procedures when attending or participating in any activity connected with the College.
- D. At the discretion of the Student Conduct Officer(s), allegations of misconduct by students or student groups may be adjudicated prior to, concurrent with, or following any civil or criminal proceedings.

Conduct Subject to Disciplinary Action:

The following constitutes conduct prohibited by the College for which a student or student organization is subject to disciplinary action:

- A. **Academic Misconduct.** Actions constituting violations of academic integrity include, but are not limited to the following:
 - 1. **Cheating.** Includes but is not limited to use of any unauthorized assistance for academic work and use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
 - 2. **Collusion.** Includes but is not limited to assisting another to commit an act of academic misconduct, such as paying or bribing someone to acquire a test or assignment, taking a test or doing an assignment for someone else, unauthorized group work, use of unauthorized electronic devices, or allowing someone to do these things for one's own benefit.
 - 3. **Fabrication.** Includes but is not limited to falsifying data, information, or citations in completing an academic assignment or other institutional document, and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
 - 4. **Plagiarism.** Includes but is not limited to use of someone else's language, ideas, or other original material (not common-knowledge) without attribution to the source. This definition applies to all student work, not limited to print materials, online materials, manuscripts, oral discussion, and the work of other students. Examples include submitting someone else's language, ideas, or materials as one's own; inadequate paraphrasing, copying words and changing them a little, even if you give the source; carelessly or inadequately citing ideas and words borrowed from another source; self-plagiarism, including the unauthorized submission for credit of academic work that has been submitted for credit in another course.
- B. **Alcohol, Drug, and Tobacco Violations.** See Administrative Procedures: Drug and Alcohol-Free College <https://www.bluecc.edu/home/showdocument?id=9010> and Prohibited Use of Tobacco Products or Inhalant Delivery Systems <https://www.bluecc.edu/home/showdocument?id=9968>
 - 1. **Alcohol.** The use, possession, delivery, sale, or being under the influence of any alcoholic beverage is prohibited on College premises and during College-related or sponsored events and activities, except as permitted by law and applicable College policies.
 - 2. **Drugs.** The use, possession, delivery, sale, or being under the influence of any illegal drugs is prohibited at all times. This includes unauthorized use of prescription drugs.
 - 3. **Marijuana.** The possession, consumption, being under the influence of, or furnishing marijuana, cannabis, or any of its derivatives is prohibited on College premises and during College-related or sponsored events and activities.
 - 4. **Tobacco and Inhalants.** Possession and use of tobacco products and inhalant delivery devices by persons under the age of 21 is prohibited on all BMCC grounds and property. Including, but not limited to: in facility buildings, at facility-sponsored activities, in vehicles on facility grounds on the main campus and at all centers, including satellite properties. Use of tobacco or inhalants by persons 21 years of age and older is permitted in outdoor areas (unless posted otherwise) and in designated smoking areas that are located 20 feet away from doorways, windows, and ventilation systems to prevent smoke from entering buildings and facilities.

- C. **Assault, Endangerment, Harassment, and Intimidation.** Unwelcome physical contact that obstructs or disrupts a person from engaging in individual activities; puts a person in reasonable fear for personal safety; or causes or creates a substantial risk of personal injury or property damage. Non-physical contact, including but not limited to, bullying, intimidating, or threatening behavior, that obstructs a person from engaging in individual activities; puts a person in reasonable fear for personal safety; causes or creates a substantial risk of personal injury or property damage; or causes or is intended to cause emotional or physical distress. Non-physical contact includes all forms of direct or indirect contact with another person, including, but not limited to, written, electronic, or telephonic communication of any form.

Reporting Amnesty

BMCC encourages all community members to report behavior associated with assault, endangerment, harassment, and intimidation. To support such reporting, BMCC will not pursue student conduct proceedings against a reporting student, a complainant, a respondent or witness for personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. BMCC may however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana or other drugs. BMCC's reporting amnesty is in alignment with ORS 471.434.

BMCC WILL NOT pursue any conduct violation against a survivor for substance use, including alcohol, at the time of sexual assault/harassment if the sexual assault/harassment is reported to the Dean, Student Services or the Chief Human Resources Officer/Title IX Coordinator.

1. **Hazing.** An act which endangers or jeopardizes the mental or physical health or safety of a student or other College community member, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. This includes, but is not limited to all violations of applicable hazing laws. The express or implied consent of the person subject to the hazing does not relieve an individual or group from responsibility for violating the Code. Apathy or acquiescence in the presence of hazing are not neutral acts but are violations of this rule.
2. **Harassment.** Unwelcome verbal, nonverbal, visual, or physical conduct that is so severe, persistent, or pervasive that it interferes with or limits the ability of a student, faculty, or staff member to participate in, or benefit from, the College's educational and/or employment opportunities, programs, or activities. A single, serious incident may also constitute harassment. At the College's sole discretion, harassment may be addressed through the College's Nondiscrimination and Non-harassment Policy <https://www.bluecc.edu/home/showdocument?id=10312> instead of, or in addition to, this Code.
3. **Sexual Misconduct.** Unwanted conduct of a sexual nature that constitutes sexual harassment, sexual assault, relationship violence (including domestic violence and dating violence), stalking, and includes related acts of retaliation. Relevant definitions and the procedures for addressing possible sexual misconduct are included in the College's Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Policy <https://www.bluecc.edu/home/showdocument?id=13053> At its sole discretion, the College may address possible sexual misconduct through this Code instead of, or in addition to, this Code.
 - i. **Sexual Harassment:** is defined as any unwelcome conduct of a sexual nature, including sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual or gender based nature.
 - ii. **Sexual Assault:** a forcible or non-forcible sexual act or sexual contact that occurs without the consent or permission of the other person, Consent is words or overt actions indicating a freely given agreement to the sexual act or sexual contact in question. Consent is not an absence of no.

- iii. **Domestic Violence:** An intra-family offense that results in physical injury, including physical pain or illness, or that caused or was intended to cause reasonable fear of imminent serious physical injury or death.
- iv. **Dating Violence:** An offense against an intimate partner (romantic, dating, or sexual relationship) that results in physical injury, including physical pain or illness or that caused or was intended to cause reasonable fear of imminent serious physical injury or death.
- v. **Stalking:** A course of conduct directed at a specific individual with the intent to cause that individual (or where the person knows or should have known that it would cause the individual) to fear for his or her safety or the safety of another person; feel seriously alarmed, disturbed, or frightened; or suffer emotional distress.

D. Disruptive Behavior.

- 1. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, other College-related or sponsored activities, including the College's public service functions, or other authorized activities on College-owned or controlled property.
- 2. Obstruction or disruption interfering with the freedom of movement, including obstruction of the free flow of pedestrian or vehicular movement on College property or at a College activity.
- 3. Leading or participating in any activity that unreasonably infringes on the rights of another member of the College community or that is intended to or reasonably may incite another person to unreasonably infringe on the rights of another member of the College community.
- 4. Interfering with someone else's participation in a College activity, event, or process.

E. Failure to Comply.

- 1. Failure to comply with reasonable directions of College officials, acting in the scope of their duties. In some cases "officials" may be students employed to act on behalf of the College.
- 2. Failure to comply with any disciplinary sanction imposed under the Code.

F. Falsification of Information. Includes, but is not limited to:

- 1. Knowingly furnishing false information, or failing to furnish correct information, in response to request or requirement of a College Official.
- 2. Forging, altering, or misusing BMCC documents, records, or identification cards, including electronic documents and records.
- 3. Unauthorized use of another individual's identification or password, or sharing one's personal identification or password with an unauthorized user.
- 4. Knowingly reporting a false emergency.
- 5. Knowingly making false statements or knowingly submitting false information in bad faith as part of a complaint or report, or associated with an investigation into misconduct

G. Fire and Life Safety. Includes, but is not limited to:

- 1. Tampering with fire safety equipment, generating a false alarm, or engaging in behavior that constitutes a fire or safety hazard.
- 2. Failure to evacuate a College building after an alarm has sounded.
- 3. Failure to follow the fire and/or life safety-related directives of a person authorized to give such directives.

H. Property Theft and/or Damage. Attempted or actual theft of, unauthorized use or possession of, and/or damage to property of the College or of a member of the College community.

I. Recording.

- 1. Using, obtaining, or attempting to obtain, electronic or other means to photograph or record the likeness of another without the individual's consent, in any situation in which there is a reasonable expectation of privacy, is prohibited. This includes, but is not limited to, recording another person in an intimate situation.
- 2. Recording in any College locker room or restroom is strictly prohibited.
- 3. Recordings of lectures and presentations may not be used for any reason other than personal educational purposes and may not be shared publicly.

- J. **Retaliation.** Retaliating, or attempting to retaliate, against any individual for exercising one's rights or reporting, providing information, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state, or local law, or College policy, including, but not limited to, the provisions of this Code.
- K. **Unauthorized Access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to College Premises, or unauthorized entry onto or into College premises.
- L. **Violation of College Policy.** Violation of any College policy, rule, or regulation that is posted by a College Official or available electronically on the College website.
- M. **Violation of Law or Regulation.** Engaging in conduct that is contrary to any federal, state, or local law when such violation interferes with, or poses a risk to, the College or interferes with other students' participation in College programs, activities, or events.
- N. **Weapons and Dangerous Materials.** Possession or use of firearms, explosives, instruments, or other weapons including replicas of weapons, or dangerous chemicals on College premises or use of any item in a manner that harms, threatens, or causes disruption to the educational environment. Exceptions to this policy are permitted when the weapon and/or dangerous materials are used in conjunction with an approved College instructional program, is carried by a duly constituted law enforcement officer, or is otherwise permitted by law. Possession of Firearms, Destructive Devices, Weapons, and Knives <https://www.bluecc.edu/home/showdocument?id=8354>

General Misconduct Procedures:

- A. **Temporary Removal of Registered Students.** If a student is engaging in disruptive behavior, a course instructor may temporarily restrict a student's participation in class or temporarily block access to the digital learning management system. Before allowing the student to return to class, the instructor, Department Chair, and/or Dean will clarify with the student the behavioral standards that must be met in order to continue in the class. This clarification will occur as expeditiously as possible, preferably before the next class session or equivalent. During the period of restriction, the student must be provided the opportunity to maintain access to the educational/course content. Instructors must facilitate an alternate method for this to occur. A Student Conduct Officer can provide consultation and coordination throughout the classroom management process. If the disruptive behavior is not resolved through the clarification process, the situation must be referred to a Student Conduct Officer. Any permanent removal from class must be in accordance with the procedures of this Code.
- B. **Removal of Unauthorized Individuals.** Instructors may restrict persons who are not registered from attending class sessions. Exceptions on the basis of disability must be approved by the College's Disability Services Office. Other exceptions may be made by a college official.
- C. **Administrative Hearing Process.**
 1. **Report.** Anyone may submit information about a possible Code violation by submitting an incident report to https://cm.maxient.com/reportingform.php?BlueMountainCC&layout_id=4
 2. **Preliminary Review.** The Student Conduct Officer may gather further information to determine whether the reported conduct, if substantiated, may constitute a possible Code violation. If the Student Conduct Officer determines that the reported conduct, even if substantiated, likely would not amount to a Code violation, the Student Conduct Officer may choose to close the report or address the report through another College administrative process.
 3. **Interim Action.** Student Conduct Officer may impose an appropriate sanction as reflected in the Code with the exception of Expulsion, including (a) immediate suspension; (b) restricting access to College premises, the virtual learning environment, and/or all other College activities or privileges; or (c) any other action approved by the Dean, Student Services deemed as reasonable to prevent the recurrence of the alleged Code violation or to protect the integrity of the investigation. The interim action(s) does not replace the Administrative Hearing process as outlined in this Code. The student will be notified in writing of any interim action and the rationale. As soon as practical following implementation of the interim action, in most cases within three (3) days, the Student Conduct Officer shall provide the student an opportunity to address the action and supporting information in person, by phone, or through written communication. Based on that information, the Dean, Student Services or the Student Conduct Officer/Coordinator may maintain, revoke, or modify the interim action.

4. **Notice of Hearing.** After the preliminary review by the Student Conduct Officer, a Hearing Notice may be sent to the Responding Party. The notice shall include: (a) a brief description of the reported allegation(s), (b) the section(s) of the Code the Responding Party is alleged to have violated, (c) the range of possible sanctions for the alleged violation(s), (d) a specific date to schedule a meeting by, (e) information about having a Support Person attend, (f) information on how to request accommodations for a disability, and (g) information on the Administrative Hearing procedures. The Administrative Hearing typically occurs within ten (10) days from the date on the Hearing Notice. Requests for extensions by the Responding Party may be granted at the discretion of the Student Conduct Officer.
5. **Administrative Hearing and Investigation.**
 - a. The Responding Party may elect to participate in the Administrative Hearing in person, by telephone, by videoconference, and/or by submitting a written statement.
 - b. The Responding Party may elect to not participate in this hearing. If the Responding Party elects not to participate in or fails to attend the hearing, the Student Conduct Officer may decide the matter in the party's absence. Failure to cooperate or appear will not delay the outcome of the matter.
 - c. If the Responding Party elects to participate in the hearing, the Student Conduct Officer will review the alleged violation(s) with the Responding Party at the hearing. The Responding Party will be provided a reasonable opportunity to share the party's perspective, provide information to the Student Conduct Officer, and respond to the information presented.
 - d. The College and/or the Responding Party may seek legal advice at the party's own expense. The Responding Party may consult the party's Support Person, including an attorney, during the Administrative Hearing, but the Support Person may not participate in the meeting in any other manner, including speaking on behalf of the student. The Responding Party must notify the College within forty-eight (48) hours prior to the Administrative Hearing if the Support Person will be an attorney.
 - e. The Student Conduct Officer may gather additional information after the meeting, such as by conducting interviews and reviewing documents. The Student Conduct Officer may need to meet with the Responding Party about information gathered after the initial Administrative Hearing. In general, this may take up to ten (10) days after the hearing, or longer as appropriate under the circumstances.
 - f. The Student Conduct Officer will make reasonable efforts to communicate to all relevant parties any anticipated delays of more than ten (10) days.
6. **Decision.**
 - a. The Student Conduct Officer's decision will be based on a preponderance of the evidence.
 - b. After the hearing and the conclusion of any investigation, a decision letter will be sent to the Responding Party's College email explaining (i) the decision of the Student Conduct Officer, (ii) the sanction(s) imposed, if any, and (iii) information about the appeal process, if a Code violation is found.
 - c. In accordance with FERPA, the Reporting Party may be notified of the decision and if an appeal is filed.
 - d. The decision of the Student Conduct Officer is final unless an appeal is filed in accordance with the appeal procedures set forth in this Code.
7. **Sanctions.**
 - a. Sanctions may be imposed upon any student, student organization, or student group found to be responsible for violating the Code.
 - b. More than one sanction may be imposed for a single violation.
 - c. Expulsion will become a part of the Responding Party's disciplinary record and permanent academic record. All other sanctions will become part of the Responding Party's disciplinary record but may not be a part of the party's permanent academic record.
 - d. Sanctions, including, but not limited to, the following, are intended to be educational and developmental in nature:

- i. **Administrative Removal from a Class.** The Responding Party will be removed from a specific class but be allowed to continue in all other courses, unless otherwise restricted. The Responding Party is responsible for any tuition and fees associated with the administrative withdrawal process.
- ii. **Community Service.** The Responding Party must provide a designated number of hours of service to a designated entity.
- iii. **Educational Sanctions.** The Responding Party must complete tasks such as assignments, interviews, reflection papers, educational meetings, or other educational activities.
- iv. **Expulsion.** The sanction of Expulsion is by recommendation of the Dean, Student Services to the President and will result in the permanent separation of the Responding Party from the College. This means that the Responding Party may not, at any time in the future: enroll in the College; be a member of any student club or organization; or register for, or participate in, any program, activity, or event sponsored or organized, in whole or in part, by the College. The Responding Party is trespassed from College Premises, which means the party may never again be present on College owned or controlled property, or access the virtual learning environment. The Responding Party's rights and privileges as an enrolled student at the College are immediately revoked. The Responding Party will be responsible for any tuition and fees associated with the administrative withdrawal process, including any financial aid status implications.
- v. **Loss of Privileges.** The Responding Party is denied specified privileges of being a student for a designated period of time.
- vi. **No Contact Directive.** The Responding Party is prohibited from contacting a specified person(s) related to the Code violation. This includes contact initiated through any means (including personal, electronic, and telephonic) as well as contact initiated by any third parties on the Responding Party's behalf or request. This restriction applies both on and off campus. Failure to abide by the terms of this sanction will result in further disciplinary action.
- vii. **Notation on Transcript.** A notation may be placed on the Responding Party's academic transcript related to the party's disciplinary standing only if there is a sanction of Expulsion.
- viii. **Probation.** For a specified period of time, any additional Code violations by the Responding Party will result in progressive disciplinary action. During the period of probation, the Responding Party is not considered in good disciplinary standing. Upon expiration of the probation period and fulfillment of other sanctions imposed (if any), the disciplinary probation will be lifted.
- ix. **Restitution.** For violations involving damage to, destruction of, or theft of property, the Responding Party may be required to make monetary restitution and/or return any stolen or misappropriated property in an amount not to exceed the actual expenses, damages, or losses incurred.
- x. **Registration Hold.** Students who do not complete assigned sanctions within the time provided may be prevented from registering for classes until completion of those sanctions.
- xi. **Suspension.** The temporary separation of the Responding Party from the College for a specific period of time. During the suspension period, the Responding Party is not eligible for the privileges and services provided to enrolled students, including but not limited to registering, attending class, or accessing the virtual learning environment. The Responding Party is trespassed from the College, including from all College owned or controlled property, services, and facilities. The Responding Party will be responsible for any tuition and fees associated with the administrative withdrawal process including any financial aid status implications. Upon expiration of the suspension period, the Responding Party must submit in writing a request for reinstatement to the Dean, Student Services, or designee. The Responding Party may be asked to provide a statement

demonstrating readiness to return and successfully re-engage with the College community. If the Student Conduct Officer confirms that all terms of the suspension have been met and the suspension is lifted, the Responding Party may be reinstated with or without additional conditions, at the discretion of the Dean, Student Services.

- xii. **Warning.** Written notice that the Responding Party has been found responsible for violating the Code. Additional Code violations may result in progressive disciplinary action. A warning does not affect the Responding Party's disciplinary standing.

8. Appeals.

- a. Appeals must be submitted electronically via email to the Dean, Student Services through the link provided in the Responding Party's decision letter and received within five (5) days of issuance of the decision letter.
- b. The request for an appeal must state the specific grounds for the appeal. Dissatisfaction with a decision is not grounds for an appeal. Grounds for an appeal are limited to:
 - i. Demonstrating that the Administrative Hearing deviated from the procedures outlined in the Code; however, deviation from these procedures shall not invalidate a decision or result in any other remedy unless it materially affected the Student Conduct Officer's decision.
 - ii. Demonstrating that the imposed sanction(s) was inappropriate for the Code violation.
 - iii. Considering directly relevant information that was not known to the Student Conduct Officer and was not known, and that could not reasonably have been known, to the Responding Party at the time of the Administrative Hearing.
- c. The Dean, Student Services will assign an Appellate Officer who will review the appeal request, together with any other information the Appellate Officer deems relevant, which may include reviewing the Administrative Hearing record and consulting with the Student Conduct Officer, to determine whether an appeal hearing would assist the Appellate Officer in deciding the appeal. The Appellate Officer, using best judgment may grant an appeal hearing, or not.
- d. If an appeal hearing is granted, the Appellate Officer may limit the subject of the hearing to matters that will assist the officer in deciding the appeal, which may include a request to the Responding Party for additional information. The Appellate Officer may ask questions of the Responding Party at the hearing. The Responding Party's failure to cooperate or appear at the appeal hearing will not delay the outcome of the appeal. The Appellate Officer may dismiss the appeal if the Respondent fails to appear at the hearing.
- e. The College and/or the Responding Party may seek legal advice at the party's own expense. The Responding Party may consult the party's Support Person, including an attorney, during the appeal hearing, but the Support Person may not participate in the hearing in any other manner, including speaking on behalf of the student.
- f. The Appellate Officer will make one of the following decisions on the appeal:
 - i. Refer the case back to the original Student Conduct Officer for reconsideration or additional proceeding if the Appellate Officer determines that new information provided by the Responding Party, as set forth above, is directly relevant and may alter the findings of the Student Conduct Officer.
 - ii. Deny the appeal. In this case, the decision of the Administrative Hearing, including any sanctions imposed, is affirmed.
 - iii. Grant the appeal. In this case, the Appellate Officer may render a new decision, including amending the findings and/or sanctions of the original decision.
- g. The decision to grant or deny the appeal will be based on the preponderance of the evidence.
- h. The Appellate Officer's decision will be issued in writing to the Responding Party and is final. The decision shall be issued within five (5) days after receipt of the appeal.

Academic Misconduct Procedures

- A. **Report.** Anyone may submit information about a possible academic misconduct Code violation at <https://www.bluecc.edu/academics/academic-portals/academic-dishonesty-cheating>. Academic misconduct allegations not involving instruction, grades, academic programs, and/or classroom matters will be facilitated through the General Misconduct Procedures described above.
- B. **Review.** Allegations of academic dishonesty or disruptive classroom behavior are first addressed by the instructor. Instructors are expected to make a reasonable effort to discuss the allegations with the Responding Party prior to submitting an Academic Dishonesty report.
- C. **Sanctions:** Instructors may impose one of the following academic sanctions after discussing the incident with the Responding Party:
- 1) A score of 0 for the assignment or test
 - 2) Require the student to redo the assignment or test
 - 3) Lower the grade on assignment or test
 - 4) Assign a failing "F" grade for the course
 - 5) Dismissed from the course
 - 6) Dismissal from a program (as approved by the corresponding Instructional Department Chair and Dean)
- D. **Grade Appeals:** In accordance with the BMCC Blue Mountain Faculty Association (BMFA) contract, (Article 12.B), should a student feel that they have been graded unfairly, after discussing the issue with the instructor, the student may appeal to the Chief Academic Officer for a change in grade in accordance with the following grade appeal process:
- 1) The student shall complete a grade appeal form, which shall include all the particulars of the situation surrounding the grade given, what grade change is requested, and a statement that substantiates the perception of the student that the grade assigned is unfair.
 - 2) The form shall be submitted to the Chief Academic Officer (or designee) who shall review the appeal with the instructor. The instructor shall respond to the statement of the student in written form.
 - 3) If the instructor's decision is to change the grade in agreement with the student's request, it will be recorded and the process will be complete.
 - 4) If the instructor's decision is not to change the grade and the student is not satisfied with the decision the appeal process may be continued.
 - 5) All documentation surrounding the grade appeal shall be reviewed by a committee of three faculty members in accordance with the BMCC BMFA contract. The committee shall be authorized to change a grade and the committee's decision shall be final.
 - 6) A permanent record of the grade change shall be maintained in the Registrar's Office.

Concurrent Proceedings: Nothing in this Code shall preclude or in any way restrict additional actions in any College department, educational program, or activity related to academic, professional, or similar standards specific to the department, program, or activity.

Student Code of Conduct Revision Schedule:

- A. The Student Code of Conduct shall be reviewed at least every three (3) years or as determined by the Dean, Student Services.
- B. In situations where a timely revision is necessary due to changes in federal or state laws, the Dean, Student Services will create an interim revision to a specific aspect within this code for the President's Executive Team's immediate approval. This temporary/ interim statement will be put into effect until a permanent revision is able to move through the formal approval process.

Student Code of Conduct/Disciplinary Record Retention:

- All files and records of General Misconduct procedures under this Code are maintained by the Office of the Dean, Student Services.
- All files and records of Academic Misconduct procedures under this Code are maintained by the Office of Instruction.

References:

Collective Bargaining Agreement, BMCC and BMFA	https://www.bluecc.edu/Home/ShowDocument?id=2040
Complaint Process	07-2014-0001
Drug and Alcohol-Free College	03-2006-0003
Gender-Based Misconduct	07-2014-0002
Hazing, Harassment, Intimidation, Menacing –	03-2006-0012
Hazing, Harassment, Intimidation, Bulling, Cyberbullying, Menacing – Student	07-2019-0002
Non-discrimination Non-Harassment	03-2003-0014
Non-Discrimination Discrimination Complaint Grievance	03-2006-0001
Possession of Firearms, Destructive Devices, Weapons, and Knives	03-2003-0011
Prohibited Use of Tobacco Products or Inhalant Delivery Systems	03-2003-0008
Student Rights and Responsibilities	07-2003-0016
Statement of Student Rights and Responsibilities	07-2019-0004
Association for Student Conduct Administration (ASCA)	https://www.theasca.org/

Credit given to Portland Community College for sample policy language. Consent to use Student Code of Conduct Policy and Procedure language from Portland Community College, provided on 05/20/2019