Equal Opportunity and Non-Discrimination Policy Statement

I. Purpose

Glen Oaks Community College is committed to a policy of providing equal access to education for all persons regardless of race, color, sex, age, religion, national origin, sexual orientation, disability, veteran status, or other status as protected by law.

Equal employment opportunity is a legal, social and economic responsibility of the college and is provided in accordance with applicable federal and state laws and Glen Oaks Community College policy. The college policy and practice at all levels assures the active and positive implementation of federal and state equal employment opportunity laws, executive orders, rules and regulations and college equal employment opportunity policies and guidelines.

The college prohibits retaliation or reprisals against any individual because he/she has filed a complaint or report, participated in an investigation, or otherwise opposed unlawful discrimination.

II. Scope

This nondiscrimination policy applies to admissions, employment, and access to college programs and activities. This policy applies to all persons employed by Glen Oaks Community College, enrolled as a student, seeking admission to the college, requesting employment at, or having contracts with the college.

III. General

The college is committed to and reaffirms support of equal opportunity in employment, education, and non-discrimination in employment and academic policies, practices and procedures and will examine periodically all employment and academic policies for discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, veterans status, or other protected status and take remedial action to correct such discrimination if it is found to exist.

The college values diversity and seeks talented students, faculty and staff from diverse backgrounds. The college does not discriminate in the administration of educational policies, programs or activities; admissions policies; scholarship and loan awards; or other college administered programs or employment.

Failure to follow this policy may result in disciplinary action up to and including termination of employment or expulsion.


Due Process

Policy 3.43

The fundamentals of due process will be provided for students charged with violations of institutional policy and/or procedure.

Students shall have the right to be accorded due process in all disciplinary actions resulting in a change of their social and/or academic status at Glen Oaks Community College. It is with this spirit that procedures have been established. For a complete outline of the due process procedure, students are advised to contact the Dean of Students.

Family Educational Rights and Privacy Act Release of Student Records (FERPA)

Policy 3.48

Glen Oaks Community College recognizes the importance of maintaining records for each individual student which present authentic evidence of the events and actions which both contribute to and confirm the student’s educational progress and to facilitate the intelligent and purposeful direction necessary to the achievement of the educational goals of the student in a college setting.

The release and disclosure of student records maintained by Glen Oaks are in large measure governed by state and federal laws. It is the purpose of these guidelines to provide reasonable interpretations of privacy. These guidelines are effective as of January 1, 1975, but are subject to change as federal guidelines are subsequently developed. The Family Educational Rights and Privacy Act of 1974 basically provides for the following:

1. To protect a student’s right to privacy of information which Glen Oaks has in its possession concerning the student.

2. To provide a reasonable guideline for release or disclosure of such information as is required by federal and state law and as is necessary for the effective functioning of the college.

The following are matters of public record and may be included in publications or disclosed upon request without
the consent of the student. This “directory” information can be located in the academic files:

- Name of student
- Student’s local phone/e-mail
- Student’s local and/or permanent address
- Date and place of birth
- Enrollment status
- Dates of attendance
- Most recent previous educational agency or institution attended by the student
- Class (freshman, sophomore)
- Academic majors
- Information pertaining to honors, achievements, degree(s) and/or certificates earned from Glen Oaks Community College
- Dates, participation in officially recognized college activities and sports, and weight/height of athletic team members

All personally identifiable information not covered by the aforementioned is confidential and shall not be disclosed by Glen Oaks Community College. Upon proper identification any Glen Oaks Community College student 18 years of age or older, past or present, or any parent/guardian of a student under 18 years of age or the parents of a dependent student (as defined by Internal Revenue Code of 1954, Section 152) may examine the official records, files and data of the college directly relating to the student. (The parent/guardian of a non-dependent student 18 years or older does not have the right to examine the student’s record with the student’s consent as provided in the Family Educational Rights and Privacy Act of 1974 and its ensuing modifications).

The procedure for access to Student Record Files will be handled through the Registrar and the Registration/Records Office with verification of identity by the student.

Records can be shown to school officials for legitimate educational purposes. For the purposes of this policy, legitimate educational purposes are those which would facilitate the official in delivering service to the student.

The College will annually notify the student of certain of their rights with the College Catalog (available free of charge and on the College’s website). If the student objects to the release of such information he/she must notify the Registrar of his/her objection to directory information release within two weeks of the annual notification.

Records may be disclosed to college officials of a college in which the student seeks to enroll. The student/parent must be presented with a copy of the records if requested.

Records may be disclosed to certain federal and state officials acting within their functions in connection with financial aid requests, to testing agencies to administer and validate their tests and to accrediting institutions, in compliance with a court order, and in health and safety emergencies.

All confidential information shall be disclosed only on a need-to-know basis. That is, an official requesting information must have a legitimate need to have the requested information for the effective function of the position or office. Determinations as to whether the need to know requirement has been satisfied shall be made by the head administrator of the area retaining the information. Existing policies and procedure adequately cover these circumstances.

A request for copies of the record will be denied when the student/parent can effectively review the records without copies.

No student/parent will be required by the college to waive any rights but may be requested to do so.

Exemptions to the access of student record files and data are the following: Students may be denied access to notes and observations kept by counselors, staff and faculty members for their personal use and not for the use of an outside agency or other persons or offices in the college, to psychologists’ and psychiatrists’ records, etc. which are kept confidential and employment records, so long as employment is not part of the student status. (If the records serve as client-professional practitioner relationship, the student shall have access only through the practitioner. Release or disclosure of these records shall be governed by state statute and codes of professional ethics). Students may be denied access to disciplinary records which relate to the student as an individual or citizen. A file on any incident may contain several names including both students and non-students. In Michigan, such records are not accessible to the individual until a complaint has been signed and a warrant issued. In addition to the above, students shall not have access to letters of recommendation or statements of evaluation obtained or prepared before January 1, 1975, pursuant to implied or expressed promises of the confidentiality or personally signed letters of recommendation to which students have waived their rights to access. A student may be allowed, but not required, to waive his or her right of access to letters of recommendation received after that date. Further, students do not have access to the Parent’s Confidential Statement contained in their financial aid folder as this is deemed a record of the parent, not the student.

A student shall be entitled to an explanation of any information contained in official records, files, and data directly related to the student. The student/parent may request a change. If denied the change, the student/parent shall be notified of the right to a hearing to challenge the content of such records to ensure that the record is not inaccurate or misleading, or otherwise in violation of privacy or other rights of the student. (The substantive judgment of a faculty member about a student’s work, expressed in grades assigned in a course and other evaluations of a student’s work, is not within the scope of such hearings). Hearings shall be limited to the factual accuracy of the record. The
hearing official will be designated by the College President and shall have no direct interest in the outcome. Should the student/parent challenge any of the contents of the student’s records on the ground indicated.

**Notice of Right to Access and Privacy of Records**

Parents and guardians of each student under 18 years of age and each student who is 18 years of age or older have certain rights respecting the records kept on the student by Glen Oaks Community College. Parents of dependent students over age 18 may also exercise these rights.

These rights include:

1. The right to examine the student’s records.
2. The right to have the administration hear evidence that any part of the record is inaccurate, misleading or violates a student’s privacy or other rights, to have the record changed if the administration agrees with the applicant’s evidence and to insert an explanation in the record if the administration agrees.
3. The right to have records which personally refer to a student kept confidential except either by consent of the parent or students, or when being used by school personnel for school business. Certain official agencies may also request records.
4. The following information will be made available for publication in directories, sport programs, and so forth:
   - Name of student
   - Student’s local address
   - Student’s local phone, e-mail address
   - Student’s permanent address
   - Date of birth, place of birth
   - Enrollment status
   - Class (freshman or sophomore)
   - Academic major
   - Information pertaining to honors & achievements
   - Degree(s) and/or Certificates earned from Glen Oaks and dates
   - Participation in officially recognized college activities and sports.
   - Weight and height of athletic team members

If a parent or student does not wish this information to be available for publication, notice must be given to the Registrar.

5. The right to obtain a copy of the Board of Trustees policy on privacy of student records from the Dean of the College.
6. The right to protest to The Family Educational Rights and Privacy Act Office Department of Health, Education and Welfare 300 Independence Avenue, SW Washington, DC 20201

if the school district is not complying with the Family Rights and Privacy Act or the Department of HEW rules. [Revised 1/12/77, 1/79, 9/14/05].

**Procedure for Retention and Disposal of Records**

(Student Services)

**Policy 3.49**

Document retention will be based on American Association of Collegiate Registrars and Admissions Officers, and best practice recommended for retention and disposal of records. Glen Oaks Community College will utilize document imaging to retain documents where appropriate.

FERPA specifically requires institutions to maintain records of requests and disclosure of personally identifiable information except for defined “Directory Information” and requests from students for their own records. The records of disclosure and requests for disclosure are considered a part of the student’s educational record; therefore, they must be retained as long as the educational records to which they refer are retained by the College. [July 1992, revised 9/14/05].

**Children on Campus**

Policy 3.55

To protect the safety of young visitors and to avoid disruptive behavior, young children accompanying employees, students or visitors of Glen Oaks Community College must be under the constant supervision of a responsible adult while on Glen Oaks property. This means, specifically, that there must be an unobstructed line-of-sight between the child (or children) and the adult responsible for their care. Children who are taking part in organized, scheduled activities, minors who have been admitted to Glen Oaks Community College, and dual enrolled high school students, may be on campus without adult supervision. In all other cases, minor children, however, must remain under the constant supervision of their parent or adult guardian while on GOCC property. Minor children should not be brought into classrooms, laboratories or other areas of instruction without prior approval. Should the student-parent experience an emergency where there is no other option but to bring the child to campus, classroom faculty or the administrative heads of other units will determine if the child may be allowed to quietly sit in the classroom or with the student-parent in some other location. A child will be removed from the setting if his or her presence is determined to be disruptive to the learning process.

The College does not allow children to be left unattended on our property due to security and child welfare concerns.
Parents who have problems with childcare should visit the Student Services Office to receive referrals to childcare services in the area.

[ Adopted by Glen Oaks Leadership August, 2013 ]

**Social Security Number Privacy**

**Policy 3.70**

It may be necessary for the College to use an employee’s or student’s social security number for business purposes. The College respects its employees’ and students’ privacy and will keep all social security numbers confidential to the extent practicable. The only employees who have access to social security numbers are employees whose job duties require exposure to social security numbers. Should any document containing a social security number be disposed of, such document should be shredded prior to disposal.

**Social Security Number Usage for Improving Instruction**

In order to improve the instruction offered at Glen Oaks Community College and to meet the requirements of the Carl D. Perkins Vocational and Technical Education Act, Section 113 and the Workforce Investment Act of 1998, Section 122, Glen Oaks Community College will be using Social Security numbers in order to compile summary reports. Section 113 of the Carl D. Perkins and Technical Education Act, 20 USC 2323, and Section 122 of the Workforce Investment Act of 1998, 29 USC 2842, requires Glen Oaks Community College and the State of Michigan to assess the effectiveness of vocational and technical education programs aimed at training, placement, and retention of students in employment. Although these laws require that performance reports be compiled based on wage record information, neither law requires students to give their Social Security numbers (SSN) to the College.

The College plans to use SSN in order to gain access to individual wage records and compile required WIA and Perkins Act reports. These reports will assist the College to improve vocational and technical education programs. By improving programs, the College will be better able to serve both employers and employees. Wage record information is confidentially maintained, based on SSN, by the State of Michigan. Neither the College nor the State of Michigan will disclose SSN or wage record data to any person or entity unless legally permitted to do so. Any personally identifying wage record data will be destroyed by the College as soon as all required statistical analysis have been performed, or when the information is no longer needed, whichever date comes first.

[ Adopted 9/14/05 ]

**Right to Know**

Information about completion rates of certificate or degree-seeking students is available in the Assistant Dean of Enrollment Services/Registrar or institutional research office.

**Sexual Harassment**

Glen Oaks Community College is committed to creating and maintaining a working and learning environment for all college personnel and students that is free of sexual harassment.

Sexual harassment is a barrier to an environment which is conducive to academic achievement. It is a form of sex discrimination and will not be tolerated.

The college intends to maintain an environment which supports, nurtures and rewards career and educational goals on the basis of such relevant factors as ability and work performance.

**Definition of Sexual Harassment**

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment or education.
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual’s employment or education.
3. Such conduct or communication has the purpose or effect of unreasonable interference with an individual’s employment, or education, or creation of an intimidating, hostile, or offensive environment.”

For the purpose of the above regulation the college interprets unwelcome to mean:

1. Conduct or communication which a reasonable person in a similar circumstance would consider unwelcome.
2. Conduct or communication which continues after notice is given that the conduct or communication is unwelcome.

**Examples of Sexual Harassment**

* verbal harassment or abuse
* subtle pressure for sexual activity
* sexist remarks about a person’s clothing, body or sexual activities
* derogatory, dehumanizing, or stereotyped remarks about a specific gender that express contempt or make assumptions about abilities or ambitions
* unnecessary touching, patting or pinching
* leering or ogling of a person’s body
If an individual has violated the Student Code of Conduct or the General Rules and Guidelines on college property while not enrolled as a student at the college, but then later seeks to enroll, he or she must first contact the Dean of Students (or his or her designee). The same Due Process procedures listed in Article IV below will be followed to determine an admission decision.

**ARTICLE I: DEFINITIONS**

A. The term “College” means Glen Oaks Community College.

B. The term “Student Code” refers to the College’s Student Code of Conduct.

C. The term “General Rules” refers to the Student General Rules and Guidelines.

D. The term “student” includes all persons currently enrolled at the College, either full-time or part-time. This code applies to all current students of GOCC regardless of their geographical location.

E. The term “faculty member” means 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 union.

F. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.

G. The term “member of the College community” includes any person who is a student, faculty member, College official or staff member employed by the College, or any authorized non-employed personnel (such as interns). A person’s status in a particular situation shall be determined by the Dean of Students (or his or her designee).

H. The term “College premises” includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the College (including adjacent streets and sidewalks).

I. The term “harassment” means deliberate and/or persistent communication that disturbs the recipient. The communication does not have to be threatening.

J. The term “Judicial Board” means a group of persons authorized by the Dean of Students (or his or her designee) to consider whether a student has violated the Student Code or to review the sanction(s) imposed by the Dean of Students (or his or her designee) if requested by the accused.

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**Informal Procedures:**

1. The employee or student should first discuss his/her grievance with their immediate supervisor or advisor.

2. If the grievance remains unresolved, the grievant may discuss the grievance with the Affirmative Action Officer.

3. The Affirmative Action Officer shall discuss that matter with all of the parties involved and attempt to reach a decision that will resolve the matter.

4. In the event that any alleged grievance is not satisfactorily adjusted in the preliminary stage, the grievant shall file a written grievance with the Affirmative Action Officer (grievance forms may be obtained from the Affirmative Action Officer).

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**Student Code of Conduct**

Policy 3.42

**PREAMBLE**

Glen Oaks Community College exists so that the people it serves have learning and enrichment opportunities to improve their quality of life and their standard of living. GOCC supports a positive educational environment that will benefit student success. In order to ensure this vision, the College has established guidelines for the redress of grievances by individuals accused in such proceedings. In addition, the College has established a Student Code of Conduct and Student General Rules and Guidelines to ensure the protection of student rights and the health and safety of the College community, as well as to support the efficient operation of College programs.

In cases of noncompliance with the Student Code of Conduct Student and the General Rules and Guidelines, the College will impose discipline that is consistent with the impact of the offense on the College community (See Article IV (B) below). The College reserves the right to pursue criminal and/or civil action where warranted. The Student General Rules and Guidelines and Student Code of Conduct shall apply from the time of admission to the college and continue as long as the student remains enrolled at the college. They shall also be applicable to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending.

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* constant brushing against a person’s body
* demanding sexual favors accompanied by implied or overt threats concerning one’s job, grades, letter of recommendation, etc.
* physical assault

The college will take prompt action on all complaints.
K. The term “policy” means the written regulations of the College as found in, but not limited to, the Course Catalog, Course Schedule, the College web site and/or other written regulations and procedures available within a department or division.

L. The term “cheating” includes, but is not limited to attempted or actual: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion for the purposes of academic credit; (5) allowing or participating in cheating by other students; or (6) other acts of dishonesty within the College but outside of the classroom.

M. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

N. The term “academic negligence” means unknowingly or unintentionally claiming credit for the work or effort of another person.

O. The term “complainant” means any person who submits a report alleging that a student violated this Student Code or the General Rules. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the complainant, even if another member of the College community submitted the charge itself. Requests to receive information regarding the accused student must be in writing and submitted to the Student Services Divisional office.

P. The term “accused student” means any student accused of violating this Student Code or General Rules, or any other rule or policy of the College.

ARTICLE II: STUDENT CODE AUTHORITY

A. The Dean of Students (or his or her designee) shall determine whether or not the Judicial Board shall be authorized to hear each matter.

B. The Dean of Students (or his or her designee) shall develop policies for the administration of the Code of Conduct process and procedural rules for the conduct of Judicial Board hearings that are not inconsistent with provisions of the Student Code and the General Rules.

C. Decisions made by the Judicial Board and/or the Dean of Students (or his or her designee) shall be final, pending the normal appeal process.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the College Student Code of Conduct

The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students (or his or her designee) shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
   a. Cheating (as defined in Article I (L)), plagiarism (as defined in Article I(M)), academic negligence (as defined in Article I(N)) and any other forms of academic dishonesty.
b. Misrepresentation of facts or furnishing false information to any College official, faculty member, staff or office.

c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.

d. Perceived, attempted or actual Financial Aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.

3. Physical abuse or assaults, verbal abuse, threats or threatening behavior, intimidation, harassment, coercion, bullying, and/or other conduct which threatens or endangers the health or safety of any person (including, but not limited to, messages sent via text messages, emails, or any electronic format including phone, etc).

This provision also includes, but is not limited to: unlawful discrimination or related harassment on the basis of race, color, sex, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, sexual orientation, or veteran’s status.

4. Sexual misconduct/sexual harassment which includes, but is not limited to:
   a. Any sexual act (including, but not limited to: rape, sexual assault, sexual battery and sexual coercion) that occurs without the consent of the other person or occurs when the other person is unable to give consent.
   b. Conduct of a sexual nature (including, but not limited to: intentional touching of a sexual nature, repeated/unwelcomed advances, comments of a sexual nature) that creates an intimidating, hostile or offensive campus, educational or working environment for another person.
   c. Obscene or indecent behavior which includes, but is not limited to: indecent exposure and the display of sexual behavior that would reasonably be offensive to others or entering bathrooms against gender designation.
   d. Retaliation against anyone who files a complaint or participates in an investigation relating to this provision.

*Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.*

5. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.

6. Hazing which is defined as an act which endangers the mental or physical health or safety of a student, 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. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are still violations of this rule.

7. Failure to comply with the directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

8. Unauthorized possession, duplication or the use of keys to any College premises or unauthorized entry to or use of College premises.

9. Violation of any College policy, rule, or regulation published in hard copy, included in a course syllabus or available electronically on the College website.

10. Violation of any federal, state or local law.

11. Use, possession, manufacturing, distribution, or being under the influence of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by federal law. Possession of drug paraphernalia is also prohibited on campus.

12. Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

13. Possession of firearms (even if legally possessed), tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises, or use of any such item in a manner that harms, threatens or causes fear to others. The definition of a weapon includes but is not limited to a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over 3 inches in length, or any other dangerous or deadly weapon or instrument.

College Property covered by this policy includes, without limitation, all College owned or leased buildings and surrounding areas such as sidewalks,
driveways and parking lots under the College’s ownership or control. College vehicles are covered by this policy at all times regardless of whether they are on College property.

14. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

15. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

16. Conduct that is disorderly; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Disorderly Conduct includes but is not limited to: the use of any device to capture audio, video or digital record or photograph of any person while on College premises or College events where there is a reasonable expectation of privacy (i.e. restrooms, locker rooms, etc.).

17. Theft or other abuse of computer facilities and resources, including but not limited to:
   a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
   b. Unauthorized transfer of a file.
   c. Use of another individual’s identification and/or password.
   d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
   e. Use of computing facilities and resources to send obscene or abusive messages.
   f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
   g. Use of computing facilities and resources in violation of copyright laws.
   h. Any violation of the GOCC Acceptable Use Policy.

18. Abuse of the Student Code process, including but not limited to:
   a. Falsification, distortion, or misrepresentation of information before the Judicial Board.
   b. Disruption or interference with the orderly conduct of a Judicial Board proceeding.
   c. Attempting to discourage an individual’s proper participation in, or use of, the Student Code process.
   d. Attempting to influence the impartiality of a member of a Judicial Board member prior to, and/or during the course of, the Judicial Board Hearing.
   e. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a Judicial Board Hearing.
   f. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
   g. Influencing or attempting to influence another person to commit an abuse of the Student Code process.

19. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

C. Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students (or his or her designee). Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the College’s Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
ARTICLE IV: STUDENT CONDUCT PROCESS  
(DUE PROCESS)

A. Charges and Judicial Board Hearings

1. Any member of the College community may file a report against a student for alleged violations of the Student Code or General Rules. An allegation of a Student Code or General Rules violation must be directed to the Dean of Students (or his or her designee). Any report of a violation of the Student Code or General Rules should be submitted as soon as possible after the event takes place, preferably within a week.

2. The Dean of Students (or his or her designee) will conduct an impartial and reliable preliminary investigation of all allegations to determine if the allegations have merit and/or if they can be disposed of administratively. Such disposition shall be final and there shall be no subsequent proceedings.

3. If it is determined that the allegation has merit, the accused student will receive written notification that an alleged violation has occurred. In the notification, the student will be directed to make an appointment with the Dean of Students (or his/her designee) to review the facts concerning the alleged violation in order to determine if formal charges should be prepared.

4. During this meeting, the accused student meets one on one with the Dean of Students (or his or her designee). Representatives or parents will only be allowed in this meeting at the discretion of the Dean of Students (or his/her designee) when appropriate. In addition, a FERPA (Family Educational Rights and Privacy Act) release must be signed.

5. If the accused student is unable to, or does not wish to meet with the Dean of Students (or his or her designee) in person, the student may submit a notarized statement in writing responding to the allegation, within the notification period. Other arrangements may be made to facilitate the meeting such as video or teleconference when a face to face meeting may be difficult for the student and at the sole discretion of the Dean of Students (or his or her designee). In situations where a meeting other than a face to face meeting will be held, the student must provide a copy of their identification to the divisional office before the meeting occurs. However, a face to face meeting is the preferred option.

6. After reviewing the facts with the accused student, or after reviewing the accused student’s statement, a decision will be made whether to prepare formal charges, and the accused student will be promptly informed.

7. In the event that the student fails to contact the Dean of Students (or his/her designee) within five (5) working days of the date listed on the written notification (excluding Saturday and Sunday), a hold may be placed on the student’s record which may result in the student’s enrollment being delayed. The Dean of Students (or his/her designee) will then review the facts available without the student and make a decision whether to prepare formal charges.

8. If a decision is made to prepare formal charges, the accused student shall be notified by the Dean of Students (or his/her designee) that he or she is being accused of violating the Student Code or General Rules and that he or she may elect to do one of the following:
   a. The accused student may admit the alleged violation and request, in writing, that the Dean of Students (or his or her designee) take whatever action seems necessary; or
   b. The accused student may admit the alleged violation and request a hearing before the Judicial Board regarding the sanction; or
   c. The accused student may deny the alleged violation, in which case the Dean of Students (or his or her designee) shall refer him or her to the Judicial Board.

9. In the event that the accused student does not make an election of one of the three options available within ten (10) working days from the date of the letter, the Dean of Students (or his or her designee) will take whatever actions seem necessary, including the imposition of appropriate sanctions.

10. If the accused student elects to admit the alleged violation and request a hearing before the Judicial Board to determine the sanction or if the student denies the allegation, a Judicial Board hearing will be scheduled as soon as practicable.

11. If the complainant requests an alternate form of resolution, and the accused student agrees, then the parties will engage in informal mediation. If the informal mediation results in mutual satisfaction of both parties, then the case will be considered adjudicated. If the case is not adjudicated, then it may be forwarded to the Judicial Board for a hearing.
Alternate resolution is not available for cases involving discrimination and/or sexual misconduct/sexual harassment [Article III(B)(3) and III(B)(4) (a-d)] unless the Complainant or victim requests it.

12. Prior to a Judicial Board hearing, the accused student shall be entitled to the following:
   a. A written statement of a decision rendered and/or charges so that the accused student may prepare his or her defense;
   b. Written notification of how the alleged violation came to the College’s attention.
   c. The student shall be entitled to an expeditious hearing of his or her case.

13. Members of the Judicial Board shall be appointed by the Dean of Students (or his or her designee) and shall be comprised of the following:
   a. The Dean of Students (or his or her designee) will serve as the Chairperson. However, when the Judicial Board is hearing an appeal based on a disciplinary decision of the Dean of Students (or his or her designee), the Dean of Students (or his or her designee) will relinquish the Chair and a temporary Chairperson will be appointed. The Chair conducts the hearing but does not participate in the deliberation.
   b. One College administrator; and
   c. Two current students from the student body; and
   d. Two faculty members

14. Judicial Board hearings shall be conducted by the Judicial Board according to the following guidelines except as provided by article IV(A)(7) below:
   a. The Judicial Board hearing will be scheduled at the convenience of the sitting Board members, however, all efforts will be made to schedule the hearing within 3 weeks.
   b. All Judicial Board hearings shall be conducted in private. In cases involving sexual misconduct/sexual harassment [Article III(B)(4)(a-d)], GOCC will keep the complaint and investigation confidential to the extent possible or as required by law.
   c. The complainant and the accused student have the right to be assisted by one advisor or parent they choose, and at their own expense (if applicable). The advisor may not be an attorney, unless the case involves a concurrent criminal matter and with the Chair’s approval. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Judicial Board hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Judicial Board hearing because delays will not normally be
   d. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Hearing Phase (excluding deliberations). Admission of any other person to the Judicial Board hearing shall be at the sole discretion the Chair, (or his or her designee.)
   e. In Judicial Board hearings involving more than one accused student, the Chair (or his or her designee), in his or her sole discretion, may permit the Judicial Board hearings concerning each student to be conducted either separately or jointly.
   f. The complainant, the accused student and the Judicial Board may arrange for witnesses to present pertinent information to the Judicial Board. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the Judicial Board hearing. Witnesses will provide information to and answer questions from the Judicial Board. The tone of the hearing should be educational and not adversarial. Questions of whether potential information will be received shall be resolved in the sole discretion of the Chairperson of the Judicial Board.
   g. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Judicial Board at the sole discretion of the Chairperson.
   h. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board.
   i. Requests for a continuance shall be at the discretion of the Chairperson of the Judicial Board.
   j. After the portion of the Judicial Board hearing concludes in which all pertinent information has been received, the Judicial Board shall determine (by majority vote) whether the accused student has violated each section of the Student Code which the student is charged with violating. However, the Board may also suggest a different charge to the Chairperson if they believe the facts support charge(s) different than the charge(s) the student was originally charged with. The Judicial Board will also recommend an appropriate sanction to the Chairperson.
   k. The Judicial Board’s determination shall be made on the basis of whether “more likely than not” the accused student violated the Student Code or General Rules.
1. Formal rules of process, procedure, and/or technical rules of evidence, such as those that are applied in criminal or civil court, are not used and do not apply in Student Code of Conduct proceedings/hearings.

m. If a disruption occurs during the hearing, the Chairperson, in his or her sole discretion may have the disruptive party removed from the hearing.

15. There shall be a single verbatim record, such as a digital recording, of all Judicial Board hearings before a Judicial Board. Deliberations shall not be recorded. The record shall be the property of the College. This recording will be maintained only until the appeal process has concluded (if applicable) or until the time of appeal has lapsed. For the purposes of FERPA the recording is considered an educational record and cannot be released unless a release is signed by all students with identifiable information contained in the recording. The recording may be requested under FOIA (Freedom of Information Act) if the hearing only involved one student without any witnesses, and the student is the individual requesting the recording.

16. If an accused student, with notice, elects not to appear before a Judicial Board hearing, the student shall be considered to have waived the right to appeal, and the decision at the prior level stands. If the Judicial Board is the initial decision maker, the information in support of the charges shall be presented and considered by the Judicial Board even if the accused student or the complainant is not present.

17. The Chairperson may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students (or his or her designee) to be appropriate.

18. Once the Judicial Board has made a decision as to whether more likely than not the accused student violated the Student Code of Conduct, the Judicial Board will make recommendations to the Chairperson regarding an appropriate sanction.

If an accused student has requested that the Judicial Board decide his or her sanction (under Article IV(A)(5)(b)), then the Judicial Board shall make the final determination regarding sanction.

19. After receiving the recommendations of the Board, the Chairperson will decide the most appropriate sanction proportionate to the violation.

20. Due Process procedures apply to complaints of unlawful discrimination or related harassment on the basis of race, color, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, sexual orientation, veteran’s status, or sexual discrimination including sexual misconduct and sexual harassment raised by employees, students, or third parties against any currently enrolled GOCC students in accordance with Title IX.

In addition, GOCC will take steps to prevent the recurrence of any discrimination by the accused student through appropriate sanctions listed under Article IV(B)(1)(a-k) as well as remedy the discriminatory effects on the complainants or victims through appropriate administrative action.

21. All complainants will receive information regarding the notification of alleged violations to the accused students, as well as, the outcome and final decision of the case. Sexual discrimination (offenses listed under Article III(B)(4)(a-d)) victims will receive a copy of the actual notification and sanction letter sent to the accused student.

B. Sanctions

1. In cases of noncompliance with the Student General Rules or a violation of the Student Code of Conduct, the College will impose discipline that is consistent with the impact of the offense on the College community. Progressive discipline principles will be followed in that the student’s prior discipline history at the College will be taken into account. Disciplinary action taken against a student may include, but is not limited to, one or more of the following:

a. Verbal Warning- Student is given a verbal warning and a notation is made in the student’s disciplinary file.

b. Written Warning—A notice in writing to the student that the student is violating or has violated institutional regulations and a copy of the warning letter is placed in the student’s disciplinary file.

c. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the
probationary period.
d. Loss of Privileges—Denial of specified privileges for a designated period of time.
e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
f. Discretionary Sanctions—Work assignments, essays, service to the College, Community Service or other related discretionary assignments.
g. College no contact orders- between the accused student and the complainant (when appropriate).
h. College Suspension—Separation of the student from the College for a definite period of time (usually a year or less) after which the student is eligible to return. Conditions for readmission may be specified.
i. College Dismissal—Separation of the student from the College for a year or more. The student may be eligible for return. Conditions for readmission may be specified.
j. College Expulsion—Separation of the student from the College permanently.
k. Revocation of Admission and/or Degree—Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

2. Withholding Degree or Certificate—The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

3. More than one of the sanctions listed above may be imposed for any single violation.

4. The following sanctions may be imposed upon groups or organizations:
a. Those sanctions listed above in article IV(B)(1) (a-k).
b. Loss of selected rights and privileges for a specified period of time.
c. Deactivation. (Loss of all privileges may be issued, including College recognition, for a specified period of time.)

5. Once the Judicial Board has determined that a student and/or group or organization has violated the Student Code or General Rules, the sanction(s) shall be recommended by the Judicial Board to the Chair. The Chairperson shall make a final determination of the sanction to be imposed, taking into consideration the Judicial Board’s recommendations.

6. Following the Judicial Board hearing, the Judicial Board and the Chairperson shall advise the accused student, group and/or organization in writing of the decision and of the sanction(s) imposed, if any.

C. Interim Suspension

In certain circumstances, the Dean of Students (or his or her designee), may impose a College suspension prior to a Judicial Board hearing.

1. Interim suspension may be imposed only in the following circumstances:
a) to ensure the safety and well-being of members of the College community or preservation of College property; or
b) to ensure the student’s own physical or emotional safety and well-being; or
c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

2. Interim suspension will take effect immediately upon the direction of the Dean of Students (or his or her designee) and last for no more than 10 days. The 10-day period may be extended for good cause by the Dean of Students (or his or her designee) or by agreement with the student.

3. During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students (or his or her designee) may determine to be appropriate.

4. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and including the completion of the Judicial Board hearing, if required.

D. Appeals

1. A decision reached by the Dean of Students (or his or her designee) may be appealed by either the accused student(s) or the complainant to the Judicial Board within ten (10) working days, excluding Saturday and Sunday, of the decision. Such appeals shall be in writing and shall be delivered to the Student Services Divisional Office in GB 135.

2. A decision reached by the Judicial Board may be appealed either by the accused student(s) or the complainant to the Dean of Teaching and Learning, or his or her designee) within ten (10) working days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students (or his or her designee) in GB 135.
3. An appeal shall be limited to a review of the verbatim record of the Judicial Board hearing and supporting documents for one (or more) of the following reasons only:
   a. A material deviation from written procedures that jeopardized the fairness of the process
   b. New information, that was unavailable at the time of the hearing, would have resulted in a different outcome
   c. A demonstrable bias by a member(s) of the hearing board
   d. A sanction that is (substantially) disproportionate to the severity of the violation

4. If an appeal is approved by the Dean of Teaching and Learning (or his or her designee), the matter shall be returned to a new Judicial Board and Chairperson for a rehearing, which will take into consideration the suggestions made by the Dean of Teaching and Learning (or his or her designee) in addition to the facts that were originally presented.

   The decision of the new Judicial Board, after it has rendered its decision, shall be final and binding upon all involved.

5. If an appeal is not approved by the Dean of Teaching and Learning (or his or her designee), the matter shall be considered final and binding upon all involved.

**ARTICLE V: INTERPRETATION AND REVISION**

A. Any question of interpretation or application of the Student Code or General Rules shall be referred to the Dean of Students (or his or her designee) for final determination.

B. The Student Code shall be reviewed every year under the direction of the Dean of Students (or his or her designee).

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