

PROCEDURE 4.08 STUDENT CODE OF CONDUCT

Labette Community College will establish and maintain a fair and equitable procedure for addressing student disciplinary matters to ensure that the rights of the students, the College community, and the community-at-large are protected. Alleged and/or violations of the Student Code of Conduct must be reported to the Vice President of Student Affairs within five working days of the incident along with any action taken.

The Vice President of Student Affairs shall be primarily responsible for the administration of the student conduct system. The Vice President of Student Affairs will coordinate academic misconduct with the Dean of Instruction, as stated in Procedure 3.07 Academic Misconduct.

A. Applicability

This Student Code of Conduct is applicable to every student enrolled at the College, whether part time or full time and whether in residence, by extension, or otherwise and may at times apply to persons off campus when using College facilities or participating in LCC programs or activities, including, but not limited to, off campus outings and clinical practice trips. This code is adopted pursuant to authority granted by the LCC Board of Trustees.

B. Definitions

1. College: Labette Community College.
2. College officials: those persons given the responsibility and authority by the appropriate agency or person, including trustees, regents, faculty, physical plant and administrative staff.
3. College property: property owned/used/controlled/occupied by the College, including property physically removed from a campus. This includes the Cardinal Villas.
4. Notice: correspondence (1) sent by mail, including email, addressed to the addressee at the local address, as shown on College computer records in the Office of the Registrar/Admissions; (2) personally delivered to the addressee; or (3) personal contact.
5. Preponderance of the evidence: that quantum of evidence which, when given probative force, would tend to prove that a fact is more likely to be true than not.
6. Record: all written documents, forms, copies, reports, statements, tape recordings, emails, or tangible evidence in a disciplinary action.
7. Will and Shall are used in the imperative sense.

C. Awareness of Student Code of Conduct Policies

Each student is expected to be fully acquainted with all published College policies, copies of which are available to each student for review in the Student Affairs' Office, in the Library, or online at <http://www.labette.edu/catalog/policies/Code-of-Conduct-408.pdf>. The College will hold each student responsible for compliance with these published policies. Students are also expected to comply with all federal, state, and local laws, and any student who violates any provisions of those laws is subject to disciplinary action, notwithstanding any action taken by civil authorities because of the violation.

The student is advised that specific career technical programs (as well as College athletic programs, performing arts programs, and other student organizations) publish student handbooks and program guidelines with policies and procedures associated with their respective programs. Students are advised that in addition to the guidelines and expectations outlined herein, they are expected to comply with the policies and procedures applicable to the programs with which they are affiliated. All students in all programs are entitled to the same due process.

D. Conduct Prohibited

Misconduct for which students are subject to disciplinary actions includes but is not limited to the items listed below.

1. Commission of an act that would constitute an offense under appropriate federal, state or local criminal and civil statute.
2. Failure to comply with the directives of a College official acting in the performance of his/her duties. This includes the failure to respond to a summons to the office of an administrative officer within the designated time or to present identification upon request of any college official. This summons may be issued by mail or email.
3. Furnishing false information to the College, and/or giving false testimony or other evidence at a College disciplinary or other administrative proceeding.
4. Issuance of a check without sufficient funds or otherwise failing to meet financial obligations to the College.
5. Sharing of LCC RedZone pin number or LCC e-mail address password with anyone.
6. Unauthorized throwing of any object in/from College facilities.
7. Misuse, abuse or unauthorized use of fire extinguisher or other safety equipment (such as alarms, AED's, or notification equipment).
8. Engaging in conduct that interferes with or disrupts any College teaching, research, administrative, disciplinary, public service, any other authorized activity or the peace and welfare of any person, whether on or off the campus, includes collusion.
9. Disruption of the learning environment or any behavior that detracts from the goals or diminishes the dignity, respect, or worth of other students on campus. This includes: overt disrespect for the ideas and opinions of others; disruptive talk during class; and bringing activated electronic devices to classes or computer labs without prior approval.
10. Engaging in conduct that endangers the physical or mental health or safety of any person or which causes physical injury.
11. Unauthorized possession, duplication, or use of keys (including key cards) to any College property, or unauthorized entry to or use of College property.
12. Engaging in or submitting to hazing which includes but is not limited to an initiation by an organization utilizing any dangerous, harmful, or degrading act toward a student. Includes but is not limited to:
 - a. Brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage as defined in Kansas Statutes, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and
 - b. Any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in

extreme embarrassment or any other forced activity which could adversely affect the mental health or dignity of the individual.

13. Gambling in any form on College property.
14. Manufacture, possession, control, sale, transmission of, or use of any controlled substance, alcohol, or other illicit drugs on the College's property.
15. Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid, or object which is flammable or which could cause damage by fire or explosion to persons or property on College property.
16. 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, including knowingly receiving or possessing stolen property.
17. Any forgery or fraud, including but not limited to alteration, or misuse of College documents, forms, records, meal cards or identification cards.
18. Advocating or recommending orally or in writing conscious or deliberate violation of any federal, state, or local law. Advocacy means addressing an individual or group for imminent action and setting in place such actions.
19. Unauthorized entry/use of LCC buildings, facilities, equipment, resources.
20. Not maintaining current official mailing addresses (local & permanent) in the Student Affairs Office or giving a false, invalid or fictitious address.
21. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on College property or at College-sponsored activities.
22. Receiving three (3) Academic Misconduct Notification Forms during attendance at LCC. (Refer to Procedure 3.07)
23. Receiving three (3) Tobacco Incident Forms during attendance at LCC. (Refer to Procedure 2.09)
24. Any illegitimate or unauthorized use of computer systems, resources, facilities, hardware or software. (Refer to Computer Use Policy 3.25)
25. Malfeasance or misuse of elective or appointed office in a student organization or position as a college work study, its members or the welfare of the College community.
26. Tampering with the election of any College-recognized student organization.
27. Failure to have LCC Identification Card when asked to present it on the LCC Campus.
28. Possession of an instructor's manual or other teaching material for an LCC course.
29. Physical abuse, verbal abuse, threats, intimidation, bullying, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person, whether perceived or real.
30. Verbal or written communication that has the intent or effect of subjecting any individual or group to hatred, contempt, ridicule, racist slurs, or intimidation and thereby injures the person, property, or reputation of another.
31. Violation of Procedure 2.072 – Sexual Misconduct - specifically including rape, acquaintance rape, sexual assault, dating violence, domestic violence and stalking, and related retaliation of any nature against or by any student or employee.
32. Discrimination, harassment or retaliation including harassment based on race, color, religion, gender identity, sexual orientation, national origin, age, disability, or status in any group protected by state or local laws, including all forms of sexual harassment.
33. Unless otherwise provided in College policy, possession of a weapon, firearm,

explosive and/or facsimile of a weapon on the College's properties, including any weapon designed to fire any projectile as well as the associated paraphernalia is not permitted. These include but are not limited to:

- a. A bludgeon, sand club, metal knuckles, or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
- b. a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
- c. a spring gun; (i.e. paintball guns, bb guns, air rifles, pellet guns, etc.)
- d. any facsimile of the above weapons.

The only exceptions will be for military personnel, law enforcement officers, for in-class use by instructors teaching or students enrolled in courses utilizing firearms, and as authorized in College Policy 2.12 with regard to concealed carry of firearms.

34. Failure to comply with a directive of College officials acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
35. Obstructing or disrupting a police response or the response of the Emergency Response Team.
36. Littering or posting of notices in non-designated spaces or without approval from the appropriate College personnel and unauthorized distribution or sale of goods on campus.
37. Use of bicycles, skateboards, roller blades, and any other non-motorized vehicle or equipment (except wheelchairs) outside of designated areas.
38. Violation of any other published College policies, procedures, rules, or regulations.

E. Disciplinary Proceedings

College disciplinary proceedings may be initiated against a student charged with a violation of this Student Code of Conduct even if the same factual situation is the basis for pending or potential criminal prosecution and/or civil litigation. Proceedings under this Code of Conduct may be carried out prior to, simultaneously with, or following any such separate civil or criminal proceedings.

When the Vice President of Student Affairs receives information that a student has allegedly violated a published College policy or procedure, she/he shall investigate the alleged violation. The Vice President of Student Affairs may discuss, consult and advise with the individuals involved.

- Faculty and staff must submit a Behavior Misconduct Form to report violations of Procedure 4.08. The forms are available on Public Folders and on the RedZone Faculty Page.
- Full-time and adjunct faculty must submit Academic Misconduct Notification Forms to the Vice President of Student Affairs and the Dean of Instruction. The forms are available on Public Folders and on the RedZone Faculty Page.
- Faculty, staff, and students must submit Tobacco Incident Forms for students to the

Vice President of Student Affairs. The forms are available on Public Folders and on the RedZone Faculty Page.

- Faculty, staff, and students may also submit a violation via written correspondence (letter or email) or by contacting the Vice President of Student Affairs via phone call or in person.

The Vice President of Student Affairs or such other person as designated by the President is authorized to take any interim action necessary to maintain campus safety, integrity of the process, and/or protection of student rights and institutional rights during the formal investigation and determination process.

The student shall be given written notice via the student's Labette Community College email of the complaint and charges against him/her within five (5) College working days of receipt of the complaint. The student shall have five (5) College working days after receipt of the notice to respond in writing or in person at a date scheduled by the Vice President of Student Affairs to the charges.

An initial investigation will be completed by the Vice President of Student Affairs or such other designee of the President regarding the charges. Interviews may be completed with the individual who filed the complaint and/or the student as a part of the investigation.

The Vice President of Student Affairs or such other designee of the President, shall, as soon as possible after the investigation, render a decision that may include dismissal of the complaint or imposition of any discipline set forth herein. Written notice of the decision detailing the allegation, the finding, and the sanction imposed or recommended shall be served upon the student in person, by mail and/or by email.

If the Vice President of Student Affairs or such other designee of the President finds that the student has violated College policy, procedure, rules, or regulations, disciplinary action shall be taken. The Vice President of Student Affairs or other designee shall impose such discipline as he/she determines is warranted taking into consideration the seriousness of the offense.

Disciplinary actions, all of which become student records, include but are not limited to:

- *Warning*: A written notice to the student that a violation of a published College policy or procedure has occurred and that the continuation of such conduct or action could result in further disciplinary action.
- *Restricted privileges*: Denial or restriction of one or more privileges granted to students. These may be, but are not limited to, the use of an automobile, access to specific areas of campus, dining privileges, visitation privileges, restricted privilege to attend classes or events, or participation in athletics or other extracurricular activities. The restriction may be imposed for a definite term or period of time.
- *Discretionary Sanctions*: Work assignments, service to the college, or other related discretionary assignments.
- *Restitution*: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- *Disciplinary probation*: A finding that the student is not in good standing, and that his

continued enrollment is conditioned upon adherence to published College policies. Probation may be imposed only for a definite term but automatically imposes the following:

- *A student on disciplinary probation or additional disciplinary sanctions is ineligible to hold or be elected to an office of any student organization recognized by the College;*
- *A student on disciplinary probation or additional disciplinary sanctions may not represent the College in any special honorary role, e.g. SKILLS USA Conference, choir tour, athletic competition.*
- *Suspension: Separation from the College for a definite period of time, after which the student is eligible to return. Conditions or readmission may be specified. The Vice President of Student Affairs has the option of requiring the individual to attend a screening/assessment appointment at the student's expense prior to permitting readmission.*
- *Expulsion: Expulsion is the permanent severance from Labette Community College. When a student is expelled, they will be informed in writing, if they are on college property, that the local authorities will be contacted.*
 - *Expelled Student Procedure*
 - A student can be banned from campus when an incident is reported that could be threatening to one or more individuals or considered a threat at the college. The ban is considered a temporary ban and will not exceed ten working days while an investigation is being completed. The student will receive a letter indicating this is the case and will be made aware of the process.
 - When a student is expelled, they will receive a letter from the Vice President of Student Affairs indicating expulsion as well as any time limits and conditions that have been placed on the student. Depending on where the student is at in the Discipline Process, they will have the opportunity to attend a hearing or appeal the decision.
 - At the time of a temporary ban or an expulsion, the Administration Team will be notified of the expulsion, the reason, and will include a picture of the student.
 - The Administration Team then determines which staff members within departments should be notified of the temporary ban or expulsion without giving the reason unless deemed necessary. A statement regarding FERPA and the confidentiality of the issues will be made at this time. In addition, staff will be told that additional communication will occur as warranted, based on where the individual is in the hearing/appeal process. Some of the following staff should be informed:
 - Instructors the student has for the current semester, as well as full-time faculty, will be informed by the Dean of Instruction.
 - Staff sitting on the "front line" of customer service areas, i.e. Admissions Desk, Business Office Desk, Receptionist, Library.
 - Academic Advisor.
 - Director of Facilities.
 - Coach and Student Organization Advisors if appropriate.
 - If a student is cleared to be back on campus, the Vice President of Student Affairs will contact the individuals listed above indicating such as well as any restrictions

that have been placed on the student. The Dean of Instruction will then inform the instructors.

- If a student is expelled from onground classes (Main Campus, Cherokee Center, Extension Sites), the Vice President of Student Affairs will make a recommendation on whether the student should remain in any online courses he or she might be enrolled in. The student may be allowed to complete these courses for the semester but then will not be allowed to re-enroll at LCC.
- Each disciplinary situation is different so the timeline, persons informed, and process may be modified based on unique circumstances.
- A listing of all expelled students will be kept on file by the Administration Team with the Vice President of Student Affairs providing updates as needed.
- Any student who is expelled for one of the following offenses, as terms defined in Appendix A to Part 99 of Title 34 of the Code of Federal Regulations, will have the expulsion noted on the student's academic transcript as "non-academic expulsion" at the time the disciplinary decision is made. It will be removed if, after any appeal, the decision is reversed.
 - Assault offense;
 - Criminal homicide – murder or non-negligent manslaughter;
 - Kidnapping; or
 - Forcible sex offense.
- If a student is reinstated after the expulsion, it is only after a complete reconsideration of the case by the Vice President of Student Affairs).

F. Appeals

Any decision of the Vice President of Student Affairs or such other person as designated by the President may be appealed by the accused or the complainant. The student should follow Labette Community College Student Grievance Procedure 4.081 to appeal the decision.

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