



Student Code of Conduct

Lane Community College

Revision effective January 4, 2016

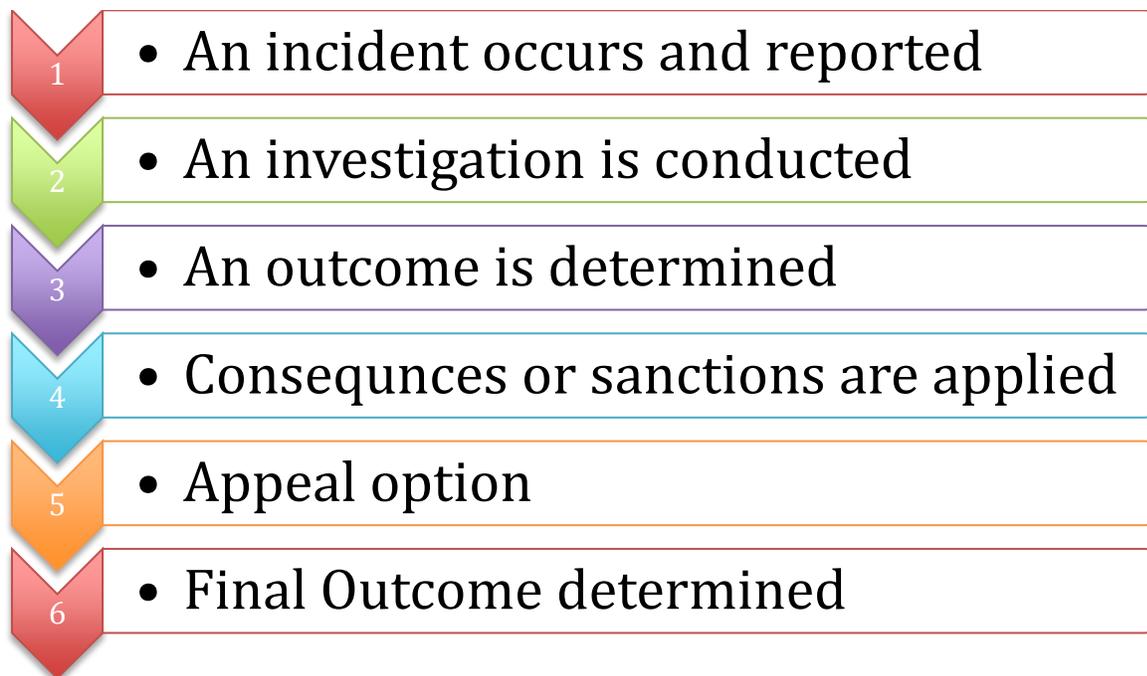
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“I HAVE AN ISSUE” QUICK REFERENCE GUIDE

| My issue | What Procedure | How do I report |
|--|--|--|
| I have a concern about another student and want to tell someone | None – you are just concerned | Person of Concern Form |
| I have a complaint about a staff or faculty member | Student Complaint Procedure | Person of Concern Form |
| I or someone I know is the recipient of unwelcomed sexual behavior | Student Gender Based Sexual Misconduct Procedure | Title IX Coordinator, Terrie Minner MinnerT@lanecc.edu 541-463-3010 |
| I think another student violated the Code of Conduct | The Student Code of Conduct | |

Emergencies (someone is in imminent harm) on campus should be reported to Public Safety at 541-463-5555 or off campus to 911.

COMMENT PROCEDURE STEPS (SEE EACH PROCEDURE FOR SPECIFIC STEPS)



PREFACE

Lane Community College Conduct Core Values:

- **Integrity:** Lane students exemplify honesty, honor, and a respect for the truth in all of their dealings.
- **Community:** Lane students build and enhance their community.
- **Social Justice:** Lane students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- **Respect:** Lane students show positive regard for each other, for property, and for the community.
- **Responsibility:** Lane students are given and accept a high level of responsibility to self, to others, and to the community.

Lane Community College students are responsible for knowing the information, policies, and procedures outlined in this document. The College reserves the right to make changes to this procedure as necessary and once those changes are posted online they are in effect. Students are encouraged to check the online College Online Policy and Procedure System (COPPS) for the updated versions of all policies and procedures.

The Lane Community College Student Code of Conduct was revised based on guidance from the following:

- The NCHERM Group Model Code Project, 2013.
- [Navigating Past the “Spirit of Insubordination”: A Twenty-first Century Model Student Conduct Code With a Model Hearing Script, Stoner and Lowery, 2004](#)

To request this information in an alternate format please contact the Center for Accessible Resources at (541) 463-5150 or accessibleresources@lanecc.edu

SECTION I: INTRODUCTION AND PHILOSOPHY

Lane Community College is a community learning institution committed to fostering a campus environment conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The student conduct program, within the Office of Academic and Student Affairs, is committed to an educational and developmental process that balances the interests of individual students with the interests of the College community.

A community exists on the basis of shared values and principles. At the College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Student Code of Conduct*. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Each member of the College community bears responsibility for their individual conduct and is expected to assume reasonable responsibility for the behavior of others. When members of the community fail to

exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Student Code of Conduct*.

The student conduct process at Lane Community College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with the College's policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help bring behavior into accord with community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine the student should no longer share in the privilege of participating in this community.

The purpose of this *Student Code of Conduct* is to protect the individual rights of students and employees and to control those actions that go beyond the exercising of such rights. The College recognizes its obligation to develop intellectual curiosity as well as social and cultural awareness. Further, Lane Community College responsibly provides for the safety and well-being of students and employees, property protection, record security, and other education-related services.

Through this *Student Code of Conduct*, Lane Community College describes conduct interfering with the responsibilities and obligations of the College. This document also outlines the penalties imposed for prohibited conduct and explains the procedural due process for alleged student violations and the protection of student rights.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a Conduct Conference before an objective decision-maker. No student will be found in violation of College policy or procedure without information showing it is more likely than not (preponderance of evidence) that a violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student. This determination does not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures shall not apply.

SECTION II: JURISDICTION

COLLEGE JURISDICTION

Students at Lane Community College are provided a copy of the *Student Code of Conduct* annually in the form of a link on the College website. Hard copies are available upon request from the Office of Academic and Student Affairs. Students are responsible for reading and abiding by the provisions of the *Student Code of Conduct*.

The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students and all College affiliated student organizations. For the purposes of student conduct, the College considers an individual to be a student who: (a) is enrolled as a student and/or registered for one or more

credit hours including dually enrolled students in multiple institutions; (b) is enrolled in a non-credit program or (c) was enrolled under (a) or (b) within four proceeding terms is considered a “student” for purposes of the procedure or (d) if the person has submitted an application for admission, financial aid or any other service provided by the College that requires student status.

The *Student Code of Conduct* is not applicable to students **enrolled only in College Now** courses on their local high school campuses. Lane Community College reserves the right to further clarify appropriate student groups to whom the *Student Code of Conduct* is applicable.

Note: The Student Gender-Based Sexual Misconduct Procedure has a broader definition of “student” for compliance requirements.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated, for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student’s ability to re-enroll, and/or obtain official transcripts, and/or graduate; and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student’s degree.

The *Student Code of Conduct* applies to behaviors that take place on the campus, at College-sponsored events, and may also apply off-campus when the Executive Dean of Student Affairs or designee determines the off-campus conduct affects a substantial College interest.¹ A substantial College interest is defined to include:

- Any situation where it appears the student’s conduct may present a danger or threat to the health or safety of themselves or others; and/or
- Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College.

The *Student Code of Conduct* may be applied to behavior conducted online, via email, or through other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites or applications are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of violations is posted online. The College does not regularly search for this information but may take action if and when such information is brought to the attention of College Officials.

The *Student Code of Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. This includes students who have granted others permission to act on their behalf to conduct college business. Visitors to and guests of the College may seek

¹ Adapted, with gratitude, from Penn State University.

resolution of violations of the *Student Code of Conduct* committed against them by members of the College community. The Code may also be applied to resident non-students, campers, and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements.

There is no time limit on reporting violations of the *Student Code of Conduct* however, the longer one waits to report an offense, the more difficult it becomes for College Officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous reports are permitted, doing so may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Academic and Student Affairs through the [employee incident report form](#) on the mySafety section in myLane, on the "home" tab and/or to Public Safety Department.

A Respondent facing an alleged violation of the *Student Code of Conduct* is not permitted to withdraw from the College until all allegations are resolved.

Email is the College's primary means of communication with Students. Students are responsible for all communication delivered to their College preferred email address. Students are responsible for updating their email preference on a regular basis through the myLane portal.

CONDUCT AUTHORITY

1. The Executive Dean of Student Affairs, or designee, shall determine the composition of Student Conduct Bodies and Appeal Panels; determining which Conduct Body, Conduct Resolution Administrator, and Appeal Panel shall be authorized to hear each case.
2. The Executive Dean of Student Affairs shall develop processes for the administration of the student conduct program and the procedural rules for Student Conduct Conferences that are consistent with the provisions of the Lane Community College *Student Code of Conduct*.
3. Decisions made by a Conduct Body and/or Conduct Resolution Administrator shall be final, pending the normal appeal process.
4. A Conduct Body may be designated as an arbiter of disputes within the student community in cases that do not involve a violation of the *Student Code of Conduct*. All parties must agree to arbitration, and to be bound by the decision, with no right of appeal.

SECTION III: VIOLATIONS OF LAW

If a student breaks a law that also violates the *Student Code of Conduct*, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined on p. 30). Interim suspensions are imposed until a Conduct Conference can be held; typically within two weeks. Within that time, the suspended student may request an immediate Conduct

Conference from the Executive Dean of Student Affairs to show cause why the interim suspension should be lifted. This Conduct Conference may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and if the College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College will only delay its Conduct Conference until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by either the Complainant to allow the criminal investigation to proceed before the College process.

Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. In such situations, the College procedure for voluntary leaves of absence is subject to the following conditions:

- The Respondent must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The Respondent must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The Respondent must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions imposed.

SECTION IV: STUDENT CONDUCT TERMS

The following terms have been defined for purposes of the *Student Code of Conduct*:

Advisor: The person selected by a student at their own discretion and cost who may or may not be affiliated with the College. This “Advisor” may NOT act on behalf of the student, but assist with interpreting the process, preparing for conferences and appeals, and assisting with preparing documentation.

Appeal Panel: Any person or persons authorized by the Executive Dean of Student Affairs who hears appeals to Conduct Conference outcomes in which it has been determined that a student has violated the *Student Code of Conduct*, or from sanctions imposed by the Conduct Resolution Administrator. This person or persons may also hear appeals to outcomes or sanctions for the Respondent or Complainant in Title IX cases.

Appeal Review Officer: A Conduct Resolution Administrator assigned to an appeal. The Appeal Review Officer will review an appeal for validity, determine the appropriate appeal body, assign Appeal Panel members to a specific appeal, and convene an Appeal Panel.

Charges: Specific provisions of the *Student Code of Conduct* submitted as having possibly been violated by the Respondent. This means the student “broke the rules.”

A quick grammar lesson:

The term "shall" is used in the imperative sense.

The term "may" is used in the permissive sense.

College: Lane Community College.

College Official: Any person affiliated with the College performing administrative or professional responsibilities such as employees or members of the Board of Education.

College Premises: All land, buildings, facilities, and other property in the possession of, or owned, used or controlled by the College (including adjacent streets and sidewalks) also including online environments.

Complainant: The individual(s) who is the recipient of unwelcomed behavior. The Complainant may be a student, employee or in some cases, a community member.

Conduct Body: Any person or persons authorized by the Executive Dean of Student Affairs or the appointed Conduct Resolution Administrator to determine whether a student has violated the *Student Code of Conduct* and to recommend imposition of sanctions, or to hear appeals to findings.

Conduct Conference: An official conduct hearing to determine whether a student violated the *Student Code of Conduct*, and if so, what are the appropriate sanctions. Conduct Conferences are convened by Conduct Resolution Administrators, and may include other appropriate persons (see Step 2: Educational Conduct Conference, item 1, page 19).

Conduct Resolution Administrator: A College Official authorized by the Executive Dean of Student Affairs, on a case-by-case basis, to hear cases of violations of the *Student Code of Conduct*, impose sanctions upon students found to have violated the *Student Code of Conduct*, and those who hear appeals to Conduct Conference outcomes. The Executive Dean of Student Affairs may serve as the Conduct Resolution Administrator or authorize a Conduct Resolution Administrator to serve simultaneously as a Conduct Resolution Administrator and sole member or one of the members of a Conduct Body; including Appeal Panels. Nothing shall prevent the Executive Dean of Student Affairs from authorizing the same Conduct Resolution Administrator to impose sanctions in all cases. Conduct Resolution Administrators receive annual training on topics relevant to performing their duties including, but not limited to:

- Processes, procedures and best practices around conducting investigations and conduct conferences; and
- Specific issues such as related to dating violence, domestic violence, sexual assault, and stalking.

COPPS: [College Online Policy and Procedure System](#) is the location where the College policies and procedures are published.

Employee: Any faculty, staff, or College Official whose primary purpose at the College is employment. This excludes students who are employed by the College for work-study positions.

Executive Dean of Student Affairs: The person designated by the College President to be responsible for the administration of the *Student Code of Conduct*.

Faculty Member: Any person hired by the College to primarily conduct classroom activities.

FERPA: Family Educational Rights and Privacy Act of 1974. For more information on FERPA, please visit: <http://www.lanecc.edu/copps/documents/release-student-records>.

Good Standing: The status of NOT being under any active conduct sanction. For the purposes of Good Standing, formal warning is not considered to be an active sanction.

A student may be considered NOT in good standing when:

- A respondent has an open or incomplete sanction (such as exceeding the completion deadline for a sanction).
- When a respondent fails to respond/appear for a Conduct Conference, depending on the severity of the charge and how long a case has gone unresolved. A VP hold may be enacted and outcomes may be determined in absentia.

Incident Report: Incident reports are written or verbal documentation indicating that a student may have violated the *Student Code of Conduct*. The employee [online incident reports](#) are available to employees on the employee website and the homepage of the myLane portal. Students may submit an [online incident report](#) through the “report an incident or complaint” link on the mySafety channel on the myLane homepage. Reports can also be submitted via in person to the Executive Dean of Student Affairs or their designee. Students may also submit incident reports to the Public Safety Department.

Member of the College Community: Any person who is a student, employee, College Official, or employee, or other individual involved with the College. A person's status or role in a particular situation shall be determined by a Conduct Resolution Administrator.

Student Organization: Any number of persons who have complied with the formal requirements for College recognition. See also [Student Organizations Guidelines](#).

Policy: The written regulations of the College as found in, but not limited to, the *Student Code of Conduct*, [College Board policies](#), and [administrative policies \(COPPS\)](#), the Associated Students of Lane Community College (ASLCC) constitution and by-laws, and the [College catalog](#).

Reporting Party: The person submitting an initial Incident Report (verbal, writing) alleging a violation of the *Student Code of Conduct*. The Reporting Party may be a student, employee, or in some cases, a community member. The Reporting Party is not necessarily the “Complainant.”

Respondent: The person to whom the report of an alleged violation refers.

Staff: Any person employed by the College in the Management and Classified ranks. This does not include students employed as work-study.

Student: For the purposes of student conduct, the College considers an individual to be a student who: (a) is enrolled as a student and/or registered for one or more credit hours including dually enrolled students in multiple institutions; (b) is enrolled in a non-credit program or (c) was enrolled under (a) or (b) within four proceeding terms is considered a “student” for purposes of the procedure or (d) if the person has submitted an application for admission, financial aid or any other service provided by the College that requires student status.

Vice President (VP) Hold: A hold placed on a student’s account. This hold is an administrative action that prohibits a student from “doing business” with the College; including registering and requesting transcripts. This action is used as a sanction or when there is a pending issue for a student to resolve with the Executive Dean of Student Affairs and/or Conduct Resolution Administrator.

Witness: A person who may have relevant knowledge of an alleged violation of the *Student Code of Conduct* or who may have submitted a supporting incident regarding an alleged violation of the *Student Code of Conduct*.

SECTION V: THE STANDARDS OF BEHAVIOR

The College considers the behavior described in the following subsections as inappropriate for the College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, as defined in Section II. The College encourages community members to report to College Officials all incidents that involve the following actions. Reports can be filed via myLane on the center of the home tab under mySafety or by clicking [here](#). Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section VI, Step 3: Findings and Outcomes (page 21).

A. CORE VALUES AND BEHAVIORAL EXPECTATIONS

Integrity: Lane Community College students exemplify honesty, honor, and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial information or instruments;
2. **Academic Dishonesty.** Acts of academic dishonesty include but are not limited to cheating, plagiarism, and other forms of academic dishonesty
 - a. **Cheating** includes, but is not limited to:
 - A. Use of any unauthorized assistance in taking quizzes, tests, or examinations;
 - B. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - C. The acquisition, without permission, of a test or other academic material belonging to a member of the College Faculty or Staff;
 - D. Engaging in any behavior specifically prohibited by a Faculty member in the course syllabus or class discussion.
 - b. **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 such papers or other academic materials.

Special note: Lane Community College will not tolerate any form of academic dishonesty. Faculty may impose a mandatory minimum penalty upon a student found to have committed a violation. Initial responsibility and authority for handling suspected academic dishonesty situations rests with the faculty, but may rise to the level of student conduct matters depending on the specifics of each situation. Please refer to the information in the *Sanctions* section for more detail on the handling of suspected academic dishonesty. Students charged with violating this section of the Code may have their academic file reviewed by the Executive Dean of Student Affairs to verify any past academic dishonesty occurrences.

3. **Collusion.** Action or inaction with another or others to violate the *Student Code of Conduct*;
4. **Trust.** Violations of positions of trust within the community;
5. **Election Tampering.** Tampering with the election of any College-recognized student organization;
6. **Taking of Property.** Intentional and unauthorized taking of College property or the personal property of another, including goods, services, and other valuables;
7. **Stolen Property.** Knowingly taking or maintaining possession of stolen property.

Community: Lane Community College students build and enhance their community. Behavior that violates this value includes, but is not limited to:

1. **Disruptive Behavior.** Substantial disruption of College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus;
 - a. Note: In order to preserve the academic integrity of classroom environments, and/or College functions, interim actions may be imposed on individuals engaging in disruptive and/or unsafe behavior. At the discretion of an employee, students may be removed from a class, room, or space for one day or session prior to a conduct conference.
 - b. With permission of the employee, the student may return to the class, room, or space after the one day or session. The employee may also file an [incident report](#).
 - c. If the employee believes the student's behavior warrants longer removal from the class, room or space, the employee must [file an incident report](#) documenting the alleged violation of the *Student Code of Conduct* and justification for longer removal. Students will be notified of the date, time, and location of the conduct conference, and the student cannot return to the room or space until notice from the Executive Dean of Student Affairs or the Conduct Resolution Administrator.
2. **Physical Abuse.** Physical abuse of any kind is not permitted and includes, but is not limited to, fighting, wrestling, pushing, hitting, grabbing, cutting, and/or slapping another person, regardless of intent.
3. **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
4. **Unauthorized Access.**
 - a. to any College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any College building or failing to timely report a lost College identification card or key; Misuse of access privileges to College Premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building;
 - b. to any college system, social media or other normally restricted technology.
5. **Trademark.** Unauthorized use (including misuse) of College or organizational names and

**Online/Electronic
Invitations**

Students sending mass electronic or online invitations to the campus area that result in large scale gatherings and that create a community disturbance can be held responsible for violation of the code of conduct.

- images;
6. **Damage and Destruction.** Intentional, reckless, and/or unauthorized damage to or destruction of, College property or the personal property of another;
 7. **Technology and Acceptable Use.** Violation of the College's [Information Technology: Technology Use Rights and Responsibilities Policy](#)
 8. **Gambling.** Gambling as prohibited by the laws of the State of Oregon (Gambling may include raffles, lotteries, sports pools and online betting activities);
 9. **Unlawful Possession of Weapons.** Students shall comply with [Board of Education Policy 410 - Weapons](#).
 10. **Tobacco.** Students shall not violate the [Tobacco Free Procedure and Lane's Smoking Policy](#). Lane Community College Public Safety Officers are the primary enforcement agent of this procedure and policy.
 11. **Fire Safety.** Violation of local, state, federal, or campus fire policies including, but not limited to:
 - a. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury;
 - b. Failure to evacuate a College-controlled building during a fire alarm;
 - c. Improper use of College fire safety equipment; or
 - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions.
 12. **Animals.** Animals, with the exception of service animals that provide assistance (e.g. seeing-eye dogs), are not permitted on campus except as permitted by College procedure.
 - a. All animals on campus must be under the immediate physical control of the owner at all times (i.e., on leash, carried, etc.)
 - b. Animals must remain outside campus buildings with the exception of service animals. For more information about Service Animals, please refer to this associated COPPS procedure: [Disabilities: Service Animals](#).
 - c. Animal owners are required to immediately pick up and properly dispose of any solid waste produced by their animals.
 - d. All animals permitted to be on-site shall be closely managed by their owner.
 - e. Animals may not be tied to buildings, fixtures, etc., left unattended or permitted to run at large on campus.
 - f. Large animals may not be ridden, led or otherwise allowed on College property.
 - g. Animals that pose a safety or security risk, are visibly unhealthy, or demonstrate an aggressive behavior on campus shall be immediately removed off site by the owner.
 - h. Animals may not be left on campus without the owner's presence.
 - i. "Abandoned" or "lost" cats and dogs will be taken to Lane County Animal Control or Greenhill Humane Society if an owner cannot be located.
 - j. No person shall hunt, fish, pursue, trap, molest, injure or kill any game or non-game wildlife within College property. Exceptions may be made for law enforcement officers called to dispatch a severely injured or dangerous animal.
 13. **Wheeled Devices.** Skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and individuals may be

liable for damage to College property caused by these activities. Please refer to [Lane's non-motorized vehicle policy](#).

Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing College community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

1. **Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe it limits or denies the ability to participate in or benefit from the College's educational programs or activities.
2. **[Unwelcomed] Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the Complainant and community.
 - a. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.
3. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a civil rights grievance proceeding or other protected activity described in the *Student Code of Conduct*;
4. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, College conduct processes, but not limited to:
 - a. Failure to comply with a conduct notice or official directive;
 - b. Falsification, distortion, or misrepresentation of information;
 - c. Failure to provide, or destroying or concealing information during an investigation of an alleged policy violation;
 - d. Attempting to discourage an individual's proper participation in, or use of, the College Student Conduct System;
 - e. (Non-discriminatory, non-sexual) Harassment (verbal or physical) and/or intimidation of a member of a campus Conduct Body prior to, during, and/or following a campus conduct proceeding;
 - f. Failure to comply with the sanction(s) imposed by the Conduct Resolution Administrator;
 - g. Influencing, or attempting to influence, another person to commit an abuse of the College Student Conduct System.

Respect: Lane Community College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

1. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
2. **Threatening Behaviors:**
 - a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
3. **Bullying and Cyberbullying.** Bullying and cyberbullying are defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
4. **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that 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. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent **(and/or)** failing to discourage **(and/or)** failing to report those acts may also violate this policy.
5. **Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another;
6. **Stalking.** A course of conduct (i.e., more than one act) directed at a partner in a current or former intimate relationship that would cause a reasonable person to feel fear, to experience emotional distress, or to fear for the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to: threats of harm to self or others; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other types of observation.
7. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See *the Student Gender-Based Sexual Misconduct Procedure* for further information);
8. **Sexual Exploitation.** Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit or to benefit another person. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy, engaging in voyeurism, exposing one's genitals in non-consensual circumstances, prostituting another person, or inducing incapacitation with the intent to commit other acts of sexual misconduct.
9. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

Responsibility: Lane Community College students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:

1. **Alcohol and Drugs.** The possession, selling or otherwise furnishing others with any intoxicating beverage, dangerous drug, narcotic, marijuana, glue, or thinner on College-owned or controlled property, or at College-sponsored or supervised functions except as authorized by specific

institutional policy or regulations ([Board of Education Policy 420](#)); Public intoxication, vomiting, or other such effects of irresponsible substance consumption;

2. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
3. **Failure to Comply with a College Official.** Failure to comply with the reasonable directives of College Officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
4. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity;
5. **Other Policies.** Violating other published College policies or rules;
6. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, inhibiting emergency actions (i.e. responding inappropriately to Lane Alerts, or abuse of the emergency alert systems, impeding or refusing to comply with directions in an emergency, etc.);
7. **Violations of Law.** Alleged violations of federal, state, and local laws may be investigated and addressed under the *Student Code of Conduct*. If a student breaks a law that also violates the Code, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced. When an offense occurs over which the College has jurisdiction, the College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

SECTION VI: THE CONDUCT PROCESS

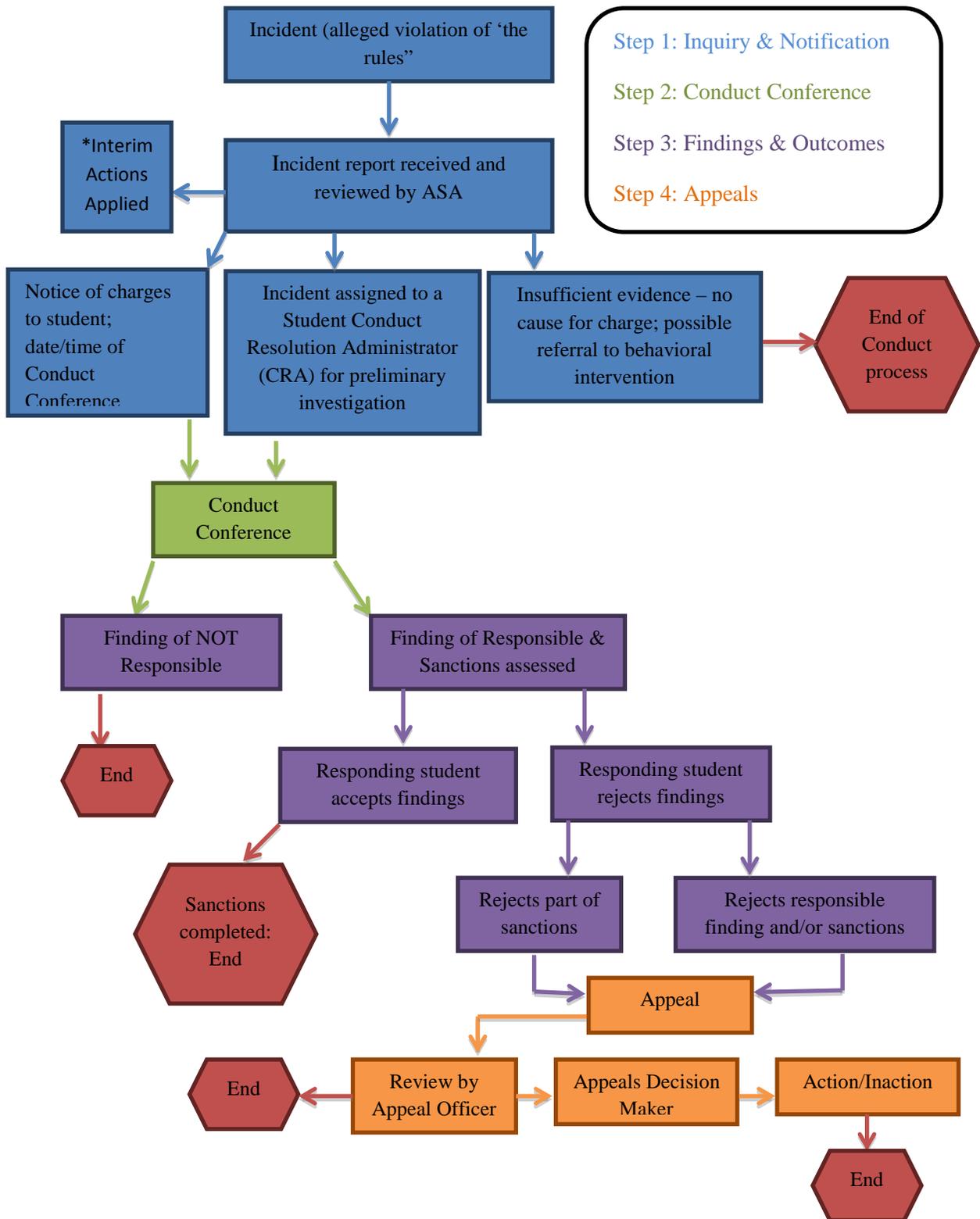
This overview gives a general idea of how the College's conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures possess some flexibility, and are not exactly the same in every situation; though consistency in similar situations is a priority. For example, interim actions will not be applied to every case. The conduct process and all applicable timelines commence with notice to an administrator of a potential violation of College rules.

NOTICE. Once notice is received from any source (complainant, employee, 3rd party, online, etc.), the College may proceed with a preliminary investigation and/or may schedule an initial conference with the Respondent to explain the conduct process and gather information.

Below (page 18) is a flow chart to depict the basic conduct process. As noted above, each case has its own unique circumstances that are taken into consideration when maneuvering the conduct process.



CHART 1: CONDUCT PROCESS OVERVIEW



- A. Incident occurs. *Interim actions may be applied if appropriate.
- B. Incident reported to and reviewed by ASA (Academic and Student Affairs): determines whether insufficient evidence, additional investigation needed, or support citation of violation
- C. Student charged and receives notification of charges and Conduct Conference (date, time, and location)
- D. Case assigned to a Conduct Resolution Administrator (CRA), who will conduct a preliminary investigation, refer student for behavioral intervention, or no action taken

STEP 1: INQUIRY & NOTIFICATION

A. Incident occurs

A student allegedly violates the Student Standards of Behavior (See Section V, pg. 10).

B. Reporting the alleged violation

Any member of the College community may report alleged violations for any student misconduct.

Employees can report their concerns of violations online via the [Students of Concern link](#), (also found on myLane on the home tab under ‘mySafety’ in the middle of the page), or by contacting the Public Safety Department.

Students can report their concerns of any student misconduct by completing an Incident Report via the [student complaint form](#) in myLane on the home tab, or by contacting the Public Safety Department.

AMNESTY:

1. For Complainants

The College provides amnesty to Complainants who may be hesitant to report to College Officials because they fear they may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.*

2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the College pursues a policy of amnesty for minor violations when students demonstrate a good faith effort to offer help to others in need. At the discretion of the Executive Dean of Student Affairs, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.*

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.*

Abuse of amnesty requests can result in a decision by the Executive Dean of Student Affairs not to extend amnesty to the same person repeatedly.

*Records regarding the provision of amnesty, however, will be maintained.

Review of Incident Reports

A member of the Student Conduct Team will review Incident Reports for appropriate alignment between reported behavior and possible charges of violations of the rules and case assignment to a Conduct Resolution Administrator (CRA). Insufficient evidence may be presented to make such a determination, no action may be taken, or the case may be referred to another office for behavioral intervention. In the case of a formal charge, a notification will be sent to the Respondent.

C. Notification of Charges

Notification of a formal charge of a violation(s) will be sent or presented to the Respondent, and a Conduct Conference will be scheduled with the Respondent. These notices may be contained in the same document. All charges of violations of the standards of behavior shall be presented to the respondent in written form via email (referred to as the Order to Appear letter) and will typically contain notice of day, time and location for the conference. Any applicable interim actions will be communicated in this notice.

- A time of no less than five or more than 15 college business days after the student notification shall be set for conduct conferences except in cases involving interim actions with expedited conferences or as requested. Time limits for scheduling a Conduct Conference may be extended at the discretion of the Conduct Resolution Administrator.
- If the respondent fails to appear, the conference will proceed as scheduled.

End of Term Timeline Changes

In cases in which the incident occurs during the last 30 days of the term, the College reserves the right to abbreviate the timeline in an attempt to resolve the case prior to the end of the term. In these cases the student(s) will be notified of any change made with regards to standard deadlines.

INTERIM ACTIONS

Under the *Student Code of Conduct*, the Executive Dean of Student Affairs or designee may impose restrictions and/or separate a student from the community pending the scheduling of a conduct conference on alleged violation(s) of the *Student Code of Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve the educational experience and the overall College environment, to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College. Interim actions can include but are not limited to:

- imposing a no contact order on either party,
- scheduling and room changes,

- interim suspension and separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a conduct conference on alleged violation(s) of the *Student Code of Conduct*.

As appropriate, this timeline may be extended at the discretion of the Executive Dean of Student Affairs. Interim suspension and separation include an order of trespass. If a respondent fails to attend a scheduled conference and/or refuses to participate in the conduct process, the interim **actions remain in effect until a conduct conference is held**. As noted previously, a finding may be determined if a respondent fails to attend a scheduled conduct conference.

A student who receives an interim suspension may request a meeting with the Executive Dean of Student Affairs, or designee, to demonstrate why an interim suspension is not merited or why the case should be expedited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a conduct conference.

During an interim suspension, a student may be denied access to College campuses, facilities, and events. As determined appropriate by the Executive Dean of Student Affairs, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Executive Dean of Student Affairs and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

D. Preliminary investigation

The Conduct Resolution Administrator may conduct a preliminary investigation into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary investigation may lead to conducting a more comprehensive investigation, when it is clear more information must be gathered.

STEP 2: EDUCATIONAL CONDUCT CONFERENCE

Conduct Conferences are part of an educational administrative process. At Lane Community College the conduct process is founded in educational practice and values. The purpose of the educational Conduct Conferences are to effect behavioral change through learning, as well as hold students responsible to this educational community.

1. Conduct Conferences will be held with appropriate parties that may include, but are not limited to: Conduct Resolution Administrator, Public Safety Officer, College Counselor, Center for Accessible Resources Advisor (see item 6), Admission of any person to the Conduct Conference shall be at the discretion of the Conduct Body and/or its Conduct Resolution Administrator.
2. Conduct Conferences shall be closed to the public.

Need Assistance?

Reach out to your Conduct Resolution Administrator or Center for Accessible Resources prior to your conference if you have any special needs such as language interpretation, door access or TTU assistance.

3. The Conduct Resolution Administrator (CRA), or their designee will chair conferences.
4. In Conduct Conferences involving more than one accused student, the Conduct Resolution Administrator of the Conduct Body, at their discretion, may permit separate conferences for each student or student organization.
5. The Complainant and the Respondent may be assisted by an Advisor they choose, at their own expense. A process Advisor from the College may be available upon request at no cost. The Advisor may be an attorney. The Complainant and/or the Respondent are responsible for presenting their own information. Therefore, neither Advisors nor Coaches are permitted to speak or to participate directly in any conference before a Conduct Body. A student should select as an Advisor or Coach a person whose schedule allows attendance at the scheduled date and time for the Conduct Conference because delays will not normally be allowed due to scheduling conflicts of an Advisor.
6. The Complainant, the Respondent, and the Conduct Body may provide witnesses to present pertinent information to the Conduct Body either during the Conduct Conference, prior to the conference, or through written means. Witnesses may be contacted after the Conduct Conference. However, when appropriate and at the discretion of the Conduct Resolution Administrator, a witness may be asked to attend a Conduct Conference. When appropriate as determined by the Student Conduct Administrator, the College will try to arrange for the interview of possible witnesses identified by the Complainant and/or the Respondent, and who are members of the College community. Witnesses shall provide information to and answer questions from the Conduct Body. Except in sexual misconduct cases, questions may be suggested by the Respondent and/or Complainant to be answered by each other or by witnesses. In order to avoid creating an adversarial tone and to preserve the educational nature of this proceeding, the Conduct Resolution Administrator will conduct the questioning process, with questions directed to the Conduct Resolution Administrator only. The Conduct Resolution Administrator shall resolve questions of whether potential the Conduct Body will receive information.
7. Pertinent records, exhibits and written statements (including Impact Statements) may be accepted as evidence for consideration by a Conduct Body at the discretion of the Conduct Resolution Administrator chairing the Conduct Body.
8. All procedural questions are subject to the final decision of the Conduct Resolution Administrator chairing the Conduct Body.
9. Deliberations: After the conference, the Conduct Body shall discuss the evidence of the case. Based on the preponderance of evidence, the Conduct Resolution Administrator will determine whether the Respondent has violated the code of conduct as charged. (See Step 3: Findings and Outcomes)
10. There shall be a single record of all conferences before a Conduct Body. The record shall be the property of the College. Audio and visual recordings are not permitted unless special permission is given by the Executive Dean of Student Affairs. Such recordings shall be the property of the College.

- A. Deliberations
- B. Possible Finding Outcomes
- C. Sanctions

STEP 3: FINDINGS AND OUTCOMES

A. Deliberations

As mentioned above, deliberations may involve all College members of the Conduct Body from a Conduct Conference. However, the Conduct Resolution Administrator is responsible for making the determination of findings.

1. The Conduct Resolution Administrator's determination shall be made on the basis of whether it is more likely than not (preponderance of evidence) that the Respondent violated the *Student Code of Conduct*.
2. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations. In those cases, the Conduct Conference results serve as a recommendation to the Complaint Resolution Administrator (who may be the Conduct Resolution Administrator) and appropriate Vice President or designee and, where appropriate, the Title IX Coordinator, who review and finalize the finding.
3. Complainants, Respondents, or their advisors will not be present for deliberations of findings.

B. Possible Finding Outcomes

1. Except in the case of a student charged with failing to obey the summons of a Conduct Body or College Official (a type failure to comply), no student may be found to have violated the *Student Code of Conduct* solely because the student failed to appear before a Conduct Body. In all cases, the evidence in support of the charges shall be presented and considered. In cases where the Respondent fails to appear, all evidence will be considered, and an outcome determined. The appeal process may be used if appropriate. ***Failure to appear for a Conduct Conference is NOT a valid reason for an appeal of an outcome.***
2. **Parental Notification:** The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or with consent of the student.
3. **Notification of Outcomes:** The outcome of a conduct conference is part of the educational record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or

forcible or non-forcible sex offense, the College will inform the alleged Complainant in writing of the final results of a Conduct Conference regardless of whether the College concludes a violation was committed. This notification, as well as any change in the outcome, is simultaneously sent to the Complainant and the Respondent. Such release of information may only include the Respondent's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX only, the rationale for the outcome will also be shared with all parties of the complaint in addition to the finding and sanction(s).

In cases in which the College determines through the student conduct process that a student violated a policy or procedure that constitutes a "crime of violence" or non-forcible sex offense, the College may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- Arson
- Assault offenses (includes stalking)
- Burglary
- Criminal Homicide—manslaughter by negligence
- Criminal Homicide—murder and non-negligent manslaughter
- Destruction/damage/vandalism of property
- Kidnapping/abduction
- Robbery
- Forcible sex offences
- Non-forcible sex offences

Notification of Outcome also includes the appeal process outlined in Section C, "Action/Inaction."

The following options describe how to proceed depending on whether the Respondent is found responsible and whether the Respondent accepts or rejects the findings and/or the sanctions; either in whole or in part.

CHART 2: POSSIBLE OPTIONS FOR FINDINGS

| Finding | Respondent Response | Appeal Options |
|-----------------|---------------------------------------|---|
| Responsible | Accept | Accept Responsible finding, accept sanction(s) = N/A |
| | | Accept Responsible finding, reject all or some sanctions = may appeal all or some sanctions |
| | Reject | Reject Responsible finding or parts of the finding, accept all sanctions = appeal responsible finding, uphold sanctions |
| | | Reject Responsible finding, reject all or some sanctions = appeal responsible finding and all or some sanctions |
| Not Responsible | N/A – investigation considered closed | Title IX (Complainant)* |

*The party bringing forward a sexual misconduct or discrimination complaint, if any, may request the Title IX Coordinator and/or Executive Dean of Student Affairs, as applicable, review the investigation file to possibly re-open the investigation or convene a conference. The decision to re-open an investigation or convene a conference rests solely in the discretion of the Title IX Coordinator or the Executive Dean of Student Affairs in these cases, and is granted only on the basis of extraordinary cause.

C. Sanctions

Sanctions are not solely intended to provide punishment but are intended to provide responsible students with an educational opportunity to consider the impact of their behavior on their educational experience, the experience of other students, staff and/or faculty, and the Lane community. The purpose of sanctions is to promote reflection and action on behalf of the Respondent. To that extent, the sanctions that may be imposed by a Conduct Resolution Administrator on Respondents, or student organization(s) are aligned to Lane Community College’s [Core Learning Outcomes](#) and educational purposes of sanctioning.

Factors Considered in Determining Sanctions

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

- a. The nature of the violation(s).
- b. Prior violations and disciplinary history.
- c. Mitigating circumstances surrounding the violation.
- d. The student’s motive or purpose for engaging in the behavior.

- e. Sanctions imposed in similar cases in the past.
- f. The developmental and educational impact on the students (complainant and/or respondent).
- g. The impact and safety for the college community.

CHART 3: DESCRIPTIONS OF LEARNING AND BEHAVIORAL OUTCOMES

| Core Learning Outcomes | Behavioral Outcomes |
|---|--|
| <u>A. Think Critically</u> : evaluation process involving questioning, gathering, and analyzing opinions and information. | <u>F. Self-reflection</u> : promote self-awareness of behavior, awareness of appropriateness/inappropriateness of behavior, awareness of institutional expectations. |
| <u>B. Engage Diverse Values with Civic and Ethical Awareness</u> : actively participate as citizens of local, global and digital communities. Requires recognizing and evaluating one’s own view and the views of others. | <u>G. Impact on Others</u> : promote understanding of how behavior impacted, or could have impacted, others. |
| <u>C. Create Ideas and Solutions</u> : ability and capacity to create new ideas, images and solutions, and combine and recombine existing images and solutions. Use of theory, embrace ambiguity, take risks, test for validity, generate new questions, and persist with the problem when faced with resistance, obstacles, errors, and the possibly of failure. | <u>H. Impact on College Community</u> : promote understanding of community and/or societal standards. |
| <u>D. Communicate Effectively</u> : ability to interact with diverse individuals and groups, and in many contexts. Recognize different elements of communication vary with context. Embrace honesty and respect for others as a communicator, exerting the effort required to listen and interact productively. | <u>I. Impact on Self</u> : promote self-awareness of potential physical or psychological impacts of behavior and/or impacts of behavior on future (choice of career, course of student, transfer, etc.). |
| <u>E. Apply Learning</u> : use knowledge and skills to solve programs, often in new contexts. When students also reflect on experiences, they deepen learning. | <u>J. Strong Deterrence and Awareness Raising</u> : serve as a serious and/or uncomfortable intervention. |

CHART 4: POSSIBLE SANCTIONS

| Learning or Behavioral Outcome | Sanction | Description |
|--------------------------------|-------------------------------------|--|
| A, D, F, H | Warning | An official written notice that the student has violated College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while enrolled at the College. |
| G, I, J | Restitution | Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen. |
| G, I, J | Fines | Reasonable fines may be imposed. Fines are specified to include: <ul style="list-style-type: none"> • Timeline for payment • Consequences for non-payment |
| B, F, H | Service | Community service for a student or student organization to complete; a specific supervised College service. |
| I, J | Confiscation of prohibited property | Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Executive Dean of Student Affairs and/or the Chief of Public Safety. |
| A-J | Behavioral requirement | Required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc. The requirement may be fulfilled by a third party and may be contracted at the respondent's expense. |
| A, B, C, E, F, G | Educational program | Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus; to aid in learning about a specific topic or issue related to the violation for which the student or student organization was found responsible. Audience may be restricted. For violations involving substance abuse the student will be required to work with the Substance Abuse Prevention Coordinator. |
| F, G, H, I, J | Restriction or loss of privileges | The student or student organization will be denied specified privileges for a designated period of time. |
| F, G, H, I, | Restriction or | The student is deemed “not in good standing” with the College |

| | | |
|----------------------|---|---|
| J | loss of eligibility or participation | <p>for a specified period of time. Specific limitations or exceptions may be granted by the Conduct Resolution Administrator or the Executive Dean of Student Affairs and terms of this sanction may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a) Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or b) Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc. |
| F, G, H, I, J | Restriction or loss of access to space; or trespass | The student is put on official notice that the student is not permitted to enter/use a specified space or location for a specified period of time. This sanction may be enforced with a trespass action as necessary. |
| A, E, F, G, H | College probation | The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings or written updates may also be imposed. |
| A, (E), F, J | College suspension | Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate (including removing any personal items on campus) the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Conduct Resolution Administrator. During the suspension period, the student is trespassed from all College property, functions, events and activities without prior written approval from the Conduct Resolution Administrator. This sanction may be enforced with a trespass action as necessary. |
| I, J | College expulsion | Permanent separation from the College. The student is trespassed from College property and the student's presence at any and all College sponsored activities or events is prohibited. This action may be enforced with a trespass action as necessary. |
| I, J | Revocation of admission and/or degree | Admission to or a degree, certificate, or other credential 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. |
| H, I | Withholding | The College may withhold the awarding of a degree, certificate, |

| | | |
|---------------------|-----------------|---|
| | degree | or other credential otherwise earned until the completion of the process set forth in the <i>Student Code of Conduct</i> , including the completion of all sanctions imposed, if any. |
| A-J (Ad hoc) | Other sanctions | Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Executive Dean of Student Affairs or designee. |

1. More than one of the sanctions listed above may be imposed for any single violation.
2. Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than College suspension or expulsion, upon formal written request to the Executive Dean of Student Affairs. Cases involving the imposition of sanctions other than College suspension or expulsion shall be expunged from the student's confidential record, consistent with the College's schedule of record disposition.
3. In each case in which a Conduct Body determines a student has violated the *Student Code of Conduct*, the sanction(s) shall be determined by the Conduct Resolution Administrator. In cases in which persons other than, or in addition to, the Conduct Resolution Administrator have been authorized to serve as the Conduct Body, the recommendation of all members of the Conduct Body shall be considered by the Conduct Resolution Administrator in determining and imposing sanctions. The Conduct Resolution Administrator is not limited to sanctions recommended by members of the Conduct Body. Following the Conduct Conference, the Conduct Body and the Conduct Resolution Administrator shall advise the Respondent in writing via an outcome letter sent by email of its determination and any sanction(s) imposed.
4. **Failure to Complete Conduct Sanctions:** All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the Conduct Resolution Administrator. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the College. A suspension will only be lifted when compliance with conduct actions has been achieved and is at the discretion of the Executive Dean of Student Affairs

- A. Review**
- B. Decision**
- C. Action/Inaction**

STEP 4: APPEALS

A. Review

1. A decision reached by a Conduct Resolution Administrator or Conduct Body, or a sanction imposed by the Conduct Resolution Administrator, may be appealed in writing by the Respondent or Complainant in cases of sexual misconduct to the Executive Dean of Student Affairs within five (5) College business days of notice of the Student Conduct Advisor's decision. Such appeals shall be in writing and shall be sent via email to CodeandComplaintAppeals@lanecc.edu.

2. Appeals shall be limited to review of the record of the initial Conduct Conference and supporting documents, except as required to explain the basis of new evidence for any of the following:
 - a. Procedural error occurred that significantly impacted the outcome of the Conduct Conference (e.g. substantiated bias, material deviation from established procedures, etc.);
 - b. Determine whether the decision reached regarding the Respondent was based on substantial evidence; that is, whether the facts in the case were sufficient according to the standard of the preponderance of evidence to establish the fact that a violation of the *Student Code of Conduct* had occurred;
 - c. The sanctions imposed are substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the Respondent; or
 - d. Consider new evidence, unavailable during the original Conduct Conference or investigation, which could substantially impact the original finding or sanction. [Note: Failure to provide information during or participate in an investigation or a Conduct Conference, even resulting from concern over pending criminal or civil proceedings, does not make evidence “unavailable” at the time of the Conduct Conference.] A summary of this new evidence and its potential impact must be included.
3. The Executive Dean of Student Affairs will appoint an Appeal Review Officer who will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. The Appeal Review Officer may consult with the Executive Dean of Student Affairs and/or Title IX Coordinator on any procedural or substantive questions that arise.
4. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.

B. Decision Making

1. If the appeal has standing, the Appeal Review Officer determines whether to refer the appeal to the Appeals Panel (see below) or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full re-conferencing by the Appeals Panel are not permitted or are very rarely used. Where new evidence is presented or the sanction is challenged, the Appeals Review Officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction(s) are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.
2. Appeal decisions should be rendered within 30 business days from receipt of the notice of appeal (20 days for the Appeal Panel to conclude, 10 days for the final decision by the Executive Dean of Student Affairs) and are considered the final decision of the college; there are no additional appeal options. At the discretion of the Executive Dean of Student Affairs, in consultation with the Appeal Review Officer, or in Gender-Based Sexual Misconduct, in consultation with the Title IX Coordinator, this timeline may be extended.

C. Action/Inaction

1. On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original Conduct Body according to the permissible grounds. Procedural or substantive errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the Student's cumulative conduct record.
2. All decisions of the Appeals Panel are to be made within five (5) days of submission to the Appeals Panel and are final, as are any decisions made by the original Conduct Body, Executive Dean of Student Affairs, or Title IX Coordinator as the result of reconsideration consistent with instructions from the Appeal Review Officer.

The Appeal Panel

When appropriate, multi-member Appeals Panels are drawn from the appeal/review panel pool, with the following requirements to serve:

- They did not serve on the Conduct Body for the initial Conduct Conference.
- They were not involved in the investigation in any way.
- They have been properly trained in appeals procedures.

If the Appeals Panel calls for students to serve in the panel pool, the participating student(s) must:

1. Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
2. Be in good standing with respect to the conduct process throughout the term in which they serve. Good standing is defined as having no record of misconduct during the term(s) in which a student wishes to serve on the panel, as well as not currently being on any probation. A serious history of misconduct could disqualify a student for service.

The Appeal Review Officer will have final authority to approve all those serving on the panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Appeals Review Officer will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Appeals Review Officer will solicit a replacement from the pool of panelists.

The Executive Dean of Student Affairs or designee may serve as a non-voting Advisor to the panel, with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the Complainant and Respondent.

Appeal/Review Panel Procedure

1. The Appeals Panel will submit a written report of its findings and recommendations to the Executive Dean of Student Affairs within 20 business days. The Appeals Panel report may include both majority and dissenting opinions. The Executive Dean of Student Affairs will make the final decision on the appeal and notify the Respondent and/or Complainant in writing within 10 working days. If the Executive Dean of Student Affairs was the Conduct Resolution Administrator in the original complaint, the Appeal Panel's report will be submitted to the Vice President of Academic and Student Affairs for the final decision.

2. In cases involving appeals by a student accused of violating the *Student Code of Conduct*, review of the sanction(s) by an Appeals Panel may not result in additional sanction(s) for the Respondent. Instead, following an appeal, the Executive Dean of Student Affairs may upon review of the case, reduce, but not increase, the sanctions imposed by the Conduct Resolution Administrator.
3. In cases involving appeals by persons other than the Respondent of violating the *Student Code of Conduct*, the Executive Dean of Student Affairs may, upon review of the case, reduce or increase the sanctions imposed by the Conduct Resolution Administrator or remand the case to the original Conduct Body and Conduct Resolution Administrator.

The presumptive stance of the College is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Executive Dean of Student Affairs, and when applicable in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Executive Dean of Student Affairs, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

OTHER GUIDELINES FOR APPEALS

- All applicable parties will be informed five business days of the receipt of appeal of: the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration should be pursued;
- Appeals are not intended to be full re-conferences of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original Conduct Conference, and pertinent documentation regarding the grounds for appeal. Witnesses may be called if necessary.

Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Disciplinary Records

All conduct records are maintained by the College for seven (7) years from the time of their creation except those that remain unresolved or result in separation (suspension or expulsion, including trespass), permanent no contact orders, exclusions for specific classes, incomplete sanctions, and those that fall under Title IX, which are maintained indefinitely.

SECTION VII: INTERPRETATION AND REVISION

Code Interpretation

Any question of interpretation regarding the *Student Code of Conduct* shall be referred to the Executive Dean of Student Affairs or designee for final determination.

Code Revision

The *Student Code of Conduct* shall be reviewed every five years under the direction of the Executive Dean of Student Affairs or designee.

Approval and Implementation

This *Student Code of Conduct* was approved on March 1, 2000 and implemented on January 4, 2016.

SECTION VIII: STUDENT RESOURCES

TIPS ON MANAGING THE STUDENT CONDUCT PROCESS

Adapted from University of Dayton Student Handbook 2014-2015

- If an Employee, including Public Safety Officers, tells you that you have been reported for a violation of the code (some may say “cited”), you should receive an email notification within a few days. If you have not heard anything after a week, you should consider contacting the Office of Student Affairs at 541-463-5732.
- There is no reason to begin to ‘mount a defense’ or ‘build a case’ if you are notified. The purpose of the educational conduct conference is to share the report contents (reporting names may be withheld as appropriate), and to allow for the chance to share what happened from your perspective.
- You may bring or ask for an Advisor.
- Read “Section VI: The Conduct Process” so you are aware of the process.
- Reach out to your Student Conduct Coach or Center for Accessible Resources prior to your conference if you have any special needs such as language interpretation, door access, or TTU assistance.
- Take a DEEP BREATH. Often when a student is notified their anxiety goes up and they feel the need to immediately resolve the issue. Moving the process at a faster pace is not always to your benefit. Take a moment to think, call your parents/family, read the procedure, and know that every student in this process will be treated with dignity and respect.
- Set aside all your knowledge and notions about the legal system. The student conduct system is founded on an educational philosophy grounded in core values of the College. It is an educational process intended to be developmental for both the individual and community at large.
- Stress management is important. Don’t let your mind race with “what if?” scenarios. Stay in the moment, concentrate on your school work, and take one step at a time.
- If you have questions, ask. Contact the Office of Student Affairs at 541-463-5732. We will be happy to help you with questions. If you would like someone from the office to speak with your parents or other family member, please review the following procedures:
 - [Release of Student Records](#)
 - [Release of Records](#)

