

# **POLICY ON STUDENT CONDUCT**

## **INTRODUCTION**

This document supersedes all previous student conduct policies (Adopted on 07/01/13). This document is to be made available to all students, in the Portland Community College ("PCC") Catalog, on the PCC website at [www.pcc.edu](http://www.pcc.edu), and in printed form in the Offices of the Deans of Student Development.

This document is not a contract between a student and PCC, and PCC reserves the right to modify or revise the contents of this document at any time. This document is to be construed in a manner that is consistent with other PCC policies and regulations. The most current version is available online at: <http://www.pcc.edu/about/policy/student-rights/documents/student-conduct.pdf>

The term "student" includes all persons taking courses at the College, both full-time and part-time, pursuing credit or non-credit classes or enrolled in any special programs approved the College. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the College, may be considered "students."

Admission to and participation in PCC carries with it the presumption that students will conduct themselves as responsible members of the PCC community. Thus, students as defined here are obligated to observe all PCC standards of conduct.

## **PURPOSE**

The purpose of the Policy on Student Conduct is to communicate the expectations that Portland Community College ("PCC") has of students, and to educate and guide students to understand their responsibility for appropriate behavior and respect for others in the PCC community. PCC is dedicated to the advancement of learning, to student retention and success, and also to the development of responsible personal and social conduct. The maintenance of discipline in the PCC setting is intended to support a civil environment conducive to learning and inquiry. Student Services staff members work in partnership with instructors and academic administrators to support this goal.

## **AUTHORITY**

- This policy sets forth the appropriate discipline of any student who acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of PCC or otherwise engages in conduct that PCC has determined is unacceptable for a student at PCC. PCC reserves the right to impose discipline based on student conduct that has some connection to the student's relationship with PCC and that PCC determines adversely affects the PCC community in a substantial manner.
- The campus Dean of Student Development or designee(s) shall administer the Policy on Student Conduct by developing and implementing procedures as deemed appropriate.
- PCC reserves the right to take appropriate action to protect the safety and well-being of the campus community. The Campus President or designee, when faced with a situation that he or she determines is likely to or does substantially disrupt the order of PCC, threatens the health and welfare of the PCC community, or interferes with PCC operations has the authority to prohibit any person or persons from entering or remaining on PCC property. PCC may exclude the student from campus and engage PCC public safety and local law enforcement assistance in enforcing the exclusion.
- Persons who are not students are also expected to comply with PCC policies and procedures, when engaging in any activity connected with PCC.

## **SCOPE**

This policy applies to students at PCC. The term "student" includes all persons taking courses at the college, both full-time and part-time, pursuing credit or non-credit classes or enrolled in any special program approved by the college. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the college, are considered "students."

The purpose of publishing PCC's policy on student conduct is to give students general notice of prohibited behavior. This policy is not written with the specificity of a criminal statute. Any question of interpretation regarding the policy will be referred to the Dean of Student Development or a designee for final determination.

## **VIOLATIONS OF LOCAL, STATE, AND FEDERAL LAW**

A student may be accountable both to governmental authorities and to PCC for acts that constitute violations of law and this policy. Student conduct that may constitute a crime may be referred to appropriate law enforcement agencies for prosecution. Disciplinary proceedings at PCC will not be subject to challenge on the grounds that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced, or otherwise resolved or that such proceedings constitute double jeopardy.

## **STUDENT RESPONSIBILITY**

Admission to and participation in PCC as a student carries with it the presumption that the student will conduct him or herself as a responsible member of the PCC community. Thus, students are obligated to observe all PCC standards of conduct.

## **ADDITIONAL CONDUCT PROCEDURES**

Programs based on contracts with government agencies or external funding sources may adopt additional conduct procedures consistent with this policy.

## **GROUND FORS FOR DISCIPLINARY ACTION**

PCC may impose discipline for violation of, or an attempt to violate, any PCC policies or campus regulations. Violations or attempted violations include, but are not limited to, the types of misconduct described in "Violations" section below.

Conduct may violate this policy but also may violate academic standards and an academic department or program may impose academic related-sanctions separate from, and in addition to, sanctions under this policy.

## **VIOLATIONS**

1. Disruptive behavior: Examples include, but are not limited to:
  - Any behavior that is disorderly or substantially disruptive to the educational or administrative processes of PCC as determined by a PCC official.
  - Conduct that substantially interferes with PCC's educational responsibility of ensuring the opportunity for all members of PCC community to attain their educational objectives, or PCC's subsidiary responsibilities, which may include, but are not limited to: record keeping, providing miscellaneous services, and sponsoring out-of-class activities, such as lectures, concerts, athletic events, and social functions.
  - Obscene or lewd conduct.
2. Failure to comply with policies, laws, rules, or directives. This includes failure to comply with local, state, or federal laws and regulations, PCC policies, rules, or procedures, the lawful directives of PCC personnel acting in performance of their duties, and instructors' directions. Examples include, but are not limited to:
  - Possession, consumption, being under the influence, or furnishing of alcoholic beverages, other than at specific events sanctioned by PCC. See: <http://www.pcc.edu/about/public-safety/policies.html>.
  - Unlawful possession or use of illegal drugs or narcotics. See: <http://www.pcc.edu/about/public-safety/policies.html>.

- Engaging in any activity involving unlawful use or possession of firearms or illegal weapons. See: <http://www.pcc.edu/about/public-safety/policies.html>.
  - Failure to comply with PCC policies, such as:
    - Academic Integrity Policy (Students should be aware that there may be separate academic consequences for failure to comply with academic integrity standards.) See: <http://www.pcc.edu/resources/academic/standards-practices/academic-integrity.html>
    - Tobacco-Free Policy. See: <http://www.pcc.edu/about/policy/tobacco/rules-procedures.html>
    - PCC Electronic Policies. See: <http://www.pcc.edu/library/about/organization-and-policies/library-policies/> and <http://www.pcc.edu/about/policy/electronic>.
    - Service Animal Policy and Procedures. See: <http://www.pcc.edu/resources/disability/policies/service-animals.html>
    - PCC Copyright Compliance Statement. See: <http://www.pcc.edu/about/policy/copyright/compliance.html>
    - PCC Nondiscrimination & Non-harassment Policy. See: <http://www.pcc.edu/about/affirmative-action/nonharassment.html>
3. Assaulting, endangering, harassing, or threatening others. Examples include, but are not limited to:
- Assault, abuse, harassment, intimidation, or threats by any means toward a student, staff member, vendor, visitor, or guest of PCC.
  - Stalking behavior or engaging in other forms of unwanted conduct directed at another person that:
  - threatens or endangers the safety, physical or mental health, or life or property of that person;
  - creates a reasonable fear of such a threat or action; or
  - interferes with the person's ability to participate in the educational or operational aspects of PCC.
  - Sexual misconduct or abuse. See: <http://www.pcc.edu/about/public-safety/policies.html>
4. Unauthorized use or access. Examples include, but are not limited to:
- Unauthorized entry to PCC offices or property.
  - Unauthorized possession or use of PCC equipment or resources.
  - Unauthorized use of College PCC services.
5. Forgery, furnishing false information, identity theft, or dishonest conduct. Examples include, but are not limited to:
- Knowingly making false accusation of misconduct.
  - Knowingly reporting a false emergency.
  - Unauthorized use of another individual's identification or password, or sharing one's personal identification or password with an unauthorized user.
  - Forgery, alteration, or misuse of PCC documents, records, or identification cards whether in written or electronic form.
  - Furnishing false information to PCC with the intent to deceive PCC or any person or agency.
6. Theft or damage to property. Examples include, but are not limited to:
- Attempted or actual theft (as defined by Oregon law).
  - Damaging, defacing, or destroying PCC or personal property.
  - Conversion of PCC or personal property (e.g., receiving stolen books from the bookstore or from another student, and then attempting to sell them back to the bookstore and collect the money).

Instructors may ask persons who are not registered for their classes to leave the classroom. Exceptions may be made by PCC administrators and instructors for the purposes of providing approved accommodations, or for allowing occasional guests.

An instructor may temporarily remove a student from class, or temporarily block a student's access to the learning management system for an online course, if the student has engaged in disruptive behavior. Before allowing the student to return to class, the instructor, department chair, and/or division dean will clarify with the student the behavioral standards that must be met in order to continue in the class. This clarification will occur as expeditiously as possible (preferably before the next class session or equivalent). The Dean of Student Development Office can serve as a resource in managing classroom behavior.

Examples of disruptive behavior in class include, but are not limited to:

- Unreasonable interruption of the learning process or environment.
- Failure to follow behavioral or conduct guidelines in the syllabus or directions of the instructor.
- Intimidation of others.

If the problem is not resolved through this clarification process, the student may be referred for disciplinary action to the Dean of Student Development. Permanent removal from a class may be imposed only by the Dean of Student Development or designee, in accordance with the Policy on Student Conduct Disciplinary Procedures.

In consultation with the instructor, the Dean of Student Development or designee and/or the Public Safety Office may take appropriate action to protect the safety and well being of the campus community. This may include prohibiting a student from returning to class or remaining on campus if it is determined that the student's behavior is likely to or does threaten the health and welfare of others. See "AUTHORITY" section above.

#### INVOLUNTARY LEAVE

PCC may require a student to take a leave of absence when the campus Dean of Student Development or designee determines that the student's conduct does one of the following:

- Suggests that the student might create a significant risk to the health and safety of others.
- Suggests a risk that PCC's educational and other activities may be substantially disrupted.

The "Procedures for Involuntary Leave of Absence for Health and Safety Reasons" are independent and separate from the Policy on Student Conduct, and do not preclude PCC from taking appropriate disciplinary action under that policy.

#### POLICY ON STUDENT CONDUCT DISCIPLINARY PROCEDURES

##### Reporting

Any PCC student, faculty member, or staff member may report a student suspected of violating the Policy on Student Conduct to the campus Dean of Student Development or designee. Typically, a written complaint or an Incident Report Form should be submitted promptly after the occurrence or discovery of the alleged infraction(s). The campus Dean may, however, initiate disciplinary processes without a written complaint.

Incident Report Form is located at: <http://www.pcc.edu/resources/report-an-incident/>

Upon receipt of a written complaint, or information prompting the initiation of the disciplinary process, the campus Dean of Student Development or designee will evaluate whether the circumstances merit disciplinary action based on the nature of the charges.

Generally, the student charged with the violation will be informed of the nature and source of the complaint. The source of information may be kept confidential, if the Dean of Student Development or

#### REMOVAL OF STUDENTS FROM CLASS

designee determines, in his or her discretion, that revealing the source would create a risk of physical or emotional harm to the source, or might otherwise have a chilling effect on enforcement of these rules.

PCC faculty, staff or students may also submit an Incident Report Form if there is a concern about a student's behavior that may not be a conduct violation. Information on how to address and report students experiencing distress or demonstrating concerning behavior may be found at: <http://www.pcc.edu/resources/report-an-incident/reporting-concerns.html>

#### Disciplinary Process

During the investigation of cases that may lead to disciplinary action, the status of the student will usually not be altered. The student will continue to be allowed to attend classes and be present on campus during the investigation. The Dean of Student Development or designee may make exceptions, however, and exclude a student from classes or PCC property if he or she determines that the student's presence on campus is likely to interfere with PCC's orderly operation or create a significant risk to the health and safety of students, faculty, staff, or PCC property.

Both PCC and the student may seek legal advice at their own expense, however because this is not a legal proceeding neither PCC nor the student will be represented or advised by a lawyer during any disciplinary meeting or hearing involving PCC and the student.

The student may withdraw from PCC of his or her own volition at any time during the disciplinary process. Disciplinary sanctions may still be imposed, however, if the student withdraws from PCC before the disciplinary process, or elects not to participate in disciplinary proceedings.

The student has the right to appeal any disciplinary action to the Campus President or designee, but may do so solely on the basis of alleged procedural violation(s) of the Disciplinary Procedures. If a violation of the Disciplinary Procedures is found to have occurred, the Campus President or designee will remand the case to the Dean of Student Development or designee for reprocessing.

#### Informal Resolution

The Dean of Student Development or designee, or any PCC official carrying out his or her duties, may address alleged or potential violations and initiate informal resolution in which the student and PCC agree on an outcome and the student is not formally disciplined but agrees to take steps to address the concerns that arose and led to possible discipline.

#### Formal Resolution

In cases that are not resolved informally, the Dean of Student Development or designee shall use the steps described below:

Step 1: At an initial conference with the Dean of Student Development or designee, the student will be notified in person or in writing about alleged violations and possible sanctions. The student will also be notified in person or in writing of the nature and source of the information underlying the alleged violations unless the Dean of Student Development or designee determines, in his or her discretion, that revealing the source would create a risk of physical or emotional harm to the source, or might otherwise have a chilling effect on enforcement of these rules. The student will have an opportunity to respond to the allegations and the information presented. The student may have a support person of his or her choice present. The support person is not permitted to present the case but may advise the student.

Step 2: If the student wishes to submit facts and information on his or her behalf, it must be submitted within seven calendar days of (and including) the initial conference.

Step 3: After considering the information in the case and interviewing persons as appropriate, the Dean of Student Development or designee may take one of the following actions:

1. Terminate the proceedings, exonerating the student.
2. Dismiss the case after appropriate guidance and advice.
3. Impose appropriate sanction(s) as described below.

Step 4: The student will be notified in writing of the decision of the Dean of Student Development or designee. The parents or guardian of any student under 16 years of age who receives sanction(s) under the Policy on Student Conduct will be notified.

#### Sanctions

1. Disciplinary warning.
2. Disciplinary probation with or without the loss of privileges for a definite period of time. The violation of the terms of the disciplinary probation or the breaking of any PCC rule during the probation period may be grounds for suspension or expulsion from PCC.
3. Restitution for damages.
4. A specified period of PCC and/or community service.
5. Removal from class(es) for which the student is currently registered.
6. Disciplinary suspension from PCC for a definite period of time and/or pending the satisfaction of conditions for readmission, (i.e., suspension of the privilege to attend PCC).
7. Expulsion from PCC (i.e., permanent removal of the privilege to attend PCC).
8. Any other sanction deemed appropriate.

#### Appeal

If the student wishes to appeal the decision on the basis of alleged violation of these procedures, he or she may do so by submitting a written appeal to the Campus President or designee within 14 calendar days after the notice is delivered to the address on record for the student in the College Registrar's Office. The Campus President or designee shall render a decision regarding the alleged violation of due process within 14 calendar days of its submission.

#### Readmission After Disciplinary Suspension

A student suspended from PCC for disciplinary reasons may be readmitted only upon written petition to the campus Dean of Student Development or designee. The petition must, if applicable, indicate how specific reinstatement conditions, if any, have been met, and reasons that support reconsideration. The Dean of Student Development or designee shall convey his or her decision in writing to the student and, in the case of non-readmission, shall set forth the reasons in writing. The decision of the Dean of Student Development or designee is final.

#### Records

The Dean of Student Development or designee(s) is responsible for maintaining records and documentation of disciplinary cases in accordance with the state archival policies.

Information from disciplinary files is not available to unauthorized persons on campus or to individuals off-campus without the written consent of the student involved, except under legal compulsion, in cases in which PCC has determined that it has a legitimate educational interest in the information, or in the case of other disclosures that comply with the Family Educational Rights and Privacy Act, Board Policy, and local, state, and federal laws pertaining to education records.