



# STUDENT CODE OF CONDUCT 2019~2020



Sponsored by the Office of Judicial Affairs and Title IX  
Liberty Campus, Main Building 260 D  
410-462-8505

# THE STUDENT CODE OF CONDUCT

## Table of Contents

<b>Article I</b> - Purpose /Rights and Responsibilities	Page 2
<b>Article II</b> - Definitions	Page 3
<b>Article III</b> - Authority and Jurisdiction	Page 7
<b>Article IV</b> - Prohibited Conduct	Page 8
<b>Article V</b> - Academic Integrity Policy	Page 12
<b>Article VI</b> - Judicial Process /Formal Hearing Procedures / Sanctions /Appeals Process	Page 17
<b>Article VII</b> - Interpretation and Review	Page 25
<b>Article VIII</b> - Academic Grievances	Page 25
<b>Article IX</b> - Sexual Harassment	Page 27
<b>Article X</b> - Sexual Assault	Page 35
Purpose	Page 36
Procedure	Page 36
Designated Hospitals	Page 37
Investigation	Page 37
Baltimore City Community College Disciplinary Procedure	Page 38
Resources for Alleged Victims of Sexual Assault.	Page 38
Communication of Sexual Assault Policy/ Educational Programs	Page 39
<b>Article XI</b> - Discrimination overview	Page 39

## **ARTICLE I**

### **1. PURPOSE**

Baltimore City Community College (BCCC) is a diverse community of students, faculty and staff. We recognize the importance of a Student Code of Conduct that promotes the growth and development of its members, guides actions, and defines sanctions that will be imposed if rules and regulations are violated. For the benefit of the community at large, the Student Code of Conduct limits certain behaviors and activities. Any student whose conduct violates this Student Code of Conduct (the Code) will be subject to disciplinary action.

All students attending BCCC are expected to conduct themselves in a civil manner. Civility at BCCC is defined as behavior that demonstrates respect for the rights, needs, and feelings of others. The standards of behavior set forth in the Student Code of Conduct allows the College to promote civility within its community.

### ***RIGHTS AND RESPONSIBILITIES***

Every student attending BCCC has the right to pursue his/her education without hindrance or disruption. Every member of the BCCC community is held personally accountable for conducting himself/herself responsibly within our learning environment.

#### **1.1 Student Rights**

The rights and freedoms afforded to every student at each College location and at all credit and non-credit sites include:

**1.1.1** The right to have access to and participate in the academic and non-academic opportunities offered by the College.

**1.1.2** The right to freedom of thought, speech, inquiry and expression.

**1.1.3** The right to be free from unlawful discrimination based on race, religion, color, creed, gender, age, ancestry, disability, marital status, sexual orientation and national origin.

“Fostering a Safe Learning Environment through Honesty, Respect, Integrity and the Consideration of Others”

## **THE STUDENT CODE OF CONDUCT**

**1.1.4** The right to due process in the determination of accountability for inappropriate conduct according to the Code.

**1.1.5** The right to a learning environment where academic integrity is valued and in which diligent efforts are made to respect the academic environment.

**1.1.6** The right to a fair and unbiased grading system with an appropriate grievance process.

**1.1.7** The right to be free from any unlawful intimidation or coercion, stalking, cyber stalking, bullying, cyber bullying and harassing behavior, including sexual harassment.

### **1.2 Student Responsibilities**

Every student attending BCCC has the responsibility to:

**1.2.1** Exercise the aforementioned rights and freedoms in a manner that neither violates College rules and regulations nor infringes on the rights of other students, faculty and staff.

**1.2.2** Obey the law and comply with all provisions of the Code.

**1.2.3** Treat all members of the College community with respect.

**1.2.4** Use college resources, including information technology, for educational and other authorized purposes in accordance with College policy.

**1.2.5** Demonstrate academic integrity in and out of the classroom and meet academic expectations by observing standards of conduct appropriate for an academic institution.

## **ARTICLE II**

### **2. DEFINITIONS**

**2.1.1 Academic Dishonesty** - is defined as the giving, taking or presenting of information or material by a student or students with the intent of unethically or fraudulently benefiting oneself or other students on any work which is to be considered in the determination of a grade or the completion of academic coursework requirements. In addition, aiding another individual in cheating and plagiarizing is also considered to be a violation of the academic integrity policy.

**2.1.2** Accused means any Student member of the BCCC Community alleged to have engaged in conduct in violation of the Student Code.

**2.1.3 BCCC** - Baltimore City Community College or “the College”

**2.1.4 Business and Continuing Education Division (BCED)** - offers courses designed to create opportunities for personal growth and professional development. Both credit and non-credit courses are

developed in close collaboration with professional groups and the College's academic departments. BCED offers services in three primary areas: Customized Contract Training, Continuing Students, and Adult and Community Education.

**2.1.5 Business day** - a day that the College is open for business, even if no classes are scheduled.

**2.1.6 Bullying or Cyber Bullying** - generally defined as a deliberate act that causes harm to others, and may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking and/or aggressive behavior that is intended to hurt, threaten or frighten another person. Bullying is not limited to in-person contact and can also occur over voice messaging systems and electronic media such as text messages, e-mails and social networking sites. All acts of bullying are to be considered violations of the Student Code of Conduct.

**2.1.7 Charged student** - the student whose name is filed on a Student Code of Conduct Complaint Form.

**2.1.8 Chair of the IMAC Committee** – the staff member designated by the Vice President for Student Affairs who provides administrative and procedural guidance to the IMAC hearing. The Chair does not have a vote unless there is a tie.

**2.1.9 The College** - Baltimore City Community College and all of its departments and programs at all of its sites.

**2.1.10 College Premises** – the buildings or grounds owned, used, leased, operated, controlled or supervised by the College.

**2.1.11 College-Sponsored Activity** - any activity either on or off the College premises that is specifically initiated or supervised by the College.

**2.1.12 Community Conferencing** - a process of alternative dispute resolution in which parties involved in a conflict come together to reach an agreement on how to resolve the issue, rather than having the Vice President for Student Affairs impose a resolution. In a community conference, all parties who feel injured by a situation take part in a form of conflict resolution. The student must waive his/her right to due process for this process to be binding.

**2.1.13 Consultant/Advocate** - any person, chosen by the charged student, to advise him/her throughout the disciplinary process. Although a student may consult with his or her consultant/advocate freely, the consultation must occur in a manner that does not disrupt the disciplinary process. Although a student may bring a consultant/advocate to the disciplinary proceedings, the consultant/advocate may not serve as a witness. The consultant/advocate will not be allowed to speak on the student's behalf or present the student's case, but will be allowed to provide advice to the student during the course of the proceeding.

**2.1.14 Director of Judicial Affairs and Title IX (DJAIX)** - the BCCC staff member working under the supervision of the Vice President for Student Affairs to provide general administration, direction and

coordination for the Office of Judicial Affairs, including the investigation and mediation of student disciplinary cases at the College and violations of the Code.

**2.1.15 Disruptive Behavior** - engaging in behavior that substantially or repeatedly interrupts an instructor's ability to teach in the classroom or impedes the other students' ability to learn. Disruptive behavior also includes activity or behavior that directly disturbs the College environment, violates the law or exemplifies lewd conduct. Disruptive behavior extends to any setting at the College where students, faculty, staff or community visitors are engaged in BCCC-related work, including distance learning and BCCC-sponsored programs or activities.

**2.1.16 Due Process** - a charged student will receive in writing the charges against him/her. The charges will be delivered to him/her personally or by certified mail and he/she will have a fair opportunity to be heard by an unbiased decision-maker or the Incident Management Advisory Committee (see 2.1.19 for members of IMAC).

**2.1.17 Family Educational Rights and Privacy Act (FERPA)** - a federal law that provides the student with certain rights with respect to privacy of the student's educational records and the right to consent to disclose personal information contained in his/her educational records.

**2.1.18 Gang** - defined by the Annotated Code of Maryland Criminal Law Statute 9-801 (c) to mean a group or any association of three or more persons that forms to engage in criminal activity, including acts by juveniles that would be crimes if committed by adults, for the purposes of monetary gain or to create an atmosphere of fear and intimidation either collectively or with knowledge of the acts of the members of the group, and whose members have a common identifying sign, symbol, or name. Gang activity of any kind is not allowed at any BCCC location and subjects those students involved in gang-related activity to immediate suspension by the Vice President for Student Affairs until due process can be provided to them.

**2.1.19 Grade Grievance** - the formal process by which students may challenge his/her assigned grade(s) for a course.

**2.1.20 Incident Management Advisory Committee (IMAC)** - a committee comprised of two full-time faculty members, one full-time staff member and one full-time student, that may hear complaints of violations of the Code and makes recommendations to the Vice President for Student Affairs.

**2.1.21 Mediation** - the process of resolving complaints and violations of the Code without a formal hearing. The charged student must waive his/her right to due process for the mediation process to be binding.

**2.1.22 Ombudsman** - a BCCC staff member appointed by the Vice President for Student Affairs who works in partnership with the Director of Judicial Affairs and Title IX and the Executive Director of Human Resources. He/she provides neutral and impartial dispute resolution for students, faculty and staff on campus. The Ombudsman serves as an alternative to the formal grievance procedure at BCCC and will not act as an advocate for either side in a dispute.

**2.1.23 Physical Abuse/Assault** – unwanted, threatening and/or harmful bodily contact, with the intent of inflicting injury.

**2.1.24 Plagiarism** – presenting the work or ideas of others without giving credit (proper citation). Students should refer to **Article V** of the Student Code of Conduct for more definitive information about plagiarism. All students must follow the instructor’s stated standards for collaboration and acknowledgement.

**2.1.25 Petitioner(s)** - the individual(s) (student, faculty member and/or staff member) filing a complaint that alleges misconduct or violation of the Code.

**2.1.26 Reckless Conduct** – behavior that creates risk and or harm to persons or property.

**2.1.27 Respondent** –a charged student or student alleged to have violated the Code.

**2.1.28 Sexual Harassment** - Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other physical or verbal conduct of a sexual nature when it meets any of the following:

**2.1.28.1** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.

**2.1.28.2** Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.

**2.1.28.3** Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working or learning on campus. Sexual harassment can occur between any individuals associated with the College, e.g., an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member.

**2.1.29 Student** - an individual formally enrolled at BCCC, either full time or part time, in a credit or non-credit course or course of study.

**2.1.30 Student Mediation Meeting** - an informal, non-adversarial meeting between the charged student/respondent and the Ombudsman.

**2.1.31 Stalking and/or Cyber-stalking** - may include, but are not limited to, the following:

**2.1.31.1** Repeated unwanted and/or unsolicited contact that may be expressed face-to-face, through telephone calls, voice messages, text messages, electronic mail, instant messages, social networking sites, written letters or unwanted gifts;

**2.1.31.2** Persistent unwanted and/or unsolicited physical approaches and/or requests for dates, studying, meeting, etc.;

**2.1.31.3** Verbal or non-verbal threats or gestures that create fear for one's life or safety; or fear for the safety of one's family or friends, or causes the threatened person to have reasonable concern that such harm is about to occur;

**2.1.31.4** Pursuing or following another person; repeatedly showing up or waiting outside a person's home, classroom, place of employment, or car;

**2.1.31.5** Invasion of another person's privacy, whether in person or through the use of electronic devices or software;

**2.1.31.6** Trespassing or vandalism of a person's property.

**2.1.32 Vice President for Student Affairs (VPSA)** - the senior administrator designated by the President of BCCC to be responsible for developing and enforcing the Student Code of Conduct. The VPSA has the authority to take all necessary and reasonable action regarding an alleged violation of the Code.

**2.1.33 Vice President's Designee** - is a College employee and a representative of the Vice President for Student Affairs who has been trained to resolve violations of the Code without conducting a formal hearing.

**2.1.34 Weapon** - any object or substance designed or used to inflict a wound, to cause injury, or to incapacitate another person or persons, including but not limited to all firearms, pellet guns, switchblade knives, knives with more than three inch blades, toxic chemicals or any other objects which may be used to threaten any student, employee or visitor at the College.

## **ARTICLE III**

### **3. AUTHORITY AND JURISDICTION**

#### **3.1 Overview**

**3.1.1** The Code and the accompanying disciplinary process covers all full-time, part-time, credit and non-credit students who are currently enrolled at BCCC.

**3.1.2** The Code does not apply to speech that is protected by the First Amendment and to BCCC student publications. Students responsible for writing, creating or publishing the material contained in such publications, while they are acting within the scope of their journalistic responsibilities, are also exempt from the Code.

**3.1.3** The jurisdiction of the College regarding discipline is generally limited to the conduct of all BCCC students or student organizations on College premises or at any College sponsored activity. However, the College reserves the right to take disciplinary action on a student or students based on conduct, regardless of location, that may adversely affect the College, its students, its faculty, its staff, its visitors and its programs, or that poses a serious and substantial threat and/or danger to others.



**3.1.4** Students may also be accountable to both civil and criminal authorities for acts of misconduct that constitute violations of the Code. At the discretion of the President, the Vice President for Student Affairs or the Vice President's Designee, disciplinary action at the College may proceed while other proceedings are still in process. Such proceedings will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

**3.1.5** Students who are officially enrolled in the College, as well as persons who are visitors and /or guests of the College, who, by their actions on College premises, violate their status as invited guests, may be subject to the relevant penalties of the criminal law articles of the Maryland Annotated Code.

### **3.2 Office of the Vice President for Student Affairs**

**3.2.1** Vice President - shall take all necessary and reasonable actions regarding an incident.

**3.2.2.** Incident Management Advisory Committee (IMAC) - will submit a written report of its findings and conclusions—and proposed sanctions, if necessary—to the Vice President for Student Affairs.

**3.2.3** Mediation Process- an informal session led by the Vice President's Designee to explore resolution of violations of the Code without a formal hearing. The charged student must waive his/her right to due process in order for this process to be binding. Both parties must agree to this form of conflict resolution or the incident will be referred to the IMAC for a formal investigation.

**3.2.4** Mediation Meeting - an informal, non-adversarial meeting between the charged student and the Vice President's Designee or the Ombudsman.

**3.2.5** The Director of Judicial Affairs and Title IX (DJAIX) - is responsible for assisting the Vice President for Student Affairs with the investigation, mediation and the adjudication of student disciplinary cases at the College. Incident Report Forms are kept in his/her office and are initially screened by the DJAIX to determine a recommendation to the VPSA.

### **3.3 Public Safety**

**3.3.1** The Office Public Safety – will maintain Incident Report Forms and provide relevant Incident Reports to the DJAIX for review and necessary action.

## **ARTICLE IV**

### **4. PROHIBITED CONDUCT**

The Code seeks to foster and promote a sense of respect and consideration of others. BCCC is committed to ensuring a safe, learning environment and workplace for its students, faculty, staff, and visitors. Everyone at BCCC is expected to conduct himself/herself in a civil manner. The following types of conduct are prohibited by the Code and may be subject to sanctions under the Code. This list is not intended to be exhaustive or complete.

**4.1 Disruption or obstruction of the educational processes of the College** - The educational processes include but are not limited to teaching, research, administration, disciplinary proceedings, and all other programs and/or activities sponsored by the College, including but not limited to social, cultural and athletic events. Disruption or obstruction of these processes includes but is not limited to:

**4.1.1** Infringing on the rights of other members of the College community;

**4.1.2** Leading or inciting others to disrupt scheduled and/or normal activities of any campus, building or area;

**4.1.3** Refusing to move when the student's presence creates an intentional obstruction that interferes with freedom of movement, either pedestrian or vehicular, on campus premises, or at BCCC events;

**4.1.4.** Participating in or inciting a riot or a disorderly assembly such as seizing, holding, commandeering, or damaging any property or facility of the College or threatening to do so.

**4.1.5.** Physical and/or verbal abuse, intimidation or threat of such abuse to any person on the College premises or at College activities and programs. Examples include but are not limited to sexual harassment, stalking, sexual assault, peer harassment, bullying, and any other form of physical, verbal and/or non-verbal harassment.

**4.1.6** Activity or behavior which directly violates the laws of the State of Maryland and including immoral, unethical and lewd conduct.

**4.1.7.** Failure to comply with the spoken and/or written directions of College officials, including campus public safety officers, faculty, and professional staff acting in performance of their assigned duties and responsibilities.

**4.1.8** Failure to obtain proper authorization to use College facilities where required.

#### **4.2. Misuse of Computing Resources/Technology Access**

Baltimore City Community College's computer and technological resources may not be used for purposes that support civil or criminal offenses or violate the College's official policies or College mission, including the Student Computer Use and Internet Access Policy and the Student Wireless Use Policy. Some of the most common forms of misuse include but are not limited to:

**4.2.1** Sharing student passwords or attempting to use another's password or establish a false identity;

**4.2.2** Disregarding copyright laws and/or license agreements;

**4.2.3** Participating in illegal acts including but not limited to information theft, computer trespassing, invasion of privacy, computer forgery, identity theft and/or pornography;

**4.2.4** Harassing, threatening or otherwise causing harm to specific individuals through the use of the College's electronic communications or sending messages that appear to be an official communication of the College;

**4.2.5** Downloading or posting software or programs that are illegal, proprietary, in violation of College policies, or otherwise damaging to the institution;

**4.2.6** Modifying or reconfiguring or attempting to modify or reconfigure, with the intent to damage, the College's computing resources such as hardware and software;

**4.2.7** Using or attempting to use the College's computer resources to send a message that appears to be an official communication from the College;

**4.2.8** Using Facebook, YouTube and other social media to make threats and/or to defame the College or members of the student body, faculty, staff, and/or College guests.

**4.3 Misconduct involving alcohol, drugs and tobacco includes:**

**4.3.1** Unlawful possession, use, manufacture, sale, or distribution of alcohol or other drugs on College premises is prohibited and is a violation of the Code and may also be subject to adjudication by the State of Maryland and/or federal authorities;

**4.3.2** Use of any smoking material, including tobacco, a lighted cigarette, cigar or pipe, illegal drugs, or the use of any other lit smoking material in an unauthorized area.

**4.4 Failure to comply with published College policies, rules, and regulations include:**

**4.4.1** Failure to meet financial obligations to the College;

**4.4.2** Fraud against the College, including forgery, misuse, or alteration of any College document, record, or knowingly furnishing false information to the College;

**4.4.3** Disruption of a College activity and/or program; obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised events, programs or activities;

**4.4.4** Unauthorized use of cellular phones or other electronic devices for communication during class. Students who must bring such devices to class must turn off or place devices on an inaudible signal so as not to disturb or interfere with classroom activities. The use of Bluetooth technology, texting, Twitter, cell phone, e-mail, or any other form of electronic communication, is strictly prohibited during exams, tests or quizzes, unless prior authorization is obtained by the instructor. These devices may not be used in any class, unless prior approval is obtained by the instructor.

**4.5 Criminal offenses include but are not limited to:**

**4.5.1** Illegal use, sale, distribution, or manufacture of drugs or alcohol;

**4.5.2** Physical assault, battery, and endangerment;

**4.5.3** Murder, attempted murder;

**4.5.4** Arson;

**4.5.5** Sexual assault and/or rape;

**4.5.6** Illegal gambling on College premises or at any College function;

**4.5.7** The intentional possession, use, storage of firearms or dangerous weapons while on campus, unless on official business. Firearms or weapons are not otherwise permitted on the premises except for authorized academic or employment purposes.

**4. 6 Failure to comply with the request of a College official includes but is not limited to:**

**4.6.1** Failing to comply with the request or direction of a College official or law enforcement officer acting in performance of his/her duties; failure to identify oneself or produce personal identification to a College official or College law enforcement officer when requested to do so;

**4.6.2** Providing false identifying information to BCCC officials on College premise or at official College events.

**4.7 Providing false information regarding a College emergency includes but is not limited to:**

**4.7.1** Making a false report to a College official regarding the threat of a fire, bomb, or other emergency requiring the immediate or proposed evacuation of any College facilities. State of Maryland and federal adjudication may also be required.

**4.8 Offenses against persons on the Campus include but are not limited to:**

**4.8.1** Conduct that jeopardizes the safety or well-being of self or others;

**4.8.2** Intimidation or harassment (See Article IX);

**4.8.3** Making noise or causing noise to be made with objects, amplification equipment and instruments in non-authorized activities that disturb classes, meetings, office procedures and other College programs, services and activities;

**4.8.4** Making an unauthorized entry upon the playing performance area or the spectator area of any athletic contest, exhibition, program and/or other College event;

**4.8.5** Intimidation (or hazing) for the purpose of initiation or affiliation with, or as a condition of continued membership within, a particular organization or group. Disciplinary action will be taken against both the individuals and the organizations responsible for such activities.

**4.9 Property offenses include but are not limited to:**

**4.9.1** Damage or destruction of property belonging to the College or to another person;

**4.9.2** Arson or tampering with any fire alarms and fire safety systems;

**4.9.3** Illegal or unauthorized entry into any College premises;

**4.9.4** Unauthorized possession, duplication or use of keys belonging to the College;

**4.9.5** Littering, defacing, destroying or damaging College property or property under College jurisdiction; removing or using such property without proper authorization.

**4.10 Sexual Assault (See ARTICLE X)**

**4.11 Sexual Harassment (See ARTICLE IX)**

**4.12 Theft - the unauthorized taking or possession of property or services of another or the personal property of any faculty, staff, student, visitor or guest of the College, or knowingly possessing such stolen property.**

**4.13 Children in the Classroom – In order to prevent disruption of the learning process and potential liabilities for the College, children are not permitted in classrooms, laboratories or administrative office suites or to be left unattended on College property.**

**4.14 Academic Misconduct- (See ARTICLE V)**

## **ARTICLE V**

### **5. ACADEMIC INTEGRITY POLICY**

#### **5.1 College Standards of Academic Integrity**

**5.1.1** All students are expected to engage in academic pursuits in a manner that is above reproach and to maintain complete honesty and integrity both in and out of the classroom, including online courses. **Academic dishonesty** is defined as the giving, taking or presenting of information or material by a student or students with the intent of unethically or fraudulently benefiting oneself or other students on any work which is to be considered in the determination of a grade or the completion of academic coursework requirements. In addition, aiding another individual in cheating and plagiarizing is also considered to be a violation of the academic integrity policy.

**5.1.2** It is expected that all members of the College will work to actively deter academic misconduct and share in the responsibility and authority to challenge and make known to the appropriate authority acts of apparent academic dishonesty.

**5.1.3** The College's Academic Integrity Policy will be published in the College catalog, student handbook, College website, Blackboard (or equivalent means of electronic communication) and clearly stated on all class syllabi. Each faculty member will clarify the meaning and intent of the Academic Integrity Policy, including plagiarism, during the first class meeting.

**5.1.4** Each course syllabus should include the College's definition and expectation of academic integrity.

**5.2 Academic Misconduct - The following behaviors and/or actions constitute academic misconduct and are subject to sanctions under the Code:**

**5.2.1** Cheating on an examination;

**5.2.2** Plagiarism - presenting the words or ideas of others without giving proper citation to the author;

**5.2.3** Collaborating with others in work to be presented, contrary to the rules outlined by the course;

**5.2.4** Submitting a paper or assignment as one's own work when part or all of the paper or assignment contains the ideas and/or research of others without appropriately identifying the source of the ideas and/or research;

**5.2.5** Stealing examinations or course materials;

**5.2.6** Submitting work previously presented in another course, if contrary to the rules of the course.

**5.2.7** Tampering with the laboratory experiments or computer programs of another student;

**5.2.8** Knowingly and intentionally assisting another student in any of the above, including assistance in an arrangement whereby any work, classroom performance, examination or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed;

**5.2.9** Removing materials from the library without proper authority;

**5.2.10** Duplicating course materials expressly forbidden in writing by any faculty member;

**5.2.11** Using tape recorders or other recording devices in a classroom when not specifically authorized or allowed to do so by the faculty member;

**5.2.12** Ignoring or willfully violating class or laboratory instructions and/or policies.

**5.3 Reporting Alleged Academic Misconduct**

**5.3.1 Reporting by a Faculty Member.** A faculty member who suspects a student of academic dishonesty must inform the student in writing within three (3) working days after the discovery of the alleged violation. This communication can be in the form of a documented email. The faculty member shall meet with the student to discuss the incident and provide evidence of his/her allegations. If the student admits to the violation, then the faculty member completes and forwards an Incident Report Form to his/her Associate Dean or Director/Coordinator, and to the Director of Judicial Affairs and Title IX (DJAIX) for mediation or referral to the IMAC.

Note: No sanctions will be imposed for plagiarism unless the student has been informed in writing on the course syllabus about what is acceptable and what is not acceptable in the use of outside material.

**5.3.2** Should the alleged act of academic misconduct not be resolved, the faculty member will send the Incident Report Form with the notation that the student is challenging the alleged incident to the Vice President for Student Affairs who will assign it for immediate action to the Director of Judicial Affairs and Title IX.

**5.3.3 Reporting by a Student** – A student who witnesses another student engaged in academic misconduct should inform his/her faculty member immediately. A student should feel free to discuss his/her concerns and observations with their instructor. Students reporting academic misconduct may be requested to testify at a hearing. If a student still has a concern after talking with his/her instructor, he/she may consult the Associate Dean or the Director of Judicial Affairs and Title IX.

## **5.4 Infractions**

**5.4.1 Infraction-Level 1**-This violation of the Code is considered academic misconduct and should be reported to the Director of Judicial Affairs and Title IX as a warning, who will file and record the violation. A faculty member may also provide a verbal or written reprimand to the student and provide an opportunity for a teachable moment and educational sanctioning.

Note: This level of infraction may occur due to the student's inexperience or lack of knowledge of the principles of academic integrity and is often characterized by the absence of dishonest intent on the part of the student committing the violation.

Examples of Level 1 violations include but are not limited to:

- ✦ Failure to cite or give proper acknowledgement in a very limited section of an assignment.

Sanctions for a Level I violation ordinarily include one or more of the following, although this list is not all inclusive:

- ✦ Required participation in a non-credit workshop or seminar on plagiarism, ethics or academic integrity.
- ✦ An assigned paper, research project or certification of a passing grade on an online
- ✦ quiz related to ethics or academic integrity.
- ✦ A make-up assignment that is more difficult than the original assignment.
- ✦ A disciplinary warning letter.

**5.4.2 Infraction-Level 2** This violation represents a greater degree of academic misconduct, and may also include a repeat of a Level 1 offense. Upon written notification by an instructor that a Level 2 infraction has occurred, a grade of zero will be posted for the assignment,

quiz, test or experiment in which the infraction occurred. The grade of zero will be factored into the grading process for the course. Examples of Level 2 infractions include but are not limited to:

- ✦ Blatant plagiarism
- ✦ Submitting work previously presented in another course, if contrary to the rules of the course.
- ✦ Removing materials from the library, classrooms, computer lab, etc. without proper authority.
- ✦ Using tape recorders, cell phones, iPods or other recording devices in a classroom when not authorized or allowed to do so by the instructor.
- ✦ Ignoring or willfully violating class and/or laboratory instructions and/or policies.

Sanctions for Level 2 violations may include but are limited to one or more of the following:

- ✦ A failing grade on the assignment.
- ✦ A disciplinary warning letter.
- ✦ Academic probation.

**5.4.3 Infraction-Level 3** Upon written notification that an Infraction-Level 3 has occurred, the Vice President for Student Affairs or the Vice President's Designee will meet with the student involved. The student may be informed that the disciplinary sanctions of a Level 3 infraction may include course failure, academic suspension and/or permanent academic dismissal, from BCCC, with a notation of disciplinary action on the student's BCCC transcript.

Examples of Level 3 violations include but are not limited to:

- ✦ A repeated Level 2 violation.
- ✦ Cheating on an examination.
- ✦ Committing a violation of academic misconduct after returning from suspension for previous violations of academic misconduct
- ✦ Excessive and blatant plagiarism.
- ✦ Collaboration with others in work to be presented, contrary to the rules of the course.
- ✦ Stealing examinations or course materials.
- ✦ Duplicating course materials expressly forbidden by the instructor.



- ✦ Tampering with laboratory experiments or computer programs of another student.
- ✦ Knowingly or intentionally assisting another student in academic misconduct, including assistance in an arrangement in which coursework, classroom performance, an examination or required academic activity is submitted or performed by a person other than the student for whom the work is submitted or performed.
- ✦ Committing a violation of academic misconduct that breaks the law or involves criminal activity (such as forging a grade form, stealing an examination from a professor or from a College office, buying a stolen examination, falsifying a College transcript, etc.).
- ✦ Having a substitute take an examination or taking an examination for someone else.

## **5.5 Charges and Notification**

**5.5.1** All Level 1, Level 2 and Level 3 infractions are reported to the Judicial Affairs Office.

**5.5.2** The Director of Judicial Affairs and Title IX notes the infraction in a central database created to track these infractions and sanctions.

**5.5.3** The Director of Judicial Affairs and Title IX searches the database to discover whether other infractions or sanctions have been recorded.

**5.5.4** If other infractions or sanctions are identified, the findings will be shared with the Vice President for Student Affairs.

**5.5.5** The Director of Judicial Affairs and Title IX will then conduct an investigation to determine if a formal hearing should take place or can be resolved through a pre-hearing conference.

**5.5.6** If no hearing is necessary, the DJAIX notifies the student of the infraction(s) through a counseling meeting.

**5.5.7** If it is determined that a hearing should take place, the Director of Judicial Affairs and Title IX will facilitate the Incident Management Advisory Committee (IMAC) to convene a hearing.

Recommendations from the hearing are forwarded to the Vice President for Student Affairs.

**5.5.8** The Director of Judicial Affairs and Title IX will notify the faculty person, his/her Associate Dean, the respective Dean and the Vice President for Student Affairs regarding findings and/or sanctioning.

**5.5.9** The Director of Judicial Affairs and Title IX will notify the charged student(s) by certified mail of the results of the IMAC hearing and the Committee's findings and/or sanctions.

**5.5.10** All suspensions and expulsions will be hand delivered to the Records and Registration Office by the Director of Judicial Affairs and Title IX for appropriate notations.

## **ARTICLE VI**

### **6. JUDICIAL PROCESS**

#### **6.1 Reporting**

**6.1.1** Any member of the College community may refer allegations of student misconduct that may be in violation of the Code. The allegations must be written on an Incident Report Form and delivered to the Office of Judicial Affairs. Persons making allegations are required to provide information pertinent to the case and may be called to testify in a Student Conduct Review Hearing.

**6.1.2** When a student's behavior violates the Code, the faculty or staff member may first attempt to talk to the student privately, reiterating expected behaviors and classroom policies.

**6.1.3** The primary responsibility for managing the classroom environment rests with the instructor or faculty member. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a disciplinary conference or hearing. Prohibited acts may include behavior prohibited by the teacher (smoking, persistently speaking without being called upon, refusing to be seated, disrupting the class by leaving and entering the room without authorization, etc.). The lawful expression of a disagreement with the teacher is not in itself disruptive behavior. In cases where the faculty member or instructor determines that it is appropriate to direct the student to leave the class (or area of disruption), the DJAIX should be contacted, given the details of the precipitating incident and provided the conditions under which the student will be allowed to return to the classroom.

**6.1.4** If additional action is deemed necessary, the faculty member or instructor should notify the department chair or director/coordinator, Dean or Vice President for Student Affairs immediately. If the faculty or staff needs assistance with reporting an incident the DJAIX may be contacted.

**6.1.5** In case of emergency (unlawful behavior or if the disruption is deemed to constitute a threat to anyone) the faculty member or instructor must contact the Public Safety Office to escort the student from the class or area of disruption. An ombudsman, whose name and location can be found on the College's website, must also be notified by the faculty member or instructor.

#### **6.2 Incident Report Form**

**6.2.1** Based on the discussion with the disruptive student by the ombudsman, a BCCC faculty member, instructor, staff member or student may decide to file an Incident Report Form.

**6.2.2** A faculty member, instructor, staff member or student may submit a College Incident Report Form. The Form is located on the intranet, Blackboard and in the Office of Judicial Affairs.

**6.2.3** A faculty member, instructor, staff member or student may also request a College Incident Report Form from the DJAIX.

### **6.3. Due Process**

A charged student accused of violation of the Code is entitled to the following procedural protections:

**6.3.1** To be entitled to a hearing before the Incident Management Advisory Committee (IMAC) if he/she is subject to suspension or expulsion from the College in accordance with policies set forth in the Code.

**6.3.2** To be informed by the Vice President for Student Affairs or the Vice President's Designee of the charges against him/her in writing and the identity of the complainant.

**6.3.3** To be allowed to request an informal resolution, or mediation, to resolve the case.

**6.3.4** To be allowed at least three business days after receipt of written charges to prepare for a mediation conference or pre-hearing conference and five business days after receipt of written charges to prepare for a hearing.

**6.3.5** To hear and respond to any and all evidence upon which a charge is based, including:

**6.3.5.1** To call relevant witnesses.

**6.3.5.2** To be assured of confidentiality, in accordance with the terms of the Family Educational Rights and Privacy Act of 1974 (FERPA).

**6.3.5.3** To be allowed to request that any person conducting a disciplinary conference, or serving as a hearing board member or hearing officer, be disqualified on the grounds of personal bias as determined by the Vice President for Student Affairs.

**6.3.5.4** To be presumed in compliance with the Code until the charges against him/her are proven by the evidence presented and a decision is made by the mediator or the IMAC.

**6.3.5.5** To be provided a fair evaluation of College rules and regulations.

**6.3.5.6** To have an initial review hearing for academic misconduct which must include the faculty member or instructor who alleges the violation and the Department Chairperson. The student may bring one consultant/advocate to the hearing. The Academic Dean may also be present as a resource.

### **6.4 Investigation**

**6.4.1** After a complaint or Incident Report Form is received by the Office of Judicial Affairs against a student, the Director of Judicial Affairs and Title IX (DJAIX) or Vice President's Designee will initiate an investigation of the charges within three business days of receipt. After completing the preliminary investigation, the DJAIX or the Vice President's Designee will issue a written report to the Vice President for Student Affairs who may either dismiss the complaint as unfounded or initiate a Student Conduct Review Hearing. If it is determined that the alleged violation of the Code might result in the student's

dismissal or suspension, the charged student shall automatically be given the right to a formal hearing before the IMAC. All other cases may be resolved with a mediation conference.

**6.4.2** Mediation is encouraged as an alternative means to resolve disciplinary cases. The Vice President for Student Affairs or Vice President's Designee shall inform the complainant and the charged student about the availability of this resource. The Vice President for Student Affairs or Vice President's Designee may decline to process a complaint until the parties make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, the student must sign a due process waiver which is kept in the Office of Judicial Affairs. Any and all mediated settlements must receive the final approval of the Vice President for Student Affairs.

## **6.5 Hearing**

**6.5.1** A Student Conduct Review Hearing will be scheduled to obtain information and provide the student with the option to select mediation as an option to resolve the alleged violation of the Code. This conference is an informal, non-adversarial meeting between the charged student and the DJAIX, the Vice President's Designee or ombudsman. The charging party is not required to attend. Documentary evidence, both verbal and written, may be used as long as the charged student is allowed to respond to it.

**6.5.2** When the charged student does not dispute the facts upon which the charges are based, pleads "responsible" to the alleged violations and executes a written waiver of the hearing procedures, the DJAIX, Vice President's Designee or ombudsman will forward a recommendation for action to the Vice President for Student Affairs. The charged student will be informed in writing of the decision by certified mail within five business days by the Vice President for Student Affairs. In this case, when the charged student accepts responsibility for violating the Code, only the sanction may be appealed.

**6.5.3** If a charged student contests the allegations in a Student Conduct Review Hearing, a formal Student Conduct Hearing will be conducted to investigate the allegations.

**6.5.4** A charged student's failure to appear at a Student Conduct Review Hearing may preclude the early resolution of an alleged violation of the Code and may require that a full hearing be held by IMAC.

**6.5.5** When a charged student is given a Student Conduct Hearing, he/she must appear before the Incident Management Advisory Committee (IMAC). The IMAC will be chaired by the DJAIX or Vice President's Designee. The IMAC will be composed of two full-time faculty members\*\*, one full-time staff member, and two student representatives. Representatives from Public Safety, Student Life, Student Development and/or Disability Support Services may serve as resources to the IMAC, as appropriate. The chair has all rights and responsibilities of the IMAC participation but will not have a vote unless there is a tie.

\*\*For adjudication of non-credit Business and Continuing Education Division (BCED) hearings, additional administrators may be substituted for academic faculty, where applicable.

## **6.6 Formal Hearing Procedures**

**6.6.1** If any allegation of misconduct is directed to a student and it is reasonably certain that a violation of the Student Code of Conduct has occurred, the Vice President for Student Affairs, Vice President's Designee or DJAIX will write a letter outlining the alleged violation to the charged student and schedule a Student Conduct Review Hearing.

**6.6.2** All charges and dispositions will be issued to the charged student in written form. All charges and disposition notices will be either (a) hand delivered to the charged student or (b) mailed by certified, return receipt first class mail to the student's address on file in the Office of Records and Registration.

**6.6.3** Both the charged student and the complainant will be provided an opportunity to present relevant evidence and witnesses on their behalf. The Chair of IMAC will determine relevancy and admissibility of evidence and witnesses. Both parties will have the opportunity to hear and have relevant questions asked of witnesses. All participants and witnesses will be advised that Student Conduct Hearings are confidential. IMAC may receive evidence and testimony by receiving written statements that are signed in the presence of a College official and receiving the witness signature of that College official. The charged student and the complainant will have the right to read and submit a rebuttal to any evidence. IMAC may reject this procedure in any case where presenting such evidence is believed to be unfair to the charged student or to the complainant. To expedite the hearing process, the charged student and the complainant may, at their discretion, provide written statements to IMAC prior to the Student Conduct Hearing.

**6.6.4** IMAC will hear evidence and testimony relevant to the charged students' alleged violation of the Code and then deliberate in closed session. The Chair is responsible for conducting the hearing. He/she shall be responsible for: reading the charges; explaining to the student the manner and sequence in which the hearing will be conducted; maintaining proper decorum and order and dismissing any person who impedes or threatens to impede a fair and orderly hearing; ensuring that questions asked, evidence and testimony offered are relevant to the case; ensuring that the charged student has the opportunity to examine the evidence, and to hear and question all witnesses appearing and testifying against him/her; ensuring that the charged student has the opportunity to testify, to present evidence, and witnesses in his/her defense; ensuring that all available relevant evidence is presented and that the IMAC's conclusions are based solely upon the evidence. The Chair will draft the letter to inform the Vice President for Student Affairs of the hearing outcome.

**6.6.5** A single official recording will be made of the Incident Management Advisory Committee (IMAC) hearing. No other persons at the hearing will be permitted to make recordings of the IMAC's proceedings. If a recording malfunction occurs, the IMAC shall include a summary of the testimony sufficiently detailed to permit review on appeal. The recording shall be maintained by the Office of Judicial Affairs. In the event of a charged student's appeal of the IMAC's decision, the recording will be made available for review, upon request. The recording is the property of Baltimore City Community College.

**6.6.6** The IMAC must vote in the majority to implement the sanction of suspension or dismissal. The charged student and the complaining party and any victim will be informed of the outcomes of any Student Conduct Hearing.

**6.6.7** One consultant/advocate is permitted to accompany each charged student, complaining party and/or victim throughout the Student Conduct Hearing. The consultant/advocate may not be a witness in the Hearing and may only serve as a limited advisor to his/her advisee. The consultant/advocate may not address the IMAC or question hearing participants. The consultant/advocate must assist their advisee only in a manner that does not disrupt the hearing. Violations of these limitations may result in the removal of the advisor from the hearing at the discretion of the Chair of the IMAC.

**6.6.8** If the charged student or complainant does not appear and does not provide a satisfactory explanation for his/her absence; or if the charged student or complainant leaves the Hearing before its conclusion or adjournment, the hearing may proceed without the charged student or complainant and the IMAC may render a decision based upon the available evidence.

**6.6.9** All hearings are closed sessions and only the IMAC, the charged student, the complainant, a single consultant/advocate for each charged student and complainant, witnesses for the charged student and the complainant and College staff designated as resources will be allowed to be present.

**6.6.10** The Vice President for Student Affairs shall review the IMAC's decision and may (1) adopt both the proposed decision and recommendations; (2) reverse the decision if it is not supported by the factual evidence; or (3) change, reduce or increase the proposed sanction if she/he finds it not appropriate. The VPSA shall issue his/her decision in writing within five (5) business days of receipt of the IMAC's proposed findings.

**6.6.11** Either the charged student or complainant may challenge the impartiality of any member of the IMAC. After investigation of the matter, the Chair of the IMAC will determine whether the member should be disqualified from the case.

**6.6.12** If a charged student has been charged with multiple offenses arising out of a single occurrence or a series of related offenses, a single hearing may be held for the charged student. When more than one student is charged with misconduct arising out of a single occurrence or out of connected multiple occurrences, or the same operative facts, a single hearing may be held for all the charged students.

**6.6.13** The Chair of the IMAC's role is strictly advisory. The Chair will have all privileges of the IMAC members, but shall not vote unless he/she must vote to break a tie.

## **6.7 SANCTIONS**

The following sanctions may be imposed upon a charged student found to have violated the Student Code of Conduct (the Code):

**6.7.1** Range of Sanctions:

#### **6.7.1.1 Verbal Reprimand/Informal Warning**

This sanction is the least severe form of disciplinary action. It serves to warn the charged student that corrective action must be taken, and that future violations will be dealt with more severely. No record of this sanction is placed in the charged student's file.

#### **6.7.1.2 Formal Warning/Disciplinary Reprimand**

This sanction indicates that the "good standing" status of the charged student is in jeopardy and further violations may result in disciplinary probation, suspension or expulsion.

#### **6.7.1.3. Disciplinary Probation**

This sanction places the charged student on a probationary status during which further violations of the Code may result in suspension or expulsion.

#### **6.7.1.4 Disciplinary Suspension**

This sanction terminates a charged student's status as an enrolled student at BCCC for either a specific or indefinite period of time. The sanction may take effect immediately or on some future date to be specified in writing by the Vice President for Student Affairs. A suspended student is restricted from College premises and may not be present on the premises without specific written authorization from the Vice President for Student Affairs or Vice President's Designee. Any violation of this restriction shall subject the student to arrest for trespassing. This sanction is noted on the student's transcript as "Disciplinary Suspension" (DS) via formal written notice to the Registrar from the Vice President for Student Affairs. The charged student may file a written request to the Office of the Vice President for Student Affairs to have this notation expunged after the period of suspension has ended. Otherwise, the notation will remain on the charged student's transcript unless the disciplinary file is expunged. A charged student under this sanction may reapply and/or register after the period of suspension has ended.

#### **6.7.1.5 Disciplinary Expulsion**

This sanction permanently terminates a charged student's status as an enrolled student at BCCC and the student will not be permitted to register at BCCC. An expelled student is restricted from all College sites and may not be on the College campus without specific written authorization from the Vice President for Student Affairs or Vice President's Designee. Any violation of this restriction shall subject the student to arrest for trespassing. This sanction is noted on the student's transcript as "Disciplinary Expulsion" (DE) via formal written notice to the Registrar from the Vice President for Student Affairs and will remain on the transcript unless the disciplinary file is expunged.

#### **6.7.1.6 Restorative Justice**

This sanction may involve repayment to the College or to any affected party for damages and/or injury. Restorative justice, at its most basic level, is a way for an individual to take responsibility for any harm

they may have caused to another individual or the community. This process allows for all parties effected (victim, offender, and community) to process how the harm can be restored for the individuals involved. On a college campus often times students, staff, faculty, and other on and off campus community members may find that they have been affected directly or indirectly by an individual or groups behavior. Restorative justice practices can provide the space for profound learning moments and reparation.

Restorative Justice is driven by four guiding principles:

- Inclusive decision-making - Putting the decision making back into the hand of the individuals that care most about the harm that has occurred.
- Active accountability - An offender cannot sit back and be judged. They must be engaged in the process and take responsibility.
- Repairing harm - Focuses on hearing a reparation to bring up the harmed party.
- Rebuilding trust - Rebuilding the relationships so that the offender can once again be trusted and the harmed party can feel safe.

#### 6.7.2 Special Conditions

The following sanctions, requirements and/or conditions may be imposed, along with a disciplinary sanction, for any charged student found to have violated the Student Code of Conduct. The conditions include, but are not limited to the following requirements:

**6.7.2.1** Financial restitution for any loss sustained or incurred by the College and/or member(s) of the College community.

**6.7.2.2** Community service or restitution.

**6.7.2.3** Required participation in an alcohol and/or drug education program.

**6.7.2.4** Required counseling sessions.

**6.7.2.5** Completion of educational projects.

**6.7.2.6.** Suspension of College computer account.

**6.7.2.7** Restriction from specific College buildings, areas, or facilities.

**6.7.2.8** Restriction or denial of College parking permit.

**6.7.2.9** No contact with designated persons.

**6.7.2.10** Revocation or denial of BCCC degree/diploma.

**6.7.2.11** Registration block.



**6.7.2.12.** Financial penalty or fine.

**6.7.2.13** Loss of College privileges; including social, athletic, co-curricular, and/or facility use privileges.

**6.8 Failure to complete a mandated sanction within the allotted time may result in administrative actions including but not limited to blocking a charged student's ability to register for classes.**

### **6.9 Interim Suspension or Restrictions**

**6.9.1** A student may be suspended or restricted from College property for an interim period pending a Pre-Hearing Conference, Student Conduct Hearing before the IMAC or a psychological or medical evaluation. The Vice President for Student Affairs is the only person able to initiate this action. The interim suspension or restriction is effective without prior notice, when there is evidence that the continued presence of the student on College property, or in a specific campus facility poses a substantial threat to himself /herself, to others, or to the stability and continuance of normal College functions.

**6.9.2** A student may request a review of the interim action. This request must be in writing to the Vice President for Student Affairs. A response to the request will be made typically within five (5) business days from the date of the receipt of the request.

**6.9.3** An interim suspension or a restriction from College property shall be followed, typically within ten (10) business days, by an opportunity to have a Student Conduct Review Hearing as described in this Code.

### **6.10 APPEALS PROCESS**

**6.10.1** If the charged student is dissatisfied with the outcome of the Vice President of Student Affairs' decision, he/she may request a final appeal to the President of the College. Such an appeal must be submitted in writing to the President, with a copy to the Vice President for Student Affairs, typically within five (5) business days after receipt of the written notice of the decision. The appeal statement shall set forth the grounds for appeal and be accompanied by a written statement and/or new evidence that was not previously available to the charged student. The Chair of the IMAC will submit a written statement in support of the VPSA's decision and must be submitted within three (3) business days of receipt of the charged student's appeal. The President's review will be limited to a review of the record of the hearing, the written statements submitted by the charged student and the Chair of the IMAC and any new evidence that was not reasonably available and/or previously presented.

**6.10. 2** Grounds for an appeal are limited to claims that:

**6.10.2.1** The procedures described in the Code were not followed;

**6.10.2.2** The decision was not supported by the evidence presented at the hearing;

**6.10.2.3** The sanction was not appropriate to the violation; or new evidence is available that was not reasonably available at the time of the hearing.

**6.10.3.** The President's decision regarding the appeal will be made within ten (10) business days following the receipt of the appeal. The President may:

**6.10.3.1** Affirm the VPSA's decision concerning the violation of the Policy;

**6.10.3.2** Affirm the VPSA's decision concerning the disciplinary sanction imposed;

**6.10.3.3** Reverse the original decision concerning the violation of the Policy and direct that the complaint be dismissed;

**6.10.3.4** Set aside the original decision concerning the sanction and impose a different sanction.

**6.10.3.5** The decision of the President is final and may not be appealed.

**6.10.4** Expunging Disciplinary Records and/or removing notations:

**6.10.4.1** A charged student may submit a written petition for removal of a transcript notation when:

**6.10.4.2** The sanction has expired.

**6.10.4.3** After two (2) semesters during which they have been registered, and they have not engaged in behavior that violates the Code.

## **ARTICLE VII**

### **7.1 INTERPRETATION AND REVIEW**

**7.1.1** Any questions of interpretation regarding the Code should be directed to the Vice President for Student Affairs or the Director of Judicial Affairs and Title IX (DJAIX).

**7.1.2** The Code will be reviewed periodically under the direction of the Vice President for Student Affairs.

## **ARTICLE VIII**

### **8.1 ACADEMIC GRIEVANCES**

A student who has sufficient evidence that his/her grades have not been determined in accordance with the terms set out in the instructor's syllabus/course outline/course policy, may seek resolution through the grievance process. In filing an academic grievance, a student must take the following steps:

**8.1.1** Attempt to resolve the matter with the instructor in a face-to-face meeting.

**8.1.2** If the student is dissatisfied with the decision rendered by the instructor, he or she will obtain a Student Grade Grievance Form (Form A) from the respective department's administrative assistant, complete, and submit to the instructor. This form should spell out the exact nature of the complaint and the remedy sought. The instructor will be asked to provide the rationale for the grade recorded for the student and provide sign off on Form A.

**8.1.3** Cases filed after faculty contracts end in May, are processed as soon as the instructor can be contacted and scheduled for a hearing, which usually occurs during the next full (fall/spring) semester. A grade grievance must be filed no later than 30 days after the end of the semester in which the class was taken. The entire grade grievance process must be completed typically within one year of the original filing. Students will be required to submit the following information to complete their grade grievance file:

1. Course Syllabus/Course outline/Course policy
2. All work in question
3. A written explanation as to the nature of the grade grievance

**8.1.4** The Chair of the Grievance Committee will review both the student's documentation and the explanation of the instructor. If there is sufficient evidence to warrant a grievance, the paperwork will be forwarded to the Department Associate Dean, typically within five (5) business days. The Department Associate Dean will attempt to mediate a resolution between the instructor and the student. If a resolution is reached that warrants a grade change, the instructor will submit a grade change form to the Office of Records and Registration within five (5) business days after the decision to change the grade has been made.

**8.1.5** If no resolution is reached from the meeting with the Department Associate Dean, the student may request the matter be taken to the appropriate Academic Dean, typically within five (5) business days. The Academic Dean will attempt to mediate a resolution between the instructor and the student. If a resolution is reached that warrants a grade change, the instructor will submit a grade change form to the Office of Records and Registration within five (5) business days after the decision to change the grade has been made.

**8.1.6** If no resolution is accomplished with the Academic Dean, the Student Grade Grievance Form (Form A) will be forwarded to the Grade Grievance Committee for further processing. At this point, the Chair of the Grade Grievance Committee will assist the student with submitting a Student Grade Grievance Form (Form B), requesting a review by the GGRC. The GGRC will be made up of the Chair of the GGRC, two (2) faculty and two (2) students. The Senate Executive Committee President will select the two (2) faculty members. The President of the Student Government Association will recommend the two (2) students.

**8.1.7** If the GGRC accepts the grievance, the student will appear for a hearing before the IMAC which will conduct a grade grievance hearing (see Article 6.5.5). The IMAC must make a recommendation to the Vice President for Student Affairs. The Vice President for Academic Affairs will make the final disposition of the grievance.

**8.1.8** If a student's grievance is rejected by the Grade Grievance Review Committee, the student will receive written justification for the decision from the Committee chair within five (5) business days. The decision rendered by the Committee represents the final disposition of this process.

**8.1.9** The Vice President for Academic Affairs will be the College official designated to resolve and decide student grievances concerning academic and curricular issues.

## **Article IX**

### **9. SEXUAL HARASSMENT**

#### **Purpose Statement**

The College places its community on notice that any sexual misconduct within the college workplace and within educational programs will not be condoned and will not be allowed to interfere with the mission of Baltimore City Community College. These procedures address the complaint and investigation process, disciplinary actions, hearings and appeals and educate the College community on the College's policy prohibiting sexual harassment.

#### **State/Federal Regulatory Requirements (cite if applicable)**

- ◆ Title VII of the Civil Rights Act of 1964 as amended
- ◆ Title 20 State Government Article, Annotated Code of Maryland
- ◆ Title 5, Subtitle 2, Annotated Code of Maryland State Personnel and Pensions Article
- ◆ Title IX of the Education Amendments of 1972
- ◆ Executive Order-01.01.2007.16 Maryland Code of Fair Employment Practices
- ◆ EEOC Policy Guidance on Sexual Harassment, Number N-915-050

#### **9.1 Procedural Language**

Baltimore City Community College adheres to the sexual harassment definitions promulgated by the Equal Employment Opportunity Commission (EEOC) and then Office of Civil Rights of the United States Department of Education (OCR).

## Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature. Sexual harassment may be **verbal** (sexual innuendo, threats, jokes, sexual propositions, or suggestive comments, etc.; **non-verbal** (making suggestive or insulting noises, leering, whistling or making obscene gestures, or displaying sexually explicit or offensive pictures or other illustrations, etc.) or **physical** (touching, pinching, brushing the body, assaulting, or any other contact of a sexual nature).

Unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature constitute sexual harassment when:

- 9.1.1.** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by BCCC or an individual's participation in a BCCC program;
- 9.1.2.** Submission to or rejections of such conduct by an individual are used as the basis for academic or employment decisions affecting the individual;
- 9.1.3.** Such conduct by an employee, student, or third party is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or benefit from an educational program or activity;
- 9.1.4** A hostile or abusive educational environment; or has the purpose or effect of unreasonably interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive work environment at BCCC.

*Tangible psychological injury is not a necessary element of a hostile work/academic environment; rather, an environment that is perceived by the victim as hostile or abusive, and that a reasonable person would find hostile or abuse is sufficient to meet the standard. The victim, as well as the accused, may be a female or a male. The harassment does not have to be of the opposite sex.*

### A. Types of Sexual Harassment

#### 1. *Quid Pro Quo*

✦ Unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, non-verbal or physical conduct of a sexual nature constitute "quid pro quo" sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision that affects an individual.

## 2. Hostile Work/Academic Environment

❖ Sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes “hostile environment” sexual harassment when the conduct:

- a. was unwelcome;
- b. was based on the victim’s gender;
- c. was sufficiently severe or pervasive to alter the conditions of the victim’s employment and create a work environment that is reasonably perceived as hostile or abusive and that the victim perceives as hostile or abusive; and
- d. is imputable to the College.

### 9.2 Reporting Violations

For the purposes of these procedures, the Complainant is the person filing a Complaint. The Respondent is the person who is alleged to have violated this Policy.

**9.2.1** Any employee who believes that he or she has been the victim of sexual harassment or retaliation should report the alleged incident immediately to Executive Director of Human Resources. Students should report these matters to the Office of Student Judicial Affairs.

**9.2.2** Any BCCC employee who receives a report of sexual harassment or becomes aware of conduct in violation of the Policy has an affirmative duty to report immediately to the Executive Director of Human Resources or in cases where it involves a student, the Office of Student Judicial Affairs.

**9.2.3** Upon receipt of a complaint the Executive Director of Human Resource, or in the case of students, the Vice President of Student Affairs will consult with the College’s attorney and Public Safety to establish the investigation as harassment or as sexual assault. Public Safety will investigate sexual assault cases.

**9.2.4** The Executive Director of Human Resources and/or the Office of Student Judicial Affairs (for incidents involving students) shall promptly contact and inform the Complainant of the College’s policy prohibiting sexual harassment and of the procedures available to resolve a complaint of sexual harassment. Both informal and formal procedures for resolving a complaint of sexual harassment are available for use by employees, students, and volunteers.

### 9.3 Investigation

**9.3.1** If at the conclusion of a Public Safety investigation the allegation is insufficient to support charges of sexual assault, as defined by law, the incident will be referred to the appropriate College office (i.e. Human Resources or Student Judicial Affairs) for further investigation and action.

**9.3.2** The Title IX Coordinator or Title IX Investigator(s) will investigate reports of sexual harassment by students toward students.

**9.3.3** The Executive Director of Human Resources will investigate sexual harassment behavior by faculty or staff towards students. Students allegedly accused of sexual harassment towards faculty or staff, will be investigated by the Title IX Coordinator and /or Title IX investigator(s)utilizing the Student Code of Conduct.

#### **9.4 Responsibilities**

If an employee/student (victim) believes that sexual harassment has occurred, the employee/student (victim) shall take the following steps:

**9.4.1** Inform the offending person that his/her conduct is unwelcome and should cease immediately. It is important for the victim to communicate that the conduct is unwelcome, particularly when the alleged harasser may have some reason to believe that the behavior may be welcome. However, a victim of harassment need not confront his/her harasser directly, so long as the victim's conduct demonstrates that the harasser's behavior is unwelcome.

**9.4.2** If the alleged harassment does not cease, report it promptly to the Executive Director –Human Resources (which is the College's Fair Practices Officer/ EEO Officer), or your supervisor/ another management representative. Students should report the alleged harassment to the Vice President of Student Affairs/Judicial Affairs Officer.

**9.4.3** If an employee's or student immediate supervisor or instructor is the alleged harasser, report the incident to the person directly in charge of the supervisor, the Executive Director of Human Resources, or other management representative. Students should report the alleged harasser to the Vice President of Student Affairs/ Judicial Affairs Office.

#### **9.5 Baltimore City Community College Responsibilities**

**9.5.1** When an alleged incident of sexual harassment is reported, the College has 30 days in which to thoroughly investigate the complaint through the informal process and/or the formal process.

**9.5.2** Independent review or consulting may be processed though the Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC).

**9.5.3** The College will inform the Complainant of his/her right to pursue an allegation of sexual harassment with the Maryland Commission on Human Relations or the U.S. Equal Employment Opportunity Commission.

**9.5.4** The College will inform the Complainant that it will take every reasonable effort to handle the complaint in a manner that protects the confidentiality of all parties.

**9.5.5** The College will follow-up with the complainant and any other individuals implicated in the investigation to ensure that no further incidents have occurred. The College will document follow-up efforts.

**9.5.6** The College must ensure that employees who make complaints of sexual harassment or provide information related to such complaints will be protected against retaliation.

## **9.6 Protective Measures and Confidentiality**

**9.6.1** Retaliation by College Faculty members, staff, or students against a person who makes a complaint of sexual harassment, supports a complaint of sexual harassment, or testifies during an investigation of a complaint of sexual harassment is expressly prohibited. If an individual is found to have engaged in retaliation in violation of this Policy, he or she will be subject to disciplinary action. Any individual who has been a victim of sexual harassment or retaliation shall immediately report such conduct to the College's Fair Practices Officer. As part of the investigation, the respondent will be asked to sign a declaration of non-retaliation.

**9.6.2** Complainants, Respondents, witnesses, and all persons involved in making investigations, or resolving a complainant of sexual harassment, shall use their good faith efforts to keep confidential all information relating to a complaint. Failure to maintain confidentiality may result in disciplinary action and/or other serious sanctions.

**9.6.3** Allegations of sexual harassment are extremely serious, with potential for great harm if ill-conceived or without foundation. It is a violation of the policy for an individual to file an untruthful or bad faith claim of sexual harassment. The college community should not be discouraged from filing legitimate complaints of sexual harassment. An individual found to have filed an untruthful or bad faith complaint is in violation of this Policy and will be subject to disciplinary action.

## **9.7 Disciplinary Actions**

**9.7.1** Disciplinary actions against BCCC faculty staff, vendors, or volunteers for sexual harassment may range from reprimand to termination, depending on the severity of the conduct and the circumstances of the particular offence.

**9.7.2** Disciplinary actions against students at the college for sexual harassment may include suspension or expulsion from BCCC programs and are covered in the Student Code of Conduct.

**9.7.3** All employees and students should be aware that they may be civilly or criminally liable if they engage in prohibitive conduct.

## **9.8 Informal Procedures for Resolving a Complaint**

**9.8.1** The respondent wishing to process a complaint of sexual harassment shall file his or her complaint with the Executive Director of Human Resources or the Office of Student Judicial Affairs within thirty (30) days following the alleged violation(s), or within 30 days following the date on which the



complainant knew, or reasonably should have known, of the alleged incident. While not required to initiate an investigation, the Complainant is strongly encouraged to submit a written, signed complaint as a means of achieving a comprehensive resolution.

**9.8.2** Upon receipt of a complaint, the Executive Director of Human Resources or in cases involving students, the Director of Judicial Affairs and Title IX shall, within ten days, conduct and conclude a confidential investigation of the facts, which will include:

- ✦ An interview with the Complainant, the Respondent, and any witnesses to the material events
- ✦ Collection of all relevant documents
- ✦ Consultation with the College's attorney

**9.8.3** At the conclusion of the investigation, the Executive Director of Human Resources and/or the Coordinator of Student Judicial Affairs will make reasonable efforts to resolve the Complaint to the satisfaction of BCCC, the Complainant, and the Respondent. If a mutually agreeable resolution is reached, the Complainant, the Respondent and the College will sign a statement acknowledging concurrence with the resolution of the Complaint.

**9.8.4** The Executive Director of Human Resources and/or in the case of students, the Office of Student Judicial Affairs shall retain Complaints processed through informal procedures in a confidential file separate from any personnel or student files. The confidential file should include:

- ✦ The name of the Complainant;
- ✦ The name of the Respondent;
- ✦ The nature of the Complaint;
- ✦ The incident date;
- ✦ The names of witnesses;
- ✦ Any other information relevant to the incident

## **9.9 Formal Procedures for Resolving a Complaint**

**9.9.1** The Respondent wishing to process a complaint of sexual harassment through formal procedures shall file his or her written complaint with the Executive Director of Human Resources within thirty (30) days following the alleged violation(s), or within 30 days following the date on which the Complainant knew, or reasonably should have known, of the alleged incident.

**9.9.2** The written complaint shall be signed by the complainant and shall state:

- ✦ The allegations, including when and where the alleged conduct occurred;
- ✦ The name(s) of the person(s) alleged to have violated the Policy;

- ✦The names of any witnesses to the violation; and

- ✦The relief requested.

**9.9.3** Upon receipt of a formal complaint of sexual harassment, the Executive Director of Human Resources and/or Coordinator of Student Judicial Affairs shall immediately consult with the College's attorney prior to taking any action to investigate or resolve the Complaint.

**9.9.4** The Respondent will be furnished with a copy of the complaint by the Executive Director of Human Resources and/or the Coordinator of Student of Judicial Affairs (for incidents involving students) and has ten (10) days to submit a written response to the allegations to the Executive Director of Human Resources.

**9.9.5** The Executive Director of Human Resources or the Coordinator of Student Judicial Affairs shall, within ten days of receipt of the formal Complaint and request, conduct and conclude a confidential investigation of the facts. The investigation will include:

- ✦Interviews with the Complainant, the Respondent and any witnesses

- ✦The collection of all relevant documents

**9.9.6** The Executive Director of Human Resources or the Coordinator of Student Judicial Affairs shall make every effort to keep the investigation confidential and shall notify all those who are contacted in the course of the investigation that it is a violation of the Policy to fail to maintain confidentiality. Confidentiality applies to both the facts of the investigation, and any information that the individual provides to the Executive Director of Human Resources or the Coordinator of Student Judicial Affairs.

**9.9.7** Within five (5) days from the conclusion of the investigation, the Executive Director of Human Resources or the Coordinator of Student Judicial Affairs (for incidents involving students) shall issue to the Complainant and the Respondent a written report setting forth:

- ✦Findings of fact concerning the events that occurred or were alleged to have occurred;

- ✦Conclusions as to whether the events that did occur constituted a violation of BCCC's Policy Prohibiting Sexual Harassment;

- ✦Recommendation as to what disciplinary sanctions, if any, should be imposed.

**9.9.8** In preparing this report, the Executive Director of Human Resources and/or the Coordinator of Student Judicial Affairs shall consult fully with the College's attorney. If it is concluded that the Policy has been violated and a disciplinary sanction is recommended the Executive Director should consult with the President and the Respondent's supervisor concerning the disciplinary sanction and in the case of students, an Incident Management Advisory hearing will be convened per the Student Code of Conduct.

**9.9.9** The Executive Director of Human Resources and/or the Office of Student Judicial Affairs (for incidents involving students) shall mail to the Complainant and Respondent the written report and a statement of the Complainant's and Respondent's appeal rights.

#### **9.10 Formal Hearing/Appeal**

**9.10.1** If either the Complainant or Respondent disagrees with the written decision of the Executive Director of Human Resources, or in the case of students, the Vice President of Student Affairs, either may request an independent review by filing a written request with the President of the College within five (5) days of the date of receipt of the report. The request shall state with specificity the portions of the decision with which the person requesting the hearing disagrees.

**9.10.2** If neither the Complainant nor the Respondent requests an independent review within the time stipulated above, the decision of the Executive Director of Human Resources or in cases involving students, the decision of the Vice President of Student Affairs shall be the final disposition of the College, unless the President directs other-wise.

#### **9.11 External Filing Procedures**

Should the individual wish to file a formal Complaint with an external agency, he or she may do so with one of the following agencies:

##### **Equal Employment Opportunity Commission (EEOC)**

1801 L Street, N.W.

Washington, D.C. 20507

##### **Equal Employment Opportunity Commission (EEOC)**

10 South Howard Street, 3rd Floor

Baltimore, Maryland 21201

##### **Maryland Commission on Human Relations**

6 St. Paul Street, 9th floor

Baltimore, Maryland 21202

## **United States Department of Education**

### **Office for Civil Rights**

3535 Market Street, Room 6300

Philadelphia, Pennsylvania 19104-3326

### **9.12 Education**

The College will ensure that all BCCC employees and students are informed and understand the College's Policy Prohibiting Sexual Harassment. This will be accomplished through:

**9.12.1 Employee Orientation:** All new employees will receive a copy of the BCCC Policy Prohibiting Sexual Harassment at New Employee Orientation. The policy will be explained and all new employees will acknowledge by signature that they have had the policy explained to them, understand it, and agree to abide by the rules and regulations while employed at BCCC.

**9.12.2 New Student Orientation:** The Vice President for Student Affairs will ensure that all students are informed of BCCC's Sexual Harassment Policy prohibiting sexual harassment and that the procedures for filing complaints are distributed through the Student Handbook and are also found in the Student Code of Conduct.

**9.12.3 Education:** All employees will be required to participate in Sexual Harassment training every two years through Professional Development. This course will discuss the Policy, explain the Procedures and provide updates on any changes. Vice Presidents and department heads can also request additional training for their respective Division/Departments from Human Resources on an as needed basis.

## **ARTICLE X**

### **10. SEXUAL ASSAULT**

Senate Bill 283, effective June 1, 1993, requires the governing board of each institution of higher education to adopt and submit to the Maryland Higher Education Commission a written policy on sexual assault. The policy must comply with recent amendments to the Federal

Higher Education Act of 1965, which requires colleges nationwide to provide educational programs to promote awareness and sexual offenses. Senate Bill 285 also requires that each institution's policy include provisions on;

- ✦ Informing an alleged victim of the right to press criminal charges;
- ✦ Notifying law enforcement officials and disciplinary authorities when an incident of sexual assault occurred;
- ✦ Designating which local hospitals are equipped to handle incidents of sexual assault;

✦Assisting an alleged victim in obtaining appropriate medical and counseling services;

## **10.1 PURPOSE**

It is the policy of Baltimore City Community College that sexual assault is a severe and criminal act and will not be tolerated within our College community. This policy is intended to ensure that incidents of sexual assault are given serious attention and that students, faculty, staff and alleged victims of sexual assault are made aware of and provided with appropriate assistance, educational programs, counseling, mental health services, and student services. This policy is concerned with providing immediate assistance and protection for: the physical health and safety of the alleged victim; the emotional health of the alleged victim; the safety of the Baltimore City Community College community; the alleged victim from undue embarrassment or publications; and the confidentiality of the alleged victim.

## **10.2 PROCEDURE**

**10.2.1** Incidents of sexual assault should be immediately reported to the appropriate authorities.

**10.2.1.1** Students should report incidents of alleged sexual assault to the Baltimore City Police Department and the Baltimore City Community College Department of Public Safety. It is also recommended that a student file an Incident Report Form with the Office of Judicial Affairs.

**10.2.1.2** Faculty and employees, in addition to reporting incidents of alleged sexual assault to the Baltimore City Police Department and Baltimore City Community College Department of Public Safety, should file a report with the Executive Director of Human Resources.

**10.2.1.3** Any Baltimore City Community College staff member responding to an alleged victim of sexual assault should first determine whether the alleged victim is safe and whether medical and/or psychological interventions are needed. Contact should be also made with the Health and Wellness Center in Room 114, Harper Hall.

**10.2.1.4** If medical attention is needed for the alleged victim, staff members should obtain appropriate medical attention by calling 911 and contacting the Baltimore Police Department to transport the victim to the nearest hospital equipped with the Maryland State Police Sexual Assault Evidence Collection Kit.

**10.2.1.5** The alleged victim should be informed that medical treatment may include a physical exam and prophylactic antibiotics for sexually transmitted diseases. The physical exam is important for preserving evidence which may be necessary to obtain a conviction of criminal sexual assault. However, the alleged victim should be informed that having the exam does not commit the alleged victim to legal action.

## **DESIGNATED HOSPITALS:**

**Greater Baltimore Medical Center**

6701 N. Charles St.

(Has own evidence collection process)

410-828-2000

**Mercy Hospital**

301 St. Paul Place

Emergency Room

410-332-9477

**University of Maryland Medical System**

22 S. Greene St.

Emergency Room

410-328-8667

**Johns Hopkins Hospital Bayview**

4940 Eastern Ave.

Emergency Room

410-550-0100

The alleged victim may directly contact the Baltimore City Police Department (BCPD) and/or the BCCC Department of Public Safety (DPS) or may request the assistance of the Judicial Affairs Officer or Vice President's Designee to notify the appropriate authorities.

**10.3 INVESTIGATION**

**10.3.1** The alleged victim should be informed of the right to file criminal charges and reassured that contacting the BCPD does not commit the alleged victim to continued legal action. However, contacting the BCPD or the DPS means that evidence must be collected should the alleged victim decide to pursue court action or pursue disciplinary action through the appropriate BCCC policy for students, faculty and staff members.

**10.3.2** Emergency Telephone Numbers:

Baltimore City Police Department - 911

Baltimore City Community College Department of Public Safety:

Liberty Campus: 410-462-7700

Harbor Campus: 410-986-5500

RPC: 410-580-2751

**10.3.3** With the alleged victim's consent, a staff member should attempt to reach a family member – i.e. spouse, parent or friend - to accompany the alleged victim to the medical facility or facility of service.

**10.3.4** The Director of Judicial Affairs and Title IX (DJAIX) or Vice President's Designee shall notify alleged victims of opportunities at the College and in the community for counseling, mental health and/or student support services for alleged victims of sexual assault. Upon the request of the alleged victim, transfer of the alleged victim to alternative classes shall be arranged by the DJAIX.

#### **10.4 BALTIMORE CITY COMMUNITY COLLEGE DISCIPLINARY PROCEDURE**

**10.4.1** When an allegation of sexual assault has been made and the alleged victim has contacted the appropriate authorities in accordance with this policy, the Vice President for Student Affairs, in conjunction with the Executive Director of Human Resources, shall initiate the investigational and disciplinary proceedings as applicable to students, faculty or staff members.

**10.4.2** Both the alleged victim and the Charged shall be entitled to have others present during a College disciplinary proceeding.

**10.4.3** Both the alleged victim and the Charged shall be informed in writing within five (5) business days of any College disciplinary proceeding alleging sexual assault.

**10.4.4** Disciplinary procedures should be initiated for classified employees in accordance with Merit System Regulations (COMAR 06.01.01.45). Disciplinary action may include: a letter of reprimand, suspension, or termination, depending on the circumstances of each case.

**10.4.5** Disciplinary action for students may include: a letter of reprimand, removal from a classroom or the Campus, or expulsion, depending on the circumstance of each case.

#### **10.5 RESOURCES FOR ALLEGED VICTIMS OF SEXUAL ASSAULT**

##### **Turn Around**

410-837-7000

##### **Sexual Assault Recovery Center, Inc.**

410-366-7273

##### **House of Ruth**

410-889-7884

## **National Center for Victims of Crime**

202-467-8700

### **10.6 COMMUNICATION OF SEXUAL ASSAULT POLICY AND EDUCATIONAL PROGRAMS**

**10.6.1** The Office of Judicial Affairs, the Health and Wellness Center, and Department of Public Safety are responsible for disseminating information to the Campus regarding the policies and procedures regarding the BCCC Sexual Assault Policy and information about educational programs and services for alleged victims of sexual assault.

**10.6.2** Baltimore City Community College will continue to develop educational programs to promote the awareness and the prevention of sexual assaults including information regarding rape, acquaintance rape and other sex offenses, forcible or non-forcible.

### ***Article XI-DISCRIMINATION***

#### **11. DISCRIMINATION OVERVIEW**

Baltimore City Community College values and celebrates a diverse educational community. The mission of the College is one of teaching and learning, cultivating ideals, preparing future generations for service to others and the community and nurturing the holistic development of the College community. BCCC does not tolerate discrimination based on race, color, religion, sex, national origin, age, disability, marital status, sexual orientation or preference, gender identity, political ideology or status as a Vietnam-era or special disabled veteran in the administration of any of its educational policies, admission policies, scholarship and loan programs, athletics and other school-administered policies and programs or in its employment-related policies and practices.

A student who has a concern about possible discriminatory treatment experienced in connection with College programs, services, facilities or activities is encouraged to discuss those concerns with the Director of Judicial Affairs and Title IX or Vice President's Designee. It is a violation of the College's non-discrimination policy to discriminate or retaliate against any student because he/ she has opposed any discriminatory practice proscribed by College policy, or because the student has filed a complaint, testified, assisted or participated in any manner in any College procedures designed to resolve an allegation of discrimination.

All College policies, practices and procedures are administered in a manner consistent with the mission and vision of Baltimore City Community College. Student-related inquiries involving the discrimination policy may be referred to the Office of Judicial Affairs. Consistent with the requirements of Title IX of the Education Amendments of 1972 and its implementing regulations, Baltimore City Community College has designated two offices be responsible for coordinating the College's Title IX compliance. BCCC students and/or employees with concerns or complaints about discrimination in employment or educational programs or activities may contact one of the following Title IX coordinators:



## **STUDENT ALLEGATIONS OF DISCRIMINATION**

Contact:

**Director of Judicial Affairs and Title IX**

Main Building 09E 410-462-8505

## **EMPLOYEE ALLEGATIONS OF DISCRIMINATION**

Contact:

**Executive Director of Human Resources** West Pavilion 149

410-209-6004

Individuals may also contact the U.S. Department of Education Office of Civil Rights.

### **11.1 - Alleged discrimination complaint by a BCCC student against the College, a member of the faculty, a staff member or the administration in connection with a college program, service or activity:**

**11.1.1.** A BCCC student who believes that he/she has been discriminated against by the College or by a member of the faculty, staff or administration in connection with a College program, service, facility or activity should bring the concern to the attention of the Office of Judicial Affairs.

**11.1.2** The DJAIX or designated ombudsman or the Vice President's Designee will assist the student in assessing the complaint and determine the next course of action. Although some situations can be worked out informally, others may receive a formal review to determine the most effective course of resolution. In these instances, a student may make a formal complaint of discrimination and the complaint will be investigated by the College and a determination made. In some instances, the College may decide to conduct an investigation even if the student does not wish to make a formal complaint. If a student is not satisfied with the resolution of a complaint, the student may seek further review from the Office of the Vice President for Student Affairs.

### **11.2 – Discrimination complaint against a student, a student group or student organization:**

A BCCC student who believes he/she has been discriminated against by a student or student group or organization should bring the concern to the attention of the Office of Judicial Affairs, who may designate an ombudsman or Vice President's Designee to assist the student in assessing the complaint and determining the next course of action. Informal and formal procedures for a student to address a concern about discrimination by students or student groups or organizations are described below:

#### **11.2.1 - *Informal complaint procedure:***

The informal complaint procedure seeks to achieve a resolution upon which both the Plaintiff and Charged agree.

An informal complaint may be oral or in writing, and should be brought to the attention of the Office of Judicial Affairs. Informal complaints provide the complainant an opportunity to discuss the matter with the DJAIX or assigned ombudsman or the Vice President's Designee to assist the student in assessing the complaint and determining the next course of action which may include the pursuit of more formal actions.

In some cases, the complainant may ask the DJAIX or ombudsman or Vice President's De-signee to act as an intermediary with the charged party and determine whether an informal resolution can be reached. If a resolution is reached by this process, no additional action will be taken and the matter will be considered closed. In all cases, the Office of Judicial Affairs will keep a record of the complaint and its resolution.

### **11.3 - Formal complaint procedure:**

**11.3.1** A BCCC student can make a formal complaint without first using the informal complaint procedure. The formal complaint should be in writing and an Incident Report Form delivered to the Office of Judicial Affairs. The formal complaint should include: the Charged person's(s') name(s); the times, dates, places and circumstances surrounding the allegation of discrimination; and the name(s) of any witness(es) to the incident(s). The DJAIX in the Office of Judicial Affairs may, upon request, assist a complainant in preparing a formal complaint.

**11.3.2** After a review of the formal complaint, the Director of Judicial Affairs and Title IX (DJAIX) will review relevant student files or records and consult with the complainant, the Charged, any witnesses, and as appropriate, other individuals associated with the alleged incident in an attempt to resolve the matter and determine whether further investigation is warranted. The DJAIX may continue the investigation, if it is deemed appropriate and will document his/her rationale in writing in the complainant's file.

**11.3.3** The Director of Judicial Affairs and Title IX (DJAIX) has the authority to end a formal investigation at any time. Upon completion of the investigation, the DJAIX will determine if the complaint merits adjudication and will notify the complainant and the Charged in writing within five (5) business days of the findings and recommendations.

**11.3.4** When discrimination is not found and the charged student's conduct is inappropriate or violates the Code, the Director of Judicial Affairs and Title IX may notify the Office of the Vice President for Student Affairs for further review by the Vice President. The VPSA may determine whether the review will be conducted by the Incident Management Advisory Committee or Vice President's Designee. The proceedings will be conducted in accordance with the Code of Conduct for Baltimore City Community College.

**THROUGH THE IMPLEMENTATION OF THIS OFFICIAL STUDENT CODE OF CONDUCT, BALTIMORE CITY COMMUNITY COLLEGE SEEKS TO CREATE AND NURTURE A CULTURE AND ENVIRONMENT THAT IS OPEN, RESPONSIVE TO LEARNING AND FOSTERS HONESTY, RESPECT, INTEGRITY AND THE CONSIDERATION OF OTHERS.**