

Student Code of Conduct

730.06 STUDENT CODE OF CONDUCT AND JUDICIAL PROCESS

I. INTRODUCTION

A. Policy Statement

A student's continuance at any college in the Community College System depends not only upon his or her academic performance but also on his or her conduct. A college's jurisdiction and discipline shall be limited to conduct which adversely affects the college community and/or the pursuit of its objectives, whether on or off the college premises. The goals of the colleges' judicial systems are to:

- Develop, disseminate, interpret, and enforce campus regulations;
- Protect the relative rights of all students;
- Adjudicate student behavioral problems in an effective, equitable, and educational manner;
- Facilitate and encourage respect for campus governance; and
- Enable students to learn from their experiences, to foresee consequences of behavior, and to avoid behaviors that would violate ethical and moral standards.

The mission of the colleges' judicial systems shall be educational in emphasis. In the administration of discipline, however, it is imperative that a proper balance exist between concern for the individual involved in an infraction and concern for the college community. In doing so, the good of the college community normally takes precedence.

B. Definitions

College Official – Refers to any person employed by any CCSNH college performing assigned administrative and/or other professional responsibilities.

College Premises – Refers to all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by any CCSNH college (including adjacent streets and sidewalks).

Complainant – Refers to any person who has filed a report or complaint alleging that a student has engaged in conduct that violates the Student Code of Conduct.

Faculty – Refers to any person hired by CCSNH colleges to conduct educational activities.

Judicial Advisor – Refers to the college official(s) appointed by a CCSNH college to coordinate and monitor the judicial process. The judicial advisor's role will include but not be limited to monitoring the judicial bodies and proceedings; advising judicial bodies and students on the applicable judicial process; reviewing requests for judicial appeals; and maintaining judicial proceedings records.

Judicial Body – Refers to any college official or committee authorized to determine whether a student has violated the Student Code of Conduct and to impose sanctions.

Judicial Committee – Refers to the appellate body appointed by a CCSNH college that is authorized to consider an appeal arising from a judicial body's determination that a student has violated the Student Code of Conduct and/or the sanctions imposed by such judicial body.

Respondent – Refers to a student against whom a complaint alleging violation of the Student Code of Conduct has been filed.

II. STUDENT CODE OF CONDUCT

A. Scope

1. The Student Code of Conduct prohibits activities that directly and significantly interfere with the colleges' (1) educational responsibilities of ensuring the opportunity of all members of the community to attain their educational objectives; or (2) responsibilities of protecting the health and safety of persons in the campus community, maintaining and protecting property, keeping records, providing living accommodations and other services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions, whether the violation occurs on or off the college premises or inside or outside of the classroom. Such conduct or attempted conduct is forbidden.
2. The colleges' jurisdiction and discipline shall be limited to violations of the Student Code of Conduct.
3. The student code of conduct applies to any person registered, accepted or enrolled in any course or program offered by any CCSNH college including those who are not officially enrolled for a particular term but who have a continuing relationship with the colleges.
4. This Code applies to student organizations, including but not limited to athletic teams.
5. Students are expected to familiarize themselves with College and CCSNH policies and this Code. Lack of familiarity will not constitute an excuse for failing to meet these expectations.
6. The list of prohibited conduct is not all-inclusive, but is illustrative of conduct that may violate the above expectations, exposing a student or student organization to disciplinary proceedings and sanctions.
7. Residential students are responsible for the activities that occur in their assigned residence hall rooms and their shared living/common spaces. All assigned occupants of a room may be subject to the same sanction as the individuals directly responsible for the violation. Likewise, a student may be held accountable for any violation that is committed by the student's non-student guest.
8. Students who assist others in violating any provision of this Code may be charged with a Code violation to the same extent as those persons committing the violation.
9. Students who attempt conduct in violation of this Code, even if unsuccessful, may be charged to the same extent as a completed violation.

B. Prohibited Conduct

Individuals who are subject to this Code of Conduct shall be deemed in violation to the extent that they engage in any of the conduct outlined below:

1. Violation of published college policies, rules, or regulations;
2. Violation of federal, state, or local law;
3. Use, possession, sale, or distribution of narcotic or other controlled substances or purported controlled substances except as expressly permitted by law and college regulations;
4. Public intoxication or the use, possession, sale, or distribution of alcoholic beverages, except as expressly permitted by the law and college regulations;
5. Possession of firearms, explosives, other weapons, or dangerous chemicals on college premises (including in vehicles) except as authorized by the college.

C. Academic Misconduct

Students are also prohibited from engaging in academic misconduct. Any of the following behavior shall also be a violation of the Student Code of Conduct:

1. Acts of dishonesty including but not limited to the following:
 - a. **Cheating**, which includes, but is not limited to: (1) use of any unauthorized assistance from other persons or technologies in taking quizzes, tests, or examinations or in the preparation and completion of class assignments; (2) dependence upon the aid of resources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of college faculty, staff, or students; or (4) knowingly providing unauthorized assistance of any kind to another for the purpose of providing unfair advantage to the recipient in the completion of course assessments/assignments (sometimes known as **facilitation**);
 - b. **Plagiarism**, passing off the work of another as one's own, which includes, but is not limited to, the use, by paraphrase

or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in providing term papers or other academic materials via direct sale, barter, or other means.

2. Grading Authority: Authority over individual assignment or course grades is reserved to instructors. Therefore, a student who commits an act of academic misconduct may also be subject to academic consequences at the discretion of the instructor in the course. This can result in, but is not limited to, the student failing the course. A student who wishes to file a Grade Appeal should refer to CCSNH Academic Affairs Policy 670.04.

D. Disruption of College Operations

Students are expected to comport themselves in a safe manner at all times while on any CCSNH campus. Students are required to consider their behavior not just in relation to themselves, but in relation to others in the school community. Any behavior that is deemed unsafe to the student or others around the student may be considered a disruption of college operations and shall be a violation of this Code of Conduct. Behavior that may constitute a disruption of college operations includes, but is not limited to:

1. Disorderly conduct, including any behavior that obstructs or disrupts the regular or normal functions of the College or surrounding community, breaches the peace or violates the rights of others.
2. Furnishing false information to any college official, faculty or staff member;
3. Forgery, alteration, or misuse of any college document, record, or instrument of identification;
4. Tampering with the election process or financial management of any college recognized student organization;
5. Disruption or obstruction of any authorized college activity or of any authorized noncollege activity; or unauthorized occupancy of any college facility;
6. Failure to comply with directions of college officials, campus security personnel, or public law enforcement officers acting in performance of their duties, including failure to identify oneself to these persons when requested to do so;
7. Participation in a campus demonstration that disrupts the normal operations of the institution and/or infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area;
8. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by or participated in by the colleges.
9. Abuse of the Judicial System, including but not limited to:
 - a. Failure to obey the summons of a judicial body or judicial committee;
 - b. Falsification, distortion, or misrepresentation of information before a judicial body or judicial committee;
 - c. Disruption or interference with the orderly conduct of a judicial proceeding;
 - d. Attempting to discourage an individual's proper participation in or use of the judicial system;
 - e. Attempting to influence the impartiality of a member of a judicial body or judicial committee through threat, intimidation, or bribery prior to and/or during the course of the judicial proceeding;
 - f. Failure to comply with the sanction(s) imposed under the Student Code of Conduct;
 - g. Influencing or attempting to influence another person to commit an abuse of the judicial system;
 - h. Aiding or abetting in the violation of the Student Code of Conduct.
10. Disruptive student behavior in a classroom or other learning environment (to include both on and off campus locations), which disrupts the educational process as defined by the instructor. Disruptive student behavior also includes engaging in threatening, intimidating, or other inappropriate behavior toward the instructor or classmates outside of class.

E. Health & Safety Offenses

The following health and safety violations are illustrative of violations of the Student Code of Conduct. Student behavior that jeopardizes health and safety shall constitute a violation of the Code of Conduct, whether specifically listed herein or not. Health and safety offenses that violate the Student Code of Conduct include, but are not limited to:

1. Unauthorized possession, duplication, or use of keys or key cards to any college premises or unauthorized entry to or use of college premises;
2. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions; Reckless or dangerous operation of a motor vehicle on campus which endangers persons or property, including operating a vehicle under the influence of alcohol and/or drugs.

3. Violation of the College Alcohol and Other Drug Policies.
4. Violation of CCSNH Firearms and Weapons on Campus Policy.
5. Violation of local, state, or federal law, or campus policies, related to fires and fire hazards.
6. Violation of the College Social Compact.

F. Offenses Involving Others

Students may not engage in any behavior that limits the rights of others in the school community. Examples of violations of the Code of Conduct involving others include, but are not limited to:

1. Physical or verbal abuse that threatens or endangers the health, well-being, or safety of any member or guest of the CCSNH community and includes verbal abuse that is sufficiently serious to deny or limit the victim's ability to participate in or benefit from the college's educational programs;
2. Intentionally or recklessly causing physical harm or abuse, injury, constraint on another's physical movement or threat of harm (stated or implied) toward another person.
3. Threats of harm or injury, either stated or implied, addressed directly to any member or guest of the CCSNH community or posted in an electronic medium so as to leave no doubt as to the intended target;
4. Acts of intimidation or coercion, whether stated or implied;
5. Offenses of domestic violence, dating violence and sexual assault;
6. Acts of harassment and/or retaliation, including discriminatory harassment, directed toward any member or guest of the CCSNH community. Discriminatory harassment refers to the verbal or physical conduct that denigrates or shows hostility toward an individual on the basis of race, color, gender, sexual identity or expression, national origin, religion, age, physical or mental disability, and sexual orientation; or because of opposition to discrimination or participation in the discrimination complaint process. Retaliation is any adverse action related to participation in an education program taken against a person because a person has filed a report or participated in any in the filing of an incident report or complaint, investigation or hearing process related to student conduct;
7. Hazing, which is defined in NH RSA 631:7 as "any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when: (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization;" and under this Code of Conduct includes acts that endanger the mental or physical health or safety of a student, or that destroy or remove public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

G. Offenses Involving Property

Access to campus facilities is a privilege. Students who engage in conduct that damages campus property, personal property of another, or other public property will be subject to sanctions under the Student Code of Conduct. Offenses that shall constitute violations of the Student Code of Conduct include, but are not limited to:

1. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property;
2. Theft or other abuse of technological resources, including but not limited to:
 - a. Unauthorized entry into electronic files, to use, read, or change the contents, or for any other purpose;
 - b. Unauthorized transfer of electronic files or copyrighted software programs;
 - c. Unauthorized use of another individual's identification and password or key card;
 - d. Use of technological resources that interferes with the work of another student, faculty member, or college official;
 - e. Use of technological resources to send, publish, or display obscene, pornographic, threatening, or abusive messages;
 - f. Use of technological resources to receive; browse, store or view obscene or pornographic materials for other than college-approved research.
 - g. Use of technological resources for criminal activity;
 - h. Use of technological resources to interfere with operation of the college computing system.

H. Abuse of the Judicial System

A fair and impartial judicial system is the cornerstone of CCSNH's student discipline system. Therefore, failure to abide by the rules of the judicial system shall constitute independent violations of the Student Code of Conduct. Such violations include, but are not limited to:

1. Failure to obey the summons of a campus Investigator, Hearing Officer or Appeals Committee;
2. Falsification, distortion, or misrepresentation of information before a judicial body or judicial committee;
3. Disruption or interference with the orderly conduct of a judicial proceeding;
4. Attempting to discourage an individual's proper participation in or use of the judicial system;
5. Attempting to influence the impartiality of a member of a judicial body or judicial committee through threat, intimidation, or bribery prior to and/or during the course of the judicial proceeding;
6. Failure to comply with the sanction(s) imposed under the Student Code of Conduct;
7. Influencing or attempting to influence another person to commit an abuse of the judicial system;

III. VIOLATION OF CIVIL/CRIMINAL LAW AND COLLEGES' CODE OF CONDUCT

1. If a student is charged with a violation of the Student Code of Conduct that also constitutes a violation of a criminal statute, disciplinary proceedings may still be instituted against a student prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. When a student is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a CCSNH college judicial body, however, the college may advise off-campus authorities of the existence of the proceeding and of the internal handling of such matters within the college community. College officials, faculty and staff will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

IV. SANCTIONS AND DISCIPLINARY PROCEEDINGS

A. Sanction Definitions

1. **WARNING** - a notice in writing to the student that the student is violating or has violated institutional regulations;
2. **PROBATION** - a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found during the period of probation to be violating any institutional regulations;
3. **LOSS OF PRIVILEGES** – denial of specified privileges for a designated period of time (e.g., social probation, vehicular privileges, deactivation of a group, limited access to facilities, Persona Non Grata);
4. **LOSS OF CONTACT** – restriction prohibiting an individual from harassing, threatening, accosting, or even approaching or contacting a specified individual;
5. **FINES** – previously established and published fines may be imposed;
6. **RESTITUTION** - compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement;
7. **RESIDENCE HALL/CAMPUS HOUSING SUSPENSION** – separation from the residence halls for a definite period of time, after which the student, group, or organization is eligible to return. Conditions for readmission will be specified;
8. **RESIDENCE HALL/CAMPUS HOUSING EXPULSION** – permanent separation from the residence halls;

9. **CLASS/ COLLEGE SUSPENSION** – separation from class(es) or the college for a definite period of time, after which the student, group, or organization is eligible to return. Conditions for readmission will be specified;

10. **COLLEGE DISMISSAL/EXPULSION** – permanent separation from all CCSNH colleges which may include loss of campus visitation privileges.

11. **EDUCATIONAL OR SERVICE SANCTIONS** – imposed in addition to or in lieu of the above sanctions; examples of such sanctions include but are not limited to work assignments, service to the college, written letter of apology, mandatory meetings with a college official. Such sanctions require the approval of any person(s) whose participation is required for the completion of the sanction(s).

12. **INTERIM SANCTIONS** - In certain circumstances, the President or Vice Presidents of the college, or a designee, may impose a sanction prior to the hearing before a judicial body. Interim sanctions may be imposed only a) to ensure the safety and well-being of members of the college community or preservation of college property; b) to ensure the student's own physical or emotional safety and well-being; or c) to ensure the normal operations of the college. Notification of the imposition of Interim Sanctions must be communicated to the Judicial Advisor as soon as is practical, as well as to the appropriate Vice President (if the Vice President did not originate the imposition of sanctions).

B. STUDENT DISCIPLINARY PROCEEDINGS

Training

1. All individuals involved in conducting disciplinary proceedings and appeals shall receive annual training on the student code of conduct, investigations and the hearing process which shall include training on how to conduct an investigation and hearing process that protects the safety and welfare of victims and promotes accountability.

Filing a Complaint

1. Any person who witnesses or learns of a violation of the Student Code of Conduct may bring a complaint forward to the appropriate Judicial Body by filing an incident report.

2. Incident report forms may be obtained from the Academic or Student Affairs Offices, as well as from the Judicial Advisor. In addition, forms may be made available through Campus Security or Residential Life (where available) or on the college web site. Information in the incident report should include but not be limited to the following:

- a. Reporting person's name, address, phone, and student identification number (contact information and ID number shall not be released to the Respondent without written permission of the person reporting the incident);
- b. Date, time, and location of incident;
- c. Person(s) involved in the incident;
- d. Victim(s) or damages involved in the incident;
- e. Complete narrative description of the incident;
- f. Names of witnesses to the incident;
- g. Any other information deemed appropriate.

Investigation and Resolution of Complaint by Judicial Body

In most circumstances, the following procedure shall apply to the Judicial Body. In some circumstances, federal law dictates that a different procedure shall apply, which will be set forth in the appropriate policy and communicated to the relevant parties in a timely fashion.

1. The fact that a complaint has been filed creates no presumption that the Respondent has committed the alleged offense.

2. The complaint will be referred to the appropriate Judicial Body, which will investigate (or request a formal investigation by an impartial investigator) and hear all complaints and may a) dispose of the complaint as unfounded; b) mediate an informal resolution; or c) issue (or recommend to be issued) sanctions as described in Section IV above.

3. The Respondent and the Complainant, where applicable, have the right to be assisted by an advocate of their choice. An advocate, however, is not permitted to speak or to participate directly in any investigation or hearing before the Judicial Body.
4. A time shall be set for an initial hearing before the Judicial Body not less than one (1) business day after nor more than five (5) business days after the Respondent has been notified. At the initial hearing, the Judicial Body may receive evidence from the Complainant and the Respondent regarding any interim sanctions and shall determine whether a) the complaint should be disposed without further investigation and a report issued setting forth the findings and the sanctions, if any, to be imposed; b) mediation is appropriate; or c) a formal investigation is required. In the event a formal investigation is required, the Judicial Body will accept the findings of the investigator(s) and provide a report of the findings to Respondent.
5. Whether the investigation is completed by the Judicial Body or an impartial investigator, all findings will be based on a preponderance of the evidence; i.e., evidence that would lead a reasonable person to believe that it was more likely than not that the Respondent committed the alleged offense.
6. If the investigator's report contains a finding that the Respondent committed the alleged offense, a time shall be set for a sanctions hearing before the Judicial Body to be held not less than one (1) day nor more than ten (10) days after the investigation report is issued.

C. STUDENT DISCIPLINARY APPEALS

Filing an Appeal and Preliminary Appellate Process

1. A Respondent may appeal a disciplinary action by filing a written appeal with the Judicial Advisor within five (5) business days of being informed of the sanction being imposed. The imposed sanction remains in effect during the appeal process. The written appeal must indicate the grounds for reversing the sanction. Grounds for appeal shall be limited to:
 - a. the original hearing/investigation was not conducted fairly and in conformity with prescribed procedures (see B above);
 - b. new and relevant evidence, sufficient to alter the decision, has been revealed that was not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing; or
 - c. inappropriate gravity of the sanction in relation to the offense.
2. The Judicial Advisor has three (3) business days from the receipt of the appeal to determine whether the basis set forth in the appeal falls within the grounds allowed for appeal and to inform the appealing student in writing. If the Judicial Advisor determines that the case does not fall within the grounds allowed for appeal, then the previous adjudication stands. If the Judicial Advisor determines that the case does fall within the grounds allowed for appeal, the Judicial Advisor may:
 - a. Meet with the Judicial Body who issued the original disciplinary action to discuss a possible modification or rescission, as appropriate. If a decision to modify or rescind is not reached, the appeal will be forwarded immediately to the Judicial Committee or
 - b. Immediately forward the appeal to the Judicial Committee for consideration;
3. All preliminary processing of appeals will be concluded within five (5) business days unless the Judicial Advisor determines that there are specific articulated extenuating circumstances (e.g., absence of key parties) that require an extension.
4. The Judicial Advisor will provide notification of the outcome of the preliminary processing of the appeal in writing within three (3) business days of the decision to the Respondent and, as applicable, the Complainant, and any administrative offices involved.

D. MEMBERSHIP OF THE JUDICIAL COMMITTEE

1. A chairperson and an alternate chairperson who will be appointed by each college president or his/her designee.
2. A total of four (4) voting members, elected as follows:

- a. Two (2) faculty or staff selected by college president or other appropriate college official(s).
- b. Two (2) students selected by the Student Senate or other appropriate student group. If the college has residence halls, one (1) of the students shall be from the residence halls.
3. A total of four (4) alternate voting members may be selected as follows:
 - a. Two (2) faculty or staff selected by the college president or other appropriate college official(s).
 - b. Two (2) students selected by the Student Senate or other appropriate student group
4. The advisor to the Judicial Committee will be the Judicial Advisor who will be appointed by the Vice President of Student Affairs.
5. The Vice President of Student Affairs has the right to change the number and makeup of the judiciary committee as required to meet the needs of the campus, or the complaint at hand.

E. JUDICIAL COMMITTEE APPEAL HEARINGS

1. A minimum of three (3) members (including the Chair) shall constitute a quorum to conduct a hearing. If three appointed members are not available due to recusals or for other reasons, additional members shall be selected by the Judicial Advisor pursuant to the methodology set forth in paragraph 2 b below.
2. During the summer or vacations, a meeting may be called and members will be selected as follows:
 - a. Regular members will serve, if available, or
 - b. In the event sufficient regular members are not available, the Judicial Advisor will appoint additional members as necessary to reach a quorum and in such a manner as to reflect the original representation of the committee.
3. The Vice President of Student Affairs has the right to change the number and makeup of the judiciary committee as required to meet the needs of the campus, or the complaint at hand.
4. If the complaint has been brought by a member of the Judicial Committee or the Vice President of Student Affairs, he/she shall recuse him/herself from the Committee's deliberations and voting.
5. Hearings shall be conducted by the Judicial Committee according to the following guidelines:
 - a. The parties shall receive written advance notification informing them of the allegations set forth in the complaint, the time, date and place of the hearing.
 - b. The Respondent may remain silent or submit only a written statement or response to the complaint.
 - c. Hearings normally shall be conducted in private. Admission to the hearing of any person not directly involved with the proceedings shall be at the discretion of the chairperson of the Judicial Committee.
 - d. When more than one individual is charged with the same violation, each Respondent shall have the right to an individual hearing. Otherwise, the cases may be heard jointly.
 - e. The Complainant and the Respondent have the right to be assisted by an advocate they choose. The Complainant and/or the Respondent, however, are each responsible for presenting his or her own case and, therefore, advocates are not permitted to speak or to participate directly in any hearing before the Judicial Committee.
 - f. The Complainant, the Respondent and the Judicial Committee shall have the right to call witnesses. They also have the right to present pertinent records, exhibits, and written statements for consideration by the Judicial Committee. All questioning of the Complainant, the Respondent, and witnesses will be conducted by the Judicial Committee.
 - g. In certain cases, when a complaint has been brought by an individual who is either unable or unwilling to present the case, the college may appoint a representative to present the case. In these instances, a member of the Judicial Body or the impartial investigator will consult with the Judicial Committee to determine the appropriateness of serving in this role.
 - h. All procedural questions are subject to final decision by the chairperson of the Judicial Committee.
 - i. After the hearing, the Judicial Committee shall determine based upon the evidence presented at the hearing (by majority vote) whether the Respondent Student has violated the Student Code of Conduct. The chairperson will vote only in the event of a tie.
 - j. The Judicial Committee's determination shall be made on the basis of whether it is more likely than not that the Respondent committed the alleged offense and thereby violated the Student Code of Conduct.
 - k. The Judicial Committee will issue a report of its findings and sanctions to be imposed to the Judicial Advisor within three (3) business days of the completion of its hearings on the matter.
 - l. The Judicial Advisor will provide written notification of findings and sanctions to the Complainant and the Respondent Student, and administrative offices on a need-to know basis. The original will be maintained with the college's judicial records.
6. The Judicial Advisor shall be responsible for making a record of the hearing. There shall be a single record (whether written minutes, audiotape or other record) of all hearings before the Judicial Committee. The record shall be the property of the college, and may only be reviewed by the parties or college official upon providing a written request to the Judicial Advisor.
7. Except in the case of a student charged with failing to obey the summons of the Judicial Committee, Judicial Body or

college official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before the Judicial Body or Judicial Committee. In all cases, the evidence in support of the charges shall be presented and considered.

8. The decision of the Judicial Committee is final and is not subject to further appeal.

V. STUDENT RIGHTS

A. Students in the Classroom

The classroom environment should encourage free discussion, inquiry and expression. Student performance must be evaluated on the basis of academic performance. At the same time, students are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

Students are responsible for learning the content and maintaining academic standards for any course of study, but in so doing, they have the right to take substantiated exception to the data or views presented in class, and they are responsible for learning the content of any course of study for which they are enrolled.

Information about the personal views, beliefs, and political associations of students which instructors, advisors and counselors learn in their course of work should be considered confidential.

B. Student Freedom Off-Campus

Students are both citizens and members of an academic community with rights of freedom of speech, peaceful assembly and petition. Administrative officials and faculty members should not employ institutional powers to inhibit the intellectual and personal development of students as promoted through the exercise of citizenship rights on and off campus. Where activities of students off-campus result in the violation of law and interrogation by investigators, the colleges should:

1. Not duplicate the function of general laws until the college's interests as an academic community are distinctly and clearly involved;
2. Not subject the student to a greater penalty than would normally be imposed if the off-campus violation incidentally violates an institution regulation;
3. Take appropriate action independent of community pressure.

C. Freedom of Association

Students should be free to organize and join associations to promote their common interests. Affiliations with an external organization should not of itself disqualify a student organization from institutional recognition. Student organizations must submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. Campus organizations should be open to all students without respect to race, creed or origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

D. Freedom of Inquiry and Expression

Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. At the same time, it should be made clear that in their public expressions or demonstrations students or student organizations speak only for themselves and not for the college, CCSNH, its board of trustees or employees.

Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by a college before a guest speaker is invited to appear on campus should be designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that presence of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or by the college.

E. Student Participation in College Government

The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government and both its general and specific

responsibilities should be made explicit and the actions of student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

F. Student Publications

College authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their development, and the limitations on external control of their operation. Editorial freedom entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, unsubstantiated allegations and attacks on personal integrity, and the techniques of harassment and innuendo.

G. Establishing Student Conduct Standards

1. Conduct

In developing responsible student conduct and disciplinary procedures, the CCSNH and its colleges should:

- a. Establish and communicate, through publication, those standards of behavior which are considered essential to the educational objective and community life.
- b. Initiate disciplinary proceedings only for violations of standards of conduct formulated or published.
- c. Formulate and communicate disciplinary procedures, including the student's right to appeal a decision.

2. Investigation of Student Conduct

a. Search & Seizure

CCSNH regards the right of privacy as an essential freedom. Occupied premises, assigned lockers, privately owned automobiles or any other personal property owned or controlled by a student may not be searched without consent of the student except in the circumstances noted below.

Before a search is conducted, school officials may have reasonable grounds to believe that the search will turn up evidence that the student has violated, or is violating, either the law or school rules. All searches will be reasonable and justified from their inception and reasonable in scope:

- Residential Life health and safety inspections, Thanksgiving Break Closings, Winter Break Closings and Spring Break closings to insure the health, cleanliness, safety and maintenance of the Residence Halls. During inspections, if a policy violation comes to the attention of the staff (ex. candle), it may be addressed judicially.
- Routine inspections, emergency repairs, and/or routine maintenance. Such activities do not normally include searches, but are for the purpose of inspection, maintenance and repair.
- Entries authorized in advance by the President or Vice President of Student Affairs (or designee) in writing based upon reasonable information that such entry is necessary for the purpose of detecting and removing items, including but not limited to, weapons or other contraband which violate a law or a school rule or pose a threat to the health and safety of students, faculty, staff or guests. The scope of any search conducted pursuant to this authorization shall extend no further than is necessary to secure and remove the item(s).
- Entries and searches authorized by law. Entries and searches conducted by duly and authorized law enforcement officials under circumstances authorized by law.
- Entry may be made to ensure the health and safety of occupants. Examples include, but are not limited to, fire or alarm evacuations, smell of smoke or burning items, and concern for non-responsive occupants.
- Appropriate staff may enter if there is a reasonable belief that evidence exists that a violation of a college policy is taking place. Efforts will be made to seek compliance from the residents of the space before this type of entry is made.

VI. STUDENT RIGHTS – GRIEVANCE PROCEDURES

Any student who feels that his/her rights have been violated may file a grievance following the procedure below. In the case of a grievance alleging discrimination based on race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, or veteran status, the student may also report the conduct to the college's Affirmative Action or Equity Officer and/or Title IX Coordinator. In the case of a grievance alleging discrimination, the college may also initiate an investigation and take appropriate steps including, but not limited to, referring the matter to the appropriate College Official for disciplinary action.

- A. Prior to filing a grievance, the student is encouraged to meet with the individual who has allegedly violated his or her rights, e.g., instructor, staff member, or student, to resolve the issue informally.
- B. If the issue cannot be resolved by pursuing the process in step A, or the individual elects not to resolve the matter

informally as prescribed in step A, a formal grievance in writing must be submitted to:

- The Vice President of Academic Affairs for grievances related to the instructional process (see college catalog or student handbook for separate process for Grade Change/Grade Appeal), or:
- The Vice President of Student Affairs for grievances not related to the instructional process

The grievance must be submitted within two weeks of the date the grievant knew or reasonably should have known, of the alleged violation. The grievance shall specify the right claimed to have been violated and state briefly the underlying facts.

C. The Vice President of Academic Affairs (VPAA) or Student Affairs (VPSA), or designee, will meet with the individual alleged to have violated the student's rights. The VPAA/VPSA, or designee, may attempt to resolve the issue informally at this stage. If resolution is not possible and the VPAA/VPSA or designee determines that the grievance alleges facts which if true constitute a violation of the student's rights and has been timely filed, the matter will be forwarded to the Judicial Advisor who convene the Judicial Committee within two weeks of the receipt of the formal grievance. If the VPAA/VPSA or designee determines that the grievance does not state a violation of the student's rights or is untimely, the VPAA/VPSA will provide a written explanation to the student and the matter will be considered resolved at that point.