

# **Davis Technical College**

## **Student Code of Conduct and Discipline Policy and Procedures**

**Effective Date: 24 September 2020**

### **1. Purpose**

The Davis Technical College (College) provides this Policy and Procedure in order to articulate the College commitment to all students, to outline standards for appropriate student group and individual behavior, and to encourage responsible citizenship within the campus community

### **2. References**

- 2.1.** Higher Education Opportunity Act
- 2.2.** Utah Code 53B-4 (Enforcement of Regulations at Institutions)
- 2.3.** Utah Code 53A-11-910 (Students in Public Schools, Disruptive Student Behavior)
- 2.4.** Davis Technical College Student Records Policy
- 2.5.** Davis Technical College Student Grievance Policy
- 2.6.** Davis Technical College Title IX – Sexual Harassment and Discrimination Policy

### **3. Definitions**

**3.1. Administrative Discipline** - Formal corrective and/or disciplinary action taken against a student by a member of the College staff.

**3.2. Grievance** - Any reported incident that occurred while the student was enrolled at Davis Tech where the incident is the subject of a complaint involving a College student, a faculty member, other College staff, guests visiting the College, or other students. Such incidents must be a violation of College policies and procedures. Incidents or complaints reported may include sexual harassment, racial discrimination, or other types of allegations or grievance issues. Reliable documentation and/or testimony that allow a fair review of the complaint are essential components of the grievance process.

**3.3. Due Process** - Due process refers to the right to be heard which shall be provided to all of the parties associated with a student grievance. Due process includes the right of notification of statements or charges made and reasonable opportunities to respond in a timely manner prior to disciplinary action taken by the College. Students should be informed of standards and regulations regarding student conduct and performance standards. Resolutions and disciplinary actions, which are outcomes of a complaint, shall be clearly explained and fairly administered.

**3.4. Student** - The College recognizes student status as a student engaged in an active program of study.

**3.5. Secondary Student** - Student who meets the following criteria during the fiscal year in which they are enrolled: Is currently enrolled in grades 7-12 in a Utah public or private school; Is not more than 17 years old on or before September 1, or is documented as a retained senior, or has been enrolled in less than grade 12 during the previous year and is no more than 19 years old on or before September 1; Has not previously earned a high school diploma, certificate of high school completion, adult education secondary diploma or a high school equivalency diploma (GED).

**3.6. Professional Misconduct** – The violation of professional or ethical standards for the profession for which a student is preparing as adopted or recognized as authoritative by the relevant program. This also include specific misconduct that demonstrates the student’s unfitness for the profession.

**4. Policy**

**4.1.** The College acknowledges certain rights and privileges that students should receive including:

- 4.1.1.** A climate conducive to learning.
- 4.1.2.** Reasonable notice of attendance, performance and completion standards and expectations.
- 4.1.3.** The right to due process in any proceeding involving the possibility of administrative discipline. This includes the right to be heard and the right to a decision and review by impartial persons.
- 4.1.4.** The right to be free from illegal bias, prejudice, discrimination or any form of harassment.
- 4.1.5.** The right to privacy and confidentiality of student and academic records.
- 4.1.6.** The right to reasonable access to facilities, programs and information.

**4.2.** Student Responsibilities

**4.2.1.** By registering as a student of the College, the student agrees to maintain College standards for student conduct. Subject to the code will be any conduct that adversely impacts the business of the College, including online and community relationships. Conduct proceedings may be instigated for off-campus behaviors if such behaviors impact the business of the institution.

**4.2.2.** Violation of the following standards may result in Administrative Discipline which may include suspension from the College.

**4.2.3.** Prohibited behaviors include but are not limited to:

**4.2.3.1.** Behavior that violates federal, state, or local law.

**4.2.3.2.** Illegal possession or use of weapons.

**4.2.3.3.** Misrepresentation of one’s identity (i.e., providing false identification and/or claiming to be another person) in any context related to College enrollment or training.

**4.2.3.4.** Possession or use of controlled substances, including illegal drugs and alcohol. Smoking or use of e-cigarettes outside of designated areas is also prohibited.

**4.2.3.5.** Any use of College facilities, resources, or equipment which, in the judgment of the Administration, is primarily for profit or personal gain.

**4.2.3.6.** Behavior that unreasonably disrupts or otherwise interferes with the lawful functions of the College and its personnel.

**4.2.3.7.** Behavior that unreasonably disrupts or otherwise interferes with the rights of other students to pursue an education or interferes with an instructor’s ability to teach.

**4.2.3.8.** Behavior which results in injury or damage to persons affiliated with the College or to College property.

**4.2.3.9.** Disclosure of confidential information to which a student gains access as a result of College training, activities, or employment.

**4.2.3.10.** Professional misconduct.

**4.2.3.11.** Conduct which violates any legal obligations or restrictions placed on the student by the College, external sponsors, courts, or other legal entities (i.e. Protective Orders, Terms of Probation and Parole, etc.) as it would pertain to the student’s program.

**4.2.3.12.** Invasion of privacy, including but not limited to using cameras or recording devices of any kind to create images or recordings of another person or persons without their knowledge or consent when and where they have a reasonable expectation of privacy.

**4.2.3.13.** Title IX violations which include but are not limited to acts or attempts of dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including nonconsensual sexual contact or nonconsensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking.

**4.2.3.14.** Deliberate or reckless behaviors that create risk or threat to the health, well-being, or safety of self or others.

**4.2.3.15.** Harassment or discrimination toward students, staff, or organization for any reason. These behaviors include but are not limited to: harm(ing) or debase(ing) others because of their race, age, religion, nationality, or disability.

**4.2.3.16.** Retaliation, which includes but is not limited to intimidation, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Title IX or this policy.

**4.2.3.17.** Allegations of harassment are considered to apply to students' use of personal social media tools. If a student is found to be engaging in cyber bullying, harassment, or any similar behavior toward another student or staff member, the allegations will be investigated and dealt with in accordance with the Student Code of Conduct, regardless of whether the infraction is alleged to have happened on College property.

**4.2.3.18.** Academic misconduct, including but not limited to cheating, plagiarism, forgery, and misrepresentation of another person's work as one's own, providing work or answers to another person beyond the scope of what is expected for an assignment or exam, misrepresentation of attendance, etc.

**4.2.3.19.** Behavior that violates College or program policies as outlined on the College website or the institutional or program orientation.

**4.2.3.20.** Misuse of campus technology which may include:

**4.2.3.20.1.** Any use for financial gain;

**4.2.3.20.2.** Any use for product advertising, client building, or political lobbying;

**4.2.3.20.3.** Any use which shall serve to disrupt the use of the network by other users;

**4.2.3.20.4.** Any file sharing or peer-to-peer file sharing allowing computing devices to upload/download information from any other computing device violating copyright;

**4.2.3.20.5.** Any use of Davis Tech network resources for illegal or inappropriate purposes, or to access materials that are objectionable in an applied technology education environment, or in support of such activities, material or communication that is deemed by a reasonable person to be offensive, such as pornographic or sexually explicit material;

**4.2.3.20.6.** Accessing private, protected, or controlled records or files regardless of the electronic format without management authorization;

**4.2.3.20.7.** Divulging or making known to others passwords to College systems;

**4.2.3.20.8.** Distributing offensive, disparaging, or harassing statements, through email or social media, including those that may incite violence or that are based on race, national origin, sex, sexual orientation, age, disability, political beliefs, or religious beliefs;

**4.2.3.20.9.** Knowingly or recklessly spreading computer viruses, including acting in a way that effectively opens file types known to spread computer viruses, particularly from unknown sources or from sources from which the file would not be reasonably expected to be connected.

**5. Procedures for Violations of Behavioral Code of Conduct**

**5.1.** Violations will be reported in writing to the Director of Student Services or his/her designee. If the complaint or violation is related to Title IX, it should be reported to the Title IX Coordinator and the process outlined in Davis Technical College's Title IX – Sexual Harassment and Discrimination Policy.

**5.2.** If upon review of the reported incident, the Director believes a violation to have occurred, he/she will convene a meeting with the student in which the student can review the allegations, respond, and ask questions about this policy and associated processes.

**5.2.1.** If the student accepts responsibility for the behavior, the Director of Student Services may assign sanctions.

**5.2.2.** Students who do not accept responsibility will be referred to a behavioral review panel for adjudication

**5.2.3.** Prior to the first meeting of a behavioral review panel, the Director of Student Services (or designee) will conduct a thorough investigation and gather evidence for the panel to consider.

**5.2.4.** The Campus Ombudsperson will schedule a date and time for the behavioral review which will consist of the Director of Student Services, two additional Directors who are outside the program(s) involved in the alleged misconduct, and a student advocated assigned by Student Services.

**5.2.4.1.** Students who are involved in the disciplinary proceedings – either as a complainant, a witness, or the respondent – will be notified of the date, time and location of the hearing.

**5.2.4.2.** If any of the student participants declines to attend the behavioral review, the panel may proceed if the majority of the panel members agree to proceed.

**5.2.4.3.** In compliance with the Family Education Rights and Privacy Act (FERPA) the behavioral review is closed to the public.

**5.2.4.4.** Students may bring person(s) of their choosing to act as support. Such individuals may offer advice to students, but may not act as their representatives nor speak on the student's behalf.

**5.2.5.** Notes will be taken and preserved for all behavioral reviews.

**5.2.6.** The Director of Student Services (or designee) will provide written documentation to the panel including the results of the investigation, relevant policies, and any other evidence the Director considers relevant.

**5.2.6.1.** Any student involved in the behavioral review may also provide written documentation they consider relevant.

**5.2.7.** The Ombudsperson will be responsible for ensuring the behavioral review is fairly conducted, that all parties have an opportunity to present their case, and that student's rights to due process are preserved.

**5.2.7.1.** College representatives on the behavioral review panel have the right to ask questions of anyone involved. Students do not have the right to cross-examine other students or participants in the behavioral review.

**5.2.7.2.** When the behavioral review panel is satisfied that all participants have had the opportunity to present their perspective, the participants will be dismissed so that the panel can deliberate.

**5.2.8.** The panel may assign responsibility to one or more students and determine appropriate sanctions.

**5.2.8.1.** Sanctions should be educational and development wherever possible and may include (but are not limited to) written warnings, educational experiences such as writing papers to demonstrate learning, service to the College community, suspension, or dismissal.

**5.2.8.2.** Sanctions will be communicated verbally to the student receiving the sanction by the behavioral review panel and in writing by a representative of Student Services.

**5.2.8.3.** Record of the sanctions will be kept in the students' files.

**5.2.8.4.** The details of sanctions should be shared only with those directly involved.

**5.2.9.** In the event a student does not agree with the findings of the behavioral review and/or the sanctions, they may appeal the decision by following the Student Grievance Policy and Procedures.

**6. Approval and Notes**

Revised Board of Trustees Approval: 24 September 2020

Revised Board Approval: 24 September 2020

Revised Expanded President's Council Approval: 14 September 2020

President's Council Approval: 23 February 2018

College Board of Directors Approval: 03 December 2017