

# Kishwaukee College

## Student Code of Conduct

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**Student Services**

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**STUDENT CODE OF CONDUCT AND  
DISCIPLINE / COMPLAINT RESOLUTION PROCEDURES**

**INTRODUCTION**

Students at Kishwaukee College are expected to demonstrate integrity, honesty, civility and respect. These values are important to the learning environment and should guide the conduct of everyone in the College community, in and out of the classroom setting.

The College's Student Code of Conduct prohibits certain behaviors and activities which interfere with the orderly operation of the College and the pursuit of its educational mission and vision. The prohibited behaviors and activities which violate this Student Code of Conduct are set out in Part II below. Complaints alleging violations of the Student Code of Conduct are subject to processing under the Discipline/Complaint Resolution Procedures set out in Part III below.

Complaints alleging misconduct by students of the types addressed in the College's Comprehensive Policy and Procedure to address sex-based misconduct including sexual harassment, domestic violence, dating violence, sexual assault, or stalking are also subject to processing under these Discipline/Complaint Resolution Procedures.

**Jurisdiction of College Over Student Misconduct**

The College may impose discipline for student misconduct which occurs on College premises, or on property owned by the Kishwaukee College Foundation, while using College technology, or at an activity, function or event sponsored or supervised by the College (whether in or out of the classroom setting). Discipline may be imposed for violations of the Student Code of Conduct which are committed off campus, if the misconduct interferes with the College's operations or educational programs or environment, or adversely affects the safety or well-being of members of the College community.

Charges alleging academic dishonesty as defined in Part II.A. of this Code are under the jurisdiction of the Dean of the academic department involved and the Vice President of Instruction, and will be processed under the procedures set out in Parts III.A. and III.B. of this Code. A student who is charged with other prohibited conduct as defined in Part II.B. will receive a notice informing him or her of the alleged violation(s) and an opportunity to respond to the allegations, as further set out in Part III.C. and III.D. of this Code.

**Students' Responsibility to Read and Comply with Conduct Standards**

Each student is responsible to read and comply with the Student Code of Conduct, which is published in the Student Handbook and College Catalog, posted on the College website, and available in the offices of the Vice President of Student Services, the Director of Student Success

and the Campus Security Office. In addition, students should also consult and comply with standards of classroom behavior as stated in individual course syllabi.

## **I. DEFINITIONS**

For purposes of this Student Code of Conduct,

1. “Academic year” is defined as the College’s fall, spring and summer terms.
2. “Authorized campus event” refers to an event sponsored by one or more officially recognized student groups.
3. “Bias” refers to prejudice based on a person’s actual or perceived race, color, gender, gender identity, sexual orientation, religion, national origin, ethnicity, age, or disability.
4. “Business Day” means a weekday (excluding Saturday and Sunday) on which College classes are held.
5. "College" means Kishwaukee College.
6. "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the College.
7. "Faculty member" means any person employed or otherwise engaged by the College to conduct classroom or laboratory practicum instruction.
8. “Gender-based or sexual misconduct” the types of misconduct described in detail of the College’s Comprehensive Policy and Procedure to address sex-based misconduct including sexual harassment, domestic violence, dating violence, sexual assault, or stalking, the College will adhere to its Sex-Based Misconduct Procedure which can be found posted on the website, portal and obtained from the Office of the Director of Student Success.
9. “Hate crime” refers to a bias incident which violates a criminal statute, such as but not limited to assault or property damage, and which manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.
10. "Judicial Board" refers to the entity which is responsible to determine whether charged violations of the General Code of Conduct Rules have occurred and if so, to recommend sanctions. The Judicial Board shall consist of one administrator; two faculty members appointed by the Faculty President; and two students appointed by the Coordinator of Student Activities. The Director of Student Success shall designate one member of the Judicial Board to serve as its Chair.

11. “Matter” means any book, magazine, newspaper or other printed or written material; any picture, drawing, photograph, motion picture or other pictorial representation; or any recording or transcription thereof delivered by electronic communication.
12. "Member of the College community" includes any person who is a student, faculty member, College official, or any other person employed by or visiting the College.
13. “Obscene matter” means any matter which an average person, applying contemporary community standards, would find to be, taken as a whole, appealing to the prurient interest in the way in which the work depicts or describes sexual conduct in a patently offensive way, and lacking serious literary, artistic, political or scientific value.
14. "Official" includes any person employed by the College to perform administrative or professional staff duties.
15. "Organization" means any group that has complied with the formal requirements for College recognition.
16. “Preponderance of the evidence” is a standard of proof. Proving a proposition by a preponderance of the evidence requires demonstrating that the proposition is more likely true than not true.
17. “Stalking” means engaging in a course (pattern) of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.
18. "Student” means any person who applies for admission to the College, or is accepted to register, or takes College courses whether on a full-time or part-time basis.
19. “Trained students” refer to those students selected by the Coordinator of Student Activities to participate in the judicial process upon completion of a group or one - on-one judicial affairs orientation.
20. “Will”/ “shall”/ “may”: The terms “will” and “shall” are used in the imperative sense. The term “may” is used in the permissive sense.

## **II. PROHIBITED CONDUCT**

## **A. Academic Dishonesty**

Academic dishonesty is a serious offense and a violation of the Student Code of Conduct. Violations of academic dishonesty include but are not limited to the following:

1. Cheating, such as copying another student's academic work, paper, exam, quiz, or project, unauthorized use of calculators or other study aids or the sharing of information during a test through use of personal electronic devices or by other means; or unauthorized collaboration on academic work.
2. Fabricating or falsifying information (such as data, results, or sources) in academic work.
3. Forgery, such as duplicating a signature in order to represent it as authentic.
4. Plagiarism, which is falsely representing the work of another person as the student's own work or failing to properly acknowledge sources of information included in the student's academic work.
5. Assisting or attempting to assist another student to commit academic dishonesty.

## **B. Other Prohibited Conduct**

Violations of the Student Code of Conduct shall also include:

1. Illegal/Controlled Substances - Possession, use, under the influence of, distribution or manufacturing of an illegal or controlled substance, look-alike drug paraphernalia or other chemical substance except as expressly permitted by law.
2. Firearms/Weapons - Illegal or unauthorized possession or use of firearms, other weapons, or explosive devices, or unauthorized possession or use of dangerous chemicals. Complete Kishwaukee College Firearms & Weapons policy can be found in the college catalog or on the college website.
3. Alcohol - Unauthorized and/or illegal possession, use, or distribution of any alcoholic beverage as well as public intoxication while on college premises, off-campus instructional sites, or at college-sponsored or supervised functions.
4. Smoking and tobacco product use of any kind is prohibited on all campus property, both indoors and outdoors, open spaces, and in college-owned vehicles. Tobacco Products means all forms of tobacco, including but not limited to cigarettes, cigars, cigarillos, pipes, bee dies, creeks, water pipes, bongs and hookahs, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco and any non-FDA approved nicotine delivery device or product. Littering the remains of tobacco products or any other related waste product on campus property is further prohibited. Any

Violation of the Campus Smoking Policy located in the Board of Trustees policy manual.

5. Gambling in any form (except as authorized for College-approved events).
6. Trespass on or unauthorized use of College property, including unauthorized possession, duplication or use of keys to any College facilities, or unauthorized entry to or use of secured College property.
7. Theft - Attempted or actual theft of property or services, or possession or sale of stolen property.
8. Intentional or willful and wanton destruction of or damage to property or attempt to damage destroy or deface college property or the property of a member of the college community.
9. Verbal abuse, threats, use of offensive language, intimidation, bullying, cyber bullying, hazing, hate speech, disparaging comments, epithets or slurs which create a hostile environment that threatens the physical or mental well-being, health or safety of another individual or group on college property or where college sponsored activities are taking place.
10. Assault, battery, fighting, physical abuse or other conduct resulting in bodily harm or which threatens/endangers the safety and welfare of any person on college property or where college sponsored activities are taking place.
11. Gender-Based or Sexual Misconduct as described in College's Comprehensive Policy and Procedure to address sex-based misconduct, including sexual harassment, domestic violence, dating violence, sexual assault, or stalking can be found on the website, portal and obtained from the Office of the Director of Student Success.
12. Abuse of College computer, network, or other technology system resources, including unauthorized distribution of copyrighted material including through peer-to-peer or AP2P@ file sharing and other violations of the Acceptable Use Guidelines as published in the Student Handbook and updated from time to time on the College website.
13. Misuse of cellular phones, pagers and other electronic devices including without limitation the use of such devices to engage in academic dishonesty, or to photograph or transmit photographs of individuals without their consent or in bathrooms, locker rooms or other areas in which they have a reasonable expectation of privacy.

14. Behavior or actions that disrupts the normal operations of the college and /or infringes on the rights of members of the college community; including, but not limited to, teaching, the learning environment, college services, administrative functions, technological services, disciplinary proceedings, college activities, public service functions on or off campus, or other authorized college activities.
15. Failure of a registered sex offender to register with Campus Security as required by Illinois State Law.
16. Failing to comply with the directions of, or to identify oneself to, an authorized College employee or representative acting in performance of his or her duties.
17. Initiating or participating in incidents of bias or hate crimes.
18. Forgery or falsifying information on college documents including but not limited to transcripts, application, registration or financial aid forms.
19. Providing false information to any reporting or investigatory office.
20. Any conduct that violates the terms of any discipline imposed by the College in accordance with this Student Code of Conduct and Discipline Procedures.
21. Any conduct that constitutes a violation of a federal or state law, local ordinance, or published College policies, rules or procedures.

### **C. Relationship Between College Discipline and the Violation of Federal, State or Local Laws**

1. College disciplinary proceedings may be instituted against a student charged with violation of a federal, state or local law for misconduct which is also a violation of this Student Code of Conduct without regard to pending civil or criminal court proceedings. College disciplinary proceedings may be carried out prior to, concurrently with, or after such civil or criminal proceedings.
2. When a student is charged by law enforcement authorities with violating federal, state or local 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 disciplinary proceeding under the Student Code of Conduct, the College may so advise law enforcement authorities. The College will cooperate with authorities in the enforcement of law on campus, and in implementing such conditions as imposed by the courts may impose for the rehabilitation of violators who are also students.

3. To provide for the safety and welfare of the College community, the College may impose conditions or limitations on students who have been charged with violating federal, state or local laws based on alleged criminal misconduct committed off campus which does not constitute a violation of the Student Code of Conduct. In such cases, no disciplinary sanctions may be imposed by the College unless the student has been convicted of the charges in a court of law after trial or because the student has declined to contest such charges, although not actually admitting guilt.

### **III. DISCIPLINARY AND COMPLAINT RESOLUTION PROCEDURES**

Student conduct hearings are based on procedures designed to provide a prompt, fair and impartial investigation of misconduct charges, and resolution of the charges within a reasonable period of time under the circumstances presented by the particular case. They are not formal legal proceedings and are not subject to the procedural rules that apply in civil or criminal court actions, such as but not limited to, the rules of evidence. A determination that a student has committed a charged violation of the Student Conduct Code shall be based on proof by a preponderance of the evidence.

Charges of academic dishonesty are brought by faculty members to the Director of Student Success and brought to the appropriate Dean, the Vice President of Instruction, and/or his or her designee.

Any member of the College community may bring charges against a student for other violations of the Student Code of Conduct, or for misconduct of the types addressed in the Comprehensive Policy and Procedure to address sex-based misconduct, including sexual harassment, domestic violence, dating violence, sexual assault, or stalking by submitting allegations of such Code violations or misconduct in writing or in person to the Director of Student Success or his or her designee, or to any of the Campus Sheriff's Office. Student discipline records are confidential, as and to the extent provided by the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g, and implementing regulations.

#### **A. Procedures Which Apply to Allegations of Academic Dishonesty**

1. The faculty member(s) bringing the charge(s) of academic dishonesty should document the suspected misconduct involved, and collect all evidence of the misconduct.
2. The faculty member will then inform the student in writing, in a timely and confidential manner, of the alleged academic dishonesty, the charge(s) being brought, and the proposed sanctions. The faculty member will file a report documenting all evidence and correspondence relating to the matter.
3. If the student wishes to contest the charge(s) and or proposed sanctions, he or she should first contact the faculty member to arrange a meeting to try to resolve the charge(s).

4. If the student is not satisfied with the outcome of that meeting, the student may appeal in writing to the faculty member's dean within five business days after the meeting.
5. The student, the faculty member bringing the charge(s), and the dean will meet within a reasonable period of time to discuss and attempt to resolve the charge(s) and or proposed sanctions. Within five business days of the meeting, the dean will confirm the points discussed at the meeting and the outcome of the meeting in writing to the student and faculty member.
6. Within five business days after receiving the written confirmation from the dean described in III.A.5. above, if the student does not agree with the outcome of the meeting with the dean and faculty member, he or she may further appeal the charge(s) and/or the proposed sanctions to the Vice President of Instruction in writing. The student's written appeal to the Vice President of Instruction should explain specifically the reasons why the student believes the academic dishonesty charge(s) and/or the proposed sanctions should not be upheld, and should include any pertinent supporting documents.
7. On receipt of a student's appeal, the Vice President of Instruction or designee will promptly provide a copy of the student's written appeal to the faculty member, requesting him or her to provide a written response to the appeal. Upon receipt of the faculty member's response, the Vice President of Instruction or designee shall provide a copy of the response to the student.
8. Within 20 business days of receiving the faculty member's response, the Vice President of Instruction shall issue a written decision with respect to the student's appeal. The decision of the Vice President of Instruction shall be final.

#### **B. Sanctions for Academic Dishonesty**

Sanctions for academic dishonesty may range from a written warning to a failing grade for the course, or in a serious case, removal from the academic program involved. The severity of the penalty is left to the discretion of the faculty member, subject to appeal as provided above. Multiple or repetitive charges may be referred by the Director of Student Success to the appropriate Dean, the Vice President of Instruction, and/or his or her designee for additional misconduct charges and proceedings under III.C. and III.D. of this Code.

#### **C. Procedures Which Apply to Prohibited Misconduct Other Than Academic Dishonesty**

1. When a student is charged with prohibited misconduct other than academic dishonesty, the Director of Student Success or designee will conduct a review meeting and investigation to determine whether the charges have merit, and/or if

they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Director of Student Success. If reached, such administrative disposition will be confirmed in writing, will be final, and there will be no subsequent proceedings.

2. A student who is charged with prohibited misconduct and the individual who has brought the charges (the “complainant”) are each entitled to be accompanied to a disciplinary proceeding, including any related meeting, by an advisor of his or her choice, provided that the involvement of the advisor does not result in undue delay of the proceedings.
3. In allegations of sex-based misconduct, including sexual harassment, domestic violence, dating violence, sexual assault, or stalking, the College will adhere to the Sex-Based Misconduct Procedure. The College has developed a comprehensive Policy and Procedure to address sex-based misconduct which can be found on the website, portal and obtained from the Office of the Director of Student Success.
4. A hearing date will be set not fewer than 10, nor more than 20 business days after the date of written notice of the hearing to the student. A copy of the hearing procedures shall be enclosed with the notice. Time limits for scheduling of hearings may be extended at the discretion of the Director of Student Success, provided that such extensions shall not unreasonably delay resolution of the misconduct charges.
5. The Judicial Board will conduct the hearing according to the following guidelines:
  - a. The hearing will be conducted in private and will not be open to members of the public. Admission of any person to the hearing will be at the discretion of the Chair of the Judicial Board, except as to persons described in subparagraph (c) below.
  - b. When the charged misconduct involves more than one accused student, the Chair of the Judicial Board may permit a separate hearing to be conducted for each accused student.
  - c. The complainant and the respondent may each testify and may present witnesses.
  - d. All witnesses are subject to cross-examination.
  - e. The complainant and the respondent may not be compelled to testify in the presence of the other party. If a party invokes this right, the College shall provide a procedure of which each party can at a minimum, hear the other party’s testimony.

- f. The Judicial Board may receive in evidence exhibits tendered by the accused student or by the charging party, subject to the discretion of the Chair to exclude proffered exhibits from evidence for stated reasons which shall be noted in the hearing record.
  - g. The Chair of the Judicial Board shall resolve such procedural questions or objections as may arise in the course of the hearing.
  - h. After the hearing, the Judicial Board will determine by majority vote, based on a preponderance of the evidence, whether the student committed each violation of the Student Conduct Code with which the student is charged, and shall determine sanctions.
7. Following the hearing, the Judicial Board and Director of Student Success will notify the accused student in writing of the Board's decision and of any sanction(s) imposed regarding:
- a. the outcome of the disciplinary proceeding;
  - b. the College's procedures for the accused and the victim to appeal the results of the disciplinary proceeding;
  - c. any change to the results that occurs such results become final; and
  - d. When such results become final.
8. A verbatim record shall be made of each hearing before the Judicial Board, by tape recording or court reporter. The verbatim record will be the property of the College, which shall make a copy available to the student upon his or her request. The student may be charged the cost of making such a copy.
9. No student may be found to have violated the Student Conduct Code solely because he or she failed to appear before the Judicial Board. In all cases, the evidence in support of the charges will be presented and considered at the hearing, and the Judicial Board's decision shall be based on such evidence.
10. A decision of the Judicial Board may be appealed by the complainant or the respondent to the Vice President for Student Services or his/her designee, within 10 business days after receiving notice of the decision and/or the sanctions. The appeal shall be in writing, and shall cite and explain specifically the reasons why the appealing party believes that the decision and/or sanction(s) should not be upheld.

11. Except as otherwise provided in Item 11.f. below, an appeal to the Vice President for Student Services will be limited to a review of the record of testimony, exhibits and arguments made at the disciplinary hearing, in order to determine whether:
  - a. a procedural error occurred;
  - b. new information exists that would substantially change the outcome of the finding;
  - c. the sanction is disproportionate with the violation.
12. Within 20 business days of receiving a written appeal of a decision of and/or sanction(s) imposed by the Judicial Board, the Vice President of Student Services shall issue a written decision with respect to the appeal. On review of appeals by students found to have violated the Code of Student Conduct, the Vice President of Student Services may affirm or reduce, but may not increase, the sanctions imposed by the Judicial Board.
13. The decision of the Vice President of Student Services shall be final.

**D. Sanctions for Prohibited Misconduct Other Than Academic Dishonesty**

1. A student found to have committed a violation or violations described in Part II.B. of the Student Code of Conduct or of misconduct of the types addressed in the Comprehensive Policy and Procedure to address sex-based misconduct including sexual harassment, domestic violence, dating violence, sexual assault, or stalking, be subject to one or more of the sanctions described and classified below. Notice of any sanctions imposed shall be given to the student in writing.
  - a. **Minor Sanctions**
    - (1) Warning - A written notice to the student that his or her conduct is in violation of specified provisions of this Code.
    - (2) Reprimand and Probation - A written reprimand to the student for violation of specified regulations of this Code, accompanied by notice that the student will as a consequence be placed on probation for a designated period and that the student will be subject to additional sanctions if he or she is found to have committed additional Code violations during the probationary period.
    - (3) Discretionary Assignment – A written work assignment to perform community service work to benefit the College or other local governmental or non-profit entities within its territory, on

recommendation to and with prior approval of the Director of Student Success.

**b. Intermediate Sanctions**

- (1) Loss of Privileges - Denial of specified privileges for a designated period.
- (2) Access Limitations - Restriction to or exclusion from specified locations or facilities on the College campus.
- (3) Restitution - Required compensation, in the form of payment or in-kind materials or services, for loss, damage, or injury to property.
- (4) Removal from a College course or courses, or from a College program.
- (5) Requirement to participate in educational programs, counseling, or treatment to address alcohol or substance abuse, anger management, or gender-based or sexual misconduct, as a condition of continued attendance or (in the case of a student who has been suspended or expelled) return to attendance at the College.
- (6) No-contact orders prohibiting the student from contacting or attempting to contact or communicate with, by any means, the complainant(s) who brought the charges which resulted in the student's eligibility for sanctions, or other members of the College community as may be appropriate under circumstances of a particular case.

**c. Severe Sanctions**

- (1) Suspension - Temporary removal of the student from College attendance or enrollment for a specified period of time, after which the student may be eligible to resume attendance or to re-enroll on specified conditions. A suspended student will be administratively withdrawn from his or her classes for the balance of the semester during which the suspension is imposed. If an interim suspension has previously been imposed on the student for the misconduct involved, the official start date of the suspension will be the first date of the interim suspension.
- (2) Expulsion - Permanent removal of the student from enrollment at the College.

**d. Interim Suspension or other Interim Conditions - The Vice President of Student Services or the Director of Student Success shall be authorized to impose an Interim**

Suspension or other interim conditions such as, but not limited to loss of privileges, access limitations, or no-contact orders on the student pending any hearing before the Judicial Board, if in the judgment of the Vice President or Director of Student Success such action is reasonably necessary:

- (1) In order to protect the safety and physical or emotional well-being of the student or other members of the College community, and/or to protect College property, or
- (2) Because the student's presence on campus threatens to disrupt or interfere with normal operations of the College.

A student on interim suspension or on whom interim conditions are imposed will be denied access to, as may be applicable, College grounds, facilities, classes, and/or all other College activities or privileges for which he or she would otherwise be eligible, as the Vice President of Student Services may determine to be appropriate. The student shall be allowed make-up privileges if he or she is determined not to have violated the Student Code of Conduct.

#### **E. Student Disciplinary Records**

1. Student disciplinary records are confidential as and to the extent provided for under the federal Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, and FERPA implementing regulations, as further explained in the College Catalogue.
2. As provided in Item E.3., E.4., and E.5 below, records of disciplinary violations and sanctions will not be made part of the student's permanent academic record, but will become part of the student's confidential discipline record maintained by the Office of the Director of Student Success.
3. The College maintains records of disciplinary suspensions and expulsions as a permanent part of a student's confidential disciplinary records.
4. Records of disciplinary action for violations of the Academic Dishonesty prohibitions set out in Part II.A. of this Code shall be part of the student's permanent confidential discipline record, unless otherwise determined by the Vice President of Instruction.
5. Records of disciplinary action for violations of Part II.B. of this Code dealing with other types of prohibited conduct shall be part of the student's permanent confidential discipline record, unless otherwise determined by the Vice President of Student Services.

#### **IV. INTERPRETATION AND AMENDMENT**

- A.** Any question of interpretation regarding the Student Code of Conduct and Disciplinary Procedures will be referred to the Vice President of Student Services for final determination.
- B.** This Code may be periodically reviewed and amended as necessary or useful, under the direction of the Vice President of Student Services, or his or her designee.

This Student Code of Conduct and Discipline Procedures are published by the office of the Director of Student Success and are subject to change in accordance with College procedure regulations. For more information on the Student Code of Conduct, contact the Office of the Director of Student Success, Student Center, ext. 9738.

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