
Chapter: Student Affairs

Modification No. 001

Subject: **Student Code of Conduct**

- I. Montgomery Community College is dedicated to providing a quality comprehensive educational program designed to meet the diverse and changing educational, social, economic, and cultural needs of the community. The College is committed not only to learning and the advancement of knowledge, but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and through regulations and policies governing student life that encourage responsibility and respect for the rights and viewpoints of others.
- II. The College believes in the premise that students are adults who are responsible for their own actions and who should be free to pursue their educational objectives in an environment that promotes learning, protects the integrity of the academic process, and protects the College community.
- III. To promote this overall policy, the Montgomery College Board of Trustees authorizes the President of the College to establish a Montgomery College Student Code of Conduct. Student enrollment at Montgomery College presupposes a commitment to the principles, policies, and procedures embodied in this Code.

Board Approval: May 20, 1985.

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I. Introduction

It is the goal of Montgomery College to prepare its students to be active, engaged citizens of the world and to educate them for positions of leadership in their communities and their nations. The College seeks to provide an environment where discussion and expression of all views relevant to the subject matter of the class, event, program or activity are recognized as necessary to the educational process. Students, from all campuses, including online classrooms and Workforce Development and Continuing Education, are invited to be participating members of the educational community within the guidelines of acceptable standards of conduct, which include:

- A. Academic conduct that reflects the highest level of honesty and integrity.
- B. Actions that are civil, courteous and respectful of all members of the college community, their property, and the property of the College and that of the larger community.
- C. Social behavior that encourages responsibility and discourages the unlawful use of alcohol, illicit drugs and weapons.
- D. Group behavior that promotes its members' mutual respect, equality and safety, and opposes those acts that harass, disrupt, intimidate or haze.

II. Definitions

- A. The term “**advisor**” means any person, including an attorney, chosen by the charged student to assist him/her throughout the disciplinary process. Although a student may consult with his or her advisor freely, the consultation must take place in a manner that does not disrupt the disciplinary proceeding. The advisor shall not speak on behalf of the student.
- B. The term “**business day**” means a day that the College is open for business even if no classes are scheduled.
- C. The term “**College**” means Montgomery College and all of its campuses, sites, divisions and programs.
- D. The term “**College premises**” means all buildings and grounds owned, leased, operated, controlled and/or supervised by the College.
- E. The term “**College sponsored activity**” means any activity on or off College premises that is specifically initiated or supervised by the College.
- F. The term “**disciplinary conference**” means a forum in which the Dean of Student Development, Associate Dean of Student Development or designee

meets with a student to adjudicate an alleged violation of the Student Code of Conduct.

- G. The term “**disciplinary hearing**” means a forum in which a hearing panel meets with a student to adjudicate an alleged violation of the Student Code.
 - H. The term “**faculty member**” means any person hired by the College to conduct classroom activities and /or to perform professional counseling and academic advising duties.
 - I. The term “**staff member**” means any person hired by the College in a support staff position, staff line position, and/or administrative position.
 - J. The term “**student**” means a person currently **matriculating**, enrolled in or auditing credit or non-credit courses at the College, whether on or off campus, regardless of their physical location or enrollment status online, or on a part-time or full-time status.
 - K. The term “**student organization**” means an association of persons that has met College requirements for official recognition.
 - L. The term “**substantial evidence**” means evidence that a reasonable mind might accept as adequate to support a conclusion. It consists of more than mere scintilla of evidence but may be somewhat less than a preponderance of evidence.
 - M. The term “**weapon**” means any object or substance designed or used to inflict a wound, to cause injury, or to incapacitate, including but not limited to all firearms, pellet guns, switchblade knives, knives with more than three inch blades, chemicals, or any other objects that are meant for other purposes but are used instead to threaten members of the College community.
- III. Applicability of the Student Code of Conduct
- A. The jurisdiction of the College applies to the conduct of any student or student organization that occurs on College premises, in online courses, online activities, and through the use of e-mail or at any College-sponsored activity. The College reserves the right to impose discipline based on any conduct, regardless of location, that may adversely affect the College community and its programs, or pose a serious and substantial danger to others.
 - B. Students may be accountable to both civil and criminal authorities and to the College for acts of misconduct that constitute violations of the Student Code of Conduct. At the discretion of College officials, disciplinary action at the College may proceed while other proceedings are still in process. Such proceedings will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced

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- C. Persons not officially enrolled in the College, who by their actions on College premises violate their status as invited guests, are subject to the relevant sanctions of the penal code of Maryland.

IV. Student Rights

The rights and freedoms afforded to all students on all campuses and Workforce Development and Continuing Education sites at Montgomery College including, but not limited to the following:

- A. The **right** to have access to and participate in the academic and non-academic opportunities afforded by the College.
- B. The **right** to freedom of thought and expression.
- C. The **right** to be free from discrimination based on race, religion, color, sex, age, disability, marital status, sexual orientation, and national origin as stated in College policy.
- D. The **right** to a fair process in the determination of accountability for conduct according to the Student Code of Conduct.
- E. The **right** to submit informal and formal complaints to the appropriate College official. To obtain information as to who could best address the compliant students should see a counselor or dean of student development.

V. Student Responsibilities

- A. The **responsibility** to exercise the above mentioned rights and freedoms in a manner that will not violate College rules and regulations or infringe on the rights of other students, faculty and staff.
- B. The **responsibility** to comply with all provisions of the Student Code of Conduct.
- C. The **responsibility** to treat all members of the College community with civility, respect, and courtesy.
- D. The **responsibility** to contribute to the overall welfare and common good of all students, faculty and staff at Montgomery College.
- E. The **responsibility** to obtain and carry an official College ID.

VI. Student Organizations

- A. Student organizations may be charged with violations of the Student Code of Conduct.
- B. Student organizations, as well as their members, may be held collectively and/or individually responsible for violations that occur on College premises or at College-sponsored activities.

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- C. The officers or leaders of a student organization may be directed to take action designed to prevent or end violations by the organization. Failure to comply may be considered a further violation of the Student Code of Conduct, both by the officers or leaders of the organization and by the organization.

VII. Standards of College Behavior

All full and part-time faculty are strongly encouraged to include this statement in their syllabi and post in appropriate offices and labs to remind students of expected behaviors.

- A. The College seeks to provide an environment where discussion and expression of all views relevant to the subject matter of the educational forum are recognized as necessary to the educational process.
- B. However, students do not have the right to interfere with the freedom of the faculty to teach or the rights of other students to learn, nor do they have the right to interfere with the ability of staff to provide services to any student.
- C. Faculty and staff set the standards of behavior that are within the guidelines and spirit of the Student Code of Conduct or other College policies for classrooms, events, offices, and areas, by announcing or posting these standards early in the semester.
- D. If a student behaves disruptively in the classroom, an event, an office, or an area after the instructor or staff member has explained the unacceptability of such conduct and the consequences that will result; the student may be asked to leave that classroom, event, office, or area for the remainder of the day. This does not restrict the student's right to attend other scheduled classes or appointments.
- E. If the student does not leave, the faculty or staff member may request the assistance of Security.
- F. The faculty or staff member must communicate with the student about the incident before the next class meeting to resolve the issue. If a second incident occurs that warrants removal from class, the faculty member again communicates with the student and must send a written report about the incident to the Dean of Student Development with a description of the incident and whether or not the incident is being referred to the formal disciplinary process.
- G. The Dean of Student Development or designated instructional Dean of Workforce Development and Continuing Education should be informed in writing about any situation that should be addressed through the formal disciplinary process. The faculty or staff member will provide the Dean of Student Development with a written summary of the facts or conduct on which the referral is based within 48 hours of the incident for appropriate and effective disciplinary process, which must include the date, time, place, and a description of the incident.

VIII. Academic Dishonesty

The maintenance of the highest standards of intellectual honesty is the concern of every student, faculty and staff member at Montgomery College. The College is committed to

imposing appropriate sanctions for breaches of academic honesty. The list below is not all-inclusive of prohibited behavior. Nothing in this section precludes an academic department from issuing supplemental guidelines giving examples of plagiarism or other forms of academic dishonesty and academic misconduct which are pertinent to the subject matter of the class.

- A. Academic Dishonesty or Misconduct can occur in many ways. Some common forms include:
- A.1 Cheating on assignments or examinations
 - A.2 Plagiarizing from written, video, or Internet resources
 - A.3 Using tests or other material without permission
 - A.4 Forgery
 - A.5 Submitting materials that are not the student's own
 - A.6 Taking examinations in the place of another student, including assessment tests
 - A.7 Assisting others in committing academic dishonesty
 - A.8 Failing to use quotation marks for directly quoted material unless using block quotes or other accepted formats.
 - A.9 Copying from another student during an examination
- B. Sanctions to be imposed. Students who engage in any act that the classroom instructor judges to be academic dishonesty or misconduct are subject to the following sanctions:
- B.1 The minimum grade sanction imposed by a faculty member is to award and "F" on the assignment or test in which the dishonesty occurred.
 - B.2 The maximum grade sanction is to award an "F" for the course in which the dishonesty occurred.
 - B.3 In addition, each faculty member has the prerogative of referring a case to the campus Dean of Student Development or designated Instructional Dean of Workforce Development and Continuing Education with a specific request that the Dean consider imposing additional sanctions.
- C. Procedure.
The faculty member will:
- 1. Notify the student of the allegation in writing, with a copy forwarded to the Dean of Student Development or the designated Instructional Dean of Workforce Development and Continuing Education.
 - 2. Include the grade sanction to be imposed, the reasons for it, and the appeals process. It is expected that the instructor will take immediate action.
 - 3. If a student is no longer at the institution, send a letter to the student's last address of record via e-mail and mail.
 - 4. Hold a conference with the student so that the student can present his/her information, if the charge is contested.

The student will inform the faculty member that he or she will contest the charge

within five business days after his or her receipt of the letter.

D. Referred for Additional Sanctions.

1. In requesting additional sanctions for academic dishonesty to the campus Dean of Student Development or designated Instructional Dean of Workforce Development and Continuing Education, the faculty member will state in writing the circumstances surrounding the incident, the nature of the evidence collected against the student, the result of the discussion with the student, and the grade sanction to be imposed.
2. The faculty member will provide the supporting documentation to both the Dean and student.

E. Appeal

1. A student may appeal the grade sanctions imposed by the faculty member to the Vice President/Provost of the campus or Workforce Development and Continuing Education whichever is applicable.
2. The appeal will be submitted, in writing within 10 business days of the date the student is informed of the imposition of the sanction.
3. A grade sanction can only be changed through the appeal process and not through withdrawal from the course.
4. If further non-academic sanctions were imposed by the Dean of Student Development or by the Dean of Workforce Development and Continuing Education, those sanctions can also be appealed to the campus or WD&CE Vice President and Provost, in writing, within 10 days of the date the student is informed of the sanction.

IX. Nonacademic Misconduct

The following misconduct is prohibited on College premises and at College sponsored activities. This prohibition also extends to misconduct having an adverse impact on the College, even if it does not occur on College premises or at a College sponsored activity. This is not an all-inclusive list of prohibited behaviors. Some common forms of non-academic misconduct are:

- A. Disruption or obstruction of the educational processes of the College.
Educational processes include but are not limited to teaching, research, all electronic communications, administration, disciplinary proceedings, and other College activities, such as social, cultural and athletic events (this also applies to off-campus events that are sponsored by the College). Disruption or obstruction of these processes includes but is not limited to:
- A.1 Infringing on the rights of other members of the college community
 - A.2 Leading or inciting others to disrupt scheduled and/or normal activities of any campus building or area
 - A.3 Refusing to move when the student's presence creates an intentional obstruction that interferes with freedom of movement, either pedestrian

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- or vehicular, on campus
- A.4 Participating in or inciting a riot or a disorderly assembly
- B. Physical and/or psychological abuse, intimidation or threat of such abuse of any person on College premises or at College activities. Forms of this include but are not limited to sexual harassment, stalking, sexual assault, peer harassment, rape, and any other form of physical or verbal harassment.
- C. Refusing to remain in a building or on campus when asked to stay due to emergency circumstances determined by the College security and administration or the local authorities.
- D. Failure to obtain proper authorization to use College facilities where required.
- E. Misuse of Computing Resources. Montgomery College's computer technology resources may not be used for purposes that support civil or criminal offenses or violate the College's official Policy and Procedures. More specific detail of acceptable use may be found in the Acceptable Use of Information Technology 66001CP. Some of the most common forms of misuse include but are not limited to:
- E.1 Using the College's computer or network resources without proper authorization.
- E.2 Attempting to deliberately interfere with others' authorized computer use.
- E.3 Attempting to connect to the College's networks with equipment/computers that do not meet the College's technical or security standards.
- E.4 Sharing your password or attempting to use another's password or establish a false identity.
- E.5 Disregarding copyright laws and/or license agreements.
- E.6 Disregarding laws pertaining to computer theft, computer trespass, invasion of privacy, computer forgery, password disclosure, or the misleading transmittal of names or trademarks.
- E.7 Using the College's computer resources for unauthorized business.
- E.8 Harassing, threatening, bullying or otherwise causing harm to specific individuals through electronic communications.
- E.9 Downloading (or posting to College computers or transporting across College networks) material that is illegal, proprietary, in violation of College contracts, or otherwise damaging to the institution.
- E.10 Using the College's computer resources to interfere with computer or network facilities elsewhere.
- E.11 Downloading or distributing information that creates, installs, or distributes a computer virus.
- E.12 Attempting to modify or reconfigure the software or hardware of any College computer or network.
- E.13 Attempting to use the College's computer resources to send a message that appears to be an official communication from the College.
- E.14 Disregarding appropriate etiquette in online classrooms.
- E.15 Unauthorized entry into a file to use, read, or change the contents or for any other purpose.
- E.16 Use of any College technology resource in a manner that is not conducive to the College Mission, violates any established College

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- policy, procedure, or guideline or negatively impacts the business or reputation of the College.
- E 17 Unauthorized use of another's official college ID or password.
- E 18 Unauthorized transfer of a file or entry into a file to use, read, or change the contents of for any other purpose.
- F. Refusing to show an official College ID upon request to employees of the College acting in the performance of their duties. Providing false identifying information to College officials or other students while on College property or at official College events.
- G. Seizing, holding, commandeering, or damaging any property or facility of the College or threatening to do so.
- H. Refusing to depart from any property or facility of the College upon direction by College officials or other persons authorized within the regulations of the College.
- I. Gambling on the campuses or at any College function or harassing behavior as a result of gambling.
- J. Possessing, using, selling, or distributing any type of drugs for illegal purposes.
- K. Possessing any firearms or other weapons, or dangerous chemicals or explosive elements or component parts thereof, not used by a student for lawful College studies, without authorization of the College President.
- L. Physically detaining or restraining any persons or removing such persons from any place where they are authorized to remain.
- M. Possessing, making, or causing to be made any key to operate locks or locking mechanisms on the campuses without proper authorization, or, using or giving to another a key for which there has been no proper authorization.
- N. Using College telephones or fax machines for unauthorized local or long distance use.
- O. 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 activities.
- P. Making an unauthorized entry upon the playing performance area or the spectator area of any athletic contest, exhibition, or other College event.
- Q. Littering, defacing, destroying, or damaging College property or property under College jurisdiction, or removing or using such property without proper authorization.
- R. Theft or attempted theft of College property or services, or the personal property of any faculty, staff, or student member of the College community, or knowingly possessing such stolen property.

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- S. Hazing for the purpose of initiation or affiliation with, or as a condition of continued membership with, a particular organization or group. Disciplinary action can be taken against both individuals and organizations for such activity.
 - T. Unauthorized entry to or use of College facilities.
 - U. Use or possession of any alcohol on any College property without proper authorization.
 - V. The use of all tobacco products is prohibited on College-owned facilities and facilities leased and controlled by the College, including tobacco, a lighted cigarette, cigar or pipe, the use of any smoking material, or smokeless tobacco.
 - W. Willfully encouraging others to commit any of the prohibited acts noted in this document.
 - X. Any threat, real or fraudulent against the safety of the College, its students, faculty, staff, and physical plant.
 - Y. Participating in any overt sexual behavior, including but not limited to consensual acts in or on College property.
 - Z. Selling any property or service outside the parameters of College clubs or other College authorized activities.
 - AA. Violation of any order of the College President, or person authorized by the College President, notice of which has been given prior to such violation and during the academic term in which the violation occurs, either by publication in the College catalog, student handbook, campus newspaper, letter, Web page, or by posting on an official bulletin board designated for this purpose.
 - BB. Violating the terms of any disciplinary sanction imposed for an earlier violation of the Student Code of Conduct or other College rule.
 - CC. Commission of any offense prohibited by local, state or federal law.
- X. Emergency Disciplinary Procedures
- A. An emergency disciplinary suspension. This is imposed prior to a discipline review or appeal when necessary to ensure the safety and well-being of the members of the College. This action is often considered in conjunction, or as a result of, any action by the Campus Office of Safety and Security.
 - 1. This action is recommended by the Campus Dean of Student Development or designated Instructional Dean of Workforce Development and Continuing Education for approval by the Vice President/Provost or designee from each campus and Workforce Development and Continuing Education.
 - 2. Emergency disciplinary procedures are initiated in circumstances that involve serious disruption of normal College operations, or which involve

an immediate threat to the safety of the individuals on the campuses and at the College.

- B. Emergency actions. These may include but are not limited to barring the student from the College or any part of the College including the College's Administrative Center.
 - C. Notification
 - 1. A student will receive written notice of the emergency suspension by the Vice President/Provost.
 - 2. That notice will include a concise summary of the facts, including date, time and place of the event, a charge, and a quotation from the Student Code of Conduct on which the emergency suspension is based.
 - 3. The notice will also include information concerning the student's right to appeal the emergency suspension.
 - 4. The student cannot be on any College property during the appeal of the emergency suspension or the on-going discipline process.
 - D. Appeal Rights
 - 1. The student may appeal the Vice President/Provost's decision to impose the emergency suspension to the Senior Vice President for Student Services for the College in writing within five business days from the date that the student is notified of the suspension.
 - 2. The appeal will be limited to whether the alleged conduct and circumstances reasonably indicate that the student's presence would involve an immediate threat to the safety of the members of the College community or whether the scope of the suspension is reasonable.
 - 3. The decision of the Senior Vice President for Student Services will be made within five business days and will be final.
 - E. The emergency disciplinary suspension will be effective immediately. It will remain in effect until the completion of all disciplinary proceedings and associated appeals, and will be collegewide in effect.
- XI. Case Referrals
- Any faculty member, staff member, or student can file a complaint concerning a student or student organization suspected of a violation of the Student Code of Conduct with the Campus Dean of Student Development or the designated Instructional Dean in Workforce Development and Continuing Education. Persons making such referrals are required to provide information pertinent to the case and must be prepared to cooperate in any resulting disciplinary proceedings.
- A. Dean's Review

After a complaint is filed against a student, the campus Dean of Student Development or designated Instructional Dean of Workforce Development and Continuing Education will initiate an investigation of the charges within five business days. After completing the preliminary investigation, the Campus Dean of Student Development or designated Instructional Dean of Workforce Development and Continuing Education may either dismiss the complaint as unfounded or initiate disciplinary proceedings. If, based on the nature and severity of the problem, the Campus Dean of Student Development or designated Instructional Dean of Workforce Development and Continuing Education determines that the alleged misconduct might result in dismissal or suspension, the accused student shall be afforded the right to a disciplinary hearing as set forth below in paragraph C. All other cases shall be resolved after an informal disciplinary conference as set forth below in paragraph B.

B. Procedures for a Disciplinary Conference

Students accused of an offense that will likely result in sanctions less than dismissal or suspension are subject to a disciplinary conference with the Campus Dean of Student Development, Associate Dean of Student Development (or designee), or designated Instructional Dean for Workforce Development and Continuing Education. If during the course of the conference additional evidence is presented that could result in dismissal or suspension the case should be referred to as a disciplinary hearing. Students subject to disciplinary conferences will be provided the following procedural protections:

1. Written notice of the specific charges against him/her at least five business days prior to the conference.
2. Reasonable access to the case file prior to and during the conference.
3. An opportunity to respond to the evidence.
4. The right to be accompanied by an advisor.
5. The right to be informed of the decision and any applicable sanction, within five business days, by the Campus Dean of Student Development, designated Instructional Dean of Workforce Development, or designee.
6. Any person who disrupts a disciplinary conference, including the accused student, may be excluded from the proceedings. The decision of the campus Dean of Student Development or the designated Instructional Dean of Workforce Development and Continuing Education will be final.

C. Disciplinary Hearing Procedure

1. Students accused of offenses that will likely result in dismissal or suspension from the College may elect to participate in a disciplinary hearing before a hearing panel consisting of three faculty members, at least one of which is a counselor, and two students. The Campus Dean of Student Development or the designated Instructional Dean of

Workforce Development and Continuing Education will convene the Hearing Panel and provide the members with copies of the charges.

2. During the summer, the student requesting a hearing can choose to delay the appeal until the next academic year when it can be heard by a committee, or to have an appeal that is heard by a campus or Workforce Development and Continuing Education administrator.
3. The following procedural guidelines shall be applicable in disciplinary hearings:
 - a. The student shall be given written notice by official College e-mail or mail of the time, place, and date of the hearing at least 10 business days before the hearing. Such notice should specify
 - (1) The charge or charges being made;
 - (2) The right to be accompanied to the hearing by an advisor;
 - (3) The right to furnish documentary evidence on his or her behalf;
 - (4) The right to call witnesses on his or her behalf; and
 - (5) The right to confront witnesses against him or her. The address on file with the Registrar's Office will be used for all disciplinary notices sent to the student.
 - b. Students shall be provided with reasonable access to the case file, including the identity of the person making the complaint, by the Campus Dean of Student Development or the designated Instructional Dean of Workforce Development and Continuing Education prior to the hearing.
 - c. The student has the right to be accompanied to the hearing by an advisor of his or her choice. Although a student may consult with the advisor freely, the consultation must take place in a manner that does not disrupt the disciplinary proceeding. The advisor shall not speak on behalf of the student. If the student intends to have an advisor who is an attorney, he or she must notify the Campus Dean of Student Development or the designated Instructional Dean of Workforce Development and Continuing Education at least five business days prior to the scheduled hearing. Failure to provide such notification will justify a delay in the proceedings by the College. When the student has provided that advance notice that he or she will have an attorney as an advisor at the hearing, the Campus Dean of Student Development or the designated Instructional Dean of Workforce Development and Continuing Education may request that the College's General Counsel or designee attend the hearing as an advisor to the hearing panel. The General

Counsel or designee may advise on questions of procedure and admissibility of evidence and otherwise assist in the conduct of the hearing, but shall not vote on the findings and determination.

- d. The hearing will proceed without the student if the student fails to appear after having been given proper notice.
- e. Hearings will be closed to the public, unless the parties mutually request that a hearing be open to the public.
- f. Any person who disrupts a hearing, including the accused student, may be excluded.
- g. Hearings will be electronically recorded.
- h. The formal rules of evidence shall not be applicable. The panel may admit any pertinent information and may exclude irrelevant, immaterial and/or unduly repetitious or irrelevant evidence.
- i. Any witness who is asked to testify at the hearing is expected to do so. It is expected that all statements made to the hearing panel, while not under oath, will be true, and witnesses may be subject to charges of violating this Code by intentionally providing false information. Panel members may freely question witnesses at any time. Witnesses will be excluded from the hearing during the testimony of other witnesses.
- j. Substantial evidence must be produced that the student has violated the Student Code of Conduct.
- k. Prior records of disciplinary action may be considered by the hearing panel only for purposes of determining the appropriate sanction.
- l. The findings and determinations of the hearing panel shall be by majority vote. The student will be notified in writing of the findings and conclusions within 10 business days after the hearing. The notice will inform the student of any sanction to be imposed and about any right to appeal.

XII. Sanctions

The following sanctions may be imposed on any student or student organization found to have violated the Student Code of Conduct:

- A. Dismissal. Permanent denial of the privilege of enrollment at the College.
- B. Emergency Suspension. A suspension imposed prior to a discipline review or appeal when necessary to ensure the safety and well-being of the members of the College. This action is recommended by the Campus Dean of Student Development and approved by the Vice President/Provost or designee. Upon the

completion of the discipline review, additional sanctions may be imposed. See Section X.

- C. Suspension. Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. During this time the student cannot qualify for graduation, register for or attend classes or other College functions.
 - D. Disciplinary Probation. Continued enrollment at the College but only under special conditions for a specified period of time. Conditions may include exclusion from a particular area of the College, participation in the specific activities of the College, or denial of related privileges and/or services. Misconduct during the probationary period or violation of any conditions of the probation may result in more severe disciplinary action, up to and including dismissal.
 - E. Restitution. Required reimbursement for damage to or misappropriation of property. This may take the form of appropriate services or other compensation.
 - F. Community Service. Requires a set number of hours of uncompensated service to the College or a community agency.
 - G. Warning. Issuance of a written warning, admonition, or reprimand.
 - H. Permanent Record. Entries regarding the disciplinary conference will be added to the student's permanent record at Montgomery College. These records will be kept for five years and will be disclosed only in accordance with applicable federal and state law. These records will be expunged if a student is found not to have violated the Code of Conduct.
 - I. Administrative Hold. Placing a hold on all student academic files so that the student may not register. This sanction may be imposed where a student withdraws from the College prior to or during disciplinary proceedings.
 - J. Organizational Sanctions. Sanctions for organizational misconduct may include revocation of the use of College premises or privileges for a specified period of time, revocation or denial of recognition or registration, or suspension of activities or events, as well as other appropriate sanctions.
- XIII. Appeal Procedure
- A. Where a disciplinary hearing results in a sanction of suspension or dismissal, a student may file an appeal with the Vice President/Provost from the Campus or with the Vice President/Provost of Workforce Development and Continuing Education. The request for an appeal must be submitted in writing within five business days of the date of the notification of the decision of the hearing and state the grounds for the appeal. There shall be only the four following grounds for an appeal:
 - 1. A claim that the original hearing was not conducted fairly in light of the charges and the evidence presented and that it was not in conformity with the prescribed procedures.

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2. A claim that the decision reached by the hearing panel regarding the accused student was not supported by substantial evidence.
 3. A claim that the sanction(s) imposed were not appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
 4. A claim that the Vice President/Provost from the Campus or from Workforce Development and Continuing Education should consider new evidence sufficient to alter a decision or other facts not brought forth in the original hearing, because such evidence and/or facts were not known to the person making the appeal at the time of the original hearing.
- B. Failure to file an appeal or request an extension within five business days constitutes a waiver of any right to an appeal.
 - C. Except as is required in an appeal claiming new evidence, an appeal shall be limited to a review of the hearing record, which shall include a copy of the notice sent to the student, all documentary and other evidence admitted at the hearing, the panel's findings and a tape recording of the hearing.
 - D. The Vice President/Provost of the campus or of Workforce Development and Continuing Education will render a decision and notify the student in writing within five business days. This decision is final under the Student Code of Conduct. The decision may affirm, modify, reverse or remand the hearing panel's decision, or order that a new hearing be held. If the hearing panel's decision is reversed, the Vice President/Provost of the campus or Workforce Development and Continuing Education shall have the file sealed and any reference to the disciplinary process removed from the student's record.

XIV. Disciplinary Files and Records

- A. Records of all disciplinary cases will be maintained in the office of the Campus Dean of Student Development. If the student is found not responsible for violating the Student Code of Conduct, the disciplinary file shall be voided and will not constitute a disciplinary record. The files of students who are disciplined for violating the Student Code of Conduct and who have received sanctions less severe than dismissal shall be retained for five years from the date of the letter providing notice of the final disciplinary action. Dismissal records shall be permanently retained.
- B. A student's prior disciplinary record will be considered only during the sanctioning phase, and shall not determine whether or not to find the student responsible for the alleged violation.
- C. The release of student disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.

XV. Implementation and Review

- A. The prior Student Code of Conduct no longer governs conduct by students, except that any pending action or proceeding shall not be affected by this Code and will be subject to the Code provisions in effect at the time the action or proceeding was brought.
- B. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Senior Vice President for Student Services for final determination.
- C. The Student Code of Conduct should be reviewed every five years under the direction of the Senior Vice President for Student Services.

Administrative Approval: May 12, 2003, effective July 1, 2003; February 7, 2006 (Administrative correction only); June 17, 2009 (Administrative correction only); September 16, 2010; December 1, 2011 (Administrative correction only); November 5, 2012 (Administrative correction only)