



**NORTHERN
PENNSYLVANIA
REGIONAL COLLEGE**

NPRC-3235: Behavioral Code of Conduct
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Subject: Behavioral Code of Conduct

1. PURPOSE

The Behavioral Code of Conduct communicates expectations for personal conduct and behavior of students in their interactions with other students, instructors, staff, and administrators of the College.

2. SCOPE AND APPLICABILITY

This policy is applicable to all students.

3. REFERENCES

3.1 NPRC-3230 Drug and Alcohol Use

3.2 NPRC 3237 – Suspension and Expulsion

3.3

4. DEFINITIONS

4.1 A college facility is any facility that is used in the delivery of services or functions of the college during the time of those services or functions.

4.2 Hazing is the imposition of any task or behavior on an individual that causes physical or emotional distress to that individual to gain acceptance into a group or activity sanctioned by the College. Hazing includes, but is not limited to, physical abuse; exposure to extreme temperatures; forcible consumption of liquids or solids; excessive mental stress; sleep deprivation; verbal abuse; or subservience.

4.3 Stalking is repetitive, menacing pursuit, following, harassment, or interference with the peace or safety of a member of the community or any of the immediate family members of the community through face-to-face or electronic means, including, but not limited to, text messaging or use of social media.

- 4.4 Sexual misconduct includes sexual harassment; non-consensual sexual intercourse or sexual contact or attempts to commit same; and sexual exploitation.
- 4.4.1 Sexual harassment is unwelcome, verbal, or physical conduct related to the sex or gender-identity of a person which is sufficiently severe, pervasive, and objectively offensive that unreasonably interferes with or deprives someone of access, benefits, or opportunities provided by the College. Sexual harassment includes, but is not limited to, unwelcome sexual advances or requests for sexual favors.
- 4.4.1.1 Quid Pro Quo exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in action which adversely affects the outcome of the college environment or activity.
- 4.4.1.2 Retaliatory Sexual Harassment is any action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct such that the action adversely affects the outcome of the college environment or activity.
- 4.4.2 Non-consensual Sexual Intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or a woman upon a man or a woman, without consent.
- 4.4.2.1 Consent is informed, knowing, and voluntary. Consent is active; silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, provided those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or consent does not imply consent to future sexual acts. Consent may not be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Consent may not be granted by someone you know to be or should be able to know to be mentally or physical incapacitated by alcohol or drug use.
- 4.4.3 Non-consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, without consent.
- 4.4.4 Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and the behavior does not otherwise constitute another form of sexual misconduct.

Examples include, but are not limited to prostituting another student; non-consensual video or audio-recording of sexual activity; going beyond the boundaries of consent (such as permitting a friend to hide in a closet to watch you having consensual sex); engaging in voyeuristic behavior; or knowingly transmitting a sexually transmitted disease to another student.

5. POLICY

- 5.1 Students are expected to uphold and abide by standards of conduct that reflect and edify the College's mission, values, vision, philosophy, and goals. Any conduct which deviates from these standards of conduct may result in disciplinary action.
- 5.2 Violations of federal, state, and local laws are contrary to the behavioral expectations of students and are considered infractions of the behavioral code of conduct.
- 5.3 Students are to exemplify honesty and integrity in their interactions with fellow students, instructors, staff, and administrators. Behaviors that demonstrate a lapse of honesty and integrity include, but are not limited to,
 - 5.3.1 Action or inaction in collusion with a wrongdoer or which fails to discourage a known or obvious violation of college policy or law;
 - 5.3.2 Knowingly furnishing false, falsified, or forged information to any member of the college community, including falsification or misuse of documents, accounts, records, identification, or financial instruments; and
 - 5.3.3 Violations of positions of trust or authority within the college community.
- 5.4 Students are to honor and value their college community. Behavior that violates these values includes, but is not limited to,
 - 5.4.1 Misuse of access privileges to any College facility;
 - 5.4.2 Abuse or fraudulent use of the College's name, identity, or image;
 - 5.4.3 Intentional and unauthorized taking of college property or another person's personal or business property at any College facility;
 - 5.4.4 Knowingly taking possession of stolen property;
 - 5.4.5 Intentional and unauthorized destruction of college property or another person's personal or business property at any College facility;

- 5.4.6 Misuse of college equipment, technology resources, network, passwords, account or information, including, but not limited to,
 - 5.4.6.1 Use of technology resources to send harassing or abusive messages,
 - 5.4.6.2 Use of technology resources to interfere with the work of other members of the college community,
 - 5.4.6.3 Unauthorized access to a file or personal or group account,
 - 5.4.6.4 Interference with the normal operation of the College's technology resources,
 - 5.4.6.5 Use of technology resources to promote points of view contrary to the mission and values of the College, (i.e., promoting information that would be considered promotion of violence or hateful by a reasonable person, or inconsistent with the purposes of education).
 - 5.4.6.6 Unauthorized transfer of data, and
 - 5.4.6.7 Use of another individual's identification and password;
- 5.4.7 Possession of firearms, explosives, and other weapons, including, but not limited to, BB/pellet guns, slingshots, sharp-edged instruments (such as swords or knives), and dangerous chemicals, is prohibited at any College facility; and
- 5.4.8 Violations of state or local fire or emergency policies, including, but not limited to, failure to evacuate any College facility during a fire or other emergency, improper use of fire safety or other emergency equipment, or tampering with or improperly engaging a fire or other emergency alarm at any College facility.
- 5.5 Students are expected to adhere to the values of social justice, equality and respect for difference and diversity. Behaviors that violate this expectation include, but are not limited to,
 - 5.5.1 Discrimination, intimidation, harassment, or bullying;
 - 5.5.2 Malicious, callous, or reckless disregard for the welfare of another human being;
 - 5.5.3 Disruption of college operations, including, but not limited to, obstruction of teaching, administration, or other college activities;

- 5.5.4 Obstruction of freedom of movement by community members or visitors;
- 5.5.5 Abuse, interference, or failure to comply in college processes, including conduct hearing or abuse of the conduct system, including, but not limited to,
 - 5.5.5.1 Failure to attend meetings scheduled for conduct code administration purposes;
 - 5.5.5.2 Falsification, distortion, or misrepresentation of information;
 - 5.5.5.3 Failure to provide information or destruction or concealment of information during an investigation of an alleged policy violation;
 - 5.5.5.4 Attempting to discourage an individual's proper participation in, or use of, the conduct system; and
 - 5.5.5.5 Harassment or intimidation of a member of a conduct body prior to, during, or after a conduct proceeding, failure to comply with the sanctions imposed by the conduct system, or influencing or attempting to influence another person to commit an abuse of the Behavioral Code of Conduct.
- 5.5.6 Students are expected to show respect for each other, for property, and for the community. Behavior that violates this value includes, but is not limited to,
 - 5.5.6.1 Threatening or causing physical harm, verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
 - 5.5.6.2 Hazing;
 - 5.5.6.3 Violence between those in an intimate relationship with each other;
 - 5.5.6.4 Stalking;
 - 5.5.6.5 Sexual misconduct, including, but not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation;
 - 5.5.6.6 Unauthorized use of video or audio recording devices at an instructional or administrative site or while attending college-related functions;

- 5.5.6.7 Failure to comply with directions of college officials, law enforcement officers, or emergency responders during the performance of their duties or failure to identify oneself to these persons upon request; and
 - 5.5.6.8 Use of all tobacco products, including cigarettes, pipes, cigars, smokeless or vapor cigarettes, chewing tobacco or snuff, at any instructional or administrative site or at any college function except as permitted.
- 5.6 Students are awarded and accept a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to,
- 5.6.1 Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and NPRC-3230 Drug and Alcohol Use;
 - 5.6.2 Violating or assisting in the violation of college policies or public laws;
 - 5.6.3 Violations of federal, state, or local laws which affect the interests of the college community; and
 - 5.6.4 Intentionally or recklessly causing a fire.
- 5.7 In most cases, the College will treat attempts to commit any violations listed in the Behavioral Code of Conduct as if those attempts had been completed unless substantial proof can be provided that the perceived attempt was unintentional as determined by the VPASA..
- 5.8 Whenever a complaint is made against any student for misconduct, the College shall investigate the allegations in alignment with the following procedure and timeline:
- 5.8.1 An initial investigation concerning the allegations presented shall be made within five (5) business days of the complaint by the Director of Enrollment Management and Student Success or Director of Workforce Development, as applicable, or designee.
 - 5.8.1.1 If the investigation results in a recommendation against proceeding, the Director of Enrollment Management and Student Success or Director of Workforce Development, or their designee shall provide the Vice President of Academic and Student Affairs with a written summary of the complaint and recommendation for resolution within three (3) days of the conclusion of the investigation.
 - 5.8.1.2 If the investigation results in a finding of cause to proceed, additional information, including, but not limited to, documents or testimony may be

gathered and a written summary of the complaint, information collected, and recommendation shall be provided to the Vice President of Academic and Student Affairs within seven (7) business days of the complaint. In this case, a written notice of the complaint will be given to the accused student in person in a meeting with the Director of Enrollment Management and Student Success or Director of Workforce Development; by mail to the home address of the accused student; and/or electronically to the accused student's college-assigned email address. The written notice will include a brief description of the incident alleged, cite the policy or policies the accused student is alleged to have violated, and identify possible consequences if the accused student is found to be in violation, and will communicate the relevant procedures for resolution of the complaint. The letter of notice will: (1) direct the accused student who to contact (either the Director of Enrollment Management and Student Success or Director of Workforce Development) within three business days of receipt to respond to the complaint, (2) meet with that individual (virtually or in person) to discuss the nature of the complaint and the conduct process, and (3) indicate whether the student admits or denies the allegations of the complaint.

5.9 If the accused student admits to the violation, the Director of Student Enrollment and Student Success, Director of Workforce Development, or designee will impose appropriate sanctions and notify the student in writing. Such a disposition will be final; there will be no subsequent proceedings unless the sanctions include suspension or expulsion (see NPRC 3237 – Suspension and Expulsion). In the latter case, the accused may request a meeting with the Vice President of Academic and Student Affairs on the issue of sanctions only. Such a meeting must be requested in writing by the student within three business days of receipt of notice of suspension or expulsion. The meeting shall be held within ten business days of receipt of the accused student's request. Notice of the meeting shall be provided in writing. The Vice President of Academic and Student Affairs shall issue a ruling in writing to the student within ten business days of the meeting.

5.9.1.1.1 If the accused student does not admit to the violation(s), the complaint shall be referred to the Vice President of Academic and Student Affairs. Notice of the meeting shall be provided to the accused student through mail and/or their college-assigned email account within three business days of receipt of the accused student's written response to the complaint. The hearing shall be held within seven business days of receipt of the referral. After the hearing, the Vice President of Academic and Student Affairs will notify the student of their decision in writing, including any sanctions imposed as a result. Such notice will be provided by mail to the student's home address or electronically to the accused

student's college-assigned email address within three business days of the hearing. The decision of the Vice President of Academic and Student Affairs is final.

5.10 The outcome of a conduct hearing is part of the educational record of the accused student and is protected from release under the Federal Educational Right to Privacy Act except as required or permitted by federal or state law or through legal action by subpoena.

6. RESPONSIBILITIES AND TIMELINES

6.1 The Vice President for Academic and Student Affairs or designee is responsible for the administration of this policy.

7. SIGNATURES



Chair, Board of Trustees



Date



President



Date