MISSION
The Mission of Yavapai College is to provide quality higher learning and cultural resources for the diverse populations of Yavapai County.

VISION
Yavapai College exists to provide educational and cultural opportunities to students of all ages. We shall strive to create stronger partnerships and enhance leadership to develop and strengthen our community. Our students will have the abilities to be active participants in the global community.

TABLE OF CONTENTS
1-1 INTRODUCTION  PG. 2
  A. PURPOSE  PG. 2
  B. JURISDICTION  PG. 2
  C. CODE COVERAGE  PG. 2
  D. STUDENT CONDUCT AUTHORITY  PG. 2
  E. HARASSMENT  PG. 3

1-2 ACADEMIC & CLASSROOM CONDUCT  PG. 4
  A. ACADEMIC INTEGRITY  PG. 5
  B. EXPECTATIONS  PG. 5
  C. PENALTIES  PG. 6
  D. STUDENT APPEAL  PG. 6
  E. ACADEMIC APPEAL PROCESS  PG. 6

2-1 PROHIBITED BEHAVIOR  PG. 7
  A. LIST  PG. 7
  B. SANCTIONS  PG. 9

2-2 STUDENT CONDUCT PROCEDURES GENERAL  PG. 11

2-3 CONDUCT PROCESS  PG. 12
  A. INITIATION OF INVESTIGATION  PG. 12
  B. INTERIM ACTION  PG. 12
  C. REVIEW AND DECISION  PG. 12
  D. REVIEW BY HEARING BOARD  PG. 13
  E. HEARING BOARD RECOMMENDATION  PG. 16
  F. REVIEW AND DECISION BY DEAN  PG. 16
  G. REQUEST FOR REVIEW OR REHEARING  PG. 17

2-4 RECORD RETENTION  PG. 17

3-1 DEFINITIONS  PG. 17

AMENDMENT 1.1  PG. 20
1-1 Introduction

A. PURPOSE
Educational activities are ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights of all individuals. This Code of Conduct (“Code”) is designed to promote and protect such an environment at Yavapai College.

The primary purpose of this Code is to set forth the rules and standards of conduct expected of students and others who join the College community. The Code is intended to protect the College community, maintain order and stability, and preserve the educational functions of the College.

B. JURISDICTION
The Code has been adopted pursuant to Arizona Revised Statutes Sections 13-2911 and 15-1444. The Code shall apply to, and its provisions may be enforced against, any individual who is present on the College campus or College-controlled property or who is attending any College-sponsored activity or event, or any student who engages in conduct on or off College property that affects the educational functions of the College.

Each student shall be responsible for his/her conduct from the time of first enrollment through the completion of his/her educational goals, even if such conduct occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if that conduct is not discovered until after a degree is awarded). The Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean for Student Services, or designee, shall decide if the Code shall be applied to conduct occurring off campus, on a case by case basis.

C. CODE COVERAGE
The adoption of this Code does not prohibit the College from adopting or maintaining additional policies, regulations or procedures, and nothing in this Code is intended to supersede the provisions of Yavapai College District Governing Board policy. Charges brought under the Code may be combined with additional Code or policy violations in order to resolve the matter as a whole. Prohibitions in this Code are not intended to supersede or replace other local, state or federal laws. Disciplinary action by the College may proceed during criminal proceedings and will be independent of the court’s decision involving the same incident.

D. STUDENT CONDUCT AUTHORITY
The Dean for Student Services is authorized to develop policy recommendations relating to administration of the student discipline system and to adopt procedural rules for the conduct of student discipline hearings which are consistent with the provisions of this Code.

The Chief Judicial Officer will oversee and preside over hearings throughout the district. The Chief Judicial Officer shall conduct the initial hearing and impose sanctions for students found to be in violation of the Student Code of Conduct, Standards of Residence or other College policies covered by this document.

Decisions made by the Chief Judicial Officer or designee shall remain in effect during the appeals process.

A College Hearing Board is the body that conducts hearings for level 3 violations and only if requested by the student after a sanction of suspension, expulsion, or degree/certificate revocation is imposed. The College Hearing Board is advisory to the Director of Student Life who will make the
final decision. The Director of Student Life shall determine the composition of the Hearing Board which is composed of 5 members who have no connection to the student or the incident, including 1 students, 1 faculty members, 1 Chief Judicial Officer, and 2 non-faculty employee. One member, designated as the Chair, will serve as the presiding officer.

The Chief Judicial Officer or designee or another College Official may be designated as the arbitrator of disputes within the student community in cases which do not involve a violation of the Code. To be eligible for arbitration, all parties must agree to arbitration, and to be bound by the decision with no right to appeal.

E. UNLAWFUL OR DISCRIMINATORY HARASSMENT
Yavapai College maintains a Zero Tolerance policy for unlawful or discriminatory harassment.

Incidents of sexual harassment will be referred to the Dean for Student Services. The Dean for Student Services will determine the correct office or person to investigate the allegations.

The College is committed to creating a harassment free environment for all employees and students. Necessary action will be taken to prevent, correct, and if needed, discipline persons whose behavior violates this policy. Disciplinary action may result in measures up to and including termination of employment or expulsion from enrollment.

Harassment is defined as unwanted behavior toward another person that is offensive, demeaning, insulting, hostile, or persecuting. Harassment may occur in the form of unwelcome conduct, whether verbal, physical or visual, based upon a person's status protected under federal or state law or College policy, including sex, color, race, religion, national origin, age, sexual orientation, disability, veteran status, citizenship status, or other legally protected status.

Sexual harassment is defined as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Offering employment or educational benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures or displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes.
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations
- Physical conduct that includes touching, assaulting or impeding or blocking movements

Any allegation of harassment, sexual or otherwise, will be investigated thoroughly, in accordance with the procedures set forth below:

1. Although not required to do so, a College employee or student with a complaint of harassment may first attempt to resolve the problem informally through discussions with the alleged offender. A victim is encouraged but not required to inform perceived offenders of the College’s Policy and Procedure against harassment and that the conduct is offensive and unwelcome.
2. Any College employee or student with a complaint of harassment who does not feel comfortable handling the situation on his/her own should notify the Director of Human Resources or appropriate Human Resources department designee (referred to from this point as “Human Resources”). Students may notify the Dean for Student Services, who in turn will inform Human Resources of such allegation.

3. Any member of the College community, especially administrators and supervisors, informed of an allegation of harassment or who believes that the actions or words of any other member of the College community constitute harassment has a responsibility to immediately inform Human Resources.

4. The investigation and resolution process is dependent upon accurate communication. For this reason, a complaining party is encouraged, but not required, to prepare a written statement of the conduct at issue including the name of the alleged offender, approximate dates of incidents and a description of the conduct.

5. Human Resources or the Dean for Student Services will conduct an investigation with the involvement of the appropriate supervisor. Upon completion of an investigation, appropriate action will be taken, including referral for disciplinary actions.

6. In determining whether conduct constitutes harassment, Human Resources or the Dean for Student Services will examine the record as a whole and the totality of circumstances, such as the nature of the conduct and the context in which the alleged incident(s) occurred. The determination of whether a particular conduct (a) is or is not appropriate in an academic setting, (b) violates the College’s Policy and Procedure, and/or (c) violates state or federal law will be made based on the applicable facts, on a case by case basis.

7. Because of the inherent difficulty in investigating and resolving allegations from unknown persons, individuals are discouraged from making anonymous complaints of harassment. Although anonymous complaints are discouraged, the College will reasonably respond to all allegations of harassment.

8. Any complaint of harassment will be treated in a confidential manner to the extent feasible. Dissemination of information relating to the case will be limited, in order that the privacy of all individuals involved is safeguarded as fully as possible.

9. Nothing in the procedure will limit the College’s obligation and/or right to investigate and take appropriate action regarding allegations of possible misconduct, whether or not a written complaint has been received.

10. The college will make every effort to investigate and take necessary responsive action to resolve harassment complaints within sixty days of the date the complaint is filed. Because of the complexity and number of individuals involved this may not always be possible, however a high priority will be given to completing such investigations in a timely manner.

11. Behavior of a retaliatory nature is strictly prohibited and may result in disciplinary action up to and including termination or expulsion.

12. Bad faith allegations or use of this policy for purposes unrelated to its clear intent are expressly prohibited and may lead to disciplinary action up to and including termination or expulsion.

1-2 ACADEMIC AND CLASSROOM CONDUCT
Respectful classroom behavior, professional communication, and academic integrity are expected of all Yavapai College students. If a student is accused of academic misconduct, the matter shall be dealt with by the appropriate academic unit. In other cases involving specific academic decisions, a student will be accorded no further proceedings under this policy but may be accorded additional appeal rights under procedures for appeals of academic or instructional decisions.

Classroom management issues shall be handled by the instructor with the assistance of the instructional Dean, if necessary. An instructor may remove a student for classroom misconduct. This action shall be immediately reported to the supervising instructional Dean. After gathering the necessary incident
information the instructional Dean will assist the instructor determine the appropriate course of action for the misconduct.

If the Dean feels the misconduct violates the Code of Conduct, the Dean will confer with the Chief Judicial Officer. The Chief Judicial Officer shall determine whether the misconduct warrants pursuing through the College judicial process.

Any note of referral to the judicial system outlined in the Student Code of Conduct denotes a request or query by the referring party. Assessment on whether to process misconduct through the College judicial system is made by the Chief Judicial Officer.

A. ACADEMIC INTEGRITY
Honesty in academic work is a central element of the learning environment. The presentation of another individual’s work as one’s own or the act of seeking unfair academic advantage through cheating, plagiarism or other dishonest means are violations of the College’s Academic Policy. Failure to abide by the terms and conditions of the College’s Academic Policy will result in disciplinary action, up to and including dismissal from the College.

1. Cheating is defined as submitting assignments, examinations, or other work which is based on deception or misrepresentation of the individual’s own work. Cheating includes the furnishing of materials to another person for purposes of aiding that person to gain unfair academic advantage.

2. Plagiarism is defined as submitting any academic work which is not entirely the work of the student, deliberately or accidentally. This can include, but is not limited to, such practices as not giving proper credit to a source, expanding someone else’s work without giving proper credit, adopting another’s work as one’s own (including the copying of print or electronic media), directly using someone else’s ideas without giving proper credit, and deliberately changing selective words to misrepresent someone else’s work as one’s own.

3. Violation of Copyright is defined as the unauthorized reproduction or use of copyrighted material, whether print or electronic media. It is unacceptable and considered an act of academic dishonesty. In addition, the violator may be subject to legal penalty since such practice is illegal.

B. EXPECTATIONS
Students are expected to participate in the learning environment in a respectful and productive manner. Failure to treat faculty, fellow students, or others associated with the learning environment with respect may result in disciplinary action, up to and including dismissal from the college.

1. Threatening, intimidating or bullying behavior is not acceptable in any learning or support environment.

2. All communication (e.g. email, text message, written, oral) must be respectful and professional.

3. Use of vulgarity and profanity in learning activities, communication with faculty, staff or other students is not acceptable.

Special note:
Disruptive behavior does not include civil expression or disagreement with the course instructor or other
students in the class during times of discussion. Some disruptive students may have documented disabilities. Although such students may be considered disabled and are protected under the Rehabilitation Act and the Americans with Disabilities Act, they are held to the same standards of conduct as any student keeping reasonable accommodations in mind.

C. PENALTIES
The following penalties may be applied in instances of misconduct (e.g. academic dishonesty, unacceptable behavior in the learning environment, or disrespectful communication):

1. **Removal from Class**: an instructor may dismiss a student from a class meeting or learning environment for misconduct. This action shall be immediately reported to the supervising instructional Dean. The student must confer with the instructor and the supervising instructional Dean before being readmitted to class. In extreme cases, the student may be dropped from class.

2. **A grade of “F” (failure)** may be awarded for the assignment or activity in which misconduct occurred or for the entire course regardless of the length of time the student has been in attendance. The grade of “F” will override or supersede any student-initiated withdrawal from the course.

3. **Referral to the Code of Conduct Judicial System**: if the student’s conduct is deemed in need of action beyond academic recourse by the supervising instructional Dean, the student will be referred to the college judicial system. Sanctions may include suspension, expulsion, and/or revocation of degree and/or certificate. Once the case has been referred to the College judicial process, procedures for appeals will follow the guidelines provided in Section 2-3.

4. **Legal measures** may be taken by Yavapai College, including referral to law enforcement or civil action.

D. **STUDENT APPEAL OF ACADEMIC OR INSTRUCTIONAL DECISION BY FACULTY**
Students may appeal an academic or instructional decision by faculty if they deem the decision is incorrect or unfair. The appeal must be made in a timely manner in accordance with established procedures. Issues that may be appealed include but are not limited to, assignments of grades and course requirements.

E. **ACADEMIC APPEAL PROCESS**
Students must represent themselves in the appeal process. Students may contact their academic advisor for assistance.

The first step in the appeal process is for the student to contact the faculty member who made the academic or instructional decisions. This contact must be initiated within 120 calendar days of the official notification date of the decision.

In the event that a satisfactory solution is not reached by the faculty member and the student, or in the event the faculty member and student are unable to address the appeal, the student may then appeal in writing to the appropriate instructional dean or designee (hereafter referred to as supervisor).

The supervisor will review the student’s appeal and make a decision based on its merits. The
supervisor's investigation and decision must be concluded within 30 calendar days of the date the student appealed the decision to the supervisor. The supervisor will provide written documentation of the decision to the student and faculty member.

In the event the student is dissatisfied with the decision of the supervisor, a further appeal may be made to the Vice President for Instruction and Student Services. Such appeals must be made in writing within 30 calendar days of the date the student received notification of the results of the secondary appeal.

This formal, written appeal must contain information and documentation supporting the reason for requesting review of the initial academic or instructional decision. This written appeal should succinctly describe the issues involved, including relevant conditions, evidence, perceived inaccuracies/inequities, and other pertinent information.

The Vice President for Instruction and Student Services will conduct a formal review of the appeal as presented by the student, including review of relevant policy, considering information from the faculty member, and reviewing the decision of the instructional supervisor.

The formal review and decision must be completed within 30 calendar days of the dean receiving the student’s written appeal. The Vice President for Instruction and Student Services’ decision must be communicated in writing to all involved parties within 30 calendar days. The decision of the Vice President for Instruction and Student Services is considered final.

2-1 Prohibited Behavior

A. The disciplinary regulations set forth in this section are intended to give general notice of prohibited behavior. The regulations should be interpreted broadly and are not designed to define all forms of misconduct in exhaustive terms. Any student found to have engaged in or to have attempted to engage in prohibited behavior, whether done intentionally, knowingly or recklessly, is subject to disciplinary action. The list of prohibited behavior below is intended to alert students to certain types of conduct which will not be permitted and is not an exhaustive list of all behaviors which may result in discipline under this Code.

1. Appearing on campus intoxicated or impaired by alcohol or drugs. This is in compliance with Yavapai College’s philosophy of zero tolerance as it pertains to drug and/or alcohol use.

2. Unauthorized possession, use, sale, distribution, transportation, or possession for purposes of distribution of any controlled substance or illegal drug, or imitation controlled substance, on the College campus or at a College-sponsored activity. Students are also prohibited from possessing, transferring or using on the College campus, or at a College-sponsored activity, any drug paraphernalia including, but not limited to bongs, pipes, and/or roach clips.

3. Hazing which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Failure to report to campus police and/or College personnel hazing activities when observed is a violation of the rules and regulations of the College.

4. Unauthorized use, possession, transportation or storage of any firearm(s), explosives (including fireworks), dangerous chemicals or other weapons while on the College campus or at a College-sponsored activity. A harmless instrument designed to look like a firearm,
explosive, or dangerous or illegal weapon that is used by or is in the possession of a person is included in the above mentioned prohibition. While the possession of items such as mace and pepper spray as self-defensive or self-protection measures is not prohibited by this standard, offensive or reckless use of such items may subject an individual to disciplinary action.

5. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person, or which causes the reasonable apprehension of a threat to a person’s health or safety. This also includes a student who presents a danger to him/herself.

6. Misusing, disabling, or damaging fire safety equipment, creating a fire hazard, or initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other dangerous conditions on the College campus or at a College-sponsored activity.

7. Possession, use, manufacture, or distribution of alcoholic beverages on the College campus. Possession or use of alcoholic beverages at off-campus College-sponsored activities is prohibited unless authorized by the President.

8. Interfering with normal College or College-sponsored activities or services, including, but not limited to studying, teaching, learning, research, administration, disciplinary proceedings, recreation, food service, and fire, police, or emergency services.

9. Unlawfully interfering with the freedom of expression and/or movement of others on the College campus or at a College-sponsored activity, which includes pedestrian and vehicular traffic.

10. Gambling as prohibited by law defined in A.R.S. 13-3301 through 3312.

11. Furnishing false information to any College Official.

12. Forgery, unauthorized alteration, or unauthorized or improper use of any College document, record or instrument of identification, or any other document, record or instrument presented to obtain College services or benefits.

13. Attempted or actual theft, damage, possession and/or misappropriation of property or of services of the College or of a member of the College community, or other personal or public property, on or off campus.

14. Failure to comply with the direction(s) of College Officials or law enforcement officers acting in performance of their duties, and/or failure to identify oneself when requested to do so.

15. Failure to comply with other published rules and regulations of conduct that may be adopted by the Board or the College.

16. Unauthorized possession, duplication, or use of keys to any College premises or, unauthorized entry in or use of the College campus, facilities or property.

17. Tobacco use on college property is defined as lighted pipes, cigars, cigarettes, e-cigarettes, hookahs, and the use of snuff and smokeless tobacco in any form. The use of tobacco is prohibited in the following areas:
a. All College owned, leased, and rented vehicles.
b. Within all College owned, leased or rented facilities.
c. Within 25 feet of any College building entries, doors, windows, and air vents.
d. Within any area or room inside the Residence Halls.
e. Areas where fire hazards exist on College property.

18. Theft or other abuse of computer facilities and resources, including but not limited to: unauthorized entry into a file to read or change the contents, or for any other improper purpose, unauthorized transfer of a file, use of another individual’s identification and password, use of computing facilities and resources to interfere with the work of another student, faculty member or College official, use of computing facilities to send obscene or abusive messages, use of computing facilities to interfere with normal operations of the College computing system, use of computing facilities and resources in violation of copyright laws, and violation of the Yavapai College Acceptable Use Policy as defined by Information Technology Services (ITS).

19. Abuse or failure to comply with the student conduct system, including, but not limited to the following:
   a. Falsification, distortion, or misrepresentation of information before the Judicial Officer or designee or Hearing Board;
   b. Failure to obey the summons of the Judicial Officer or designee, Hearing Board or other College Official;
   c. Disruption or interference with the orderly conduct of a conduct proceeding;
   d. Attempting to influence the impartiality of the Judicial Officer or designee or member of a Hearing Board prior to, and/or during the course of the Student Conduct proceeding;
   e. Initiating a Student Conduct proceeding without cause or in bad faith;
   f. Failure to comply with the sanctions imposed under the Code of Conduct;
   g. Verbal or physical harassment and/or intimidation of the Judicial Officer or designee or member of a Hearing Board prior to, during, or after a proceeding.

20. Violation of any federal or state law, city ordinance or other College Policy, Procedure or Rule that occurs on the College premises or at a College-sponsored activity, or affects the operation of the College.


22. All forms of student academic dishonesty, including but not limited to, cheating, fabrication, facilitation of academic dishonesty, and plagiarism.

23. Photographing, videotaping, filming, digitally recording, or by any other means secretly viewing, with or without a device, another person without that person’s consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security or surveillance filming or recording that is authorized by law enforcement or authorized college officials.

B. SANCTIONS

In addition to any other interim or final action which may be taken to enforce this Code, any person, whether a member of the College community or not, may be asked to leave the College campus when the President or designee, has reasonable grounds to believe the person is committing any act which interferes with or disrupts the lawful use of College property by others.
or has reasonable grounds to believe any person has entered upon the College campus for the purpose of committing such an act. Trespass orders will only be authorized by the Director of Student Life, Dean for Student Services, their designee or Campus Police.

One or more of the following sanctions may be imposed for any violation of the disciplinary regulations or disruptive behavior. Appropriate College Officials shall be notified of the imposition of sanctions. These sanctions will be imposed on a case by case basis and are not necessarily cumulative.

1. **Warning:** a notice in writing to the student that he or she is violating or has violated institutional regulations and that further misconduct may result in more severe disciplinary action. Written warnings will be maintained in the student’s file for a period of two years.

2. **Loss of privileges:** denial of specified privileges for a designated period of time.

3. **Fines:** previously established and published fines may be imposed.

4. **Restitution:** compensation for loss, damage, or injury. Forms of restitution include required service, monetary payment and/or material replacement payable to or provided for the benefit of the College persons, groups, or organizations.

5. **Discretionary Sanctions:** work assignments, essays, service to the College or other related discretionary assignments such as educational interventions intended as a learning experience.

6. **Administrative Hold:** A status documented in the registrar’s official file which precludes the student from registering, from receiving transcripts, or from graduating until clearance has been received from the Dean for Student Services or designee in accordance with College policies.

7. **Restricted or Prohibited Access to College Property:** A student’s access may be restricted for a specified period of time or until certain conditions are met.

8. **Parental Notification:** Parents or legal guardians of dependent students (as defined by the Family Educational Rights and Privacy Act, 20 U.S. Code Section 1232g [FERPA]) will be notified of violations of the alcohol and drug policies.

9. **College probation:** a written reprimand for violation of specified regulations which references the probability of more severe disciplinary sanctions if the student violates the institutional regulation(s) during a designated period of time (the probationary period). Probation may include forfeiture of campus privileges. Permanent notification may appear on the student’s transcript.

10. **Interim Suspension:** In certain circumstances, the Dean for Student Services, or a designee, may impose an interim College or residence hall suspension prior to the hearing before the Chief Judicial Officer or designee or the Hearing Board.

An interim suspension may be imposed: (1) to ensure the safety and well-being of any member of the College community or preservation of College property; (2) to ensure the student’s own physical or emotional safety and well-being; (3) if the student poses an imminent threat of substantial disruption or interference with the normal operations of the
During the interim suspension, the student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean for Student Services or designee, may determine to be appropriate.

A student suspended on an interim basis shall be given an opportunity to have an informal hearing before the Dean for Student Services or designee, either before the imposition of an interim suspension, or as soon as possible thereafter, and in all cases within five (5) days from the effective date of the interim suspension. This informal hearing shall then be held only on the following issues:

- The reliability of the information concerning the student’s conduct and any issue related to the identity of the student and
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses an imminent threat to any individual or to the stability and continuance of any normal College function.

A student suspended on an interim basis will be allowed (1) to schedule and take make-up exams which are to occur during the suspension period and (2) to turn in assignments which are due during the suspension period without penalty.

11. **College suspension**: separation of the student from the College for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. Except where any administrative decision under this Code indicates otherwise, a student suspended under this Code shall not participate in any College-sponsored activity, may be barred from the College campus, and may be prohibited, during the specified period of time, from attending off-campus College activities.

12. **College expulsion**: permanent exclusion of the student from the College. The student will also be barred from the College campus and be prohibited from attending off-campus College activities. The incident will permanently remain on file in the Dean for Student Services’ Office. An indication of expulsion may appear on the student’s transcript.

13. **Trespass**: A permanent action authorized only by the Dean for Student Services, designee or Campus Police that restricts an individual’s access to a specified location, campus or college sponsored event.

14. **Withholding Certificate/Degree**: the College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

15. **Revocation of Certificate and/or Degree**: a certificate or degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the certificate/degree, or for other serious violations committed by a student prior to graduation.
A. The purpose of this policy is to establish disciplinary procedures to guide the enforcement of the Student Code of Conduct. These procedures are applicable to any student or student organization which is charged with a violation of the Student Code of Conduct.

B. These disciplinary procedures are designed to allow for fact-finding and decision making in the context of an educational community, and to encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the college.

C. The college may use mediation or conciliation procedures in addition to or in place of these disciplinary procedures in accordance with policies and procedures adopted by the college.

D. Student records generated during the information gathering/decision-making process associated with these procedures are subject to the Family Educational Rights and Privacy Act (FERPA).

2-3 CONDUCT PROCESS

A. Initiation of Charges Investigation

1. A disciplinary investigation may be initiated by submitting an Incident Report to the Chief Judicial Officer. The Chief Judicial Officer also may initiate an investigation based on reliable information.

2. A written referral must state sufficient facts, including specific names(s), date(s), locations and descriptions of the alleged act(s) of misconduct to enable the Chief Judicial Officer to decide whether further fact-finding is necessary.

3. Where the alleged misconduct is related to discrimination or harassment, the Chief Judicial Officer will consult with the Director of Student Life or Dean of Student Services to determine whether an investigation is warranted pursuant to Section 1-1 E. A determination by the Chief Judicial Officer will be made following consultation with the Director/Dean.

4. The College may adopt policies and procedures for reviewing allegations of academic dishonesty. If the sanction imposed includes expulsion, suspension, or revocation of a degree, then the student is entitled to a hearing. REFER TO 1-2.C.3

B. Interim Action

1. The Chief Judicial Officer may restrict or suspend a student for an interim period prior to the resolution of a disciplinary proceeding if the Chief Judicial Officer becomes aware of reliable information that supports an allegation of misconduct, and determines that the continued presence of the student on the College campus or at College sponsored events poses an imminent threat of harm or substantial disruption.

2. The decision to restrict or suspend a student for an interim period will be communicated in writing to the student, and will become effective immediately as of the date of the written decision.

3. A student who is restricted or suspended for an interim period will be provided an opportunity to respond to the allegations of misconduct no later than 5 days following the effective date of the interim action.

4. The interim action will remain in effect until a final decision has been made on the pending charges or until the Chief Judicial Officer determines that the reasons for imposing the interim action no longer exist.

5. The Chief Judicial Officer may impose other forms of interim action, such as immediate removal from College housing or exclusion from one or more classes or other locations.

C. Review and Decision by Chief Judicial Officer

1. The Chief Judicial Officer will make an initial determination as to whether there is a sufficient basis to believe that a violation of the Student Code of Conduct may have occurred. The Chief Judicial Officer may decide to interview the complainant and other witnesses or to request additional information from the complainant.
2. If the Chief Judicial Officer determines that there is a sufficient basis to believe that a violation of the Student Code of Conduct may have occurred and chooses to pursue the violation under the Student Code of Conduct then the Chief Judicial Officer will timely notify the student in writing of the alleged violation and will gather further information, if needed, by interviewing witnesses and reviewing documents. Prior to concluding that a student has violated the Student Code of Conduct, the Chief Judicial Officer will provide the student with an opportunity to respond to information gathered in the investigation that the Chief Judicial Officer believes supports the conclusion that the student may have violated the Student Code of Conduct. Members of the College community will be expected to comply with any request or directive issued by the Chief Judicial Officer in connection with a disciplinary proceeding, unless compliance would result in significant personal hardship or substantial interference with normal College functions.

3. A student who is charged in a Student Code of Conduct referral will be provided an opportunity to meet with the Chief Judicial Officer. When a student is notified of this meeting, the student shall be provided with an explanation of the charges and the potential discipline. Students may accept responsibility for Student Code of Conduct violations and waive their rights to procedures provided by this policy. A student who fails to attend the meeting with the Chief Judicial Officer will forfeit his/her right to respond on his/her behalf regarding the alleged violation, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance. If the student fails to attend the meeting, the Chief Judicial Officer may proceed as described in paragraph 6 of this subsection.

4. The student will be provided with the following:
   a. An explanation of the charges which have been made;
   b. A summary of the information gathered;
   c. A reasonable opportunity for the student to reflect upon and respond on his/her own behalf to the charges; and
   d. An explanation of the applicable disciplinary procedures, including the student's right to request a hearing before a College Hearing Board if suspension, expulsion, or degree revocation is imposed.

5. If necessary any further information gathered will be presented to the student and an additional opportunity to respond will be provided.

6. The Chief Judicial Officer will determine whether it is more likely than not that a violation of the Student Code of Conduct has occurred and, if so, the appropriate disciplinary sanction to apply. In determining the sanction, the Chief Judicial Officer will consider any mitigating or aggravating factors, including any prior violations of the Student Code of Conduct.

7. The Chief Judicial Officer will inform the student of the decision, in writing, within 7 days of the student's last opportunity to respond. When feasible, this information will also be communicated in a face-to-face meeting.

8. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. This decision is final, unless the student requests a hearing to review a decision to suspend, expel, or revoke a degree. The effective date of a suspension (except for interim suspension) or expulsion may be no sooner than 5 days following the date of the notice.

9. If the sanction imposed includes expulsion, suspension, or degree revocation, the student will be informed of his/her right to request a hearing before a College Hearing Board by filing a written request with the Chief Judicial Officer no later than 5 days following the date on the notice. The student may request a hearing related to the determination that a violation occurred, related to the sanctions imposed, or both.

10. The filing of a timely written request for a hearing will suspend the imposition of the disciplinary sanction, except for interim suspension, pending the outcome of the hearing. If the sanction is suspension or expulsion, and the student requests a hearing, the student will
not be permitted to graduate until the hearing process has been concluded. If the sanction is degree revocation, the College may refuse to release an official transcript until the hearing process has been concluded. If the student elects not to request a review of the Chief Judicial Officer’s decision, then that decision is a final decision which becomes effective at the expiration of the appeal period.

D. Review by College Hearing Board

1. Purpose of the College Hearing Board
The College Hearing Board is the body that conducts hearings for appeal concerning suspensions, expulsions, and degree/certificate revocations. The College Hearing Board is advisory to the Director of Student Life who will make the final decision. The purpose of the Hearing Board is to formulate a recommendation to the Director of Student Life regarding the student’s appeal. This recommendation may have two parts depending on the nature of the appeal. First, the College Hearing Board may make a recommendation as to whether a violation of the Student Code of Conduct was more likely than not to have been committed by the student. Second, the College Hearing Board may make a recommendation as to whether the imposed sanctions should remain as imposed or should be modified if appropriate.

2. Composition of the College Hearing Board
A student appeal hearing will be conducted by a College Hearing Board composed of 5 members who have no connection to the student or the incident, including 1 students, 1 faculty members, 1 Chief Judicial Officer, and 2 non-faculty employee. One member designated the Chair, will serve as the presiding officer.

3. Pre-Hearing Procedures
a. The Hearing Board members will be notified in writing of their selection.
b. Based on the availability of Hearing Board members, the Chair will convene the Hearing Board within a reasonable time following receipt of the student’s written request for a hearing.
c. The Chair will prepare and send a written notice of the hearing to the student and the Chief Judicial Officer no less than 5 business days prior to the date set for the hearing. The notice will be delivered personally or by mail directed to the address furnished by the student on his/her hearing request. The notice will include:
   i. A statement of the date, time, location, and nature of the hearing;
   ii. A written statement of the charges which specifies the allegations of misconduct in sufficient detail to enable the student to respond;
   iii. Notice of the right to be assisted by an advisor, who may be an attorney;
   iv. A copy of or link to the Student Code of Conduct and these Student Disciplinary Procedures; and
   v. A list of the names of all Hearing Board members, and the College address of the Chair.
d. If the student cannot attend the hearing on the date scheduled for the hearing due to extraordinary circumstances, he/she must notify the hearing board Chair in writing. The Chair will determine whether to approve or deny the request to reschedule the hearing. The Chair shall have the discretion to grant reasonable continuances at the request of either party.
e. No later than 48 hours prior to the hearing, the parties will exchange the following information in writing:
   i. A list of the names and addresses of the witnesses who may be called to speak at the hearing;
   ii. A concise summary of the anticipated statements of each witness;
   iii. Copies of all documents to be presented at the hearing; and
   iv. The name and title of the College Representative, who may be an attorney, who will present the evidence on behalf of the College, and
v. The name of the advisor, if any, who will be present to assist the student.
f. A student may challenge the participation of any member of the College Hearing Board on the grounds of personal bias by submitting a written statement to the Chair setting forth the basis for the challenge no later than 48 hours prior to the hearing. The Chair will determine whether to sustain or deny the challenge. If the challenge is sustained, a replacement member will be appointed to serve on the College Hearing Board. If a challenge is filed against the Chair, the Dean for Student Services will rule on the challenge.
g. Members of the College community will be expected to comply with any request or directive issued by the Chair in connection with a disciplinary proceeding, unless compliance would result in significant personal hardship or substantial interference with normal College functions.
h. For good cause shown by either party, the Chair may extend the times and deadlines required by these rules.

4. Conduct of the Appeals Hearing
a. In order to preserve the confidential nature of the disciplinary process, and to protect the privacy interests of the student who is charged with the violation and the witnesses who may be called to testify, the hearing conducted by the College Hearing Board will be closed, unless the student requests an open hearing. If the hearing is open, portions of the hearing dealing with sensitive or confidential information may be conducted in closed session.
b. The Chair will preside at the hearing and will rule upon all procedural matters. The formal rules of evidence will not apply, although objections to the introduction of specific statements or documents may be considered by the Chair. Irrelevant, immaterial, privileged, or unduly repetitious information will be excluded. The Chair may establish reasonable limits upon the time allotted to the student and the College Representative (determined by the Dean for Student Services) for oral presentation and examination of witnesses.
c. The College Representative will present the information that supports the charges and sanction imposed, consistent with general principles of administrative law, the College Representatives will have the burden of showing that a violation of the Student Code of Conduct was more likely than not to have been committed by the student. If the student accepts responsibility for the violation charged, then the College Hearing Board may focus the hearing on the appropriate sanction. A student may request that evidence regarding the appropriate sanction not be presented until after the College Hearing Board has reached a decision regarding violation of the Student Code of Conduct.
d. Information regarding prior misconduct will not be used as proof of a current violation, but may be admitted for other purposes, such as to show that the student had prior experience relevant to the charge or to show that the student had previously been informed that the conduct was not acceptable. Evidence of prior misconduct may be considered by the Hearing Board in determining an appropriate sanction.
e. A student who fails to appear at the hearing will be deemed to have abandoned his/her request for an appeal, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance.
f. The student who is charged with the misconduct may be assisted throughout the proceeding by an advisor. If the student is represented by an attorney, the College Representative may also be represented by an attorney.
g. The hearing will be recorded manually or by a recording device and will be transcribed in whole or in part upon request of the student, and paid for by the student, unless assessment of the cost is waived by the Dean for Student Services.
h. Except as otherwise permitted by the College Hearing Board Chair, witnesses will be excluded from the hearing except during their own testimony. However, a victim, as defined by applicable law and provided rights to attend such hearings by law, will be permitted to attend the hearing. The order of presentation will be as follows:
   i. The College Representative will present an opening statement, which summarizes what the information that has been gathered is expected to show.
   ii. The student or his/her legal representative may present an opening statement, or may reserve it until the presentation of his/her case.
   iii. The College Representative will call witnesses to provide statements under oath. Witnesses will be questioned by means of direct examination with no leading questions permitted. A leading question is one which suggests the desired response.
   iv. At the conclusion of each witness's statements, he or she may be questioned by the student or his/her legal representative, at which time leading questions are permitted.
   v. Following the questioning by the student or his/her legal representative, the College Representative and the members of the Hearing Board may ask further questions of each witness.
   vi. Following the testimony of all witnesses called by the College representative, the student then presents his/her case.
   vii. Each witness for the student is called to testify. The procedure remains the same as described above.
   viii. Following the close of the student's presentation, the College Representative may call witnesses to refute statements made by the student or the student's witnesses. If such witnesses are called, they will be subject to the same procedure outlined above.
   ix. Throughout the proceeding, the parties may introduce written documents or other evidence previously disclosed.
   x. Following the presentation of witnesses, the parties will be allowed to present closing statements which summarize the information that has been presented. The College Representative presents his/her closing statement first, followed by the student.

E. College Hearing Board Deliberations and Recommendation
   1. Following the presentation of information and closing statements, the members of the hearing Board will discuss the information that has been presented and the reasonable inferences to be drawn from this information prior to reaching their decision. Only the members of the hearing board and its legal advisor, if any, may be present during the deliberations.
   2. Based solely upon the information presented during the hearing, the Hearing Board will formulate a recommendation to the Dean for Student Services and others permitted to receive this information consistent with applicable law or policy, as to whether a violation of the Student Code of Conduct was more likely than not to have been committed by the student and what the appropriate sanction should be. At least three votes are necessary to make any recommendation.
   3. The Hearing Board will not deliberate on the appropriate sanction unless and until it determines that a violation of the Student Code of Conduct occurred or the student has accepted responsibility for the violation. In determining the appropriate sanction, the hearing board may consider any mitigating or aggravating circumstances.
   4. The Hearing Board will render its recommendation after conclusion of hearing and deliberations, and will communicate the recommendation to the student, the Chief Judicial Officer, and to the Dean for Student Services in writing no later than 3 days following the conclusion of the hearing. The written recommendation will include findings of fact and a statement of the reasons for the recommendation, and will be signed by the Chair.

F. Review and Decision by Dean for Student Services
   Following a review of the Hearing Board's recommendation, the Dean for Student Services will
render a decision which affirms, denies, or modifies the recommendation of the Hearing Board. If the Dean does not accept the recommendation of the Hearing Board, the Dean will explain any variance from the recommendation in the final decision. If the final decision does not support the student’s position, the letter from the Dean will also provide notice to the student of the right to seek judicial review pursuant to A.R.S. § 12-904. The Dean will issue a written decision no later than 20 days following receipt of the Hearing Board’s recommendation, except when it becomes necessary to conduct further investigation or to remand the matter to the Hearing Board, in which case the written decision will be transmitted no later than 20 days following completion of the investigation or the subsequent recommendation of the Hearing Board. Copies of the written decision will be promptly transmitted to the parties and to all members of the Hearing Board.

G. Request for Review or Rehearing

1. A student who is dissatisfied with the decision reached by the Dean for Student Services may request a rehearing or review by filing a written request with the Dean no later than 15 days following the date of delivery of the written decision. The decision of the Dean is a final decision from the date it is issued, unless the student requests review or rehearing within 15 days after it is issued. A review or rehearing is not an appeal; it is an opportunity for the student to make the decision maker aware of irregularities or illegalities in the proceedings or if significant new evidence that could not have been provided to the Hearing Board for consideration prior to decision. The request shall be based on one or more of the following grounds:
   a. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the Hearing Board or by the Chief Judicial Officer, which has deprived the student of a fair and impartial disciplinary process;
   b. Newly discovered material evidence which could not have been presented during the fact-finding or hearing process;
   c. Excessive severity of the sanction; or
   d. The decision is not reasonably justified by the evidence or is contrary to law.

2. Following receipt of the student’s request for review, the Dean for Student Services will first determine whether the student’s request sets forth a proper ground for review or rehearing and then will make whatever review is deemed necessary to resolve the issues that have been raised.

3. The Dean for Student Services will respond in writing to the student’s request for review or rehearing within 15 days of receipt of the request. The Dean may uphold or modify the previous decision, or grant a rehearing on the issues raised by the request. The decision of the Dean is final.

2-4 RECORD RETENTION

A. Student disciplinary records for students who have been expelled and/or suspended shall be retained permanently.

B. All other student disciplinary records shall be maintained for a period of five years from the time the last sanction was imposed, unless otherwise provided for in this policy.

3-1 DEFINITIONS

In this Code of Conduct, unless the context otherwise provides or requires:

**Accused student** refers to any student or student organization accused of violating this Code.

**Aggravated violation** means a violation which resulted or could have resulted in significant harm to persons or property or which otherwise posed a substantial threat to the continuance of normal College or College-sponsored activities.

**Board** means the Yavapai County Community College District Governing Board.
**Business Day** means any day that the College administrative offices are open for business.

**Cheating** includes, but is not limited to 1) the use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; 3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; 4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

**Chief Judicial Officer** refers to the person for each campus that will oversee the student conduct process. The Dean for Student Services will determine the Chief Judicial Officer for each campus and site on an annual basis or as needed.

**College** means Yavapai College, under the governance of the District Governing Board of the Yavapai County Community College District.

**College Community member** means College students, administrative and staff personnel, members of the faculty and all other College employees.

**College Hearing Board** means any person or persons authorized by the Dean for Student Services (or designee) to serve as an advisory to the Dean for Student Services in cases of suspensions, expulsions, and degree revocations.

**College Official** means any person employed by the College, performing assigned administrative or professional responsibilities, or any person affiliated with the College through a contracted service agreement acting in that capacity.

**College Premises** includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the College, including adjacent streets and sidewalks.

**College Property** means all real and personal property: (1) owned by the College; or (2) in the possession of or subject to the control of the College.

**College-sponsored activity** means any activity on or off campus which is initiated, aided, authorized, sanctioned or supervised by the College.

**Complainant** means any member of the College community who submits a charge alleging that a student violated this Code.

**Dean for Student Services** is the person designated by the College President as being responsible for the administration, interpretation, and application of the Code, as well as for the review and recommended revision of the Student Code of Conduct every two years.

**Designee** means a college member identified by the Dean for Student Services to serve as the Judicial Officer.

**Distribution** means sale or exchange whether or not for personal profit.

**Fabrication** means intentional and unauthorized falsification or invention of any information or citation in an academic exercise.

**Faculty** mean all employees of Yavapai College in teaching or service whose notice of appointment is that of full-time or adjunct faculty or is designated as faculty on the notice of employment.

**Judicial Officer or designees** means the College staff persons appointed by and authorized by the Dean for Student Services, or designee, to determine whether a student has violated the Code and to impose appropriate sanctions. These officers are responsible for overseeing the student discipline process.

**Policy** means the written policies, rules, and /or regulations of the College as found in, but not limited to, the Code of Conduct, Student Handbook/Planner, Standards of Residence, Computer Acceptable Use
policy, and the College Catalog.

**President** means the President of the College.

**Reckless** means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with College or College sponsored activities.

**Student** means any person admitted, registered or enrolled in one or more classes, or living in the residence halls, except a faculty member or full-time employee who takes any course as a privilege of employment.

**Student conduct hearing** means a fact-finding meeting between the Chief Judicial Officer or designee and the accused student, to discuss the alleged violation of the Student Code of Conduct.

**Weapon** means any object or substance designed or used in a manner which would be likely to wound, cause injury or incapacitate, including, without limitation, all firearms, pellet guns, knives with blades five (5) or more inches in length, and chemicals such as “mace” or tear-gas, but excluding normally available over-the-counter self-defense chemical repellents.