

2022- 2023

**YAVAPAI COLLEGE
STUDENT CODE OF CONDUCT**



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SECTION I: INTRODUCTION

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. Students voluntarily assume the responsibility to meet these standards and expectations when they enroll at Yavapai College. This Code of Conduct (“Code”) is designed to promote and protect such an environment. The Student Conduct Officer educates students about the College’s standards and expectations, and when those standards and expectations are not met, seeks to hold students accountable for their choices leading to conduct incongruent with Yavapai College policies and procedures.

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, preserve the educational functions of the College, and outline the due process afforded all alleged actions.

SECTION II: STUDENT RESPONSIBILITIES

Students assume responsibility for conduct compatible with the mission, standards, and expectations of Yavapai College. Students have the responsibility to:

- Respect the rights and property of others, including other students, the faculty, and staff;
- Be acquainted with and follow published Yavapai College policies and procedures;
- Maintain a level of behavior which is consistent in supporting the learning environment of Yavapai College.

SECTION III: STUDENT RIGHTS

Students have the right to due process in regard to any complaint or disciplinary action brought against them. Yavapai College disciplinary procedures respect the due process rights of students. Students have the right to:

- A fair and impartial hearing;
- Notice of the misconduct being alleged;
- Notice of the evidence against them;
- Advanced notice of disciplinary meeting;
- The opportunity to present their side of the story.

SECTION IV: CODE COVERAGE

The Code shall apply to any student who engages in conduct on College property, or at any College activity that affects the operation or educational functions of the College in violation of this Code. 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 Associate Vice President of Student Affairs or designee shall decide if the Code shall be applied to conduct occurring off campus, on a case-by-case basis.

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. Disciplinary action by the College may proceed during independent criminal proceedings involving the same facts. The College may report any matter to local law enforcement as deemed appropriate.

SECTION V: SUPPORTIVE PROVISIONS

VICTIMS OF ALLEGED MISCONDUCT

Nothing in this Code of Conduct is intended to prevent a victim from reporting student behavior to law enforcement or seeking other legal remedies against another student accused of wrongdoing. Victims of alleged misconduct, including victims of sexual misconduct, will be provided with

information regarding their rights, counseling, safety, and confidentiality rules. For more information, contact the Title IX Coordinator (928-776-2211), or Associate Vice President of Student Affairs (928-776-2128).

SELF-DEFENSE, AND DEFENSE OF OTHERS OR PROPERTY

A student will not be subject to discipline for using physical force to the extent reasonably necessary to protect them self or another person against a third person's use of inappropriate physical force. Verbal comments alone do not justify the use of physical force. In addition, a student will not be subject to discipline under this Code of Conduct for using force reasonably necessary to prevent theft or criminal damage to property. Decisions concerning whether the use of force is reasonable, and the extent of force necessary, shall be determined using the objective standpoint of a "reasonable person" standard.

SECTION VI: CONDUCT VIOLATIONS SUBJECT TO DISCIPLINARY SANCTIONS

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, up to and including dismissal. Likewise, respectful behavior and professional communication are expected of all Yavapai College students. 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. Under the Influence. Appearing on campus, or at a college sponsored activity intoxicated, or impaired by alcohol, marijuana, illegal drug, or controlled substance regardless of age is prohibited.
2. Alcohol. Possession, use, manufacture, or distribution of alcoholic beverages on the College campus is prohibited, including being in possession or presence of alcohol containers or paraphernalia. This includes displaying empty alcohol containers. Remaining in a room containing open, unopened, or empty containers of alcoholic beverages is prohibited, regardless of age. Possession or use of alcoholic beverages at on or off-campus College-sponsored activities is prohibited unless expressly permitted by state law or as sanctioned by [Policy 10.02](#).
3. Drugs, Controlled Substances, or Paraphernalia. Unauthorized possession, use, sale, distribution, transportation, or possession for purposes of distribution of any illegal, or controlled substance, or imitation controlled substance, is prohibited on any College campus or at a College-sponsored activity. Drug paraphernalia including, but not limited to vape pens, pipes, bong and/or roach clips are also prohibited on any College campus or at a College-sponsored activity.
 - (a) Marijuana. As an institution receiving federal funding, Yavapai College is bound by federal law which considers marijuana an illegal drug. Marijuana is defined as the

psychoactive drug rendered from the leaves and flowering tops of a cannabis plant, including by-products containing tetrahydrocannabinol (THC) such as cannabis vaping products, edibles, tinctures, hash oil or hashish. The term “marijuana” also includes the definitions set out at A.R.S. §§ 36-2801(10) and (17) and 36-2850(16), (17) and (20). The College prohibits the possession, use, sale, distribution, consumption, transfer, display, transportation or cultivation of marijuana, whether recreational or medicinal, on any College campus, in any College residence hall or at any College sponsored activity.

(b) Additionally, the College prohibits students, employees, visitors, and others from being impaired to the slightest degree by marijuana, whether recreational or medicinal, alcohol or illegal drugs while on property occupied, owned, controlled or operated by the College or at any College sponsored activity.

4. Hazing. Any activity 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 is prohibited. The express or implied consent of the victim will not be a defense.
5. Threats, Intimidation Coercion, Verbal Abuse, Physical Abuse. Any conduct which threatens or endangers the health or safety of any person(s), or which causes the reasonable apprehension of a threat to the health or safety of any person(s). This also includes a student who presents a danger to him/herself.
6. Prohibited Harassment. Any behavior toward another person that is offensive, demeaning, insulting, hostile, or persecuting 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, gender identity, disability, veteran status, citizenship status, genetic information, or other legally protected status. Harassment may occur in the form of unwelcome conduct that is sufficiently severe, or pervasive that it alters the academic or work environment and creates a hostile environment. This applies to prohibited conduct that occurs both on and off campus. [Policy 10.08](#) further explains prohibited harassment and how the College responds to such misconduct. [Policy 10.05](#) explains the grievance process utilized to resolve such complaints.
7. Title IX Sexual Harassment. The College does not tolerate sexual harassment. Sexual harassment includes sexual assault, stalking, and relationship violence, as well as harassment defined under Title IX federal regulations. [Policy 10.14](#) explains what conduct is prohibited under Title IX, how a student may file a complaint, how the College will respond, what resources are available to students, and the grievance procedures utilized to resolve Title IX Sexual Harassment complaints.
8. Unlawful Discrimination. Yavapai College maintains a Zero Tolerance policy for unlawful discrimination or discriminatory harassment. The College is committed to creating a harassment-free nondiscriminatory 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 expulsion from enrollment.

9. Disruptive Conduct. 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.
10. Interference with Free Speech or Movement. Unlawfully interfering with the freedom of expression of others on the College campus or at a College-sponsored activity, or the movement of others on the College campus, which includes pedestrian and vehicular traffic. For further information, see [Policy 10.10](#).
11. Explosives, Fireworks, and Weapons. 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. See [Policy 2.33](#). 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.
12. Gambling. Gambling as prohibited by law defined in A.R.S. §13-3301 through 3312.
13. Furnishing False Information. Providing false information to any College Official.
14. Unauthorized Alteration. Forgery, 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.
15. Misuse of College Property or Services. 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.
16. Failure To Comply. Not complying with the direction(s) of College Officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself when requested to do so.
17. Keys and Key Cards. Unauthorized possession, duplication, or use of keys or key cards to any College premises or, unauthorized entry in or use of the College campus, facilities or property.
18. Fire Hazards. 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 any College campus or at a College-sponsored activity. Any student found tampering with fire detection or suppression equipment within residence hall buildings or individual student rooms will be automatically evicted from the residence halls.

19. Smoking Where Prohibited. Smoking is allowed on Yavapai College campuses within a limited number of designated outdoor areas. These areas are clearly marked with signage and furnished with tobacco product waste receptacles. Smoking includes but is not limited to, carrying a lighted or smoldering cigarette, cigar, pipe, inhaling from a vape pen or e-cigarette. Use of smokeless tobacco products, including but not limited to snuff and chew, is prohibited within College vehicles, buildings, and residence halls. [See Policy 10.09](#).
20. Computer Facilities and Resources. 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 ([Policy 5.27](#)) as defined by Information Technology Services (ITS).
21. Violation of Law. 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. Academic Dishonesty. This includes but is not limited to, plagiarism, cheating, fabrication, and facilitation of academic dishonesty. For further information, see Academic Violations in Section XI below.
23. Classroom Misconduct. Failure to treat faculty, fellow students, or others associated with the learning environment with civility and respect and any conduct which unreasonably disrupts and/or interferes with classroom learning. For further information, see Academic Violations in Section XI below.
24. Invasion of Privacy. 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.
25. Housing Violations. Violating policies outlined in the Housing Handbook or Housing Terms and Conditions. This applies only to students residing in the residence halls and their guests.

26. Student Conduct System. Abuse or failure to comply with the student conduct process, including, but not limited to the following:
- a. Falsification, distortion, or misrepresentation of information;
 - b. Failure to obey the summons or directive of the Student Conduct Officer, the Hearing Officer or other College Official;
 - c. Disruption or interference with the orderly conduct of a conduct proceeding;
 - d. Attempting to influence the impartiality of the Student Conduct Officer or reviewer on appeal;
 - 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 anyone involved with the student conduct process.

SECTION VII: INITIAL STUDENT CONDUCT PROCEDURES

A. FILING A COMPLAINT OR REPORT

Discipline under the Code of Conduct usually commences with filing a written complaint or incident report. The incident report is available online by searching “incident report” on the Yavapai College website or can be filed in person with the Student Conduct Officer or designee. This report must describe the alleged misconduct and be filed with the Student Conduct Officer or designee.

Upon review of the complaint, the Student Conduct Officer in consultation with the Associate Vice President of Student Affairs or designee may determine that temporary action must be taken immediately to prevent potentially dangerous or damaging behavior. This determination is not an indication of a final ruling on the merits of the complaint or on whether a violation has occurred. The temporary action usually takes one of two forms: a temporary cease and desist notice is a warning to a student regarding alleged misconduct and an order to refrain from inducing or participating in any violation of the Code. A second temporary action which may be taken is an interim suspension. A student may be directed to vacate College housing, and/or to stay off campus, if the Student Conduct Officer or designee determines that the continued presence of the student presents a potential danger to himself or herself, or to any other person or campus property or if the student presents a threat of substantial disruption. If a student is directed to stay off of campus or vacate College housing, the student must provide contact information instructing the College of how he or she can be reached during the disciplinary action procedures.

B. INITIAL REVIEW OF COMPLAINT, SELECTION OF REVIEW PROCEDURE

Once a complaint or report is received by the Student Conduct Officer, the Student Conduct Officer will ascertain which resolution process is appropriate. Complaints concerning student conduct will be handled using one of the procedures listed below, as appropriate to the nature of the complaint.

1. Academic Dishonesty and Classroom Misconduct will be resolved informally and formally by following the complaint review and appeal procedures provided in Section XI below.
2. Discrimination, sexual misconduct, harassment, or retaliation by a student in violation of law or College policy will be addressed using the complaint, hearing and appeal procedures described in [Policy 10.14](#) for Title IX complaints and in [Policy 10.05](#) for non-Title IX complaints.
3. All other charges of misconduct may be resolved informally or formally using the complaint, hearing and appeal procedures as provided in the Code of Conduct Discipline Procedures as described below in Section VIII. Note that some academic violations may be referred by the instructional Dean to the Section VIII disciplinary process as discussed in Section XI below. Note that if the charges involve free speech or expressive conduct and the sanctions proposed include either a suspension of more than thirty days or expulsion as a potential sanction, the student, at his or her expense, will have the right to representation of legal counsel at the formal hearing.

SECTION VIII: DISCIPLINE PROCEDURES FOR NON-ACADEMIC VIOLATIONS

MEETING WITH ACCUSED STUDENT

Once a complaint has been determined to allege a non-academic violation, the Student Conduct Officer will meet with the accused student, after giving a written notice of the time and place of the meeting and its purpose. The written notice will advise the student of the allegations made, and the sections of the Student Code which were allegedly violated. At the meeting, the Conduct Officer will give the student an opportunity to respond. Informal resolution may be discussed. After this meeting, the Conduct Officer will make a written determination which may include:

- A determination dismissing the conduct proceedings, based upon a determination that there has been no violation.
- A determination of an informal resolution agreement, if one has been achieved, between the student and the Student Conduct Officer including any sanctions imposed. The decision of the Conduct Officer at this level is final and may not be appealed. If a resolution agreement is made and the student fails to comply with the agreement, higher level sanctions or restrictions may result.
- A determination that the student has violated the Student Code of Conduct and an informal resolution was not achieved. The Conduct Officer will make a finding of the recommended sanction(s) consistent with the nature and seriousness of the violation(s). The Student Conduct Officer will inform the accused student of the right to a formal hearing as provided below under the section entitled “Formal Hearing”.

FORMAL HEARING

When the Student Conduct Officer determines that the student may have engaged in misconduct and no informal resolution is reached or appropriate, the student shall have ten (10) business days from the date of the Student Conduct Officer’s written determination to request a formal hearing. A request for a formal hearing by the student must be in writing and submitted to the Student Conduct Officer.

After receiving the student's request for a formal hearing, the Student Conduct Officer will give the accused student written notice of the time, date and location of the hearing. The notice will describe the alleged misconduct, the code provisions allegedly violated, and the potential sanctions which may be imposed. The notice will also inform the student that the student may choose to accept responsibility for the alleged misconduct, to waive the formal conduct hearing, and to accept sanctions recommended by the Student Conduct Officer without the necessity of a formal hearing. The notice and a copy of the Code of Conduct shall be delivered to the student via the student scholar email system which confirms receipt at least 5 business days prior to the hearing date. Students may waive the right to a full week's notice and accept an earlier hearing, only if they voluntarily choose to do so.

ACCESS TO EVIDENCE

In all cases, the accused student shall have access to the complaint and any report, notes, or other relevant evidence that may be presented at the hearing. The student will not have access to the personal files or records of any other student or the personal files of College employees.

CONDUCT HEARING OFFICER

The hearing will be conducted by a neutral Hearing Officer appointed by the College.

WHO MAY ATTEND THE FORMAL HEARING

- The Hearing Officer,
- The accused student,
- An advisor to the student, which may include legal counsel,
- The Student Conduct Officer or designee who will serve as the representative of the College and who will present the case on behalf of the administration,
- Witnesses called by the accused student or the College representative, and
- The College legal counsel

Other exceptions are at the discretion of the Hearing Officer and may include the parents of a minor student, a language interpreter, a coach or academic advisor, a recorder, and campus police. These individuals may observe but not participate. All witnesses shall be excluded from the room except when testifying, and the hearing will be held in private. A record of the hearing will be kept by either electronic means or an assigned recorder.

Any advisor or legal counsel to the student may not actively participate but may provide advice to the student in a non-disruptive manner. Whether the advisor is disruptive will be determined at the sole discretion of the Hearing Officer. If the student will be represented by legal counsel, the student must inform the Student Conduct Officer at least five business days prior to the hearing.

PROCEDURES AT THE FORMAL HEARING

Court rules or formal rules of evidence do not apply to conduct hearings. The hearing will be held as outlined below:

1. The charges are read to the student by the Hearing Officer.
2. Brief opening statements may be made by both the accused student and the Student Conduct Officer.
3. The Student Conduct Officer presents oral or written statements or other evidence. The

student, and Hearing Officer may ask questions of the Student Conduct Officer or any witness.

4. The student presents oral or written statements or other evidence. The Student Conduct Officer and Hearing Officer may ask questions of the student or any witnesses.
5. If the case involves two students and after the presentation of evidence according to the above process, students may ask questions of each other.
6. Copies of any documents presented at the hearing, including any witness statements or other written statements, must be provided to both the Student Conduct Officer and the student.
7. The parties may make a brief closing statement.

Upon completion of the hearing, the Hearing Officer will reach a decision and provide written notification to the student within ten (10) business days which determines whether it is more likely than unlikely that a violation of the Code occurred, and if so, what disciplinary sanction will be imposed. The Hearing Officer may impose sanctions different from those recommended by the Conduct Officer, but the sanctions may not be more severe than those described in the Notice of Hearing. Disciplinary records will be kept as part of the student conduct record keeping system.

FAILURE TO APPEAR

If the student fails to appear for the formal hearing, a hearing may proceed, and sanctions may be imposed as determined appropriate. The date of the hearing may be continued for good cause at the sole discretion of the Hearing Officer.

SECTION IX: SANCTIONS AND TEMPORARY ACTIONS

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.
2. **Temporary Cease and Desist Notice:** A temporary cease and desist notice is a warning to a student regarding alleged misconduct and an order to refrain from inducing or participating in any violation of the Code.
3. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
4. **Fines:** Previously established and published fines may be imposed.
5. **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.

6. **Discretionary Sanctions:** Work assignments, essays, service to the College or other related discretionary assignments such as educational interventions intended as a learning experience.
7. **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 Associate Vice President of Student Affairs or designee in accordance with College policies.
8. **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.
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. The permanent notification may appear on the student's transcript.
10. **Interim Suspension:** In certain circumstances, the Student Conduct Officer or Associate Vice President of Student Affairs, or a designee, may impose an interim College or residence hall suspension prior to a hearing or other disciplinary procedures.

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 College.

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 Associate Vice President of Student Affairs or designee, may determine to be appropriate.

A student suspended on an interim basis shall be given an opportunity, if requested, to have an informal hearing before the Associate Vice President of Student Affairs 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. **Deferred Suspension:** In certain circumstances, the Student Conduct Officer or Associate Vice President of Student Affairs, or a designee, may impose a deferred suspension which is a deferral of a suspension and will include a written reprimand for violation of specified regulations which references the probability of more severe disciplinary sanctions if the student violates the institutional regulations(s) during a designated period of time. A deferred suspension may include forfeiture of campus privileges.
12. **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 any College campus, and may be prohibited, during the specified period of time, from attending off-campus College activities.
13. **College Expulsion:** Permanent exclusion of the student from the College. The student will also be barred from any College campus and be prohibited from attending off-campus College activities. The incident will permanently remain on file in Associate Vice President of Student Affairs' Office. An indication of expulsion may appear on the student's transcript.
14. **Trespass:** A permanent action authorized only by the Associate Vice President of Student Affairs, designee or Campus Police that restricts an individual's access to a specified location, campus or college sponsored event.
15. **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.
16. **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.

SECTION X: APPEALS PROCESS FOR NON-ACADEMIC VIOLATIONS

If either party disagrees with the decision made by the Hearing Officer following a formal hearing, the party may appeal for one of the following reasons only:

1. A failure to follow provisions of the Student Code of Conduct or other applicable procedures, provided that the failure adversely affected the party in a serious, substantive manner;
2. Newly discovered evidence that could not reasonably have been discovered prior to the hearing;
3. The sanction is not commensurate with or proportional to the nature and/or seriousness of the violation.

Appeals must be presented in writing to the Associate Vice President of Student Affairs or designee within ten (10) business days from the date of the decision from the Hearing Officer. The appeal must state specifically which of the three grounds for appeal applies and present any written argument together with a requested result. No new witnesses or documentary evidence will be admitted unless directly related to the interpretation of newly discovered evidence. The Associate Vice President of Student Affairs or designee will review the record and any new evidence and issue a written decision on the appeal within ten (10) business days.

The decision of the reviewer on appeal, Associate Vice President of Student Affairs or designee, is final unless the sanction imposed includes expulsion, suspension, eviction from residence halls, restricted or prohibited access to College property, or withholding or revocation of a degree. In these cases, the student may request a review of the record by the President of Yavapai College or designee within ten (10) business days of the date of the Associate Vice President of Student Affairs or designee's decision. The President or designee may uphold the decision, modify the decision, or remand for further steps as deemed appropriate. A decision shall be issued within ten (10) business days of the President's receipt of the request for review and will be considered final with no further review. A request for appeal will suspend any proposed sanctions until the appeal is finally decided.

SECTION XI: ACADEMIC VIOLATIONS & ACADEMIC PENALTIES

CLASSROOM MISCONDUCT

Respectful classroom behavior, professional communication, and academic integrity are expected of all Yavapai College students. All communication (e.g., email, text message, written, oral) must be civil and professional. Threatening, intimidating, or bullying behavior will not be tolerated. Failure to treat faculty, fellow students, or others associated with the learning environment with civility and respect may result in disciplinary action, up to and including dismissal from the College.

Other examples of classroom misconduct include but are not limited to, use of vulgarity and profanity in learning activities; repeated outbursts which interferes with the flow of instruction or prevents concentration on the subject taught; failure to follow classroom rules and procedures, the presence of non-enrolled visitors in the classroom without the instructor's advance approval, or the continued use of any noise or light-emitting device which disturbs or interrupts the concentration of others (e.g., disturbing noises from text messaging, cell phones, laptop computers, games, etc.).

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. Students with documented disabilities are held to the same standards of conduct as any student subject to reasonable accommodations by the College.

Classroom management issues including disruptive behavior shall be handled by the instructor with the assistance of the instructional Dean, if necessary. If the student's conduct is deemed in need of action beyond removal from class or grade reduction, the student will be referred by the supervising instructional Dean to the Student Conduct Officer for review under Section VII.

ACADEMIC DISHONESTY

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 College Academic Policy and will result in disciplinary action. Academic violations include, but are not limited to:

1. Plagiarism. 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.
2. Cheating. Defined as submitting assignments, examinations, or other work which is based on deception or misrepresentation of the individual's own work. Cheating includes actions that provides a person with an unfair academic advantage in the class such as the furnishing of materials to another person or to oneself for purposes of gaining an unfair academic advantage. Cheating includes, but is not limited to 1) the use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) use of sources or materials beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; 3) the use or 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.
3. Fabrication. Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
4. Violation of Copyright. Defined as the unauthorized reproduction or use of copyrighted material, whether print or electronic media. In addition, the violator may be subject to legal penalty since such practice is illegal.

PENALTIES FOR ACADEMIC MISCONDUCT

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 the class.
2. A Reduced Grade, or Grade of "F" (failure): 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 reduced grade will override or supersede any student-initiated withdrawal from the course.

3. Review and Referral to the Code of Conduct Procedures under Section VII: If the student's conduct is deemed in need of action beyond removal from class or grade reduction, the student will be referred by the supervising instructional Dean to the Student Conduct Office for review under Section VII. Sanctions up to or including suspension, expulsion, and/or withholding or revocation of degree and/or certificate may result.
4. Legal Measures: Yavapai College may take legal measures including referral to law enforcement or civil action.

SECTION XII: APPEALS PROCESS FOR ACADEMIC VIOLATIONS

Under [Policy 3.16](#), students may appeal academic penalties of removal, reduced grades as a penalty, or other academic or instructional decisions 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. A student may only appeal a decision that affects him/her directly and must represent themselves in the appeal process. The appeal of an academic or instructional decision requires documentation that the decision was incorrect.

The first step in the appeal process is for the student to contact the faculty member who made the academic or instructional decision. This contact must be made within ten (10) business days of the official notification date of the decision. For appeals concerning a final grade, official notification is considered to be the date the grade is posted to the student's permanent record.

In the event the faculty member and student are unable to reach a mutual agreement within ten (10) business days, the student may then appeal to the appropriate instructional Dean or designee.

The appeal to the instructional Dean or designee must be made in writing using the official form, "Academic or Instructional Decision Appeal to the Dean" within 10 business days. All documentation supporting the reason for the appeal must be provided at the time the appeal is submitted. This appeal must succinctly describe the issues involved, evidence that an error was made, and any relevant information. Missing, incomplete or erroneous information may cause the appeal to be rejected.

The instructional Dean or designee will review the student's appeal and make a decision based on the documentation provided by the student, the faculty member, and other relevant information that may include meetings with appropriate individuals. The instructional Dean's or designee's investigation and decision must be concluded within ten (10) business days of the date the student appealed the decision to the instructional Dean. The instructional Dean or designee 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 instructional Dean or designee, a further appeal may be made to the Vice President of Instruction or designee. The appeal must be made in writing within ten (10) business days of the date the student received notification of the results of the appeal to the instructional Dean. This formal, written appeal must relate only to the

original decision that is being appealed. No additional claims or issues will be included or addressed in the review of the appeal.

The Vice President of Instruction or designee will conduct a formal review of the appeal as presented by the student, including the review of relevant policy, review of information provided by the faculty member, and review of the decision by the instructional Dean. The formal review and decision by the Vice President of Instruction or designee must be completed within ten (10) business days of the receipt of the student's written appeal. The decision must be communicated in writing to all involved parties. The decision of the Vice President for Instruction or designee is considered final.

SECTION XIII: DEFINITIONS

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

Accused student means 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 means submitting assignments, examinations, or other work which is based on deception or misrepresentation of the individual's own work. Cheating includes actions that provides a person with an unfair academic advantage in the course such as the furnishing of materials to oneself or to another person for purposes of gaining an unfair academic advantage. Cheating includes, but is not limited to 1) the use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) use of sources or materials beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; 3) the use or 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.

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

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

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.

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 means 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.

Conduct Officer or designee means the Student Affairs Staff who determines whether a student has violated the Code and imposes appropriate sanctions.

Hearing Officer is a neutral decision maker duly appointed by the College.

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.

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, the College Catalog and College Website.

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.

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.

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 four (4) or more inches in length, and chemicals such as "mace" or tear-gas, but excluding normally available over-the-counter self-defense chemical repellents.

SECTION XIV: RECORDS

Student disciplinary records shall be maintained as provided in the appropriate record retention policy. Student disciplinary records are confidential and shall be maintained in compliance with the requirements of FERPA (Family Educational Rights and Privacy Act).